



558818

LEGISLATIVE ACTION

Senate	.	House
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	.	
Floor: 1/AE/3R	.	Floor: C
05/02/2019 08:15 PM	.	05/03/2019 12:03 PM
	.	

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



558818

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.-



558818

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.



558818

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

72 Section 3. Section 43.51, Florida Statutes, is created to
73 read:

74 43.51 Problem-solving court reports.-

75 (1) The Office of the State Courts Administrator shall
76 provide an annual report to the President of the Senate and the
77 Speaker of the House of Representatives which details the number
78 of participants in each problem-solving court for each fiscal
79 year the court has been operating and the types of services
80 provided, identifies each source of funding for each court
81 during each fiscal year, and provides information on the
82 performance of each court based upon outcome measures
83 established by the courts.

84 (2) For purposes of this section, the term "problem-solving
85 court" includes, but is not limited to, a drug court pursuant to
86 s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s.
87 948.20; a military veterans' and servicemembers' court pursuant
88 to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental
89 health court program pursuant to s. 394.47892, s. 948.01, s.
90 948.06, s. 948.08, or s. 948.16; a community court pursuant to
91 s. 948.081; or a delinquency pretrial intervention court program
92 pursuant to s. 985.345.

93 Section 4. Subsection (8) is added to section 57.105,
94 Florida Statutes, to read:

95 57.105 Attorney's fee; sanctions for raising unsupported
96 claims or defenses; exceptions; service of motions; damages for
97 delay of litigation.-

98 (8) Attorney fees may not be awarded under this section in



558818

99 proceedings for an injunction for protection pursuant to s.
100 741.30, s. 784.046, or s. 784.0485, unless the court finds by
101 clear and convincing evidence that the petitioner knowingly made
102 a false statement or allegation in the petition or that the
103 respondent knowingly made a false statement or allegation in an
104 asserted defense, with regard to a material matter as defined in
105 s. 837.011(3).

106 Section 5. Paragraph (c) of subsection (1) of section
107 61.13016, Florida Statutes, is amended to read:

108 61.13016 Suspension of driver licenses and motor vehicle
109 registrations.—

110 (1) The driver license and motor vehicle registration of a
111 support obligor who is delinquent in payment or who has failed
112 to comply with subpoenas or a similar order to appear or show
113 cause relating to paternity or support proceedings may be
114 suspended. When an obligor is 15 days delinquent making a
115 payment in support or failure to comply with a subpoena, order
116 to appear, order to show cause, or similar order in IV-D cases,
117 the Title IV-D agency may provide notice to the obligor of the
118 delinquency or failure to comply with a subpoena, order to
119 appear, order to show cause, or similar order and the intent to
120 suspend by regular United States mail that is posted to the
121 obligor's last address of record with the Department of Highway
122 Safety and Motor Vehicles. When an obligor is 15 days delinquent
123 in making a payment in support in non-IV-D cases, and upon the
124 request of the obligee, the depository or the clerk of the court
125 must provide notice to the obligor of the delinquency and the
126 intent to suspend by regular United States mail that is posted
127 to the obligor's last address of record with the Department of



558818

128 Highway Safety and Motor Vehicles. In either case, the notice
129 must state:

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

134 1.a. Pays the delinquency in full and any other costs and
135 fees accrued between the date of the notice and the date the
136 delinquency is paid;

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

143 c. Files a petition with the circuit court to contest the
144 delinquency action;

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

147 e. Demonstrates that he or she is disabled and incapable of
148 self-support or that he or she receives benefits under the
149 federal Supplemental Security Income program or Social Security
150 Disability Insurance program;

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

153 g. Demonstrates that he or she is making payments in
154 accordance with a confirmed bankruptcy plan under chapter 11,
155 chapter 12, or chapter 13 of the United States Bankruptcy Code,
156 11 U.S.C. ss. 101 et seq.; and



558818

157 2. Pays any applicable delinquency fees.

158
159 If an obligor in a non-IV-D case enters into a written agreement
160 for payment before the expiration of the 20-day period, the
161 obligor must provide a copy of the signed written agreement to
162 the depository or the clerk of the court. If an obligor seeks to
163 satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-
164 subparagraph 1.f., or sub-subparagraph 1.g. before expiration of
165 the 20-day period, the obligor must provide the applicable
166 documentation or proof to the depository or the clerk of the
167 court.

168 Section 6. Subsection (2) of section 212.15, Florida
169 Statutes, is amended to read:

170 212.15 Taxes declared state funds; penalties for failure to
171 remit taxes; due and delinquent dates; judicial review.—

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

176 (a) If the total amount of stolen revenue is less than
177 \$1,000 ~~\$300~~, the offense is a misdemeanor of the second degree,
178 punishable as provided in s. 775.082 or s. 775.083. Upon a
179 second conviction, the offender commits ~~is guilty of~~ a
180 misdemeanor of the first degree, punishable as provided in s.
181 775.082 or s. 775.083. Upon a third or subsequent conviction,
182 the offender commits ~~is guilty of~~ a felony of the third degree,
183 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

184 (b) If the total amount of stolen revenue is \$1,000 ~~\$300~~ or
185 more, but less than \$20,000, the offense is a felony of the



558818

186 third degree, punishable as provided in s. 775.082, s. 775.083,
187 or s. 775.084.

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

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

195 Section 7. Subsection (3) of section 287.095, Florida
196 Statutes, is amended to read:

197 287.095 Department of Corrections; prison industry
198 programs.—

199 (3) All products offered for purchase to a state agency by
200 the corporation organized under chapter 946 shall be produced in
201 majority part by inmate labor, except for products not made by
202 inmates which products are contractually allied to products made
203 by inmates which are offered by the corporation, ~~provided the~~
204 ~~value of the products not made by inmates do not exceed 2~~
205 ~~percent of the total sales of the corporation in any year.~~

206 Section 8. Present subsections (41) through (46) of section
207 322.01, Florida Statutes, are redesignated as subsections (42)
208 through (47), respectively, and a new subsection (41) is added
209 to that section, to read:

210 322.01 Definitions.—As used in this chapter:

211 (41) "Suspension or revocation equivalent status" is a
212 designation for a person who does not have a driver license or
213 driving privilege but would qualify for suspension or revocation
214 of his or her driver license or driving privilege if licensed.



558818

215 The department may designate a person as having suspension or
216 revocation equivalent status in the same manner as it is
217 authorized to suspend or revoke a driver license or driving
218 privilege by law.

219 Section 9. Subsections (1) through (4) of section 322.055,
220 Florida Statutes, are amended to read:

221 322.055 Revocation or suspension of, or delay of
222 eligibility for, driver license for persons 18 years of age or
223 older convicted of certain drug offenses.—

224 (1) Notwithstanding s. 322.28, upon the conviction of a
225 person 18 years of age or older for possession or sale of,
226 trafficking in, or conspiracy to possess, sell, or traffic in a
227 controlled substance, the court shall direct the department to
228 suspend ~~revoke~~ the person's driver license or driving privilege
229 ~~of the person~~. The suspension ~~period of such revocation~~ shall be
230 6 months ~~1 year~~ or until the person is evaluated for and, if
231 deemed necessary by the evaluating agency, completes a drug
232 treatment and rehabilitation program approved or regulated by
233 the Department of Children and Families. However, the court may,
234 upon finding a compelling circumstance to warrant an exception
235 ~~in its sound discretion~~, direct the department to issue a
236 license for driving privilege restricted to business or
237 employment purposes only, as defined by s. 322.271, if the
238 person is otherwise qualified for such a license. ~~A driver whose~~
239 ~~license or driving privilege has been suspended or revoked under~~
240 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~
241 ~~petition the department for restoration of the driving privilege~~
242 ~~on a restricted or unrestricted basis depending on length of~~
243 ~~suspension or revocation. In no case shall a restricted license~~



558818

244 ~~be available until 6 months of the suspension or revocation~~
245 ~~period has expired.~~

246 (2) If a person 18 years of age or older is convicted for
247 the possession or sale of, trafficking in, or conspiracy to
248 possess, sell, or traffic in a controlled substance and such
249 person is eligible by reason of age for a driver license or
250 privilege, the court shall direct the department to withhold
251 issuance of such person's driver license or driving privilege
252 for a period of 6 months ~~1 year~~ after the date the person was
253 convicted or until the person is evaluated for and, if deemed
254 necessary by the evaluating agency, completes a drug treatment
255 and rehabilitation program approved or regulated by the
256 Department of Children and Families. However, the court may,
257 upon finding a compelling circumstance to warrant an exception
258 ~~in its sound discretion~~, direct the department to issue a
259 license for driving privilege restricted to business or
260 employment purposes only, as defined by s. 322.271, if the
261 person is otherwise qualified for such a license. ~~A driver whose~~
262 ~~license or driving privilege has been suspended or revoked under~~
263 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~
264 ~~petition the department for restoration of the driving privilege~~
265 ~~on a restricted or unrestricted basis depending on the length of~~
266 ~~suspension or revocation. In no case shall a restricted license~~
267 ~~be available until 6 months of the suspension or revocation~~
268 ~~period has expired.~~

269 (3) If a person 18 years of age or older is convicted for
270 the possession or sale of, trafficking in, or conspiracy to
271 possess, sell, or traffic in a controlled substance and such
272 person's driver license or driving privilege is already under



558818

273 suspension or revocation for any reason, the court shall direct
274 the department to extend the period of such suspension or
275 revocation by an additional period of 6 months ~~1 year~~ or until
276 the person is evaluated for and, if deemed necessary by the
277 evaluating agency, completes a drug treatment and rehabilitation
278 program approved or regulated by the Department of Children and
279 Families. However, the court may, upon finding a compelling
280 circumstance to warrant an exception ~~in its sound discretion,~~
281 direct the department to issue a license for driving privilege
282 restricted to business or employment purposes only, as defined
283 by s. 322.271, if the person is otherwise qualified for such a
284 license. ~~A driver whose license or driving privilege has been~~
285 ~~suspended or revoked under this section or s. 322.056 may, upon~~
286 ~~the expiration of 6 months, petition the department for~~
287 ~~restoration of the driving privilege on a restricted or~~
288 ~~unrestricted basis depending on the length of suspension or~~
289 ~~revocation. In no case shall a restricted license be available~~
290 ~~until 6 months of the suspension or revocation period has~~
291 ~~expired.~~

292 (4) If a person 18 years of age or older is convicted for
293 the possession or sale of, trafficking in, or conspiracy to
294 possess, sell, or traffic in a controlled substance and such
295 person is ineligible by reason of age for a driver license or
296 driving privilege, the court shall direct the department to
297 withhold issuance of such person's driver license or driving
298 privilege for a period of 6 months ~~1 year~~ after the date that he
299 or she would otherwise have become eligible or until he or she
300 becomes eligible by reason of age for a driver license and is
301 evaluated for and, if deemed necessary by the evaluating agency,



558818

302 completes a drug treatment and rehabilitation program approved
303 or regulated by the Department of Children and Families.
304 However, the court may, upon finding a compelling circumstance
305 to warrant an exception in its sound discretion, direct the
306 department to issue a license for driving privilege restricted
307 to business or employment purposes only, as defined by s.
308 322.271, if the person is otherwise qualified for such a
309 license. ~~A driver whose license or driving privilege has been~~
310 ~~suspended or revoked under this section or s. 322.056 may, upon~~
311 ~~the expiration of 6 months, petition the department for~~
312 ~~restoration of the driving privilege on a restricted or~~
313 ~~unrestricted basis depending on the length of suspension or~~
314 ~~revocation. In no case shall a restricted license be available~~
315 ~~until 6 months of the suspension or revocation period has~~
316 ~~expired.~~

317 Section 10. Section 322.056, Florida Statutes, is amended
318 to read:

319 322.056 Mandatory revocation or suspension of, or delay of
320 eligibility for, driver license for persons under age 18 found
321 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;
322 prohibition.-

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

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



558818

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

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

334 (b) The person's driver license or driving privilege is
335 under suspension or revocation for any reason, the court shall
336 direct the department to extend the period of suspension or
337 revocation by an additional period of 6 months;

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

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

341 (c) The person is ineligible by reason of age for a driver
342 license or driving privilege, the court shall direct the
343 department to withhold issuance of his or her driver license or
344 driving privilege for a period of:

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

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

350
351 However, the court may, upon finding a compelling circumstance
352 to warrant an exception in its sound discretion, direct the
353 department to issue a license for driving privileges restricted
354 to business or employment purposes only, as defined in s.
355 322.271, if the person is otherwise qualified for such a
356 license.

357 ~~(2) If a person under 18 years of age is found by the court~~
358 ~~to have committed a noncriminal violation under s. 569.11 or s.~~
359 ~~877.112(6) or (7) and that person has failed to comply with the~~



558818

360 ~~procedures established in that section by failing to fulfill~~
361 ~~community service requirements, failing to pay the applicable~~
362 ~~fine, or failing to attend a locally available school-approved~~
363 ~~anti-tobacco program, and:~~

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

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

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

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

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

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

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

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

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

385
386 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
387 ~~within the 12-week period after the first violation will be~~
388 ~~treated as a first violation and in the same manner as provided~~



558818

389 ~~in this subsection.~~

390 ~~(3) If a person under 18 years of age is found by the court~~
391 ~~to have committed a third violation of s. 569.11 or s.~~
392 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
393 ~~court must direct the Department of Highway Safety and Motor~~
394 ~~Vehicles to suspend or withhold issuance of his or her driver~~
395 ~~license or driving privilege for 60 consecutive days. Any third~~
396 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
397 ~~12-week period after the first violation will be treated as a~~
398 ~~first violation and in the same manner as provided in subsection~~
399 ~~(2).~~

400 ~~(2)(4)~~ A penalty imposed under this section shall be in
401 addition to any other penalty imposed by law.

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

408 Section 11. Section 322.057, Florida Statutes, is repealed.

409 Section 12. Subsections (2), (4), (5), (7), paragraph (a)
410 of subsection (8), paragraph (a) of subsection (9), subsection
411 (10), and paragraph (a) of subsection (11) of section 322.34,
412 Florida Statutes, are amended to read:

413 322.34 Driving while license suspended, revoked, canceled,
414 or disqualified.—

415 (2) Any person whose driver license or driving privilege
416 has been canceled, suspended, or revoked as provided by law, or
417 who does not have a driver license or driving privilege but is



558818

418 under suspension or revocation equivalent status as defined in
419 s. 322.01(41), except persons defined in s. 322.264, who,
420 knowing of such cancellation, suspension, ~~or~~ revocation, or
421 suspension or revocation equivalent status, drives any motor
422 vehicle upon the highways of this state while such license or
423 privilege is canceled, suspended, or revoked, or while under
424 suspension or revocation equivalent status, commits upon:

425 (a) ~~A first conviction is guilty of a~~ misdemeanor of the
426 second degree, punishable as provided in s. 775.082 or s.
427 775.083.

428 (b) 1. A ~~second conviction is guilty of a~~ misdemeanor of the
429 first degree, punishable as provided in s. 775.082 or s.
430 775.083, upon a second or subsequent conviction, except as
431 provided in paragraph (c).

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

435 (c) ~~A third or subsequent conviction is guilty of a~~ felony
436 of the third degree, punishable as provided in s. 775.082, s.
437 775.083, or s. 775.084, upon a third or subsequent conviction if
438 the current violation of this section or the most recent prior
439 violation of the section are related to driving while license
440 canceled, suspended, revoked, or suspension or revocation
441 equivalent status resulting from a violation of:

442 1. Driving under the influence;

443 2. Refusal to submit to a urine, breath-alcohol, or blood
444 alcohol test;

445 3. A traffic offense causing death or serious bodily
446 injury; or



558818

447 4. Fleeing or eluding.

448
449 The element of knowledge is satisfied if the person has been
450 previously cited as provided in subsection (1); or the person
451 admits to knowledge of the cancellation, suspension, or
452 revocation, or suspension or revocation equivalent status; or
453 the person received notice as provided in subsection (4). There
454 shall be a rebuttable presumption that the knowledge requirement
455 is satisfied if a judgment or order as provided in subsection
456 (4) appears in the department's records for any case except for
457 one involving a suspension by the department for failure to pay
458 a traffic fine or for a financial responsibility violation.

459 (4) Any judgment or order rendered by a court or
460 adjudicatory body or any uniform traffic citation that cancels,
461 suspends, or revokes a person's driver license or places a
462 person under suspension or revocation equivalent status must
463 contain a provision notifying the person that his or her driver
464 license has been canceled, suspended, or revoked, or of such
465 suspension or revocation equivalent status.

466 (5) Any person who has been designated a habitual traffic
467 offender as defined by ~~whose driver license has been revoked~~
468 ~~pursuant to s. 322.264 (habitual offender)~~ and who drives any
469 motor vehicle upon the highways of this state while designated a
470 habitual traffic offender ~~such license is revoked~~ is guilty of a
471 felony of the third degree, punishable as provided in s.
472 775.082, s. 775.083, or s. 775.084.

473 (7) Any person whose driver license or driving privilege
474 has been canceled, suspended, revoked, or disqualified, or who
475 does not have a driver license or driving privilege but is under



558818

476 suspension or revocation equivalent status, and who drives a
477 commercial motor vehicle on the highways of this state while
478 such license or privilege is canceled, suspended, revoked, or
479 disqualified, or while under suspension or revocation equivalent
480 status, upon:

481 (a) A first conviction is guilty of a misdemeanor of the
482 first degree, punishable as provided in s. 775.082 or s.
483 775.083.

484 (b) A second or subsequent conviction is guilty of a felony
485 of the third degree, punishable as provided in s. 775.082, s.
486 775.083, or s. 775.084.

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

490 1. Whether the person's driver license is suspended or
491 revoked, or the person is under suspension or revocation
492 equivalent status.

493 2. Whether the person's driver license has remained
494 suspended or revoked, or the person has been under suspension or
495 revocation equivalent status, since a conviction for the offense
496 of driving with a suspended or revoked license.

497 3. Whether the suspension, ~~or~~ revocation, or suspension or
498 revocation equivalent status was made under s. 316.646 or s.
499 627.733, relating to failure to maintain required security, or
500 under s. 322.264, relating to habitual traffic offenders.

501 4. Whether the driver is the registered owner or coowner of
502 the vehicle.

503 (9) (a) A motor vehicle that is driven by a person under the
504 influence of alcohol or drugs in violation of s. 316.193 is



558818

505 subject to seizure and forfeiture under ss. 932.701-932.7062 and
506 is subject to liens for recovering, towing, or storing vehicles
507 under s. 713.78 if, at the time of the offense, the person's
508 driver license is suspended, revoked, or canceled, or suspension
509 or revocation equivalent status was imposed, as a result of a
510 prior conviction for driving under the influence.

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

517 1. Failing to pay child support as provided in s. 322.245
518 or s. 61.13016;

519 2. Failing to pay any other financial obligation as
520 provided in s. 322.245 other than those specified in s.
521 322.245(1);

522 3. Failing to comply with a civil penalty required in s.
523 318.15;

524 4. Failing to maintain vehicular financial responsibility
525 as required by chapter 324;

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

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

532 (b)1. Upon a first conviction for knowingly driving while
533 his or her license is suspended, revoked, or canceled, or while



558818

534 under suspension or revocation equivalent status, for any of the
535 underlying violations listed in subparagraphs (a)1.-6., a person
536 commits a misdemeanor of the second degree, punishable as
537 provided in s. 775.082 or s. 775.083.

538 2. Upon a second or subsequent conviction for the same
539 offense of knowingly driving while his or her license is
540 suspended, revoked, or canceled, or while under suspension or
541 revocation equivalent status, for any of the underlying
542 violations listed in subparagraphs (a)1.-6., a person commits a
543 misdemeanor of the first degree, punishable as provided in s.
544 775.082 or s. 775.083.

545 (11) (a) A person who does not hold a commercial driver
546 license and who is cited for an offense of knowingly driving
547 while his or her license is suspended, revoked, or canceled, or
548 while under suspension or revocation equivalent status, for any
549 of the underlying violations listed in paragraph (10) (a) may, in
550 lieu of payment of fine or court appearance, elect to enter a
551 plea of nolo contendere and provide proof of compliance to the
552 clerk of the court, designated official, or authorized operator
553 of a traffic violations bureau. In such case, adjudication shall
554 be withheld. However, no election shall be made under this
555 subsection if such person has made an election under this
556 subsection during the preceding 12 months. A person may not make
557 more than three elections under this subsection.

558 Section 13. Section 322.75, Florida Statutes, is created to
559 read:

560 322.75 Driver License Reinstatement Days.—

561 (1) Each clerk of court shall establish a Driver License
562 Reinstatement Days program for reinstating suspended driver



558818

563 licenses. Participants may include, but are not limited to, the
564 Department of Highway Safety and Motor Vehicles, the state
565 attorney's office, the public defender's office, the circuit and
566 county courts, the clerk of court, and any interested community
567 organization.

568 (2) The clerk of court, in consultation with other
569 participants, shall select 1 or more days annually for an event
570 at which a person may have his or her driver license reinstated.
571 The clerk may work with the Florida Association of Court Clerks
572 and Comptrollers to promote such program, develop
573 communications, and coordinate the event. A person must pay the
574 full license reinstatement fee; however, the clerk may reduce or
575 waive other fees and costs, except those imposed by the court,
576 to facilitate reinstatement.

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

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

- 581 1. Driving without a valid driver license;
582 2. Driving with a suspended driver license;
583 3. Failing to make a payment on penalties in collection;
584 4. Failing to appear in court for a traffic violation; or
585 5. Failing to comply with any provision of chapter 318 or
586 this chapter.

587 (b) Notwithstanding paragraphs (5) (a)-(c), a person is
588 eligible for reinstatement under the program if the period of
589 suspension or revocation has elapsed, the person has completed
590 any required course or program as described in paragraph (5) (c),
591 and the person is otherwise eligible for reinstatement.



558818

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

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

597 (b) A violation of s. 316.193;

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

602 (d) A traffic-related felony; or

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

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

608 (7) The clerk of court must collect and report to the
609 Florida Clerks of Court Operations Corporation all of the
610 following:

611 (a) Number of cases paid in full.

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

613 (c) Number of driver license reinstatements.

614 (d) Number of driver licenses made eligible for
615 reinstatement.

616 (e) Amount of fees and costs collected, reported by the
617 entity receiving the funds. The Florida Clerks of Court
618 Operations Corporation must report the aggregate funds received
619 by the clerks of court, the local governmental entities, and
620 state entities, including the General Revenue Fund.



558818

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

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

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

628 Section 14. Subsection (2) of section 394.917, Florida
629 Statutes, is amended to read:

630 394.917 Determination; commitment procedure; mistrials;
631 housing; counsel and costs in indigent appellate cases.—

632 (2) If the court or jury determines that the person is a
633 sexually violent predator, upon the expiration of the
634 incarcerative portion of all criminal sentences and disposition
635 of any detainers, the person shall be committed to the custody
636 of the Department of Children and Families for control, care,
637 ~~and~~ treatment, and rehabilitation of criminal offenders, until
638 such time as the person's mental abnormality or personality
639 disorder has so changed that it is safe for the person to be at
640 large. At all times, persons who are detained or committed under
641 this part shall be kept in a secure facility segregated from
642 patients of the department who are not detained or committed
643 under this part.

644 Section 15. Subsection (2) of section 397.334, Florida
645 Statutes, is amended to read:

646 397.334 Treatment-based drug court programs.—

647 (2) Entry into any pretrial treatment-based drug court
648 program shall be voluntary. When neither s. 948.08(6)(c)1. nor
649 2. ~~s. 948.08(6)(a)1. nor 2.~~ applies, the court may order an



558818

650 eligible individual to enter into a pretrial treatment-based
651 drug court program only upon written agreement by the
652 individual, which shall include a statement that the individual
653 understands the requirements of the program and the potential
654 sanctions for noncompliance.

655 Section 16. Subsection (3) of section 397.403, Florida
656 Statutes, is amended to read:

657 397.403 License application.—

658 (3) Applications for licensure renewal must include proof
659 of application for accreditation for each licensed service
660 component providing clinical treatment by an accrediting
661 organization that is acceptable to the department for the first
662 renewal, and proof of accreditation for any subsequent renewals.
663 This subsection does not apply to any inmate substance abuse
664 program operated by or under an exclusive contract with a jail
665 or the Department of Corrections.

666 Section 17. Present subsections (3) through (12) of section
667 455.213, Florida Statutes, are redesignated as subsections (4)
668 through (13), respectively, subsection (2) of that section is
669 amended, and a new subsection (3) is added to that section, to
670 read:

671 455.213 General licensing provisions.—

672 (2) Before the issuance of any license, the department may
673 charge an initial license fee as determined by rule of the
674 applicable board or, if no such board exists, by rule of the
675 department. Upon receipt of the appropriate license fee, except
676 as provided in subsection (4) ~~(3)~~, the department shall issue a
677 license to any person certified by the appropriate board, or its
678 designee, or the department when there is no board, as having



558818

679 met the applicable requirements imposed by law or rule. However,
680 an applicant who is not otherwise qualified for licensure is not
681 entitled to licensure solely based on a passing score on a
682 required examination. Upon a determination by the department
683 that it erroneously issued a license, or upon the revocation of
684 a license by the applicable board, or by the department when
685 there is no board, the licensee must surrender his or her
686 license to the department.

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

- 691 1. A barber under chapter 476;
692 2. A cosmetologist or cosmetology specialist under chapter
693 477;
694 3. Any of the following construction professions under
695 chapter 489:
696 a. Air-conditioning contractor;
697 b. Electrical contractor;
698 c. Mechanical contractor;
699 d. Plumbing contractor;
700 e. Pollutant storage systems contractor;
701 f. Roofing contractor;
702 g. Sheet metal contractor;
703 h. Solar contractor;
704 i. Swimming pool and spa contractor;
705 j. Underground utility and excavation contractor; or
706 k. Other specialty contractors; or
707 4. Any other profession for which the department issues a



558818

708 license, provided the profession is offered to inmates in any
709 correctional institution or correctional facility as vocational
710 training or through an industry certification program.

711 (b)1. A conviction, or any other adjudication, for a crime
712 more than 5 years before the date the application is received by
713 the applicable board may not be grounds for denial of a license
714 specified in paragraph (a). For purposes of this paragraph, the
715 term "conviction" means a determination of guilt that is the
716 result of a plea or trial, regardless of whether adjudication is
717 withheld. This paragraph does not limit the applicable board
718 from considering an applicant's criminal history that includes a
719 crime listed in s. 775.21(4) (a)1. or s. 776.08 at any time, but
720 only if such criminal history has been found to relate to the
721 practice of the applicable profession.

722 2. The applicable board may consider the criminal history
723 of an applicant for licensure under subparagraph (a)3. if such
724 criminal history has been found to relate to good moral
725 character.

726 (c)1. A person may apply for a license before his or her
727 lawful release from confinement or supervision. The department
728 may not charge an applicant an additional fee for being confined
729 or under supervision. The applicable board may not deny an
730 application for a license solely on the basis of the applicant's
731 current confinement or supervision.

732 2. After a license application is approved, the applicable
733 board may stay the issuance of a license until the applicant is
734 lawfully released from confinement or supervision and the
735 applicant notifies the applicable board of such release. The
736 applicable board must verify the applicant's release with the



558818

737 Department of Corrections before it issues a license.

738 3. If an applicant is unable to appear in person due to his
739 or her confinement or supervision, the applicable board must
740 permit the applicant to appear by teleconference or video
741 conference, as appropriate, at any meeting of the applicable
742 board or other hearing by the agency concerning his or her
743 application.

744 4. If an applicant is confined or under supervision, the
745 Department of Corrections and the applicable board shall
746 cooperate and coordinate to facilitate the appearance of the
747 applicant at a board meeting or agency hearing in person, by
748 teleconference, or by video conference, as appropriate.

749 (d) Each applicable board shall compile a list of crimes
750 that, if committed and regardless of adjudication, do not relate
751 to the practice of the profession or the ability to practice the
752 profession and do not constitute grounds for denial of a
753 license. This list must be made available on the department's
754 website and updated annually. Beginning October 1, 2019, each
755 applicable board shall compile a list of crimes that although
756 reported by an applicant for licensure, were not used as a basis
757 for denial. The list must identify for each such license
758 application the crime reported and the date of conviction and
759 whether there was a finding of guilt, a plea, or an adjudication
760 entered or the date of sentencing.

761 (e) Each applicable board shall compile a list of crimes
762 that have been used as a basis for denial of a license in the
763 past 2 years and shall make the list available on the
764 department's website. Starting October 1, 2019, and updated
765 quarterly thereafter, the applicable board shall compile a list



558818

766 indicating each crime used as a basis for denial. For each crime
767 listed, the applicable board must identify the date of
768 conviction, finding of guilt, plea, or adjudication entered, or
769 date of sentencing. Such denials must be made available to the
770 public upon request.

771 Section 18. Subsection (4) of section 474.2165, Florida
772 Statutes, is amended to read:

773 474.2165 Ownership and control of veterinary medical
774 patient records; report or copies of records to be furnished.—

775 (4) Except as otherwise provided in this section, such
776 records may not be furnished to, and the medical condition of a
777 patient may not be discussed with, any person other than the
778 client or the client's legal representative or other
779 veterinarians involved in the care or treatment of the patient,
780 except upon written authorization of the client. However, such
781 records may be furnished without written authorization under the
782 following circumstances:

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

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

790 (c) For statistical and scientific research, provided the
791 information is abstracted in such a way as to protect the
792 identity of the patient and the client, or provided written
793 permission is received from the client or the client's legal
794 representative.



558818

795 (d) In any criminal action or situation where a
796 veterinarian suspects a criminal violation. If a criminal
797 violation is suspected, a veterinarian may, without notice to or
798 authorization from the client, report the violation to a law
799 enforcement officer, an animal control officer who is certified
800 pursuant to s. 828.27(4) (a), or an agent appointed under s.
801 828.03. However, if a suspected violation occurs at a commercial
802 food-producing animal operation on land classified as
803 agricultural under s. 193.461, the veterinarian must provide
804 notice to the client or the client's legal representative before
805 reporting the suspected violation to an officer or agent under
806 this paragraph. The report may not include written medical
807 records except upon the issuance of an order from a court of
808 competent jurisdiction.

809 Section 19. Subsections (2), (3), and (4) of section
810 489.126, Florida Statutes, are amended, and subsections (5) and
811 (6) are added to that section, to read:

812 489.126 Moneys received by contractors.—

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

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

820 2.-(b) Start the work within 90 days after the date all
821 necessary permits for work, if any, are issued,

822
823 unless the contractor has just cause for failing to apply for



558818

824 the necessary permits, starting the work, or refunding the
825 payment, or unless the person who made the payment agreed, in
826 writing, to a longer period to apply for the necessary permits
827 or start the work or to longer periods for both.

828 (b)1. If a contractor fails to comply with the requirements
829 of paragraph (a), the contractee must make written demand to the
830 contractor in the form of a letter that includes a demand to
831 apply for the necessary permits, to start the work, or to refund
832 the payment sent via certified mail, return receipt requested,
833 mailed to the address listed in the contracting agreement. If
834 there is no address for the contractor listed in the contracting
835 agreement, or no written agreement exists, the contractee must
836 mail the written demand letter to the address listed for
837 licensing purposes with the department or the local construction
838 industry licensing board, if applicable.

839 2. It may be inferred that a contractor does not have just
840 cause if the contractor fails to apply for the necessary
841 permits, start the work, or refund payments within 30 days of
842 receiving written demand to apply for the necessary permits,
843 start the work, or refund the payment from the person who made
844 the payment.

845 (3) (a) A contractor who receives money for repair,
846 restoration, addition, improvement, or construction of
847 residential real property in excess of the value of the work
848 performed ~~may shall~~ not, ~~with intent to defraud the owner,~~ fail
849 or refuse to perform any work for any 90-day period or for any
850 period that is mutually agreed upon and specified in the
851 contract.

852 (b) It is prima facie evidence ~~Proof~~ that a contractor



558818

853 received money for the repair, restoration, addition,
854 improvement, or construction of residential real property and
855 that the amount received exceeds the value of the work performed
856 by the contractor when ~~and that~~:

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

861 2. The failure to perform any such work during the 90-day
862 ~~60-day~~ period or such period that is mutually agreed upon and
863 specified in the contract was not related to the owner's
864 termination of the contract or a material breach of the contract
865 by the owner; and

866 3. The contractor failed to perform for the 90-day period
867 or such period that is mutually agreed upon and specified in the
868 contract without just cause or terminated the contract without
869 proper notification to the owner.

870 a. Proper notification of termination for purposes of this
871 subparagraph must be made by the contractor in the form of a
872 letter that includes the reason for termination of the contract
873 or the reason for failure to perform sent via certified mail,
874 return receipt requested, mailed to the address of the owner
875 listed in the contracting agreement. If no written agreement
876 exists, the letter must be mailed to the address where the work
877 was to be performed or the address listed on the permit, if
878 applicable.

879 b. If a contractor fails to comply with paragraph (a),
880 written demand must be made to the contractor in the form of a
881 letter that includes a demand to perform work, or refund the



558818

882 money received in excess of the value of the work performed,
883 sent via certified mail, return receipt requested, mailed to the
884 address listed in the contracting agreement. If there is no
885 address for the contractor listed in the contracting agreement,
886 or no agreement exists, the letter must be mailed to the address
887 listed with the department for licensing purposes or the local
888 construction industry licensing board, if applicable.

889 c. It may be inferred that a contractor does not have just
890 cause if the contractor fails to perform work, or refund the
891 money received in excess of the value of the work performed,
892 within 30 days after receiving a written demand to perform the
893 work, or refund the money received in excess of the value of the
894 work performed, from the person who made the payment, ~~for an~~
895 ~~additional 30-day period after the date of mailing of~~
896 ~~notification as specified in paragraph (c), to perform any work~~
897 ~~for which he or she contracted,~~

898
899 ~~gives rise to an inference that the money in excess of the value~~
900 ~~of the work performed was taken with the intent to defraud.~~

901 ~~(c) Notification as contemplated in paragraph (b) consists~~
902 ~~of a certified letter, return receipt requested, mailed to the~~
903 ~~address of the contractor as listed in the written contracting~~
904 ~~agreement. The letter must indicate that the contractor has~~
905 ~~failed to perform any work for a 60-day period, that the failure~~
906 ~~to perform the work was not the result of the owner's~~
907 ~~termination of the contract or a material breach of the contract~~
908 ~~by the owner, and that the contractor must recommence~~
909 ~~construction within 30 days after the date of mailing of the~~
910 ~~letter. If there is no address for the contractor listed in the~~



558818

911 ~~written contracting agreement, or no written agreement exists,~~
912 ~~the letter must be mailed to the address of the contractor~~
913 ~~listed in the building permit application.~~

914 (4) Any violation of subsection (2) or subsection (3) must
915 be prosecuted in accordance with the thresholds established in
916 this section and the following: ~~person who violates any~~
917 ~~provision of this section is guilty of theft and shall be~~
918 ~~prosecuted and punished under s. 812.014.~~

919 (a) The required intent to prove a criminal violation may
920 be shown to exist at the time that the contractor appropriated
921 the money to his or her own use and is not required to be proven
922 to exist at the time of the taking of the money from the owner
923 or at the time the owner makes a payment to the contractor.

924 (b) It may be inferred that a contractor intended to
925 deprive the owner of the right to the money owed, or deprive the
926 owner of the benefit from it, and inferred that the contractor
927 appropriated the money for his or her own use, or to a person
928 not entitled to the use of the money, if the contractor fails to
929 refund any portion of the money owed within 30 days after
930 receiving a written demand for such money from the owner.

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

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

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

938 (b) A felony of the third degree, punishable as provided in
939 s. 775.082, s. 775.083, or s. 775.084, if the total money



558818

940 received is \$1,000 or more, but less than \$20,000.

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

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

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

948 (a) A misdemeanor of the first degree, punishable as
949 provided in s. 775.082 or s. 775.083, if the total money
950 received exceeding the value of the work performed is less than
951 \$1,000.

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

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

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

964 Section 20. Subsections (7) through (10) are added to
965 section 489.553, Florida Statutes, to read:

966 489.553 Administration of part; registration
967 qualifications; examination.-

968 (7) Notwithstanding any other law, a conviction, or any



558818

969 other adjudication, for a crime more than 5 years before the
970 date the application is received by the department or other
971 applicable authority may not be grounds for denial of
972 registration. For purposes of this subsection, the term
973 "conviction" means a determination of guilt that is the result
974 of a plea or trial, regardless of whether adjudication is
975 withheld. This subsection does not limit a board from
976 considering an applicant's criminal history that includes any
977 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but
978 only if such criminal history has been found to relate to the
979 practice of the applicable profession, or any crime if it has
980 been found to relate to good moral character.

981 (8) (a) A person may apply to be registered before his or
982 her lawful release from confinement or supervision. The
983 department or other applicable authority may not charge an
984 applicant an additional fee for being confined or under
985 supervision. The department or other applicable authority may
986 not deny an application for registration solely on the basis of
987 the applicant's current confinement or supervision.

988 (b) After a registration application is approved, the
989 department or other applicable authority may stay the issuance
990 of registration until the applicant is lawfully released from
991 confinement or supervision and the applicant notifies the board
992 of such release. The department or other applicable authority
993 must verify the applicant's release with the Department of
994 Corrections before it registers such applicant.

995 (c) If an applicant is unable to appear in person due to
996 his or her confinement or supervision, the department or other
997 applicable authority must permit the applicant to appear by



558818

998 teleconference or video conference, as appropriate, at any
999 meeting or hearing by the department or other applicable
1000 authority concerning his or her application.

1001 (d) If an applicant is confined or under supervision, the
1002 Department of Corrections and the department or other applicable
1003 authority shall cooperate and coordinate to facilitate the
1004 appearance of the applicant at a meeting or hearing in person,
1005 by teleconference, or by video conference, as appropriate.

1006 (9) The department or other applicable authority shall
1007 compile a list of crimes that, if committed and regardless of
1008 adjudication, do not relate to the practice of the profession or
1009 the ability to practice the profession and do not constitute
1010 grounds for denial of registration. This list must be made
1011 available on the department's website and updated annually.
1012 Beginning October 1, 2019, and updated quarterly thereafter, the
1013 department or other applicable authority shall add to this list
1014 such crimes that although reported by an applicant for
1015 registration, were not used as a basis for denial in the past 2
1016 years. The list must identify for each such registration
1017 application the crime reported and the date of conviction, plea,
1018 adjudication, or sentencing.

1019 (10) The department or other applicable authority shall
1020 compile a list of crimes that have been used as a basis for
1021 denial of registration in the past 2 years and make the list
1022 available on the department's website. Beginning October 1,
1023 2019, and updated quarterly thereafter, the department shall add
1024 to this list each crime used as a basis for denial. For each
1025 crime listed, the department must identify the date of
1026 conviction, plea, adjudication, or sentencing. Such denials must



558818

1027 be made available to the public upon request.

1028 Section 21. Subsection (2) of section 500.451, Florida
1029 Statutes, is amended, and subsection (1) of that section is
1030 republished, to read:

1031 500.451 Horse meat; offenses.—

1032 (1) It is unlawful for any person to:

1033 (a) Sell in the markets of this state horse meat for human
1034 consumption unless the horse meat is clearly stamped, marked,
1035 and described as horse meat for human consumption.

1036 (b) Knowingly transport, distribute, sell, purchase, or
1037 possess horse meat for human consumption that is not clearly
1038 stamped, marked, and described as horse meat for human
1039 consumption or horse meat that is not acquired from a licensed
1040 slaughterhouse.

1041 (2) A person that violates this section commits a felony of
1042 the third degree, punishable as provided in s. 775.082, s.
1043 775.083, or s. 775.084, except that any person who commits a
1044 violation of this section must ~~shall~~ be sentenced to a minimum
1045 mandatory fine of \$3,500 ~~and a minimum mandatory period of~~
1046 ~~incarceration of 1 year.~~

1047 Section 22. Subsection (1) of section 509.151, Florida
1048 Statutes, is amended to read:

1049 509.151 Obtaining food or lodging with intent to defraud;
1050 penalty.—

1051 (1) Any person who obtains food, lodging, or other
1052 accommodations having a value of less than \$1,000 ~~\$300~~ at any
1053 public food service establishment, or at any transient
1054 establishment, with intent to defraud the operator thereof,
1055 commits ~~is guilty of~~ a misdemeanor of the second degree,



558818

1056 punishable as provided in s. 775.082 or s. 775.083; if such
1057 food, lodging, or other accommodations have a value of \$1,000
1058 ~~\$300~~ or more, such person commits ~~is guilty of~~ a felony of the
1059 third degree, punishable as provided in s. 775.082, s. 775.083,
1060 or s. 775.084.

1061 Section 23. Paragraph (a) of subsection (1) and paragraph
1062 (c) of subsection (2) of section 562.11, Florida Statutes, are
1063 amended to read:

1064 562.11 Selling, giving, or serving alcoholic beverages to
1065 person under age 21; providing a proper name; misrepresenting or
1066 misstating age or age of another to induce licensee to serve
1067 alcoholic beverages to person under 21; penalties.—

1068 (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to
1069 be served alcoholic beverages to a person under 21 years of age
1070 or permit a person under 21 years of age to consume such
1071 beverages on the licensed premises. A person who violates this
1072 paragraph ~~subparagraph~~ commits a misdemeanor of the second
1073 degree, punishable as provided in s. 775.082 or s. 775.083. A
1074 person who violates this paragraph ~~subparagraph~~ a second or
1075 subsequent time within 1 year after a prior conviction commits a
1076 misdemeanor of the first degree, punishable as provided in s.
1077 775.082 or s. 775.083.

1078 ~~2. In addition to any other penalty imposed for a violation~~
1079 ~~of subparagraph 1., the court may order the Department of~~
1080 ~~Highway Safety and Motor Vehicles to withhold the issuance of,~~
1081 ~~or suspend or revoke, the driver license or driving privilege,~~
1082 ~~as provided in s. 322.057, of any person who violates~~
1083 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
1084 ~~as defined in s. 561.01, who violates subparagraph 1. while~~



558818

1085 ~~acting within the scope of his or her license or an employee or~~
1086 ~~agent of a licensee, as defined in s. 561.01, who violates~~
1087 ~~subparagraph 1. while engaged within the scope of his or her~~
1088 ~~employment or agency.~~

1089 ~~3. A court that withholds the issuance of, or suspends or~~
1090 ~~revokes, the driver license or driving privilege of a person~~
1091 ~~pursuant to subparagraph 2. may direct the Department of Highway~~
1092 ~~Safety and Motor Vehicles to issue the person a license for~~
1093 ~~driving privilege restricted to business purposes only, as~~
1094 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1095 (2) It is unlawful for any person to misrepresent or
1096 misstate his or her age or the age of any other person for the
1097 purpose of inducing any licensee or his or her agents or
1098 employees to sell, give, serve, or deliver any alcoholic
1099 beverages to a person under 21 years of age, or for any person
1100 under 21 years of age to purchase or attempt to purchase
1101 alcoholic beverages.

1102 (c) In addition to any other penalty imposed for a
1103 violation of this subsection, if a person uses a driver license
1104 or identification card issued by the Department of Highway
1105 Safety and Motor Vehicles in violation of this subsection, the
1106 court:

1107 ~~1. may order the person to participate in public service or~~
1108 ~~a community work project for a period not to exceed 40 hours;~~
1109 ~~and~~

1110 ~~2. Shall direct the Department of Highway Safety and Motor~~
1111 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~
1112 ~~person's driver license or driving privilege, as provided in s.~~
1113 ~~322.056.~~



558818

1114 Section 24. Subsection (3) of section 562.111, Florida
1115 Statutes, is amended to read:

1116 562.111 Possession of alcoholic beverages by persons under
1117 age 21 prohibited.-

1118 ~~(3) In addition to any other penalty imposed for a~~
1119 ~~violation of subsection (1), the court shall direct the~~
1120 ~~Department of Highway Safety and Motor Vehicles to withhold~~
1121 ~~issuance of, or suspend or revoke, the violator's driver license~~
1122 ~~or driving privilege, as provided in s. 322.056.~~

1123 Section 25. Subsection (8) of section 562.27, Florida
1124 Statutes, is amended, and subsections (1) through (7) of that
1125 section are republished, to read:

1126 562.27 Seizure and forfeiture.-

1127 (1) It is unlawful for any person to have in her or his
1128 possession, custody, or control, or to own, make, construct, or
1129 repair, any still, still piping, still apparatus, or still worm,
1130 or any piece or part thereof, designed or adapted for the
1131 manufacture of an alcoholic beverage, or to have in her or his
1132 possession, custody or control any receptacle or container
1133 containing any mash, wort, or wash, or other fermented liquids
1134 whatever capable of being distilled or manufactured into an
1135 alcoholic beverage, unless such possession, custody, control,
1136 ownership, manufacture, construction, or repairing be by or for
1137 a person authorized by law to manufacture such alcoholic
1138 beverage.

1139 (2) It is unlawful for any person to have in her or his
1140 possession, custody, or control any raw materials or substance
1141 intended to be used in the distillation or manufacturing of an
1142 alcoholic beverage unless the person holds a license from the



558818

1143 state authorizing the manufacture of the alcoholic beverage.

1144 (3) The terms "raw material" or "substance" for the purpose
1145 of this chapter shall mean and include, but not be limited to,
1146 any of the following: Any grade or type of sugar, syrup, or
1147 molasses derived from sugarcane, sugar beets, corn, sorghum, or
1148 any other source; starch; potatoes; grain or cornmeal, corn
1149 chops, cracked corn, rye chops, middlings, shorts, bran, or any
1150 other grain derivative; malt; malt sugar or malt syrup; oak
1151 chips, charred or not charred; yeast; cider; honey; fruit;
1152 grapes; berries; fruit, grape or berry juices or concentrates;
1153 wine; caramel; burnt sugar; gin flavor; Chinese bean cake or
1154 Chinese wine cake; urea; ammonium phosphate, ammonium carbonate,
1155 ammonium sulphate, or any other yeast food; ethyl acetate or any
1156 other ethyl ester; any other material of the character used in
1157 the manufacture of distilled spirits or any chemical or other
1158 material suitable for promoting or accelerating fermentation;
1159 any chemical or material of the character used in the production
1160 of distilled spirits by chemical reaction; or any combination of
1161 such materials or chemicals.

1162 (4) Any such raw materials, substance, or any still, still
1163 piping, still apparatus, or still worm, or any piece or part
1164 thereof, or any mash, wort, or wash, or other fermented liquid
1165 and the receptacle or container thereof, and any alcoholic
1166 beverage, together with all personal property used to facilitate
1167 the manufacture or production of the alcoholic beverage or to
1168 facilitate the violation of the alcoholic beverage control laws
1169 of this state or the United States, may be seized by the
1170 division or by any sheriff or deputy sheriff and shall be
1171 forfeited to the state.



558818

1172 (5) It shall be unlawful for any person to sell or
1173 otherwise dispose of raw materials or other substances knowing
1174 same are to be used in the distillation or manufacture of an
1175 alcoholic beverage unless such person receiving same, by
1176 purchase or otherwise, holds a license from the state
1177 authorizing the manufacture of such alcoholic beverage.

1178 (6) Any vehicle, vessel, or aircraft used in the
1179 transportation or removal of or for the deposit or concealment
1180 of any illicit liquor still or stilling apparatus; any mash,
1181 wort, wash, or other fermented liquids capable of being
1182 distilled or manufactured into an alcoholic beverage; or any
1183 alcoholic beverage commonly known and referred to as "moonshine
1184 whiskey" shall be seized and may be forfeited as provided by the
1185 Florida Contraband Forfeiture Act. Any sheriff, deputy sheriff,
1186 employee of the division, or police officer may seize any of the
1187 vehicles, vessels, or conveyances, and the same may be forfeited
1188 as provided by law.

1189 (7) The finding of any still, still piping, still
1190 apparatus, or still worm, or any piece or part thereof, or any
1191 mash, wort, or wash or other fermented liquids in the dwelling
1192 house or place of business, or so near thereto as to lead to the
1193 reasonable belief that they are within the possession, custody,
1194 or control of the occupants of the dwelling house or place of
1195 business, shall be prima facie evidence of a violation of this
1196 section by the occupants of the dwelling house or place of
1197 business.

1198 (8) Any person violating any provisions of this section of
1199 the law commits ~~shall be guilty of a misdemeanor felony~~ of the
1200 second ~~third~~ degree, punishable as provided in s. 775.082 or s.



558818

1201 775.083, ~~or s. 775.084.~~

1202 Section 26. Subsections (1) and (2) of section 562.451,
1203 Florida Statutes, are amended to read:

1204 562.451 Moonshine whiskey; ownership, possession, or
1205 control prohibited; penalties; rule of evidence.-

1206 (1) Any person who owns or has in her or his possession or
1207 under her or his control less than 1 gallon of liquor, as
1208 defined in the Beverage Law, which was not made or manufactured
1209 in accordance with the laws in effect at the time when and place
1210 where the same was made or manufactured commits ~~shall be guilty~~
1211 ~~of~~ a misdemeanor of the second degree, punishable as provided in
1212 s. 775.082 or s. 775.083.

1213 (2) Any person who owns or has in her or his possession or
1214 under her or his control 1 gallon or more of liquor, as defined
1215 in the Beverage Law, which was not made or manufactured in
1216 accordance with the laws in effect at the time when and place
1217 where the same was made or manufactured commits ~~shall be guilty~~
1218 ~~of~~ a misdemeanor ~~felony~~ of the first ~~third~~ degree, punishable as
1219 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

1220 Section 27. Subsections (1), (2), and (5) of section
1221 569.11, Florida Statutes, are amended to read:

1222 569.11 Possession, misrepresenting age or military service
1223 to purchase, and purchase of tobacco products by persons under
1224 18 years of age prohibited; penalties; jurisdiction; disposition
1225 of fines.-

1226 (1) It is unlawful for any person under 18 years of age to
1227 knowingly possess any tobacco product. Any person under 18 years
1228 of age who violates ~~the provisions of~~ this subsection commits a
1229 noncriminal violation as provided in s. 775.08(3), punishable



558818

1230 by:

1231 (a) For a first violation, 16 hours of community service
1232 or, instead of community service, a \$25 fine. In addition, the
1233 person must attend a school-approved anti-tobacco program, if
1234 locally available; or

1235 (b) For a second or subsequent violation within 12 weeks
1236 after ~~of~~ the first violation, a \$25 fine; ~~or~~

1237 ~~(c) For a third or subsequent violation within 12 weeks of~~
1238 ~~the first violation, the court must direct the Department of~~
1239 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
1240 ~~suspend or revoke the person's driver license or driving~~
1241 ~~privilege, as provided in s. 322.056.~~

1242
1243 Any second or subsequent violation not within the 12-week ~~time~~
1244 period after the first violation is punishable as provided for a
1245 first violation.

1246 (2) It is unlawful for any person under 18 years of age to
1247 misrepresent his or her age or military service for the purpose
1248 of inducing a dealer or an agent or employee of the dealer to
1249 sell, give, barter, furnish, or deliver any tobacco product, or
1250 to purchase, or attempt to purchase, any tobacco product from a
1251 person or a vending machine. Any person under 18 years of age
1252 who violates ~~a provision of~~ this subsection commits a
1253 noncriminal violation as provided in s. 775.08(3), punishable
1254 by:

1255 (a) For a first violation, 16 hours of community service
1256 or, instead of community service, a \$25 fine and, in addition,
1257 the person must attend a school-approved anti-tobacco program,
1258 if available; or



558818

1259 (b) For a second or subsequent violation within 12 weeks
1260 after ~~of~~ the first violation, a \$25 fine; ~~or~~

1261 ~~(c) For a third or subsequent violation within 12 weeks of~~
1262 ~~the first violation, the court must direct the Department of~~
1263 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
1264 ~~suspend or revoke the person's driver license or driving~~
1265 ~~privilege, as provided in s. 322.056.~~

1266
1267 Any second or subsequent violation not within the 12-week ~~time~~
1268 period after the first violation is punishable as provided for a
1269 first violation.

1270 (5) (a) If a person under 18 years of age is found by the
1271 court to have committed a noncriminal violation under this
1272 section and that person has failed to complete community
1273 service, pay the fine as required by paragraph (1) (a) or
1274 paragraph (2) (a), or attend a school-approved anti-tobacco
1275 program, if locally available, the court may ~~must~~ direct the
1276 Department of Highway Safety and Motor Vehicles to withhold
1277 issuance of or suspend the driver license or driving privilege
1278 of that person for a period of 30 consecutive days.

1279 (b) If a person under 18 years of age is found by the court
1280 to have committed a noncriminal violation under this section and
1281 that person has failed to pay the applicable fine as required by
1282 paragraph (1) (b) or paragraph (2) (b), the court may ~~must~~ direct
1283 the Department of Highway Safety and Motor Vehicles to withhold
1284 issuance of or suspend the driver license or driving privilege
1285 of that person for a period of 45 consecutive days.

1286 Section 28. Section 713.69, Florida Statutes, is amended to
1287 read:



558818

1288 713.69 Unlawful to remove property upon which lien has
1289 accrued.—It is unlawful for any person to remove any property
1290 upon which a lien has accrued under ~~the provisions of s. 713.68~~
1291 from any hotel, apartment house, roominghouse, lodginghouse,
1292 boardinghouse or tenement house without first making full
1293 payment to the person operating or conducting the same of all
1294 sums due and payable for such occupancy or without first having
1295 the written consent of such person so conducting or operating
1296 such place to so remove such property. Any person who violates
1297 ~~violating the provisions of this section shall~~, if the value of
1298 the property removed in violation hereof is less than \$1,000 ~~be~~
1299 ~~of the value of \$50 or less, commits be guilty of~~ a misdemeanor
1300 of the second degree, punishable as provided in s. 775.082 or s.
1301 775.083; and if the value of the property so removed is \$1,000
1302 or more, should be of greater value than \$50 then such person
1303 commits ~~shall be guilty of~~ a felony of the third degree,
1304 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1305 Section 29. Paragraph (g) of subsection (1) of section
1306 741.30, Florida Statutes, is amended to read:

1307 741.30 Domestic violence; injunction; powers and duties of
1308 court and clerk; petition; notice and hearing; temporary
1309 injunction; issuance of injunction; statewide verification
1310 system; enforcement; public records exemption.—

1311 (1) There is created a cause of action for an injunction
1312 for protection against domestic violence.

1313 ~~(g) Notwithstanding any other law, attorney fees may not be~~
1314 ~~awarded in any proceeding under this section.~~

1315 Section 30. Paragraphs (a) and (d) of subsection (9) of
1316 section 775.082, Florida Statutes, are amended to read:



558818

1317 775.082 Penalties; applicability of sentencing structures;
1318 mandatory minimum sentences for certain reoffenders previously
1319 released from prison.—

1320 (9) (a) 1. "Prison releasee reoffender" means any defendant
1321 who commits, or attempts to commit:

1322 a. Treason;

1323 b. Murder;

1324 c. Manslaughter;

1325 d. Sexual battery;

1326 e. Carjacking;

1327 f. Home-invasion robbery;

1328 g. Robbery;

1329 h. Arson;

1330 i. Kidnapping;

1331 j. Aggravated assault with a deadly weapon;

1332 k. Aggravated battery;

1333 l. Aggravated stalking;

1334 m. Aircraft piracy;

1335 n. Unlawful throwing, placing, or discharging of a
1336 destructive device or bomb;

1337 o. Any felony that involves the use or threat of physical
1338 force or violence against an individual;

1339 p. Armed burglary;

1340 q. Burglary of a dwelling or burglary of an occupied
1341 structure; or

1342 r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,
1343 s. 827.071, or s. 847.0135(5);

1344
1345 within 3 years after being released from a state correctional



558818

1346 facility operated by the Department of Corrections or a private
1347 vendor, a county detention facility following incarceration for
1348 an offense for which the sentence pronounced was a prison
1349 sentence, or ~~within 3 years after being released from a~~
1350 correctional institution of another state, the District of
1351 Columbia, the United States, any possession or territory of the
1352 United States, or any foreign jurisdiction, following
1353 incarceration for an offense for which the sentence is
1354 punishable by more than 1 year in this state.

1355 2. "Prison releasee reoffender" also means any defendant
1356 who commits or attempts to commit any offense listed in sub-
1357 subparagraphs (a)1.a.-r. while the defendant was serving a
1358 prison sentence or on escape status from a state correctional
1359 facility operated by the Department of Corrections or a private
1360 vendor or while the defendant was on escape status from a
1361 correctional institution of another state, the District of
1362 Columbia, the United States, any possession or territory of the
1363 United States, or any foreign jurisdiction, following
1364 incarceration for an offense for which the sentence is
1365 punishable by more than 1 year in this state.

1366 3. If the state attorney determines that a defendant is a
1367 prison releasee reoffender as defined in subparagraph 1., the
1368 state attorney may seek to have the court sentence the defendant
1369 as a prison releasee reoffender. Upon proof from the state
1370 attorney that establishes by a preponderance of the evidence
1371 that a defendant is a prison releasee reoffender as defined in
1372 this section, such defendant is not eligible for sentencing
1373 under the sentencing guidelines and must be sentenced as
1374 follows:



558818

1375 a. For a felony punishable by life, by a term of
1376 imprisonment for life;

1377 b. For a felony of the first degree, by a term of
1378 imprisonment of 30 years;

1379 c. For a felony of the second degree, by a term of
1380 imprisonment of 15 years; and

1381 d. For a felony of the third degree, by a term of
1382 imprisonment of 5 years.

1383 (d)1. It is the intent of the Legislature that offenders
1384 previously released from prison or a county detention facility
1385 following incarceration for an offense for which the sentence
1386 pronounced was a prison sentence who meet the criteria in
1387 paragraph (a) be punished to the fullest extent of the law and
1388 as provided in this subsection, unless the state attorney
1389 determines that extenuating circumstances exist which preclude
1390 the just prosecution of the offender, including whether the
1391 victim recommends that the offender not be sentenced as provided
1392 in this subsection.

1393 2. For every case in which the offender meets the criteria
1394 in paragraph (a) and does not receive the mandatory minimum
1395 prison sentence, the state attorney must explain the sentencing
1396 deviation in writing and place such explanation in the case file
1397 maintained by the state attorney.

1398 Section 31. Paragraph (d) of subsection (1) of section
1399 784.048, Florida Statutes, is amended, and subsections (2)
1400 through (5) and (7) of that section are republished, to read:

1401 784.048 Stalking; definitions; penalties.—

1402 (1) As used in this section, the term:

1403 (d) "Cyberstalk" means:



558818

1404 1. To engage in a course of conduct to communicate, or to
1405 cause to be communicated, words, images, or language by or
1406 through the use of electronic mail or electronic communication,
1407 directed at a specific person; or

1408 2. To access, or attempt to access, the online accounts or
1409 Internet-connected home electronic systems of another person
1410 without that person's permission,

1411
1412 causing substantial emotional distress to that person and
1413 serving no legitimate purpose.

1414 (2) A person who willfully, maliciously, and repeatedly
1415 follows, harasses, or cyberstalks another person commits the
1416 offense of stalking, a misdemeanor of the first degree,
1417 punishable as provided in s. 775.082 or s. 775.083.

1418 (3) A person who willfully, maliciously, and repeatedly
1419 follows, harasses, or cyberstalks another person and makes a
1420 credible threat to that person commits the offense of aggravated
1421 stalking, a felony of the third degree, punishable as provided
1422 in s. 775.082, s. 775.083, or s. 775.084.

1423 (4) A person who, after an injunction for protection
1424 against repeat violence, sexual violence, or dating violence
1425 pursuant to s. 784.046, or an injunction for protection against
1426 domestic violence pursuant to s. 741.30, or after any other
1427 court-imposed prohibition of conduct toward the subject person
1428 or that person's property, knowingly, willfully, maliciously,
1429 and repeatedly follows, harasses, or cyberstalks another person
1430 commits the offense of aggravated stalking, a felony of the
1431 third degree, punishable as provided in s. 775.082, s. 775.083,
1432 or s. 775.084.



558818

1433 (5) A person who willfully, maliciously, and repeatedly
1434 follows, harasses, or cyberstalks a child under 16 years of age
1435 commits the offense of aggravated stalking, a felony of the
1436 third degree, punishable as provided in s. 775.082, s. 775.083,
1437 or s. 775.084.

1438 (7) A person who, after having been sentenced for a
1439 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and
1440 prohibited from contacting the victim of the offense under s.
1441 921.244, willfully, maliciously, and repeatedly follows,
1442 harasses, or cyberstalks the victim commits the offense of
1443 aggravated stalking, a felony of the third degree, punishable as
1444 provided in s. 775.082, s. 775.083, or s. 775.084.

1445 Section 32. Subsection (1) of section 790.052, Florida
1446 Statutes, is amended to read:

1447 790.052 Carrying concealed firearms; off-duty law
1448 enforcement officers.—

1449 (1) (a) All persons holding active certifications from the
1450 Criminal Justice Standards and Training Commission as law
1451 enforcement officers or correctional officers as defined in s.
1452 943.10(1), (2), (6), (7), (8), or (9) shall have the right to
1453 carry, on or about their persons, concealed firearms, during
1454 off-duty hours, at the discretion of their superior officers,
1455 and may perform those law enforcement functions that they
1456 normally perform during duty hours, utilizing their weapons in a
1457 manner which is reasonably expected of on-duty officers in
1458 similar situations.

1459 (b) All persons holding an active certification from the
1460 Criminal Justice Standards and Training Commission as a law
1461 enforcement officer or a correctional officer as defined in s.



558818

1462 943.10(1), (2), (6), (7), (8), or (9) meet the definition of
1463 "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

1464 (c) All persons who held an active certification from the
1465 Criminal Justice Standards and Training Commission as a law
1466 enforcement officer or correctional officer as defined in s.
1467 943.10(1), (2), (6), (7), (8), or (9), while working for an
1468 employing agency, as defined in s. 943.10(4), but have separated
1469 from service under the conditions set forth in 18 U.S.C. s.
1470 926C(c), meet the definition of "qualified retired law
1471 enforcement officer."

1472 (d) ~~However, nothing in This section does not subsection~~
1473 ~~shall be construed to~~ limit the right of a law enforcement
1474 officer, correctional officer, or correctional probation officer
1475 to carry a concealed firearm off duty as a private citizen under
1476 the exemption provided in s. 790.06 that allows a law
1477 enforcement officer, correctional officer, or correctional
1478 probation officer as defined in s. 943.10(1), (2), (3), (6),
1479 (7), (8), or (9) to carry a concealed firearm without a
1480 concealed weapon or firearm license. The appointing or employing
1481 agency or department of an officer carrying a concealed firearm
1482 as a private citizen under s. 790.06 shall not be liable for the
1483 use of the firearm in such capacity. Nothing herein limits the
1484 authority of the appointing or employing agency or department
1485 from establishing policies limiting law enforcement officers or
1486 correctional officers from carrying concealed firearms during
1487 off-duty hours in their capacity as appointees or employees of
1488 the agency or department.

1489 Section 33. Subsections (5) and (10) of section 790.22,
1490 Florida Statutes, are amended to read:



558818

1491 790.22 Use of BB guns, air or gas-operated guns, or
1492 electric weapons or devices by minor under 16; limitation;
1493 possession of firearms by minor under 18 prohibited; penalties.-

1494 (5) (a) A minor who violates subsection (3) commits a
1495 misdemeanor of the first degree; for a first offense, may serve
1496 a period of detention of up to 3 days in a secure detention
1497 facility; and, in addition to any other penalty provided by law,
1498 shall be required to perform 100 hours of community service;
1499 and:

1500 1. If the minor is eligible by reason of age for a driver
1501 license or driving privilege, the court may ~~shall~~ direct the
1502 Department of Highway Safety and Motor Vehicles to revoke or to
1503 withhold issuance of the minor's driver license or driving
1504 privilege for up to 1 year.

1505 2. If the minor's driver license or driving privilege is
1506 under suspension or revocation for any reason, the court may
1507 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
1508 to extend the period of suspension or revocation by an
1509 additional period of up to 1 year.

1510 3. If the minor is ineligible by reason of age for a driver
1511 license or driving privilege, the court may ~~shall~~ direct the
1512 Department of Highway Safety and Motor Vehicles to withhold
1513 issuance of the minor's driver license or driving privilege for
1514 up to 1 year after the date on which the minor would otherwise
1515 have become eligible.

1516 (b) For a second or subsequent offense, a minor who
1517 violates subsection (3) commits a felony of the third degree and
1518 shall serve a period of detention of up to 15 days in a secure
1519 detention facility and shall be required to perform not less



558818

1520 than 100 nor more than 250 hours of community service, and:

1521 1. If the minor is eligible by reason of age for a driver
1522 license or driving privilege, the court may ~~shall~~ direct the
1523 Department of Highway Safety and Motor Vehicles to revoke or to
1524 withhold issuance of the minor's driver license or driving
1525 privilege for up to 2 years.

1526 2. If the minor's driver license or driving privilege is
1527 under suspension or revocation for any reason, the court may
1528 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
1529 to extend the period of suspension or revocation by an
1530 additional period of up to 2 years.

1531 3. If the minor is ineligible by reason of age for a driver
1532 license or driving privilege, the court may ~~shall~~ direct the
1533 Department of Highway Safety and Motor Vehicles to withhold
1534 issuance of the minor's driver license or driving privilege for
1535 up to 2 years after the date on which the minor would otherwise
1536 have become eligible.

1537
1538 For the purposes of this subsection, community service shall be
1539 performed, if possible, in a manner involving a hospital
1540 emergency room or other medical environment that deals on a
1541 regular basis with trauma patients and gunshot wounds.

1542 (10) If a minor is found to have committed an offense under
1543 subsection (9), the court shall impose the following penalties
1544 in addition to any penalty imposed under paragraph (9)(a) or
1545 paragraph (9)(b):

1546 (a) For a first offense:

1547 1. If the minor is eligible by reason of age for a driver
1548 license or driving privilege, the court may ~~shall~~ direct the



558818

1549 Department of Highway Safety and Motor Vehicles to revoke or to
1550 withhold issuance of the minor's driver license or driving
1551 privilege for up to 1 year.

1552 2. If the minor's driver license or driving privilege is
1553 under suspension or revocation for any reason, the court may
1554 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
1555 to extend the period of suspension or revocation by an
1556 additional period for up to 1 year.

1557 3. If the minor is ineligible by reason of age for a driver
1558 license or driving privilege, the court may ~~shall~~ direct the
1559 Department of Highway Safety and Motor Vehicles to withhold
1560 issuance of the minor's driver license or driving privilege for
1561 up to 1 year after the date on which the minor would otherwise
1562 have become eligible.

1563 (b) For a second or subsequent offense:

1564 1. If the minor is eligible by reason of age for a driver
1565 license or driving privilege, the court may ~~shall~~ direct the
1566 Department of Highway Safety and Motor Vehicles to revoke or to
1567 withhold issuance of the minor's driver license or driving
1568 privilege for up to 2 years.

1569 2. If the minor's driver license or driving privilege is
1570 under suspension or revocation for any reason, the court may
1571 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
1572 to extend the period of suspension or revocation by an
1573 additional period for up to 2 years.

1574 3. If the minor is ineligible by reason of age for a driver
1575 license or driving privilege, the court may ~~shall~~ direct the
1576 Department of Highway Safety and Motor Vehicles to withhold
1577 issuance of the minor's driver license or driving privilege for



558818

1578 up to 2 years after the date on which the minor would otherwise
1579 have become eligible.

1580 Section 34. Section 800.09, Florida Statutes, is amended to
1581 read:

1582 800.09 Lewd or lascivious exhibition in the presence of an
1583 employee.—

1584 (1) As used in this section, the term:

1585 (a) "Employee" means:

1586 1. Any person employed by or performing contractual
1587 services for a public or private entity operating a state
1588 correctional institution or private correctional facility; ~~or~~

1589 2. Any person employed by or performing contractual
1590 services for the corporation operating the prison industry
1591 enhancement programs or the correctional work programs under
1592 part II of chapter 946; ~~The term also includes~~

1593 3. Any person who is a parole examiner with the Florida
1594 Commission on Offender Review; or

1595 4. Any person employed at or performing contractual
1596 services for a county detention facility.

1597 (b) "Facility" means a state correctional institution as
1598 defined in s. 944.02, ~~or~~ a private correctional facility as
1599 defined in s. 944.710, or a county detention facility as defined
1600 in s. 951.23.

1601 (2) (a) A person who is detained in a facility may not:

1602 1. Intentionally masturbate;

1603 2. Intentionally expose the genitals in a lewd or
1604 lascivious manner; or

1605 3. Intentionally commit any other sexual act that does not
1606 involve actual physical or sexual contact with the victim,



558818

1607 including, but not limited to, sadomasochistic abuse, sexual
1608 bestiality, or the simulation of any act involving sexual
1609 activity,

1610
1611 in the presence of a person he or she knows or reasonably should
1612 know is an employee.

1613 (b) A person who violates paragraph (a) commits lewd or
1614 lascivious exhibition in the presence of an employee, a felony
1615 of the third degree, punishable as provided in s. 775.082, s.
1616 775.083, or s. 775.084.

1617 Section 35. Subsection (7) of section 806.13, Florida
1618 Statutes, is amended, and subsection (8) of that section is
1619 republished, to read:

1620 806.13 Criminal mischief; penalties; penalty for minor.—

1621 (7) In addition to any other penalty provided by law, if a
1622 minor is found to have committed a delinquent act under this
1623 section for placing graffiti on any public property or private
1624 property, and:

1625 (a) The minor is eligible by reason of age for a driver
1626 license or driving privilege, the court may ~~shall~~ direct the
1627 Department of Highway Safety and Motor Vehicles to revoke or
1628 withhold issuance of the minor's driver license or driving
1629 privilege for not more than 1 year.

1630 (b) The minor's driver license or driving privilege is
1631 under suspension or revocation for any reason, the court may
1632 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
1633 to extend the period of suspension or revocation by an
1634 additional period of not more than 1 year.

1635 (c) The minor is ineligible by reason of age for a driver



558818

1636 license or driving privilege, the court may ~~shall~~ direct the
1637 Department of Highway Safety and Motor Vehicles to withhold
1638 issuance of the minor's driver license or driving privilege for
1639 not more than 1 year after the date on which he or she would
1640 otherwise have become eligible.

1641 (8) A minor whose driver license or driving privilege is
1642 revoked, suspended, or withheld under subsection (7) may elect
1643 to reduce the period of revocation, suspension, or withholding
1644 by performing community service at the rate of 1 day for each
1645 hour of community service performed. In addition, if the court
1646 determines that due to a family hardship, the minor's driver
1647 license or driving privilege is necessary for employment or
1648 medical purposes of the minor or a member of the minor's family,
1649 the court shall order the minor to perform community service and
1650 reduce the period of revocation, suspension, or withholding at
1651 the rate of 1 day for each hour of community service performed.
1652 As used in this subsection, the term "community service" means
1653 cleaning graffiti from public property.

1654 Section 36. Paragraphs (c), (d), and (e) of subsection (2)
1655 of section 812.014, Florida Statutes, are amended, and
1656 subsection (7) is added to that section, to read:

1657 812.014 Theft.—

1658 (2)

1659 (c) It is grand theft of the third degree and a felony of
1660 the third degree, punishable as provided in s. 775.082, s.
1661 775.083, or s. 775.084, if the property stolen is:

- 1662 1. Valued at \$750 ~~\$300~~ or more, but less than \$5,000.
- 1663 2. Valued at \$5,000 or more, but less than \$10,000.
- 1664 3. Valued at \$10,000 or more, but less than \$20,000.



558818

- 1665 4. A will, codicil, or other testamentary instrument.
1666 5. A firearm.
1667 6. A motor vehicle, except as provided in paragraph (a).
1668 7. Any commercially farmed animal, including any animal of
1669 the equine, avian, bovine, or swine class or other grazing
1670 animal; a bee colony of a registered beekeeper; and aquaculture
1671 species raised at a certified aquaculture facility. If the
1672 property stolen is a commercially farmed animal, including an
1673 animal of the equine, avian, bovine, or swine class or other
1674 grazing animal; a bee colony of a registered beekeeper; or an
1675 aquaculture species raised at a certified aquaculture facility,
1676 a \$10,000 fine shall be imposed.
1677 8. Any fire extinguisher that, at the time of the taking,
1678 was installed in any building for the purpose of fire prevention
1679 and control. This subparagraph does not apply to a fire
1680 extinguisher taken from the inventory at a point-of-sale
1681 business.
1682 9. Any amount of citrus fruit consisting of 2,000 or more
1683 individual pieces of fruit.
1684 10. Taken from a designated construction site identified by
1685 the posting of a sign as provided for in s. 810.09(2)(d).
1686 11. Any stop sign.
1687 12. Anhydrous ammonia.
1688 13. Any amount of a controlled substance as defined in s.
1689 893.02. Notwithstanding any other law, separate judgments and
1690 sentences for theft of a controlled substance under this
1691 subparagraph and for any applicable possession of controlled
1692 substance offense under s. 893.13 or trafficking in controlled
1693 substance offense under s. 893.135 may be imposed when all such



558818

1694 offenses involve the same amount or amounts of a controlled
1695 substance.

1696
1697 However, if the property is stolen within a county that is
1698 subject to a state of emergency declared by the Governor under
1699 chapter 252, the property is stolen after the declaration of
1700 emergency is made, and the perpetration of the theft is
1701 facilitated by conditions arising from the emergency, the
1702 offender commits a felony of the second degree, punishable as
1703 provided in s. 775.082, s. 775.083, or s. 775.084, if the
1704 property is valued at \$5,000 or more, but less than \$10,000, as
1705 provided under subparagraph 2., or if the property is valued at
1706 \$10,000 or more, but less than \$20,000, as provided under
1707 subparagraph 3. As used in this paragraph, the term "conditions
1708 arising from the emergency" means civil unrest, power outages,
1709 curfews, voluntary or mandatory evacuations, or a reduction in
1710 the presence of or the response time for first responders or
1711 homeland security personnel. For purposes of sentencing under
1712 chapter 921, a felony offense that is reclassified under this
1713 paragraph is ranked one level above the ranking under s.
1714 921.0022 or s. 921.0023 of the offense committed.

1715 (d) It is grand theft of the third degree and a felony of
1716 the third degree, punishable as provided in s. 775.082, s.
1717 775.083, or s. 775.084, if the property stolen is valued at \$100
1718 or more, but less than \$750 ~~\$300~~, and is taken from a dwelling
1719 as defined in s. 810.011(2) or from the unenclosed curtilage of
1720 a dwelling pursuant to s. 810.09(1).

1721 (e) Except as provided in paragraph (d), if the property
1722 stolen is valued at \$100 or more, but less than \$750 ~~\$300~~, the



558818

1723 offender commits petit theft of the first degree, punishable as
1724 a misdemeanor of the first degree, as provided in s. 775.082 or
1725 s. 775.083.

1726 (7) The Office of Program Policy Analysis and Government
1727 Accountability (OPPAGA) shall perform a study every 5 years to
1728 determine the appropriateness of the threshold amounts included
1729 in this section. The study's scope must include, but need not be
1730 limited to, the crime trends related to theft offenses, the
1731 theft threshold amounts of other states in effect at the time of
1732 the study, the fiscal impact of any modifications to this
1733 state's threshold amounts, and the effect on economic factors,
1734 such as inflation. The study must include options for amending
1735 the threshold amounts if the study finds that such amounts are
1736 inconsistent with current trends. In conducting the study,
1737 OPPAGA shall consult with the Office of Economic and Demographic
1738 Research in addition to other interested entities. OPPAGA shall
1739 submit a report to the Governor, the President of the Senate,
1740 and the Speaker of the House of Representatives by September 1
1741 of every 5th year.

1742 Section 37. Subsections (8) and (9) of section 812.015,
1743 Florida Statutes, are amended, and subsections (10) and (11) are
1744 added to that section, to read:

1745 812.015 Retail and farm theft; transit fare evasion;
1746 mandatory fine; alternative punishment; detention and arrest;
1747 exemption from liability for false arrest; resisting arrest;
1748 penalties.—

1749 (8) Except as provided in subsection (9), a person who
1750 commits retail theft commits a felony of the third degree,
1751 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,



558818

1752 if the property stolen is valued at \$750 ~~\$300~~ or more, and the
1753 person:

1754 (a) Individually commits retail theft, or in concert with
1755 one or more other persons, coordinates the activities of one or
1756 more individuals in committing the offense, which may occur
1757 through multiple acts of retail theft, in which ~~case~~ the amount
1758 of each individual theft is aggregated within a 30-day period to
1759 determine the value of the property stolen;

1760 (b) Conspires with another person to commit retail theft
1761 with the intent to sell the stolen property for monetary or
1762 other gain, and subsequently takes or causes such property to be
1763 placed in the control of another person in exchange for
1764 consideration, in which the stolen property taken or placed
1765 within a 30-day period is aggregated to determine the value of
1766 the stolen property;

1767 (c) ~~(b)~~ Individually, or in concert with one or more other
1768 persons, commits theft from more than one location within a 30-
1769 day 48-hour period, in which ~~case~~ the amount of each individual
1770 theft is aggregated to determine the value of the property
1771 stolen;

1772 (d) ~~(c)~~ Acts in concert with one or more other individuals
1773 within one or more establishments to distract the merchant,
1774 merchant's employee, or law enforcement officer in order to
1775 carry out the offense, or acts in other ways to coordinate
1776 efforts to carry out the offense; or

1777 (e) ~~(d)~~ Commits the offense through the purchase of
1778 merchandise in a package or box that contains merchandise other
1779 than, or in addition to, the merchandise purported to be
1780 contained in the package or box.



558818

1781 (9) A person commits a felony of the second degree,
1782 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
1783 if the person:

1784 (a) Violates subsection (8) and has previously been
1785 convicted of a violation of subsection (8); ~~or~~

1786 (b) Individually, or in concert with one or more other
1787 persons, coordinates the activities of one or more persons in
1788 committing the offense of retail theft, in which the amount of
1789 each individual theft within a 30-day period is aggregated to
1790 determine the value of the stolen property and such ~~where the~~
1791 ~~stolen property has a value~~ is in excess of \$3,000; or

1792 (c) Conspires with another person to commit retail theft
1793 with the intent to sell the stolen property for monetary or
1794 other gain, and subsequently takes or causes such property to be
1795 placed in control of another person in exchange for
1796 consideration, in which the stolen property taken or placed
1797 within a 30-day period is aggregated to have a value in excess
1798 of \$3,000.

1799 (10) If a person commits retail theft in more than one
1800 judicial circuit within a 30-day period, the value of the stolen
1801 property resulting from the thefts in each judicial circuit may
1802 be aggregated, and the person must be prosecuted by the Office
1803 of the Statewide Prosecutor in accordance with s. 16.56.

1804 (11) The Office of Program Policy Analysis and Government
1805 Accountability (OPPAGA) shall perform a study every 5 years to
1806 determine the appropriateness of the threshold amounts included
1807 in this section. The study's scope must include, but need not be
1808 limited to, the crime trends related to theft offenses, the
1809 theft threshold amounts of other states in effect at the time of



558818

1810 the study, the fiscal impact of any modifications to this
1811 state's threshold amounts, and the effect on economic factors,
1812 such as inflation. The study must include options for amending
1813 the threshold amounts if the study finds that such amounts are
1814 inconsistent with current trends. In conducting the study,
1815 OPPAGA shall consult with the Office of Economic and Demographic
1816 Research in addition to other interested entities. OPPAGA shall
1817 submit a report to the Governor, the President of the Senate,
1818 and the Speaker of the House of Representatives by September 1
1819 of every 5th year.

1820 Section 38. Section 812.0155, Florida Statutes, is amended
1821 to read:

1822 812.0155 Driver license suspension as an alternative
1823 sentence for a person under 18 years of age ~~Suspension of driver~~
1824 ~~license following an adjudication of guilt for theft.-~~

1825 ~~(1) Except as provided in subsections (2) and (3), the~~
1826 ~~court may order the suspension of the driver license of each~~
1827 ~~person adjudicated guilty of any misdemeanor violation of s.~~
1828 ~~812.014 or s. 812.015, regardless of the value of the property~~
1829 ~~stolen. Upon ordering the suspension of the driver license of~~
1830 ~~the person adjudicated guilty, the court shall forward the~~
1831 ~~driver license of the person adjudicated guilty to the~~
1832 ~~Department of Highway Safety and Motor Vehicles in accordance~~
1833 ~~with s. 322.25.~~

1834 ~~(a) The first suspension of a driver license under this~~
1835 ~~subsection shall be for a period of up to 6 months.~~

1836 ~~(b) A second or subsequent suspension of a driver license~~
1837 ~~under this subsection shall be for 1 year.~~

1838 (1) ~~(2)~~ The court may revoke, suspend, or withhold issuance



558818

1839 of a driver license of a person less than 18 years of age who
1840 violates s. 812.014 or s. 812.015 as an alternative to
1841 sentencing the person to:

1842 (a) Probation as defined in s. 985.03 or commitment to the
1843 Department of Juvenile Justice, if the person is adjudicated
1844 delinquent for such violation and has not previously been
1845 convicted of or adjudicated delinquent for any criminal offense,
1846 regardless of whether adjudication was withheld.

1847 (b) Probation as defined in s. 985.03, commitment to the
1848 Department of Juvenile Justice, probation as defined in chapter
1849 948, community control, or incarceration, if the person is
1850 convicted as an adult of such violation and has not previously
1851 been convicted of or adjudicated delinquent for any criminal
1852 offense, regardless of whether adjudication was withheld.

1853 (2) ~~(3)~~ As used in this subsection, the term "department"
1854 means the Department of Highway Safety and Motor Vehicles. A
1855 court that revokes, suspends, or withholds issuance of a driver
1856 license under subsection (1) ~~(2)~~ shall:

1857 (a) If the person is eligible by reason of age for a driver
1858 license or driving privilege, direct the department to revoke or
1859 withhold issuance of the person's driver license or driving
1860 privilege for not less than 6 months and not more than 1 year;

1861 (b) If the person's driver license is under suspension or
1862 revocation for any reason, direct the department to extend the
1863 period of suspension or revocation by not less than 6 months and
1864 not more than 1 year; or

1865 (c) If the person is ineligible by reason of age for a
1866 driver license or driving privilege, direct the department to
1867 withhold issuance of the person's driver license or driving



558818

1868 privilege for not less than 6 months and not more than 1 year
1869 after the date on which the person would otherwise become
1870 eligible.

1871 ~~(3)(4) This section does~~ Subsections (2) and (3) do not
1872 preclude the court from imposing any other sanction ~~specified or~~
1873 ~~not specified in subsection (2) or subsection (3).~~

1874 ~~(5) A court that suspends the driver license of a person~~
1875 ~~pursuant to subsection (1) may direct the Department of Highway~~
1876 ~~Safety and Motor Vehicles to issue the person a license for~~
1877 ~~driving privilege restricted to business purposes only, as~~
1878 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1879 Section 39. Subsection (1) of section 815.03, Florida
1880 Statutes, is amended to read:

1881 815.03 Definitions.—As used in this chapter, unless the
1882 context clearly indicates otherwise:

1883 (1) "Access" means to approach, instruct, communicate with,
1884 store data in, retrieve data from, or otherwise make use of any
1885 resources of a computer, a computer system, a ~~or~~ computer
1886 network, or an electronic device.

1887 Section 40. Subsection (2) of section 815.06, Florida
1888 Statutes, is amended, and subsection (3) of that section is
1889 republished, to read:

1890 815.06 Offenses against users of computers, computer
1891 systems, computer networks, and electronic devices.—

1892 (2) A person commits an offense against users of computers,
1893 computer systems, computer networks, or electronic devices if he
1894 or she willfully, knowingly, and without authorization or
1895 exceeding authorization:

1896 (a) Accesses or causes to be accessed any computer,



558818

1897 computer system, computer network, or electronic device with
1898 knowledge that such access is unauthorized or the manner of use
1899 exceeds authorization;

1900 (b) Disrupts or denies or causes the denial of the ability
1901 to transmit data to or from an authorized user of a computer,
1902 computer system, computer network, or electronic device, which,
1903 in whole or in part, is owned by, under contract to, or operated
1904 for, on behalf of, or in conjunction with another;

1905 (c) Destroys, takes, injures, or damages equipment or
1906 supplies used or intended to be used in a computer, computer
1907 system, computer network, or electronic device;

1908 (d) Destroys, injures, or damages any computer, computer
1909 system, computer network, or electronic device;

1910 (e) Introduces any computer contaminant into any computer,
1911 computer system, computer network, or electronic device; or

1912 (f) Engages in audio or video surveillance of an individual
1913 by accessing any inherent feature or component of a computer,
1914 computer system, computer network, or electronic device,
1915 including accessing the data or information of a computer,
1916 computer system, computer network, or electronic device that is
1917 stored by a third party.

1918 (3) (a) Except as provided in paragraphs (b) and (c), a
1919 person who violates subsection (2) commits a felony of the third
1920 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1921 775.084.

1922 (b) A person commits a felony of the second degree,
1923 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
1924 if he or she violates subsection (2) and:

1925 1. Damages a computer, computer equipment or supplies, a



558818

1926 computer system, or a computer network and the damage or loss is
1927 at least \$5,000;

1928 2. Commits the offense for the purpose of devising or
1929 executing any scheme or artifice to defraud or obtain property;

1930 3. Interrupts or impairs a governmental operation or public
1931 communication, transportation, or supply of water, gas, or other
1932 public service; or

1933 4. Intentionally interrupts the transmittal of data to or
1934 from, or gains unauthorized access to, a computer, computer
1935 system, computer network, or electronic device belonging to any
1936 mode of public or private transit, as defined in s. 341.031.

1937 (c) A person who violates subsection (2) commits a felony
1938 of the first degree, punishable as provided in s. 775.082, s.
1939 775.083, or s. 775.084, if the violation:

1940 1. Endangers human life; or

1941 2. Disrupts a computer, computer system, computer network,
1942 or electronic device that affects medical equipment used in the
1943 direct administration of medical care or treatment to a person.

1944 Section 41. Section 817.413, Florida Statutes, is amended
1945 to read:

1946 817.413 Sale of used motor vehicle goods as new; penalty.—

1947 (1) With respect to a transaction for which any charges
1948 will be paid from the proceeds of a motor vehicle insurance
1949 policy, ~~and in which the purchase price of motor vehicle goods~~
1950 ~~exceeds \$100,~~ it is unlawful for the seller to knowingly
1951 misrepresent orally, in writing, or by failure to speak, that
1952 the goods are new or original when they are used or repossessed
1953 or have been used for sales demonstration.

1954 (2) A person who violates ~~the provisions of this section,~~



558818

1955 if the purchase price of the motor vehicle goods is \$1,000 or
1956 more, commits a felony of the third degree, punishable as
1957 provided in s. 775.082, s. 775.083, or s. 775.084. If the
1958 purchase price of the motor vehicle goods is less than \$1,000,
1959 the person commits a misdemeanor of the first degree, punishable
1960 as provided in s. 775.082 or s. 775.083.

1961 Section 42. Paragraph (a) of subsection (2) of section
1962 831.28, Florida Statutes, is amended to read:

1963 831.28 Counterfeiting a payment instrument; possessing a
1964 counterfeit payment instrument; penalties.-

1965 (2) (a) It is unlawful to counterfeit a payment instrument
1966 with the intent to defraud a financial institution, account
1967 holder, or any other person or organization or for a person to
1968 have any counterfeit payment instrument in such person's
1969 possession with the intent to defraud a financial institution,
1970 an account holder, or any other person or organization. Any
1971 person who violates this subsection commits a felony of the
1972 third degree, punishable as provided in s. 775.082, s. 775.083,
1973 or s. 775.084.

1974 Section 43. Section 849.01, Florida Statutes, is amended to
1975 read:

1976 849.01 Keeping gambling houses, etc.-Whoever by herself or
1977 himself, her or his servant, clerk or agent, or in any other
1978 manner has, keeps, exercises or maintains a gaming table or
1979 room, or gaming implements or apparatus, or house, booth, tent,
1980 shelter or other place for the purpose of gaming or gambling or
1981 in any place of which she or he may directly or indirectly have
1982 charge, control or management, either exclusively or with
1983 others, procures, suffers or permits any person to play for



558818

1984 money or other valuable thing at any game whatever, whether
1985 heretofore prohibited or not, commits ~~shall be guilty of a~~
1986 misdemeanor ~~felony~~ of the second ~~third~~ degree, punishable as
1987 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

1988 Section 44. Subsections (6) and (7) and paragraphs (c) and
1989 (d) of subsection (8) of section 877.112, Florida Statutes, are
1990 amended to read:

1991 877.112 Nicotine products and nicotine dispensing devices;
1992 prohibitions for minors; penalties; civil fines; signage
1993 requirements; preemption.—

1994 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR
1995 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any
1996 person under 18 years of age to knowingly possess any nicotine
1997 product or a nicotine dispensing device. Any person under 18
1998 years of age who violates this subsection commits a noncriminal
1999 violation as defined in s. 775.08(3), punishable by:

2000 (a) For a first violation, 16 hours of community service
2001 or, instead of community service, a \$25 fine. In addition, the
2002 person must attend a school-approved anti-tobacco and nicotine
2003 program, if locally available; or

2004 (b) For a second or subsequent violation within 12 weeks
2005 after ~~of~~ the first violation, a \$25 fine. ~~or~~

2006 ~~(c) For a third or subsequent violation within 12 weeks of~~
2007 ~~the first violation, the court must direct the Department of~~
2008 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
2009 ~~suspend or revoke the person's driver license or driving~~
2010 ~~privilege, as provided in s. 322.056.~~

2011
2012 Any second or subsequent violation not within the 12-week time



558818

2013 period after the first violation is punishable as provided for a
2014 first violation.

2015 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
2016 any person under 18 years of age to misrepresent his or her age
2017 or military service for the purpose of inducing a retailer of
2018 nicotine products or nicotine dispensing devices or an agent or
2019 employee of such retailer to sell, give, barter, furnish, or
2020 deliver any nicotine product or nicotine dispensing device, or
2021 to purchase, or attempt to purchase, any nicotine product or
2022 nicotine dispensing device from a person or a vending machine.
2023 Any person under 18 years of age who violates this subsection
2024 commits a noncriminal violation as defined in s. 775.08(3),
2025 punishable by:

2026 (a) For a first violation, 16 hours of community service
2027 or, instead of community service, a \$25 fine and, in addition,
2028 the person must attend a school-approved anti-tobacco and
2029 nicotine program, if available; or

2030 (b) For a second violation within 12 weeks after ~~of~~ the
2031 first violation, a \$25 fine. ~~;~~ ~~or~~

2032 ~~(c) For a third or subsequent violation within 12 weeks of~~
2033 ~~the first violation, the court must direct the Department of~~
2034 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
2035 ~~suspend or revoke the person's driver license or driving~~
2036 ~~privilege, as provided in s. 322.056.~~

2037
2038 Any second or subsequent violation not within the 12-week time
2039 period after the first violation is punishable as provided for a
2040 first violation.

2041 (8) PENALTIES FOR MINORS.—



558818

2042 (c) If a person under 18 years of age is found by the court
2043 to have committed a noncriminal violation under this section and
2044 that person has failed to complete community service, pay the
2045 fine as required by paragraph (6) (a) or paragraph (7) (a), or
2046 attend a school-approved anti-tobacco and nicotine program, if
2047 locally available, the court may ~~must~~ direct the Department of
2048 Highway Safety and Motor Vehicles to withhold issuance of or
2049 suspend the driver license or driving privilege of that person
2050 for 30 consecutive days.

2051 (d) If a person under 18 years of age is found by the court
2052 to have committed a noncriminal violation under this section and
2053 that person has failed to pay the applicable fine as required by
2054 paragraph (6) (b) or paragraph (7) (b), the court may ~~must~~ direct
2055 the Department of Highway Safety and Motor Vehicles to withhold
2056 issuance of or suspend the driver license or driving privilege
2057 of that person for 45 consecutive days.

2058 Section 45. Paragraph (c) of subsection (1) of section
2059 893.135, Florida Statutes, is amended to read:

2060 893.135 Trafficking; mandatory sentences; suspension or
2061 reduction of sentences; conspiracy to engage in trafficking.—

2062 (1) Except as authorized in this chapter or in chapter 499
2063 and notwithstanding the provisions of s. 893.13:

2064 (c)1. A person who knowingly sells, purchases,
2065 manufactures, delivers, or brings into this state, or who is
2066 knowingly in actual or constructive possession of, 4 grams or
2067 more of any morphine, opium, hydromorphone, or any salt,
2068 derivative, isomer, or salt of an isomer thereof, including
2069 heroin, as described in s. 893.03(1) (b), (2) (a), (3) (c)3., or
2070 (3) (c)4., or 4 grams or more of any mixture containing any such



558818

2071 substance, but less than 30 kilograms of such substance or
2072 mixture, commits a felony of the first degree, which felony
2073 shall be known as "trafficking in illegal drugs," punishable as
2074 provided in s. 775.082, s. 775.083, or s. 775.084. If the
2075 quantity involved:

2076 a. Is 4 grams or more, but less than 14 grams, such person
2077 shall be sentenced to a mandatory minimum term of imprisonment
2078 of 3 years and shall be ordered to pay a fine of \$50,000.

2079 b. Is 14 grams or more, but less than 28 grams, such person
2080 shall be sentenced to a mandatory minimum term of imprisonment
2081 of 15 years and shall be ordered to pay a fine of \$100,000.

2082 c. Is 28 grams or more, but less than 30 kilograms, such
2083 person shall be sentenced to a mandatory minimum term of
2084 imprisonment of 25 years and shall be ordered to pay a fine of
2085 \$500,000.

2086 2. A person who knowingly sells, purchases, manufactures,
2087 delivers, or brings into this state, or who is knowingly in
2088 actual or constructive possession of, 28 ~~14~~ grams or more of
2089 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
2090 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28 ~~14~~
2091 grams or more of any mixture containing any such substance,
2092 commits a felony of the first degree, which felony shall be
2093 known as "trafficking in hydrocodone," punishable as provided in
2094 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

2095 a. Is 28 ~~14~~ grams or more, but less than 50 ~~28~~ grams, such
2096 person shall be sentenced to a mandatory minimum term of
2097 imprisonment of 3 years and shall be ordered to pay a fine of
2098 \$50,000.

2099 b. Is 50 ~~28~~ grams or more, but less than 100 ~~50~~ grams, such



558818

2100 person shall be sentenced to a mandatory minimum term of
2101 imprisonment of 7 years and shall be ordered to pay a fine of
2102 \$100,000.

2103 c. Is 100 ~~50~~ grams or more, but less than 300 ~~200~~ grams,
2104 such person shall be sentenced to a mandatory minimum term of
2105 imprisonment of 15 years and shall be ordered to pay a fine of
2106 \$500,000.

2107 d. Is 300 ~~200~~ grams or more, but less than 30 kilograms,
2108 such person shall be sentenced to a mandatory minimum term of
2109 imprisonment of 25 years and shall be ordered to pay a fine of
2110 \$750,000.

2111 3. A person who knowingly sells, purchases, manufactures,
2112 delivers, or brings into this state, or who is knowingly in
2113 actual or constructive possession of, 7 grams or more of
2114 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
2115 thereof, or 7 grams or more of any mixture containing any such
2116 substance, commits a felony of the first degree, which felony
2117 shall be known as "trafficking in oxycodone," punishable as
2118 provided in s. 775.082, s. 775.083, or s. 775.084. If the
2119 quantity involved:

2120 a. Is 7 grams or more, but less than 14 grams, such person
2121 shall be sentenced to a mandatory minimum term of imprisonment
2122 of 3 years and shall be ordered to pay a fine of \$50,000.

2123 b. Is 14 grams or more, but less than 25 grams, such person
2124 shall be sentenced to a mandatory minimum term of imprisonment
2125 of 7 years and shall be ordered to pay a fine of \$100,000.

2126 c. Is 25 grams or more, but less than 100 grams, such
2127 person shall be sentenced to a mandatory minimum term of
2128 imprisonment of 15 years and shall be ordered to pay a fine of



558818

2129 \$500,000.

2130 d. Is 100 grams or more, but less than 30 kilograms, such
2131 person shall be sentenced to a mandatory minimum term of
2132 imprisonment of 25 years and shall be ordered to pay a fine of
2133 \$750,000.

2134 4.a. A person who knowingly sells, purchases, manufactures,
2135 delivers, or brings into this state, or who is knowingly in
2136 actual or constructive possession of, 4 grams or more of:

2137 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2138 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2139 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2140 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

2141 (V) A fentanyl derivative, as described in s.

2142 893.03(1)(a)62.;

2143 (VI) A controlled substance analog, as described in s.

2144 893.0356, of any substance described in sub-sub-subparagraphs

2145 (I)-(V); or

2146 (VII) A mixture containing any substance described in sub-

2147 sub-subparagraphs (I)-(VI), commits a felony of the first

2148 degree, which felony shall be known as "trafficking in

2149 fentanyl," punishable as provided in s. 775.082, s. 775.083, or

2150 s. 775.084.

2151 b. If the quantity involved under sub-subparagraph a.:

2152 (I) Is 4 grams or more, but less than 14 grams, such person
2153 shall be sentenced to a mandatory minimum term of imprisonment
2154 of 3 years, and shall be ordered to pay a fine of \$50,000.

2155 (II) Is 14 grams or more, but less than 28 grams, such

2156 person shall be sentenced to a mandatory minimum term of

2157 imprisonment of 15 years, and shall be ordered to pay a fine of



558818

2158 \$100,000.

2159 (III) Is 28 grams or more, such person shall be sentenced
2160 to a mandatory minimum term of imprisonment of 25 years, and
2161 shall be ordered to pay a fine of \$500,000.

2162 5. A person who knowingly sells, purchases, manufactures,
2163 delivers, or brings into this state, or who is knowingly in
2164 actual or constructive possession of, 30 kilograms or more of
2165 any morphine, opium, oxycodone, hydrocodone, codeine,
2166 hydromorphone, or any salt, derivative, isomer, or salt of an
2167 isomer thereof, including heroin, as described in s.
2168 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
2169 more of any mixture containing any such substance, commits the
2170 first degree felony of trafficking in illegal drugs. A person
2171 who has been convicted of the first degree felony of trafficking
2172 in illegal drugs under this subparagraph shall be punished by
2173 life imprisonment and is ineligible for any form of
2174 discretionary early release except pardon or executive clemency
2175 or conditional medical release under s. 947.149. However, if the
2176 court determines that, in addition to committing any act
2177 specified in this paragraph:

2178 a. The person intentionally killed an individual or
2179 counseled, commanded, induced, procured, or caused the
2180 intentional killing of an individual and such killing was the
2181 result; or

2182 b. The person's conduct in committing that act led to a
2183 natural, though not inevitable, lethal result, such person
2184 commits the capital felony of trafficking in illegal drugs,
2185 punishable as provided in ss. 775.082 and 921.142. A person
2186 sentenced for a capital felony under this paragraph shall also



558818

2187 be sentenced to pay the maximum fine provided under subparagraph
2188 1.

2189 6. A person who knowingly brings into this state 60
2190 kilograms or more of any morphine, opium, oxycodone,
2191 hydrocodone, codeine, hydromorphone, or any salt, derivative,
2192 isomer, or salt of an isomer thereof, including heroin, as
2193 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
2194 60 kilograms or more of any mixture containing any such
2195 substance, and who knows that the probable result of such
2196 importation would be the death of a person, commits capital
2197 importation of illegal drugs, a capital felony punishable as
2198 provided in ss. 775.082 and 921.142. A person sentenced for a
2199 capital felony under this paragraph shall also be sentenced to
2200 pay the maximum fine provided under subparagraph 1.

2201 Section 46. Effective upon this act becoming a law, section
2202 900.05, Florida Statutes, is amended to read:

2203 900.05 Criminal justice data collection.—

2204 (1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of
2205 the Legislature to create a model of uniform criminal justice
2206 data collection by requiring local and state criminal justice
2207 agencies to report complete, accurate, and timely data, and
2208 making such data available to the public. The Legislature finds
2209 that it is an important state interest to implement a uniform
2210 data collection process and promote criminal justice data
2211 transparency.

2212 (2) DEFINITIONS.—As used in this section, the term:

2213 (a) "Annual felony caseload" means the yearly caseload of
2214 each full-time state attorney and assistant state attorney, ~~or~~
2215 public defender and assistant public defender, or regional



558818

2216 conflict counsel and assistant regional conflict counsel for
2217 cases assigned to the circuit criminal division, based on the
2218 number of felony cases reported to the Supreme Court under s.
2219 25.075. The term does not include the appellate caseload of a
2220 public defender, ~~or~~ assistant public defender, regional conflict
2221 counsel, or assistant regional conflict counsel. Cases reported
2222 pursuant to this term must be associated with a case number, and
2223 each case number must only be reported once regardless of the
2224 number of attorney assignments that occur during the course of
2225 litigation. The caseload shall be calculated on June 30 and
2226 reported once at the beginning of the reporting agency's fiscal
2227 year.

2228 (b) "Annual felony conflict caseload" means the total
2229 number of felony cases the office of the public defender or
2230 office of regional conflict counsel has declined or withdrawn
2231 from in the previous calendar year due to lack of qualified
2232 counsel or due to excessive caseload. The caseload shall be
2233 calculated on June 30 and reported once at the beginning of the
2234 reporting agency's fiscal year.

2235 (c) ~~(b)~~ "Annual misdemeanor caseload" means the yearly
2236 caseload of each full-time state attorney and assistant state
2237 attorney, ~~or~~ public defender and assistant public defender, or
2238 regional conflict counsel and assistant regional conflict
2239 counsel for cases assigned to the county criminal division,
2240 based on the number of misdemeanor cases reported to the Supreme
2241 Court under s. 25.075. The term does not include the appellate
2242 caseload of a public defender, ~~or~~ assistant public defender,
2243 regional conflict counsel, or assistant regional conflict
2244 counsel. Cases reported pursuant to this term must be associated



558818

2245 with a case number, and each case number must only be reported
2246 once regardless of the number of attorney assignments that occur
2247 during the course of litigation. The caseload shall be
2248 calculated on June 30 and reported once at the beginning of the
2249 reporting agency's fiscal year.

2250 (d) "Annual misdemeanor conflict caseload" means the total
2251 number of misdemeanor cases the office of the public defender or
2252 office of regional conflict counsel has declined or withdrawn
2253 from in the previous calendar year due to lack of qualified
2254 counsel or due to excessive caseload. The caseload shall be
2255 calculated on June 30 and reported once at the beginning of the
2256 reporting agency's fiscal year.

2257 (e) ~~(e)~~ "Attorney assignment date" means the date a court-
2258 appointed attorney is assigned to the case or, if privately
2259 retained, the date an attorney files a notice of appearance with
2260 the clerk of court.

2261 (f) ~~(d)~~ "Attorney withdrawal date" means the date the court
2262 removes court-appointed counsel from a case or, for a privately
2263 retained attorney, the date a motion to withdraw is granted by
2264 the court.

2265 (g) ~~(e)~~ "Case number" means the uniform case identification
2266 number assigned by the clerk of court to a criminal case.

2267 (h) ~~(f)~~ "Case status" means whether a case is open, active,
2268 inactive, closed, reclosed, or reopened due to a violation of
2269 probation or community control.

2270 (i) ~~(g)~~ "Charge description" means the statement of the
2271 conduct that is alleged to have been violated, the associated
2272 statutory section establishing such conduct as criminal, and the
2273 misdemeanor or felony classification that is provided for in the



558818

2274 statutory section alleged to have been violated.

2275 (j) "Charge disposition" means the final adjudication for
2276 each charged crime, including, but not limited to, dismissal by
2277 state attorney, dismissal by judge, acquittal, no contest plea,
2278 guilty plea, or guilty finding at trial.

2279 (k) ~~(h)~~ "Charge modifier" means an aggravating circumstance
2280 of an alleged crime that enhances or reclassifies a charge to a
2281 more serious misdemeanor or felony offense level.

2282 (l) ~~(i)~~ "Concurrent or consecutive sentence flag" means an
2283 indication that a defendant is serving another sentence
2284 concurrently or consecutively in addition to the sentence for
2285 which data is being reported.

2286 (m) ~~(j)~~ "Daily number of correctional officers" means the
2287 number of full-time, part-time, and auxiliary correctional
2288 officers who are actively providing supervision, protection,
2289 care, custody, and control of inmates in a county detention
2290 facility or state correctional institution or facility each day.

2291 (n) ~~(k)~~ "Defense attorney type" means whether the attorney
2292 is a public defender, regional conflict counsel, or other
2293 counsel court-appointed for the defendant; the attorney is
2294 privately retained by the defendant; or the defendant is
2295 represented pro se.

2296 (o) ~~(l)~~ "Deferred prosecution or pretrial diversion
2297 agreement date" means the date an agreement ~~a contract~~ is signed
2298 by the parties regarding a defendant's admission into a deferred
2299 prosecution or pretrial diversion program.

2300 (p) ~~(m)~~ "Deferred prosecution or pretrial diversion hearing
2301 date" means each date that a hearing, including a status
2302 hearing, is held on a case that is in a deferred prosecution or



558818

2303 pretrial diversion program, if applicable.

2304 (q) ~~(n)~~ "Disciplinary violation and action" means any
2305 conduct performed by an inmate in violation of the rules of a
2306 county detention facility or state correctional institution or
2307 facility that results in the initiation of disciplinary
2308 proceedings by the custodial entity and the consequences of such
2309 disciplinary proceedings.

2310 (r) ~~(o)~~ "Disposition date" means the date of final judgment,
2311 adjudication, adjudication withheld, dismissal, or nolle
2312 prosequi for the case and if different dates apply, the
2313 disposition dates of each charge.

2314 (s) "Disposition type" means the manner in which the charge
2315 was closed, including final judgment, adjudication, adjudication
2316 withheld, dismissal, or nolle prosequi.

2317 (t) ~~(p)~~ "Domestic violence flag" means an indication that a
2318 filed charge involves domestic violence as defined in s. 741.28.

2319 (u) ~~(q)~~ "Gang affiliation flag" means an indication that a
2320 defendant is involved in or associated with a criminal gang as
2321 defined in s. 874.03 at the time of the current offense.

2322 (v) ~~(r)~~ "Gain-time credit earned" means a credit of time
2323 awarded to an inmate in a county detention facility in
2324 accordance with s. 951.22 or a state correctional institution or
2325 facility in accordance with s. 944.275.

2326 (w) ~~(s)~~ "Habitual offender flag" means an indication that a
2327 defendant is a habitual felony offender as defined in s. 775.084
2328 or a habitual misdemeanor offender as defined in s. 775.0837.

2329 (x) "Habitual violent felony offender flag" means an
2330 indication that a defendant is a habitual violent felony
2331 offender as defined in s. 775.084.



558818

2332 ~~(t) "Judicial transfer date" means a date on which a~~
2333 ~~defendant's case is transferred to another court or presiding~~
2334 ~~judge.~~

2335 (y) ~~(u)~~ "Number of contract attorneys representing indigent
2336 defendants for the office of the public defender" means the
2337 number of attorneys hired on a temporary basis, by contract, to
2338 represent indigent clients who were appointed a public defender,
2339 whereby the public defender withdraws from the case due to a
2340 conflict of interest.

2341 (z) ~~(v)~~ "Pretrial release violation flag" means an
2342 indication that the defendant has violated the terms of his or
2343 her pretrial release.

2344 (aa) ~~(w)~~ "Prior incarceration within the state" means any
2345 prior history of a defendant's incarceration ~~defendant being~~
2346 ~~incarcerated in a county detention facility or state~~
2347 ~~correctional institution or facility.~~

2348 (bb) "Prison releasee reoffender flag" means an indication
2349 that the defendant is a prison releasee reoffender as defined in
2350 s. 775.082 or any other statute.

2351 (dd) ~~(*)~~ "Tentative release date" means the anticipated date
2352 that an inmate will be released from incarceration after the
2353 application of adjustments for any gain-time earned or credit
2354 for time served.

2355 (cc) ~~(y)~~ "Sexual offender flag" means an indication that a
2356 defendant was ~~is~~ required to register as a sexual predator as
2357 defined in s. 775.21 or as a sexual offender as defined in s.
2358 943.0435.

2359 (ee) "Three-time violent felony offender flag" means an
2360 indication that the defendant is a three-time violent felony



558818

2361 offender as defined in s. 775.084 or any other statute.
2362 (ff) "Violent career criminal flag" means an indication
2363 that the defendant is a violent career criminal as defined in s.
2364 775.084 or any other statute.
2365 (3) DATA COLLECTION AND REPORTING. ~~Beginning January 1,~~
2366 ~~2019,~~ An entity required to collect data in accordance with this
2367 subsection shall collect the specified data and ~~required of the~~
2368 ~~entity on a biweekly basis. Each entity shall report them the~~
2369 ~~data collected~~ in accordance with this subsection to the
2370 Department of Law Enforcement on a monthly basis.
2371 (a) *Clerk of the court.*—Each clerk of court shall collect
2372 the following data for each criminal case:
2373 1. Case number.
2374 2. Date that the alleged offense occurred.
2375 ~~3. County in which the offense is alleged to have occurred.~~
2376 ~~3.4.~~ 3.4. Date the defendant is taken into physical custody by a
2377 law enforcement agency or is issued a notice to appear on a
2378 criminal charge, ~~if such date is different from the date the~~
2379 ~~offense is alleged to have occurred.~~
2380 4. Whether the case originated by notice to appear.
2381 5. Date that the criminal prosecution of a defendant is
2382 formally initiated ~~through the filing, with the clerk of the~~
2383 ~~court, of an information by the state attorney or an indictment~~
2384 ~~issued by a grand jury.~~
2385 6. Arraignment date.
2386 7. Attorney appointment ~~assignment~~ date.
2387 8. Attorney withdrawal date.
2388 9. Case status.
2389 10. Charge disposition.



558818

- 2390 ~~11.10.~~ Disposition date and disposition type.
- 2391 ~~12.11.~~ Information related to each defendant, including:
- 2392 a. Identifying information, including name, known aliases,
- 2393 date of birth, ~~age~~, race, ~~or~~ ethnicity, and gender.
- 2394 b. Zip code of last known address ~~primary residence~~.
- 2395 c. Primary language.
- 2396 d. Citizenship.
- 2397 e. Immigration status, if applicable.
- 2398 f. Whether the defendant has been found ~~by a court~~ to be
- 2399 indigent under ~~pursuant to~~ s. 27.52.
- 2400 ~~13.12.~~ Information related to the ~~formal~~ charges filed
- 2401 against the defendant, including:
- 2402 a. Charge description.
- 2403 b. Charge modifier description and statute, if applicable.
- 2404 c. Drug type for each drug charge, if known.
- 2405 d. Qualification for a flag designation as defined in this
- 2406 section, including a domestic violence flag, gang affiliation
- 2407 flag, sexual offender flag, habitual offender flag, habitual
- 2408 violent felony offender flag, ~~or~~ pretrial release violation
- 2409 flag, prison releasee reoffender flag, three-time violent felony
- 2410 offender flag, or violent career criminal flag.
- 2411 ~~14.13.~~ Information related to bail or bond and pretrial
- 2412 release determinations, including the dates of any such
- 2413 determinations:
- 2414 a. Pretrial release determination made at a first
- 2415 appearance hearing that occurs within 24 hours of arrest,
- 2416 including any ~~all~~ monetary and nonmonetary conditions of
- 2417 release.
- 2418 b. Modification of bail or bond conditions made by a court



558818

2419 having jurisdiction to try the defendant or, in the absence of
2420 the judge of the trial court, by the circuit court, including
2421 modifications to any monetary and nonmonetary conditions of
2422 release.

2423 c. Cash bail or bond payment, including whether the
2424 defendant utilized a bond agent to post a surety bond.

2425 d. Date defendant is released on bail, bond, or pretrial
2426 release for the current case.

2427 e. Bail or bond revocation due to a new offense, a failure
2428 to appear, or a violation of the terms of bail or bond, if
2429 applicable.

2430 ~~15.14.~~ Information related to court dates and dates of
2431 motions and appearances, including:

2432 a. Date of any court appearance and the type of proceeding
2433 scheduled for each date reported.

2434 b. Date of any failure to appear in court, if applicable.

2435 c. Deferred prosecution or pretrial diversion hearing, if
2436 applicable ~~Judicial transfer date, if applicable.~~

2437 d. Each scheduled trial date.

2438 e. Date that a defendant files a notice to participate in
2439 discovery.

2440 f. Speedy trial motion date and each hearing date ~~dates~~, if
2441 applicable.

2442 g. Dismissal motion date and each hearing date ~~dates~~, if
2443 applicable.

2444 ~~16.15.~~ Defense attorney type.

2445 ~~17.16.~~ Information related to sentencing, including:

2446 a. Date that a court enters a sentence against a defendant.

2447 b. Charge sentenced to, including charge sequence number,



558818

2448 ~~and charge description, statute, type, and charge class~~
2449 ~~severity.~~

2450 c. Sentence type and length imposed by the court in the
2451 current case, reported in years, months, and days, including,
2452 but not limited to, the total duration of incarceration
2453 ~~imprisonment~~ in a county detention facility or state
2454 correctional institution or facility, and conditions of
2455 probation or community control supervision.

2456 d. Amount of time served in custody by the defendant
2457 related to each charge ~~the reported criminal case~~ that is
2458 credited at the time of disposition of the charge ~~case~~ to reduce
2459 the imposed actual length of time the defendant will serve on
2460 the term of incarceration ~~imprisonment~~ that is ordered by the
2461 court at disposition.

2462 e. Total amount of court costs ~~fees~~ imposed by the court at
2463 the disposition of the case.

2464 ~~f. Outstanding balance of the defendant's court fees~~
2465 ~~imposed by the court at disposition of the case.~~

2466 ~~f.g.~~ Total amount of fines imposed by the court at the
2467 disposition of the case.

2468 ~~h. Outstanding balance of the defendant's fines imposed by~~
2469 ~~the court at disposition of the case.~~

2470 ~~g.i.~~ Restitution amount ordered at sentencing, ~~including~~
2471 ~~the amount collected by the court and the amount paid to the~~
2472 ~~victim, if applicable.~~

2473 ~~j. Digitized sentencing scoresheet prepared in accordance~~
2474 ~~with s. 921.0024.~~

2475 ~~18.17.~~ The sentencing judge or magistrate, or their
2476 equivalent number of judges or magistrates, ~~or their~~



558818

2477 ~~equivalents, hearing cases in circuit or county criminal~~
2478 ~~divisions of the circuit court. Judges or magistrates, or their~~
2479 ~~equivalents, who solely hear appellate cases from the county~~
2480 ~~criminal division are not to be reported under this~~
2481 ~~subparagraph.~~

2482 (b) *State attorney.*—Each state attorney shall collect the
2483 following data:

2484 1. Information related to a human victim of a criminal
2485 offense, including:

2486 a. Identifying information of the victim, including race,
2487 ~~or~~ ethnicity, gender, and age at the time of the offense.

2488 b. Relationship to the offender, if any.

2489 2. Number of full-time prosecutors.

2490 3. Number of part-time prosecutors.

2491 4. Annual felony caseload.

2492 5. Annual misdemeanor caseload.

2493 6. Disposition of each referred charge, such as filed,
2494 declined, or diverted ~~Any charge referred to the state attorney~~
2495 ~~by a law enforcement agency related to an episode of criminal~~
2496 ~~activity.~~

2497 7. Number of cases in which a no-information was filed.

2498 8. Information related to each defendant, including:

2499 a. Each charge referred to the state attorney by a law
2500 enforcement agency or sworn complainant related to an episode of
2501 criminal activity.

2502 b. Case number, name, and date of birth.

2503 ~~c.b.~~ Drug type for each drug charge, if applicable.

2504 d. Deferred prosecution or pretrial diversion agreement
2505 date, if applicable.



558818

2506 (c) *Public defender.*—Each public defender shall collect the
2507 following data ~~for each criminal case:~~

- 2508 1. Number of full-time public defenders.
- 2509 2. Number of part-time public defenders.
- 2510 3. Number of contract attorneys representing indigent
- 2511 defendants for the office of the public defender.
- 2512 4. Annual felony caseload.
- 2513 5. Annual felony conflict caseload.
- 2514 6.5. Annual misdemeanor caseload.
- 2515 7. Annual misdemeanor conflict caseload.

2516 (d) *County detention facility.*—The administrator of each
2517 county detention facility shall collect the following data:

- 2518 1. Maximum capacity for the county detention facility.
- 2519 2. Weekly admissions to the county detention facility for a
- 2520 revocation of probation or community control.
- 2521 3. Weekly admissions to the county detention facility for a
- 2522 revocation of pretrial release.

2523 4.3. Daily population of the county detention facility,
2524 including the specific number of inmates in the custody of the
2525 county that:

- 2526 a. Are awaiting case disposition.
- 2527 b. Have been sentenced by a court to a term of
- 2528 incarceration imprisonment in the county detention facility.
- 2529 c. Have been sentenced by a court to a term of imprisonment
- 2530 with the Department of Corrections and who are awaiting
- 2531 transportation to the department.
- 2532 d. Have a federal detainer, ~~or~~ are awaiting disposition of
- 2533 a case in federal court, or are awaiting other federal
- 2534 disposition.



558818

2535 ~~5.4.~~ Information related to each inmate, including:
2536 ~~a.~~ Identifying information, including name, date of birth,
2537 race, ethnicity, gender, case number, and identification number
2538 assigned by the county detention facility.
2539 ~~b.a.~~ Date when an inmate ~~a defendant~~ is processed and
2540 booked into the county detention facility subsequent to an
2541 arrest for a new violation of law, ~~or~~ for a violation of
2542 probation or community control, or for a violation of pretrial
2543 release.
2544 ~~c.b.~~ Reason why an inmate ~~a defendant~~ is processed and
2545 booked into the county detention facility, including ~~if it is~~
2546 ~~for~~ a new law violation, ~~or~~ a violation of probation or
2547 community control, or a violation of pretrial release.
2548 ~~d.e.~~ Qualification for a flag designation as defined in
2549 this section, including domestic violence flag, gang affiliation
2550 flag, habitual offender flag, habitual violent felony offender
2551 flag, pretrial release violation flag, ~~or~~ sexual offender flag,
2552 prison releasee reoffender flag, three-time violent felony
2553 offender flag, or violent career criminal flag.
2554 ~~6.5.~~ Total population of the county detention facility at
2555 year-end. This data must include the same specified
2556 classifications as subparagraph 3.
2557 ~~7.6.~~ Per diem rate for a county detention facility bed.
2558 ~~8.7.~~ Daily number of correctional officers for the county
2559 detention facility.
2560 ~~9.8.~~ Annual county detention facility budget. This
2561 information only needs to be reported once annually at the
2562 beginning of the county's fiscal year.
2563 ~~10.9.~~ Annual revenue generated for the county from the



558818

2564 temporary incarceration of federal defendants or inmates.

2565 (e) *Department of Corrections.*—The Department of
2566 Corrections shall collect the following data:

2567 1. Information related to each inmate, including:

2568 a. Identifying information, including name, date of birth,
2569 race, ~~or~~ ethnicity, gender, case number, and identification
2570 number assigned by the department.

2571 b. ~~Number of children.~~

2572 c. ~~Highest~~ education level, ~~including any vocational~~
2573 ~~training.~~

2574 ~~c.d.~~ Date the inmate was admitted to the custody of the
2575 department for his or her current incarceration.

2576 ~~d.e.~~ Current institution placement and the security level
2577 assigned to the institution.

2578 ~~e.f.~~ Custody level assignment.

2579 ~~f.g.~~ Qualification for a flag designation as defined in
2580 this section, including sexual offender flag, habitual offender
2581 flag, habitual violent felony offender flag, prison releasee
2582 reoffender flag, three-time violent felony offender flag,
2583 violent career criminal flag, gang affiliation flag, or
2584 concurrent or consecutive sentence flag.

2585 ~~g.h.~~ County that committed the prisoner to the custody of
2586 the department.

2587 ~~h.i.~~ Whether the reason for admission to the department is
2588 for a new conviction or a violation of probation, community
2589 control, or parole. For an admission for a probation, community
2590 control, or parole violation, the department shall report
2591 whether the violation was technical or based on a new violation
2592 of law.



558818

2593 ~~i.j.~~ Specific statutory citation for which the inmate was
2594 committed to the department, including, for an inmate convicted
2595 of drug trafficking under s. 893.135, the statutory citation for
2596 each specific drug trafficked.

2597 j. Length of sentence served.

2598 k. Length of ~~sentence or~~ concurrent or consecutive
2599 sentences served.

2600 l. Tentative release date.

2601 m. Gain time earned in accordance with s. 944.275.

2602 n. Prior incarceration within the state.

2603 o. Disciplinary violation and action.

2604 p. Participation in rehabilitative or educational programs
2605 while in the custody of the department.

2606 q. Digitized sentencing scoresheet prepared in accordance
2607 with s. 921.0024.

2608 2. Information about each state correctional institution or
2609 facility, including:

2610 a. Budget for each state correctional institution or
2611 facility.

2612 b. Daily prison population of all inmates incarcerated in a
2613 state correctional institution or facility.

2614 c. Daily number of correctional officers for each state
2615 correctional institution or facility.

2616 3. Information related to persons supervised by the
2617 department on probation or community control, including:

2618 a. Identifying information for each person supervised by
2619 the department on probation or community control, including his
2620 or her name, date of birth, race, ~~or~~ ethnicity, gender, case
2621 number ~~sex~~, and department-assigned case number.



558818

2622 b. Length of probation or community control sentence
2623 imposed and amount of time that has been served on such
2624 sentence.
2625 c. Projected termination date for probation or community
2626 control.
2627 d. Revocation of probation or community control due to a
2628 violation, including whether the revocation is due to a
2629 technical violation of the conditions of supervision or from the
2630 commission of a new law violation.

2631 4. Per diem rates for:

2632 a. Prison bed.

2633 b. Probation.

2634 c. Community control.

2635

2636 This information only needs to be reported once annually at the
2637 time the most recent per diem rate is published.

2638 (f) Justice Administrative Commission.—The Justice
2639 Administrative Commission shall collect the following data:

2640 1. Number of private registry attorneys representing
2641 indigent adult defendants.

2642 2. Annual felony caseload assigned to private registry
2643 contract attorneys.

2644 3. Annual misdemeanor caseload assigned to private registry
2645 contract attorneys.

2646 (g) Criminal regional conflict counsel.—Each office of
2647 criminal regional conflict counsel shall report the following
2648 data:

2649 1. Number of full-time assistant regional conflict counsel
2650 handling criminal cases.



558818

2651 2. Number of part-time assistant regional conflict counsel
2652 handling criminal cases.

2653 3. Number of contract attorneys representing indigent adult
2654 defendants.

2655 4. Annual felony caseload.

2656 5. Annual felony caseload assigned to contract attorneys.

2657 6. Annual felony conflict caseload.

2658 7. Annual misdemeanor caseload.

2659 8. Annual misdemeanor caseload assigned to contract
2660 attorneys.

2661 9. Annual misdemeanor conflict caseload.

2662 (4) DATA PUBLICLY AVAILABLE. ~~Beginning January 1, 2019,~~ The
2663 Department of Law Enforcement shall publish datasets in its
2664 possession in a modern, open, electronic format that is machine-
2665 readable and readily accessible by the public on the
2666 department's website. The published data must be searchable, at
2667 a minimum, by ~~each~~ data elements element, county, circuit, and
2668 unique identifier. Beginning March 1, 2019, the department shall
2669 publish ~~begin publishing~~ the data received under subsection (3)
2670 ~~(2)~~ in the same modern, open, electronic format that is machine-
2671 readable and readily accessible to the public on the
2672 department's website. The department shall publish all data
2673 received under subsection (3) ~~(2)~~ no later than January 1, 2020,
2674 and monthly thereafter ~~July 1, 2019.~~

2675 (5) NONCOMPLIANCE. ~~Notwithstanding any other provision of~~
2676 law, an entity required to collect and transmit data under
2677 subsection (3) ~~paragraph (3)(a) or paragraph (3)(d)~~ which does
2678 not comply with the requirements of this section is ineligible
2679 to receive funding from the General Appropriations Act, any



558818

2680 state grant program administered by the Department of Law
2681 Enforcement, or any other state agency for 5 years after the
2682 date of noncompliance.

2683 (6) CONFIDENTIALITY.—Information collected by any reporting
2684 agency which is confidential and exempt upon collection remains
2685 confidential and exempt when reported to the Department of Law
2686 Enforcement under this section.

2687 Section 47. Section 943.0578, Florida Statutes, is created
2688 to read:

2689 943.0578 Lawful self-defense expunction.—

2690 (1) Notwithstanding the eligibility requirements defined in
2691 s. 943.0585(1) and (2), the department shall issue a certificate
2692 of eligibility for expunction under this section to a person who
2693 is the subject of a criminal history record if that person has
2694 obtained, and submitted to the department, on a form provided by
2695 the department, a written, certified statement from the
2696 appropriate state attorney or statewide prosecutor which states
2697 whether an information, indictment, or other charging document
2698 was not filed or was dismissed by the state attorney, or
2699 dismissed by the court, because it was found that the person
2700 acted in lawful self-defense pursuant to chapter 776.

2701 (2) Each petition to expunge a criminal history record
2702 pursuant to this section must be accompanied by:

2703 (a) A valid certificate of eligibility for expunction
2704 issued by the department pursuant to this section; and

2705 (b) The petitioner's sworn statement attesting that the
2706 petitioner is eligible for such an expunction to the best of his
2707 or her knowledge or belief.

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558818

2709 Any person who knowingly provides false information on such
2710 sworn statement to the court commits a felony of the third
2711 degree, punishable as provided in s. 775.082, s. 775.083, or s.
2712 775.084.

2713 (3) This section does not confer any right to the
2714 expunction of a criminal history record, and any request for
2715 expunction of a criminal history record may be denied at the
2716 discretion of the court.

2717 (4) Sections 943.0585(5) and (6) apply to an expunction
2718 ordered under this section.

2719 (5) The department shall adopt rules to establish
2720 procedures for applying for and issuing a certificate of
2721 eligibility for expunction under this section.

2722 Section 48. Section 943.0581, Florida Statutes, is amended
2723 to read:

2724 943.0581 Administrative expunction for arrests made
2725 contrary to law or by mistake.-

2726 (1) Notwithstanding any law dealing generally with the
2727 preservation and destruction of public records, the department
2728 may adopt a rule pursuant to chapter 120 for the administrative
2729 expunction of any nonjudicial record of an arrest of a minor or
2730 an adult made contrary to law or by mistake.

2731 (2) A law enforcement agency shall apply to the department
2732 in the manner prescribed by rule for the administrative
2733 expunction of any nonjudicial record of any arrest of a minor or
2734 an adult who is subsequently determined by the agency, at its
2735 discretion, or by the final order of a court of competent
2736 jurisdiction, to have been arrested contrary to law or by
2737 mistake.



558818

2738 (3) An adult or, in the case of a minor child, the parent
2739 or legal guardian of the minor child, may apply to the
2740 department in the manner prescribed by rule for the
2741 administrative expunction of any nonjudicial record of an arrest
2742 alleged to have been made contrary to law or by mistake,
2743 provided that the application is supported by the endorsement of
2744 the head of the arresting agency or his or her designee or the
2745 state attorney of the judicial circuit in which the arrest
2746 occurred or his or her designee.

2747 (4) An application for administrative expunction shall
2748 include the date and time of the arrest, the name of the person
2749 arrested, the offender-based tracking system (OBTS) number, and
2750 the crime or crimes charged. The application shall be on the
2751 submitting agency's letterhead and shall be signed by the head
2752 of the submitting agency or his or her designee.

2753 (5) If the person was arrested on a warrant, capias, or
2754 pickup order, a request for an administrative expunction may be
2755 made by the sheriff of the county in which the warrant, capias,
2756 or pickup order was issued or his or her designee or by the
2757 state attorney of the judicial circuit in which the warrant,
2758 capias, or pickup order was issued or his or her designee.

2759 (6) An application or endorsement under this section is not
2760 admissible as evidence in any judicial or administrative
2761 proceeding and may not be construed in any way as an admission
2762 of liability in connection with an arrest.

2763 Section 49. Section 943.0584, Florida Statutes, is created
2764 to read:

2765 943.0584 Criminal history records ineligible for court-
2766 ordered expunction or court-ordered sealing.-



558818

2767 (1) As used in this section, the term "conviction" means a
2768 determination of guilt which is the result of a trial or the
2769 entry of a plea of guilty or nolo contendere, regardless of
2770 whether adjudication is withheld, or if the defendant was a
2771 minor, a finding that the defendant committed or pled guilty or
2772 nolo contendere to committing a delinquent act, regardless of
2773 whether adjudication of delinquency is withheld.

2774 (2) A criminal history record is ineligible for a
2775 certificate of eligibility for expunction or a court-ordered
2776 expunction pursuant to s. 943.0585 or a certificate of
2777 eligibility for sealing or a court-ordered sealing pursuant to
2778 s. 943.059 if the record is a conviction for any of the
2779 following offenses:

2780 (a) Sexual misconduct, as defined in s. 393.135, s.
2781 394.4593, or s. 916.1075;

2782 (b) Illegal use of explosives, as defined in chapter 552;

2783 (c) Terrorism, as defined in s. 775.30;

2784 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
2785 782.09;

2786 (e) Manslaughter or homicide, as defined in s. 782.07, s.
2787 782.071, or s. 782.072;

2788 (f) Assault or battery, as defined in ss. 784.011 and
2789 784.03, respectively, of one family or household member by
2790 another family or household member, as defined in s. 741.28(3);

2791 (g) Aggravated assault, as defined in s. 784.021;

2792 (h) Felony battery, domestic battery by strangulation, or
2793 aggravated battery, as defined in s. 784.03, s. 784.041, and s.
2794 784.045, respectively;

2795 (i) Stalking or aggravated stalking, as defined in s.



558818

2796 784.048;
2797 (j) Luring or enticing a child, as defined in s. 787.025;
2798 (k) Human trafficking, as defined in s. 787.06;
2799 (l) Kidnapping or false imprisonment, as defined in s.
2800 787.01 or s. 787.02;
2801 (m) Any offense defined in chapter 794;
2802 (n) Procuring a person less than 18 years of age for
2803 prostitution, as defined in former s. 796.03;
2804 (o) Lewd or lascivious offenses committed upon or in the
2805 presence of persons less than 16 years of age, as defined in s.
2806 800.04;
2807 (p) Arson, as defined in s. 806.01;
2808 (q) Burglary of a dwelling, as defined in s. 810.02;
2809 (r) Voyeurism or video voyeurism, as defined in s. 810.14
2810 and s. 810.145, respectively;
2811 (s) Robbery or robbery by sudden snatching, as defined in
2812 s. 812.13 and s. 812.131, respectively;
2813 (t) Carjacking, as defined in s. 812.133;
2814 (u) Home-invasion robbery, as defined in s. 812.135;
2815 (v) A violation of the Florida Communications Fraud Act, as
2816 provided in s. 817.034;
2817 (w) Abuse of an elderly person or disabled adult, or
2818 aggravated abuse of an elderly person or disabled adult, as
2819 defined in s. 825.102;
2820 (x) Lewd or lascivious offenses committed upon or in the
2821 presence of an elderly person or disabled person, as defined in
2822 s. 825.1025;
2823 (y) Child abuse or aggravated child abuse, as defined in s.
2824 827.03;



558818

2825 (z) Sexual performance by a child, as defined in s.
2826 827.071;
2827 (aa) Any offense defined in chapter 839;
2828 (bb) Certain acts in connection with obscenity, as defined
2829 in s. 847.0133;
2830 (cc) Any offense defined in s. 847.0135;
2831 (dd) Selling or buying of minors, as defined in s.
2832 847.0145;
2833 (ee) Aircraft piracy, as defined in s. 860.16;
2834 (ff) Manufacturing a controlled substance in violation of
2835 chapter 893;
2836 (gg) Drug trafficking, as defined in s. 893.135; or
2837 (hh) Any violation specified as a predicate offense for
2838 registration as a sexual predator pursuant to s. 775.21, or
2839 sexual offender pursuant to s. 943.0435, without regard to
2840 whether that offense alone is sufficient to require such
2841 registration.
2842 Section 50. Section 943.0585, Florida Statutes, is amended
2843 to read:
2844 (Substantial rewording of section. See
2845 s. 943.0585, F.S., for present text.)
2846 943.0585 Court-ordered expunction of criminal history
2847 records.-
2848 (1) ELIGIBILITY.-A person is eligible to petition a court
2849 to expunge a criminal history record if:
2850 (a) An indictment, information, or other charging document
2851 was not filed or issued in the case giving rise to the criminal
2852 history record.
2853 (b) An indictment, information, or other charging document



558818

2854 was filed or issued in the case giving rise to the criminal
2855 history record, was dismissed or nolle prosequi by the state
2856 attorney or statewide prosecutor, or was dismissed by a court of
2857 competent jurisdiction or a judgment of acquittal was rendered
2858 by a judge, or a verdict of not guilty was rendered by a judge
2859 or jury.

2860 (c) The person is not seeking to expunge a criminal history
2861 record that is ineligible for court-ordered expunction under s.
2862 943.0584.

2863 (d) The person has never, as of the date the application
2864 for a certificate of expunction is filed, been adjudicated
2865 guilty in this state of a criminal offense or been adjudicated
2866 delinquent in this state for committing any felony or any of the
2867 following misdemeanors, unless the record of such adjudication
2868 of delinquency has been expunged pursuant to s. 943.0515:

2869 1. Assault, as defined in s. 784.011;

2870 2. Battery, as defined in s. 784.03;

2871 3. Assault on a law enforcement officer, a firefighter, or
2872 other specified officers, as defined in s. 784.07(2) (a);

2873 4. Carrying a concealed weapon, as defined in s. 790.01(1);

2874 5. Open carrying of a weapon, as defined in s. 790.053;

2875 6. Unlawful possession or discharge of a weapon or firearm
2876 at a school-sponsored event or on school property, as defined in
2877 s. 790.115;

2878 7. Unlawful use of destructive devices or bombs, as defined
2879 in s. 790.1615(1);

2880 8. Unlawful possession of a firearm, as defined in s.
2881 790.22(5);

2882 9. Exposure of sexual organs, as defined in s. 800.03;



558818

2883 10. Arson, as defined in s. 806.031(1);
2884 11. Petit theft, as defined in s. 812.014(3);
2885 12. Neglect of a child, as defined in s. 827.03(1)(e); or
2886 13. Cruelty to animals, as defined in s. 828.12(1).
2887 (e) The person has not been adjudicated guilty of, or
2888 adjudicated delinquent for committing, any of the acts stemming
2889 from the arrest or alleged criminal activity to which the
2890 petition pertains.
2891 (f) The person is no longer under court supervision
2892 applicable to the disposition of arrest or alleged criminal
2893 activity to which the petition to expunge pertains.
2894 (g) The person has never secured a prior sealing or
2895 expunction of a criminal history record under this section, s.
2896 943.059, former s. 893.14, former s. 901.33, or former s.
2897 943.058, unless expunction is sought of a criminal history
2898 record previously sealed for 10 years pursuant to paragraph (h)
2899 and the record is otherwise eligible for expunction.
2900 (h) The person has previously obtained a court-ordered
2901 sealing the criminal history record under s. 943.059, former s.
2902 893.14, former s. 901.33, or former s. 943.058 for a minimum of
2903 10 years because adjudication was withheld or because all
2904 charges related to the arrest or alleged criminal activity to
2905 which the petition to expunge pertains were not dismissed before
2906 trial, without regard to whether the outcome of the trial was
2907 other than an adjudication of guilt. The requirement for the
2908 record to have previously been sealed for a minimum of 10 years
2909 does not apply if a plea was not entered or all charges related
2910 to the arrest or alleged criminal activity to which the petition
2911 to expunge pertains were dismissed before trial or a judgment of



558818

2912 acquittal was rendered by a judge or a verdict of not guilty was
2913 rendered by a judge or jury.

2914 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
2915 to expunge a criminal history record, a person seeking to
2916 expunge a criminal history record must apply to the department
2917 for a certificate of eligibility for expunction. The department
2918 shall adopt rules to establish procedures for applying for and
2919 issuing a certificate of eligibility for expunction.

2920 (a) The department shall issue a certificate of eligibility
2921 for expunction to a person who is the subject of a criminal
2922 history record if that person:

2923 1. Satisfies the eligibility criteria in paragraphs (1) (a)–
2924 (h) and is not ineligible under s. 943.0584.

2925 2. Has submitted to the department a written certified
2926 statement from the appropriate state attorney or statewide
2927 prosecutor which confirms the criminal history record complies
2928 with the criteria in paragraph (1) (a) or paragraphs (1) (b) and
2929 (c).

2930 3. Has submitted to the department a certified copy of the
2931 disposition of the charge to which the petition to expunge
2932 pertains.

2933 4. Remits a \$75 processing fee to the department for
2934 placement in the Department of Law Enforcement Operating Trust
2935 Fund, unless the executive director waives such fee.

2936 (b) A certificate of eligibility for expunction is valid
2937 for 12 months after the date stamped on the certificate when
2938 issued by the department. After that time, the petitioner must
2939 reapply to the department for a new certificate of eligibility.
2940 The petitioner's status and the law in effect at the time of the



558818

2941 renewal application determine the petitioner's eligibility.
2942 (3) PETITION.—Each petition to expunge a criminal history
2943 record must be accompanied by:
2944 (a) A valid certificate of eligibility issued by the
2945 department.
2946 (b) The petitioner's sworn statement that he or she:
2947 1. Satisfies the eligibility requirements for expunction in
2948 subsection (1).
2949 2. Is eligible for expunction to the best of his or her
2950 knowledge and does not have any other petition to seal or
2951 expunge a criminal history record pending before any court.
2952
2953 A person who knowingly provides false information on such sworn
2954 statement commits a felony of the third degree, punishable as
2955 provided in s. 775.082, s. 775.083, or s. 775.084.
2956 (4) COURT AUTHORITY.—
2957 (a) The courts of this state have jurisdiction over their
2958 own procedures, including the maintenance, expunction, and
2959 correction of judicial records containing criminal history
2960 information to the extent that such procedures are not
2961 inconsistent with the conditions, responsibilities, and duties
2962 established by this section.
2963 (b) A court of competent jurisdiction may order a criminal
2964 justice agency to expunge the criminal history record of a minor
2965 or an adult who complies with the requirements of this section.
2966 The court may not order a criminal justice agency to expunge a
2967 criminal history record until the person seeking to expunge a
2968 criminal history record has applied for and received a
2969 certificate of eligibility under subsection (2).



558818

2970 (c) The court may order expunction of a criminal history
2971 record pertaining to one arrest or one incident of alleged
2972 criminal activity only, except that the court may order the
2973 expunction of a criminal history record pertaining to more than
2974 one arrest if the additional arrests directly relate to the
2975 original arrest. If the court intends to order the expunction of
2976 records pertaining to such additional arrests, such intent must
2977 be specified in the order. A criminal justice agency may not
2978 expunge any record pertaining to such additional arrests if the
2979 order to expunge does not articulate the intention of the court
2980 to expunge a record pertaining to more than one arrest. This
2981 section does not prevent the court from ordering the expunction
2982 of only a portion of a criminal history record pertaining to one
2983 arrest or one incident of alleged criminal activity.

2984 (d) Notwithstanding any law to the contrary, a criminal
2985 justice agency may comply with laws, court orders, and official
2986 requests of other jurisdictions relating to expunction,
2987 correction, or confidential handling of criminal history records
2988 or information derived therefrom.

2989 (e) This section does not confer any right to expunction of
2990 any criminal history record, and any request for expunction of a
2991 criminal history record may be denied at the sole discretion of
2992 the court.

2993 (5) PROCESSING OF A PETITION OR AN ORDER.—

2994 (a) In judicial proceedings under this section, a copy of
2995 the completed petition to expunge shall be served upon the
2996 appropriate state attorney or the statewide prosecutor and upon
2997 the arresting agency; however, it is not necessary to make any
2998 agency other than the state a party. The appropriate state



558818

2999 attorney or the statewide prosecutor and the arresting agency
3000 may respond to the court regarding the completed petition to
3001 expunge.

3002 (b) If relief is granted by the court, the clerk of the
3003 court shall certify copies of the order to the appropriate state
3004 attorney or the statewide prosecutor and the arresting agency.
3005 The arresting agency shall forward the order to any other agency
3006 to which the arresting agency disseminated the criminal history
3007 record information to which the order pertains. The department
3008 shall forward the order to expunge to the Federal Bureau of
3009 Investigation. The clerk of the court shall certify a copy of
3010 the order to any other agency which the records of the court
3011 reflect has received the criminal history record from the court.

3012 (c) The department or any other criminal justice agency is
3013 not required to act on an order to expunge entered by a court
3014 when such order does not comply with the requirements of this
3015 section. Upon receipt of such an order, the department must
3016 notify the issuing court, the appropriate state attorney or
3017 statewide prosecutor, the petitioner or the petitioner's
3018 attorney, and the arresting agency of the reason for
3019 noncompliance. The appropriate state attorney or statewide
3020 prosecutor shall take action within 60 days to correct the
3021 record and petition the court to void the order. No cause of
3022 action, including contempt of court, shall arise against any
3023 criminal justice agency for failure to comply with an order to
3024 expunge when the petitioner for such order failed to obtain the
3025 certificate of eligibility as required by this section or such
3026 order does not otherwise comply with the requirements of this
3027 section.



558818

3028 (6) EFFECT OF EXPUNCTION ORDER.—

3029 (a) Any criminal history record of a minor or an adult
3030 which is ordered expunged by a court of competent jurisdiction
3031 pursuant to this section must be physically destroyed or
3032 obliterated by any criminal justice agency having custody of
3033 such record, except that any criminal history record in the
3034 custody of the department must be retained in all cases. A
3035 criminal history record ordered expunged which is retained by
3036 the department is confidential and exempt from s. 119.07(1) and
3037 s. 24(a), Art. I of the State Constitution and not available to
3038 any person or entity except upon order of a court of competent
3039 jurisdiction. A criminal justice agency may retain a notation
3040 indicating compliance with an order to expunge.

3041 (b) The person who is the subject of a criminal history
3042 record that is expunged under this section or under other
3043 provisions of law, including former s. 893.14, former s. 901.33,
3044 and former s. 943.058, may lawfully deny or fail to acknowledge
3045 the arrests covered by the expunged record, except when the
3046 subject of the record:

- 3047 1. Is a candidate for employment with a criminal justice
3048 agency;
3049 2. Is a defendant in a criminal prosecution;
3050 3. Concurrently or subsequently petitions for relief under
3051 this section, s. 943.0583, or s. 943.059;
3052 4. Is a candidate for admission to The Florida Bar;
3053 5. Is seeking to be employed or licensed by or to contract
3054 with the Department of Children and Families, the Division of
3055 Vocational Rehabilitation within the Department of Education,
3056 the Agency for Health Care Administration, the Agency for



558818

3057 Persons with Disabilities, the Department of Health, the
3058 Department of Elderly Affairs, or the Department of Juvenile
3059 Justice or to be employed or used by such contractor or licensee
3060 in a sensitive position having direct contact with children, the
3061 disabled, or the elderly;

3062 6. Is seeking to be employed or licensed by the Department
3063 of Education, any district school board, any university
3064 laboratory school, any charter school, any private or parochial
3065 school, or any local governmental entity that licenses child
3066 care facilities;

3067 7. Is seeking to be licensed by the Division of Insurance
3068 Agent and Agency Services within the Department of Financial
3069 Services; or

3070 8. Is seeking to be appointed as a guardian pursuant to s.
3071 744.3125.

3072 (c) Subject to the exceptions in paragraph (b), a person
3073 who has been granted an expunction under this section, former s.
3074 893.14, former s. 901.33, or former s. 943.058 may not be held
3075 under any provision of law of this state to commit perjury or to
3076 be otherwise liable for giving a false statement by reason of
3077 such person's failure to recite or acknowledge an expunged
3078 criminal history record.

3079 (d) Information relating to the existence of an expunged
3080 criminal history record which is provided in accordance with
3081 paragraph (a) is confidential and exempt from s. 119.07(1) and
3082 s. 24(a), Art. I of the State Constitution, except that the
3083 department shall disclose the existence of a criminal history
3084 record ordered expunged to the entities set forth in
3085 subparagraphs (b)1., 4., 5., 6., 7., and 8. for their respective



558818

3086 licensing, access authorization, and employment purposes and to
3087 criminal justice agencies for their respective criminal justice
3088 purposes. It is unlawful for any employee of an entity set forth
3089 in subparagraph (b)1., 4., 5., 6., 7., or 8. to disclose
3090 information relating to the existence of an expunged criminal
3091 history record of a person seeking employment, access
3092 authorization, or licensure with such entity or contractor,
3093 except to the person to whom the criminal history record relates
3094 or to persons having direct responsibility for employment,
3095 access authorization, or licensure decisions. A person who
3096 violates this paragraph commits a misdemeanor of the first
3097 degree, punishable as provided in s. 775.082 or s. 775.083.

3098 Section 51. Section 943.059, Florida Statutes, is amended
3099 to read:

3100 (Substantial rewording of section. See
3101 s. 943.059, F.S., for present text.)

3102 943.059 Court-ordered sealing of criminal history records.-

3103 (1) ELIGIBILITY.-A person is eligible to petition a court
3104 to seal a criminal history record when:

3105 (a) The criminal history record is not ineligible for
3106 court-ordered sealing under s. 943.0584.

3107 (b) The person has never, before the date the application
3108 for a certificate of eligibility is filed, been adjudicated
3109 guilty in this state of a criminal offense, or been adjudicated
3110 delinquent in this state for committing any felony or any of the
3111 following misdemeanor offenses, unless the record of such
3112 adjudication of delinquency has been expunged pursuant to s.
3113 943.0515:

3114 1. Assault, as defined in s. 784.011;



558818

- 3115 2. Battery, as defined in s. 784.03;
3116 3. Assault on a law enforcement officer, a firefighter, or
3117 other specified officers, as defined in s. 784.07(2)(a);
3118 4. Carrying a concealed weapon, as defined in s. 790.01(1);
3119 5. Open carrying of a weapon, as defined in s. 790.053;
3120 6. Unlawful possession or discharge of a weapon or firearm
3121 at a school-sponsored event or on school property, as defined in
3122 s. 790.115;
3123 7. Unlawful use of destructive devices or bombs, as defined
3124 in s. 790.1615(1);
3125 8. Unlawful possession of a firearm by a minor, as defined
3126 in s. 790.22(5);
3127 9. Exposure of sexual organs, as defined in s. 800.03;
3128 10. Arson, as defined in s. 806.031(1);
3129 11. Petit theft, as defined in s. 812.014(3);
3130 12. Neglect of a child, as defined in s. 827.03(1)(e); or
3131 13. Cruelty to animals, as defined in s. 828.12(10).
3132 (c) The person has not been adjudicated guilty of, or
3133 adjudicated delinquent for committing, any of the acts stemming
3134 from the arrest or alleged criminal activity to which the
3135 petition to seal pertains.
3136 (d) The person is no longer under court supervision
3137 applicable to the disposition of arrest or alleged criminal
3138 activity to which the petition to seal pertains.
3139 (e) The person has never secured a prior sealing or
3140 expunction of a criminal history record under this section, s.
3141 943.0585, former s. 893.14, former s. 901.33, or former s.
3142 943.058.
3143 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the



558818

3144 court to seal a criminal history record, a person seeking to
3145 seal a criminal history record must apply to the department for
3146 a certificate of eligibility for sealing. The department shall
3147 adopt rules relating to the application for and issuance of
3148 certificates of eligibility for sealing.

3149 (a) The department shall issue a certificate of eligibility
3150 for sealing to a person who is the subject of a criminal history
3151 record if that person:

3152 1. Satisfies the eligibility criteria in paragraphs (1) (a)-
3153 (e) and is not ineligible for court-ordered sealing under s.
3154 943.0584.

3155 2. Has submitted to the department a certified copy of the
3156 disposition of charge to which the petition pertains.

3157 3. Remits a \$75 processing fee to the department for
3158 placement in the Department of Law Enforcement Operating Trust
3159 Fund, unless the executive director waives such fee.

3160 (b) A certificate of eligibility for sealing is valid for
3161 12 months after the date stamped on the certificate when issued
3162 by the department. After that time, the petitioner must reapply
3163 to the department for a new certificate of eligibility. The
3164 status of the applicant and the law in effect at the time of the
3165 renewal application determine the petitioner's eligibility.

3166 (3) PETITION.—Each petition to a court to seal a criminal
3167 history record is complete only when accompanied by:

3168 (a) A valid certificate of eligibility issued by the
3169 department pursuant to this section.

3170 (b) The petitioner's sworn statement that the petitioner:

3171 1. Satisfies the eligibility requirements for sealing in
3172 subsection (1).



558818

3173 2. Is eligible for sealing to the best of his or her
3174 knowledge and does not have any other petition to seal or
3175 expunge a criminal history record pending before any court.

3176
3177 Any person who knowingly provides false information on such
3178 sworn statement to the court commits a felony of the third
3179 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3180 775.084.

3181 (4) COURT AUTHORITY.—

3182 (a) The courts of this state have jurisdiction over their
3183 own procedures, including the maintenance, sealing, and
3184 correction of judicial records containing criminal history
3185 information to the extent that such procedures are not
3186 inconsistent with the conditions, responsibilities, and duties
3187 established by this section.

3188 (b) Any court of competent jurisdiction may order a
3189 criminal justice agency to seal the criminal history record of a
3190 minor or an adult who complies with the requirements of this
3191 section. The court may not order a criminal justice agency to
3192 seal a criminal history record until the person seeking to seal
3193 a criminal history record has applied for and received a
3194 certificate of eligibility pursuant to subsection (2).

3195 (c) The court may order the sealing of a criminal history
3196 record pertaining to one arrest or one incident of alleged
3197 criminal activity only, except the court may order the sealing
3198 of a criminal history record pertaining to more than one arrest
3199 if the additional arrests directly relate to the original
3200 arrest. If the court intends to order the sealing of records
3201 pertaining to such additional arrests, such intent must be



558818

3202 specified in the order. A criminal justice agency may not seal
3203 any record pertaining to such additional arrests if the order to
3204 seal does not articulate the intention of the court to seal a
3205 record pertaining to more than one arrest. This section does not
3206 prevent the court from ordering the sealing of only a portion of
3207 a criminal history record pertaining to one arrest or one
3208 incident of alleged criminal activity.

3209 (d) Notwithstanding any law to the contrary, a criminal
3210 justice agency may comply with laws, court orders, and official
3211 requests of other jurisdictions relating to sealing, correction,
3212 or confidential handling of criminal history records or
3213 information derived therefrom.

3214 (e) This section does not confer any right to the sealing
3215 of any criminal history record, and any request for sealing of a
3216 criminal history record may be denied at the sole discretion of
3217 the court.

3218 (5) PROCESSING OF A PETITION OR ORDER.—

3219 (a) In judicial proceedings under this section, a copy of
3220 the completed petition to seal shall be served upon the
3221 appropriate state attorney or the statewide prosecutor and upon
3222 the arresting agency; however, it is not necessary to make any
3223 agency other than the state a party. The appropriate state
3224 attorney or the statewide prosecutor and the arresting agency
3225 may respond to the court regarding the completed petition to
3226 seal.

3227 (b) If relief is granted by the court, the clerk of the
3228 court shall certify copies of the order to the appropriate state
3229 attorney or the statewide prosecutor and the arresting agency.
3230 The arresting agency is responsible for forwarding the order to



558818

3231 any other agency to which the arresting agency disseminated the
3232 criminal history record information to which the order pertains.
3233 The department shall forward the order to seal to the Federal
3234 Bureau of Investigation. The clerk of the court shall certify a
3235 copy of the order to any other agency that the records of the
3236 court reflect has received the criminal history record from the
3237 court.

3238 (c) The department or any other criminal justice agency is
3239 not required to act on an order to seal entered by a court when
3240 such order does not comply with the requirements of this
3241 section. Upon receipt of such an order, the department must
3242 notify the issuing court, the appropriate state attorney or
3243 statewide prosecutor, the petitioner or the petitioner's
3244 attorney, and the arresting agency of the reason for
3245 noncompliance. The appropriate state attorney or statewide
3246 prosecutor shall take action within 60 days to correct the
3247 record and petition the court to void the order. No cause of
3248 action, including contempt of court, shall arise against any
3249 criminal justice agency for failure to comply with an order to
3250 seal when the petitioner for such order failed to obtain the
3251 certificate of eligibility as required by this section or such
3252 order does not otherwise comply with the requirements of this
3253 section.

3254 (6) EFFECT OF ORDER.—

3255 (a) A criminal history record of a minor or an adult which
3256 is ordered sealed by a court pursuant to this section is
3257 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
3258 of the State Constitution and is available only to the following
3259 persons:



558818

- 3260 1. The subject of the record;
3261 2. The subject's attorney;
3262 3. Criminal justice agencies for their respective criminal
3263 justice purposes, which include conducting a criminal history
3264 background check for approval of firearms purchases or transfers
3265 as authorized by state or federal law;
3266 4. Judges in the state courts system for the purpose of
3267 assisting them in their case-related decisionmaking
3268 responsibilities, as set forth in s. 943.053(5); or
3269 5. To those entities set forth in subparagraphs (b)1., 4.,
3270 5., 6., 8., 9., and 10. for their respective licensing access
3271 authorization and employment purposes.
3272 (b) The subject of the criminal history record sealed under
3273 this section or under other provisions of law, including former
3274 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
3275 deny or fail to acknowledge the arrests covered by the sealed
3276 record, except when the subject of the record:
3277 1. Is a candidate for employment with a criminal justice
3278 agency;
3279 2. Is a defendant in a criminal prosecution;
3280 3. Concurrently or subsequently petitions for relief under
3281 this section, s. 943.0583, or s. 943.0585;
3282 4. Is a candidate for admission to The Florida Bar;
3283 5. Is seeking to be employed or licensed by or to contract
3284 with the Department of Children and Families, the Division of
3285 Vocational Rehabilitation within the Department of Education,
3286 the Agency for Health Care Administration, the Agency for
3287 Persons with Disabilities, the Department of Health, the
3288 Department of Elderly Affairs, or the Department of Juvenile



558818

3289 Justice or to be employed or used by such contractor or licensee
3290 in a sensitive position having direct contact with children, the
3291 disabled, or the elderly;

3292 6. Is seeking to be employed or licensed by the Department
3293 of Education, a district school board, a university laboratory
3294 school, a charter school, a private or parochial school, or a
3295 local governmental entity that licenses child care facilities;

3296 7. Is attempting to purchase a firearm from a licensed
3297 importer, licensed manufacturer, or licensed dealer and is
3298 subject to a criminal history check under state or federal law;

3299 8. Is seeking to be licensed by the Division of Insurance
3300 Agent and Agency Services within the Department of Financial
3301 Services;

3302 9. Is seeking to be appointed as a guardian pursuant to s.
3303 744.3125; or

3304 10. Is seeking to be licensed by the Bureau of License
3305 Issuance of the Division of Licensing within the Department of
3306 Agriculture and Consumer Services to carry a concealed weapon or
3307 concealed firearm. This subparagraph applies only in the
3308 determination of an applicant's eligibility under s. 790.06.

3309 (c) Subject to the exceptions in paragraph (b), a person
3310 who has been granted a sealing under this section, former s.
3311 893.14, former s. 901.33, or former s. 943.058 may not be held
3312 under any provision of law of this state to commit perjury or to
3313 be otherwise liable for giving a false statement by reason of
3314 such person's failure to recite or acknowledge a sealed criminal
3315 history record.

3316 (d) Information relating to the existence of a sealed
3317 criminal history record provided in accordance with paragraph



558818

3318 (b) is confidential and exempt from s. 119.07(1) and s. 24(a),
3319 Art. I of the State Constitution, except that the department
3320 shall disclose the sealed criminal history record to the
3321 entities set forth in subparagraphs (b)1., 4., 5., 6., 8., 9.,
3322 and 10. for their respective licensing, access authorization,
3323 and employment purposes. An employee of an entity set forth in
3324 subparagraph (b)1., (b)4., (b)5., (b)6., (b)8., (b)9., or (b)10.
3325 may not disclose information relating to the existence of a
3326 sealed criminal history record of a person seeking employment,
3327 access authorization, or licensure with such entity or
3328 contractor, except to the person to whom the criminal history
3329 record relates or to persons having direct responsibility for
3330 employment, access authorization, or licensure decisions. A
3331 person who violates this paragraph commits a misdemeanor of the
3332 first degree, punishable as provided in s. 775.082 or s.
3333 775.083.

3334 Section 52. Section 943.0595, Florida Statutes, is created
3335 to read:

3336 943.0595 Automatic sealing of criminal history records.-

3337 (1) RULEMAKING.-Notwithstanding any law dealing generally
3338 with the preservation and destruction of public records, the
3339 department shall adopt rules addressing the automatic sealing of
3340 any criminal history record of a minor or adult described in
3341 this section.

3342 (2) ELIGIBILITY.-

3343 (a) The department shall automatically seal a criminal
3344 history record that does not result from an indictment,
3345 information, or other charging document for a forcible felony as
3346 defined in s. 776.08 or for an offense enumerated in s.



558818

3347 943.0435(1)(h)1.a.(I), if:

3348 1. An indictment, information, or other charging document
3349 was not filed or issued in the case giving rise to the criminal
3350 history record.

3351 2. An indictment, information, or other charging document
3352 was filed in the case giving rise to the criminal history
3353 record, but was dismissed or nolle prosequi by the state
3354 attorney or statewide prosecutor or was dismissed by a court of
3355 competent jurisdiction. However, a person is not eligible for
3356 automatic sealing under this section if the dismissal was
3357 pursuant to s. 916.145 or s. 985.19.

3358 3. A not guilty verdict was rendered by a judge or jury.
3359 However, a person is not eligible for automatic sealing under
3360 this section if the defendant was found not guilty by reason of
3361 insanity.

3362 4. A judgment of acquittal was rendered by a judge.

3363 (b) There is no limitation on the number of times a person
3364 may obtain an automatic sealing for a criminal history record
3365 described in paragraph (a).

3366 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

3367 (a) Upon the disposition of a criminal case resulting in a
3368 criminal history record eligible for automatic sealing under
3369 paragraph (2)(a), the clerk of the court shall transmit a
3370 certified copy of the disposition of the criminal history record
3371 to the department, which shall seal the criminal history record
3372 upon receipt of the certified copy.

3373 (b) Automatic sealing of a criminal history record does not
3374 require sealing by the court or other criminal justice agencies,
3375 or that such record be surrendered to the court, and such record



558818

3376 shall continue to be maintained by the department and other
3377 criminal justice agencies.

3378 (c) Except as provided in this section, automatic sealing
3379 of a criminal history record shall have the same effect, and the
3380 department may disclose such a record in the same manner, as a
3381 record sealed under s. 943.059.

3382 Section 53. Effective upon this act becoming a law,
3383 subsections (9) and (10) are added to section 943.6871, Florida
3384 Statutes, to read:

3385 943.6871 Criminal justice data transparency.—In order to
3386 facilitate the availability of comparable and uniform criminal
3387 justice data, the department shall:

3388 (9) Keep all information received by the department under
3389 s. 900.05 which is confidential and exempt when collected by the
3390 reporting agency confidential and exempt for purposes of this
3391 section and s. 900.05.

3392 (10) (a) By October 1, 2019, assist the Criminal and
3393 Juvenile Justice Information Systems Council in developing
3394 specifications for a uniform arrest affidavit to be used by each
3395 state, county, and municipal law enforcement agency to
3396 facilitate complete, accurate, and timely collection and
3397 reporting of data from each criminal offense arrest. The uniform
3398 arrest affidavit must at a minimum include all of the following:

- 3399 1. Identification of the arrestee.
- 3400 2. Details of the arrest, including each charge.
- 3401 3. Details of each vehicle and item seized at the time of
3402 arrest.
- 3403 4. Juvenile arrestee information.
- 3404 5. Release information.



558818

3405
3406 The uniform arrest affidavit specifications must also include
3407 guidelines for developing a uniform criminal charge and
3408 disposition statute crosswalk table to be used by each law
3409 enforcement agency, state attorney, and jail administrator; and
3410 guidelines for developing a uniform criminal disposition and
3411 sentencing statute crosswalk table to be used by each clerk of
3412 the court.

3413 (b) By January 1, 2020, subject to appropriation, the
3414 department shall procure a uniform arrest affidavit, a uniform
3415 criminal charge and disposition statute crosswalk table, and a
3416 uniform criminal disposition and sentencing statute crosswalk
3417 table following the specifications developed under paragraph
3418 (a). The department shall provide training on use of the
3419 affidavit and crosswalk tables to each state, county, and
3420 municipal law enforcement agency, clerk of the court, state
3421 attorney, and jail administrator, as appropriate.

3422 (c) By July 1, 2020, each state, county, and municipal law
3423 enforcement agency must use the uniform arrest affidavit, each
3424 state attorney and jail administrator must use the uniform
3425 criminal charge and statute crosswalk table, and each clerk of
3426 the court must use the uniform criminal disposition and
3427 sentencing statute crosswalk table.

3428 Section 54. Section 944.40, Florida Statutes, is amended to
3429 read:

3430 944.40 Escapes; penalty.—Any prisoner confined in, or
3431 released on furlough from, any prison, jail, private
3432 correctional facility, road camp, or other penal institution,
3433 whether operated by the state, a county, or a municipality, or



558818

3434 operated under a contract with the state, a county, or a
3435 municipality, working upon the public roads, or being
3436 transported to or from a place of confinement who escapes or
3437 attempts to escape from such confinement commits a felony of the
3438 second degree, punishable as provided in s. 775.082, s. 775.083,
3439 or s. 775.084. The punishment of imprisonment imposed under this
3440 section shall run consecutive to any former sentence imposed
3441 upon any prisoner.

3442 Section 55. Subsection (2) of section 944.47, Florida
3443 Statutes, is amended to read:

3444 944.47 Introduction, removal, or possession of contraband
3445 ~~certain articles unlawful~~; penalty.-

3446 (2) (a) A person who violates ~~any provision of~~ this section
3447 as it pertains to an article of contraband described in
3448 subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph
3449 (1)(a)6. commits a felony of the third degree, punishable as
3450 provided in s. 775.082, s. 775.083, or s. 775.084. Otherwise ~~In~~
3451 ~~all other cases~~, a violation of ~~a provision of~~ this section is
3452 ~~constitutes~~ a felony of the second degree, punishable as
3453 provided in s. 775.082, s. 775.083, or s. 775.084.

3454 (b) A violation of this section by an employee, as defined
3455 in s. 944.115(2)(b), who uses or attempts to use the powers,
3456 rights, privileges, duties, or position of his or her employment
3457 in the commission of the violation is ranked one level above the
3458 ranking specified in s. 921.0022 or s. 921.0023 for the offense
3459 committed.

3460 Section 56. Section 944.704, Florida Statutes, is amended
3461 to read:

3462 944.704 Staff who provide transition assistance; duties.-



558818

3463 (1) The department shall provide a transition assistance
3464 specialist at each of the major institutions.

3465 (2) The department may increase the number of transition
3466 assistance specialists in proportion to the number of inmates
3467 served at each of the major institutions and may increase the
3468 number of employment specialists per judicial circuit based on
3469 the number of released inmates served under community
3470 supervision in that circuit, subject to appropriations.

3471 (3) The transition assistance specialists' ~~whose~~ duties
3472 include, but are not limited to:

3473 (a)~~(1)~~ Coordinating delivery of transition assistance
3474 program services at the institution and at the community
3475 correctional centers authorized pursuant to s. 945.091(1)(b).

3476 (b)~~(2)~~ Assisting in the development of each inmate's
3477 postrelease plan.

3478 (c)~~(3)~~ Obtaining job placement information. Such
3479 information must include identifying any job assignment
3480 credentialing or industry certifications for which the inmate is
3481 eligible.

3482 (d)~~(4)~~ Providing a written medical discharge plan and
3483 referral to a county health department.

3484 (e)~~(5)~~ For an inmate who is known to be HIV positive,
3485 providing a 30-day supply of all HIV/AIDS-related medication
3486 that the inmate is taking before ~~prior to~~ release, if required
3487 under protocols of the Department of Corrections and treatment
3488 guidelines of the United States Department of Health and Human
3489 Services.

3490 (f)~~(6)~~ Facilitating placement in a private transition
3491 housing program, if requested by any eligible inmate. If an



558818

3492 inmate who is nearing his or her date of release requests
3493 placement in a contracted substance abuse transition housing
3494 program, the transition assistance specialist shall inform the
3495 inmate of program availability and assess the inmate's need and
3496 suitability for transition housing assistance. If an inmate is
3497 approved for placement, the specialist shall assist the inmate
3498 and coordinate the release of the inmate with the selected
3499 program. If an inmate requests and is approved for placement in
3500 a contracted faith-based substance abuse transition housing
3501 program, the specialist must consult with the chaplain before
3502 ~~prior to~~ such placement. In selecting inmates who are nearing
3503 their date of release for placement in a faith-based program,
3504 the department shall ensure that an inmate's faith orientation,
3505 or lack thereof, will not be considered in determining admission
3506 to the program and that the program does not attempt to convert
3507 an inmate toward a particular faith or religious preference.

3508 (g) (7) Providing a photo identification card to all inmates
3509 before ~~prior to~~ their release.

3510 (4) ~~The~~ transition assistance specialist may not be a
3511 correctional officer or correctional probation officer as
3512 defined in s. 943.10.

3513 Section 57. Present subsections (3) through (6) of section
3514 944.705, Florida Statutes, are redesignated as subsections (4)
3515 through (7), respectively, and a new subsection (3) and
3516 subsections (8) through (12) are added to that section, to read:

3517 944.705 Release orientation program.—

3518 (3) (a) The department shall establish a toll-free hotline
3519 for the benefit of released inmates. The hotline shall provide
3520 information to released inmates seeking to obtain post-release



558818

3521 referrals for community-based reentry services.

3522 (b) Before an inmate's release, the department shall
3523 provide the inmate with a comprehensive community reentry
3524 resource directory organized by county and which must include
3525 the name, address, and a description of the services offered by
3526 each reentry service provider. The directory must also include
3527 the name, address, and telephone number of existing portals of
3528 entry and the toll-free hotline number required by paragraph
3529 (a).

3530 (c) The department shall expand the use of a department-
3531 approved risk and needs assessment system to provide inmates and
3532 offenders with community-specific reentry service provider
3533 referrals.

3534 (8) A nonprofit faith-based or professional business, or a
3535 civic or community organization, may apply for registration with
3536 the department to provide inmate reentry services. Reentry
3537 services include, but are not limited to, counseling; providing
3538 information on housing and job placement; money management
3539 assistance; and programs that address substance abuse, mental
3540 health, or co-occurring conditions.

3541 (9) The department shall adopt policies and procedures for
3542 screening, approving, and registering an organization that
3543 applies under subsection (8). The department may deny approval
3544 and registration of an organization or a representative from an
3545 organization if it determines that the organization or
3546 representative does not meet the department's policies and
3547 procedures.

3548 (10) The department may contract with a public or private
3549 educational institution's veteran advocacy clinic or veteran



558818

3550 legal clinic to assist qualified veteran inmates in applying for
3551 veterans' benefits upon release.

3552 (11) The department may contract with public or private
3553 organizations to establish transitional employment programs that
3554 provide employment opportunities for released inmates.

3555 (12) The department shall adopt rules to implement this
3556 section.

3557 Section 58. Present subsections (4), (5), and (6) of
3558 section 944.801, Florida Statutes, are redesignated as
3559 subsections (7), (8), and (9), respectively, and new subsections
3560 (4), (5), and (6) are added to that section, to read:

3561 944.801 Education for state prisoners.—

3562 (4) The department may expand the use of job assignment
3563 credentialing and industry certifications.

3564 (5) The Correctional Education Program may establish a
3565 prison entrepreneurship program and adopt procedures for
3566 admitting student inmates. If the department elects to develop
3567 the program, it must include at least 180 days of in-prison
3568 education. The program curriculum must include a component on
3569 developing a business plan, procedures for graduation and
3570 certification of successful student inmates, and at least 90
3571 days of transitional and postrelease continuing educational
3572 services. Transitional and postrelease continuing educational
3573 services may be offered to graduate student inmates on a
3574 voluntary basis and are not a requirement for completion of the
3575 program. The department shall enter into agreements with public
3576 or private colleges or universities, other nonprofit entities,
3577 or other authorized provider under s. 1002.45(1)(a)1. to
3578 implement the program. The program must be funded with existing



558818

3579 resources.

3580 (6) The Correctional Education Program may work in
3581 cooperation with the Department of Agriculture and Consumer
3582 Services, Florida Forestry Service Division, and the Florida
3583 Department of Financial Services, Division of State Fire Marshal
3584 to develop a program for implementation within state
3585 correctional institutions or correctional facilities to train
3586 and certify inmates as firefighters. The program should include,
3587 but not be limited to, certification of inmates as state forest
3588 staff trained to help protect homes, forestland, and natural
3589 resources from the effects of wildfires throughout the state.

3590 Section 59. Subsection (1) of section 948.001, Florida
3591 Statutes, is amended to read:

3592 948.001 Definitions.—As used in this chapter, the term:

3593 (1) "Administrative probation" means a form of no contact,
3594 nonreporting supervision. A court may order administrative
3595 probation, or the Department of Corrections may transfer an
3596 offender to administrative probation, as provided in s. 948.013
3597 ~~in which an offender who presents a low risk of harm to the~~
3598 ~~community may, upon satisfactory completion of half the term of~~
3599 ~~probation, be transferred by the Department of Corrections to~~
3600 ~~this type of reduced level of supervision, as provided in s.~~
3601 ~~948.013.~~

3602 Section 60. Subsection (1) of section 948.013, Florida
3603 Statutes, is amended to read:

3604 948.013 Administrative probation.—

3605 (1) The Department of Corrections may transfer an offender
3606 to administrative probation if he or she presents a low risk of
3607 harm to the community and has satisfactorily completed at least



558818

3608 half of his or her probation term. The department ~~of Corrections~~
3609 may establish procedures for transferring an offender to
3610 administrative probation. The department may collect an initial
3611 processing fee of up to \$50 for each probationer transferred to
3612 administrative probation. The offender is exempt from further
3613 payment for the cost of supervision as required in s. 948.09.

3614 Section 61. Subsections (4), (5), and (6) are added to
3615 section 948.04, Florida Statutes, to read:

3616 948.04 Period of probation; duty of probationer; early
3617 termination; conversion of term.-

3618 (4) Except as provided in subsection (5), for defendants
3619 sentenced to probation on or after October 1, 2019, the court,
3620 upon motion by the probationer or the probation officer, shall
3621 either early terminate the probationer's supervision or convert
3622 the supervisory term to administrative probation if all of the
3623 following requirements are met:

3624 (a) The probationer has completed at least half of the term
3625 of probation to which he or she was sentenced.

3626 (b) The probationer has successfully completed all other
3627 conditions of probation.

3628 (c) The court has not found the probationer in violation of
3629 probation pursuant to a filed affidavit of violation of
3630 probation at any point during the current supervisory term.

3631 (d) The parties did not specifically exclude the
3632 possibility of early termination or conversion to administrative
3633 probation as part of a negotiated sentence.

3634 (e) The probationer does not qualify as a violent felony
3635 offender of special concern under s. 948.06(8)(b).

3636 (5) Upon making written findings that continued reporting



3637 probation is necessary to protect the community or the interests
3638 of justice, the court may decline to early terminate the
3639 probationary term or convert the term to administrative
3640 probation for a probationer who is otherwise eligible under
3641 subsection (4).

3642 (6) Subsections (4) and (5) do not apply to an offender on
3643 community control. If an offender on community control is
3644 subsequently placed on probation, he or she must complete half
3645 of the probationary term to which he or she was sentenced,
3646 without receiving credit for time served on community control,
3647 before being eligible for mandatory early termination or
3648 conversion to administrative probation under this section.

3649 Section 62. Section 948.05, Florida Statutes, is amended to
3650 read:

3651 948.05 Court to admonish or commend probationer or offender
3652 in community control; graduated incentives.-

3653 (1) A court may at any time cause a probationer or offender
3654 in community control to appear before it to be admonished or
3655 commended, and, when satisfied that its action will be for the
3656 best interests of justice and the welfare of society, it may
3657 discharge the probationer or offender in community control from
3658 further supervision.

3659 (2) The department shall implement a system of graduated
3660 incentives to promote compliance with the terms of supervision
3661 and prioritize the highest levels of supervision for
3662 probationers or offenders presenting the greatest risk of
3663 recidivism.

3664 (a) As part of the graduated incentives system, the
3665 department may, without leave of court, offer the following



558818

3666 incentives to a compliant probationer or offender in community
3667 control:

3668 1. Up to 25 percent reduction of required community service
3669 hours;

3670 2. Waiver of supervision fees;

3671 3. Reduction in frequency of reporting;

3672 4. Permission to report by mail or telephone; or

3673 5. Transfer of an eligible offender to administrative
3674 probation as authorized under s. 948.013.

3675 (b) The department may also incentivize positive behavior
3676 and compliance with recommendations to the court to modify the
3677 terms of supervision, including recommending:

3678 1. Permission to travel;

3679 2. Reduction of supervision type;

3680 3. Modification or cessation of curfew;

3681 4. Reduction or cessation of substance abuse testing; or

3682 5. Early termination of supervision.

3683 (c) A probationer or offender who commits a subsequent
3684 violation of probation may forfeit any previously earned
3685 probation incentive, as determined appropriate by his or her
3686 probation officer.

3687 Section 63. Present paragraphs (c) through (g) of
3688 subsection (1) of section 948.06, Florida Statutes, are
3689 redesignated as paragraphs (d) through (h), respectively, a new
3690 paragraph (c) is added to that subsection, and present paragraph
3691 (h) of that subsection is amended, present paragraphs (f)
3692 through (j) of subsection (2) are redesignated as paragraphs (g)
3693 through (k), respectively, and a new paragraph (f) is added to
3694 that subsection, and subsection (9) is added to that section, to



558818

3695 read:

3696 948.06 Violation of probation or community control;
3697 revocation; modification; continuance; failure to pay
3698 restitution or cost of supervision.—

3699 (1)

3700 (c) If a probationer or offender on community control
3701 commits a technical violation, the probation officer shall
3702 determine whether the probationer or offender on community
3703 control is eligible for the alternative sanctioning program
3704 under subsection (9). If the probation officer determines that
3705 the probationer or offender on community control is eligible,
3706 the probation officer may proceed with the alternative
3707 sanctioning program in lieu of filing an affidavit of violation
3708 with the court. For purposes of this section, the term
3709 "technical violation" means an alleged violation of supervision
3710 that is not a new felony offense, misdemeanor offense, or
3711 criminal traffic offense.

3712 ~~(h)1. The chief judge of each judicial circuit, in~~
3713 ~~consultation with the state attorney, the public defender, and~~
3714 ~~the department, may establish an alternative sanctioning program~~
3715 ~~in which the department, after receiving court approval, may~~
3716 ~~enforce specified sanctions for certain technical violations of~~
3717 ~~supervision. For purposes of this paragraph, the term "technical~~
3718 ~~violation" means any alleged violation of supervision that is~~
3719 ~~not a new felony offense, misdemeanor offense, or criminal~~
3720 ~~traffic offense.~~

3721 ~~2. To establish an alternative sanctioning program, the~~
3722 ~~chief judge must issue an administrative order specifying:~~

3723 ~~a. Eligibility criteria.~~



558818

3724 ~~b. The technical violations that are eligible for the~~
3725 ~~program.~~

3726 ~~c. The sanctions that may be recommended by a probation~~
3727 ~~officer for each technical violation.~~

3728 ~~d. The process for reporting technical violations through~~
3729 ~~the alternative sanctioning program, including approved forms.~~

3730 ~~3. If an offender is alleged to have committed a technical~~
3731 ~~violation of supervision that is eligible for the program, the~~
3732 ~~offender may:~~

3733 ~~a. Waive participation in the alternative sanctioning~~
3734 ~~program, in which case the probation officer may submit a~~
3735 ~~violation report, affidavit, and warrant to the court in~~
3736 ~~accordance with this section; or~~

3737 ~~b. Elect to participate in the alternative sanctioning~~
3738 ~~program after receiving written notice of an alleged technical~~
3739 ~~violation and a disclosure of the evidence against the offender,~~
3740 ~~admit to the technical violation, agree to comply with the~~
3741 ~~probation officer's recommended sanction if subsequently ordered~~
3742 ~~by the court, and agree to waive the right to:~~

3743 ~~(I) Be represented by legal counsel.~~

3744 ~~(II) Require the state to prove his or her guilt before a~~
3745 ~~neutral and detached hearing body.~~

3746 ~~(III) Subpoena witnesses and present to a judge evidence in~~
3747 ~~his or her defense.~~

3748 ~~(IV) Confront and cross-examine adverse witnesses.~~

3749 ~~(V) Receive a written statement from a factfinder as to the~~
3750 ~~evidence relied on and the reasons for the sanction imposed.~~

3751 ~~4. If the offender admits to committing the technical~~
3752 ~~violation and agrees with the probation officer's recommended~~



558818

3753 ~~sanction, the probation officer must, before imposing the~~
3754 ~~sanction, submit the recommended sanction to the court as well~~
3755 ~~as documentation reflecting the offender's admission to the~~
3756 ~~technical violation and agreement with the recommended sanction.~~

3757 ~~5. The court may impose the recommended sanction or may~~
3758 ~~direct the department to submit a violation report, affidavit,~~
3759 ~~and warrant to the court in accordance with this section.~~

3760 ~~6. An offender's participation in an alternative~~
3761 ~~sanctioning program is voluntary. The offender may elect to~~
3762 ~~waive or discontinue participation in an alternative sanctioning~~
3763 ~~program at any time before the issuance of a court order~~
3764 ~~imposing the recommended sanction.~~

3765 ~~7. If an offender waives or discontinues participation in~~
3766 ~~an alternative sanctioning program, the probation officer may~~
3767 ~~submit a violation report, affidavit, and warrant to the court~~
3768 ~~in accordance with this section. The offender's prior admission~~
3769 ~~to the technical violation may not be used as evidence in~~
3770 ~~subsequent proceedings.~~

3771 (2)

3772 (f)1. Except as provided in subparagraph 3. or upon waiver
3773 by the probationer, the court shall modify or continue a
3774 probationary term upon finding a probationer in violation when
3775 any of the following applies:

3776 a. The term of supervision is probation.

3777 b. The probationer does not qualify as a violent felony
3778 offender of special concern, as defined in paragraph (8) (b).

3779 c. The violation is a low-risk technical violation, as
3780 defined in paragraph (9) (b).

3781 d. The court has not previously found the probationer in



558818

3782 violation of his or her probation pursuant to a filed violation
3783 of probation affidavit during the current term of supervision. A
3784 probationer who has successfully completed sanctions through the
3785 alternative sanctioning program is eligible for mandatory
3786 modification or continuation of his or her probation.

3787 2. Upon modifying probation under subparagraph 1., the
3788 court may include in the sentence a maximum of 90 days in county
3789 jail as a special condition of probation.

3790 3. Notwithstanding s. 921.0024, if a probationer has less
3791 than 90 days of supervision remaining on his or her term of
3792 probation and meets the criteria for mandatory modification or
3793 continuation in subparagraph 1., the court may revoke probation
3794 and sentence the probationer to a maximum of 90 days in county
3795 jail.

3796 4. For purposes of imposing a jail sentence under this
3797 paragraph only, the court may grant credit only for time served
3798 in the county jail since the probationer's most recent arrest
3799 for the violation. However, the court may not order the
3800 probationer to a total term of incarceration greater than the
3801 maximum provided by s. 775.082.

3802 (9) (a) Each judicial circuit shall establish an alternative
3803 sanctioning program as provided in this subsection. The chief
3804 judge of each judicial circuit may, by administrative order,
3805 define additional sanctions or eligibility criteria and specify
3806 the process for reporting technical violations through the
3807 alternative sanctioning program. Any sanctions recommended for
3808 imposition through an alternative sanctions program must be
3809 submitted to the court by the probation officer for approval
3810 before imposing the sanction.



558818

3811 (b) As used in this subsection, the term "low-risk
3812 violation," when committed by a probationer, means any of the
3813 following:

3814 1. A positive drug or alcohol test result.
3815 2. Failure to report to the probation office.
3816 3. Failure to report a change in address or other required
3817 information.

3818 4. Failure to attend a required class, treatment or
3819 counseling session, or meeting.

3820 5. Failure to submit to a drug or alcohol test.
3821 6. A violation of curfew.
3822 7. Failure to meet a monthly quota on any required
3823 probation condition, including, but not limited to, making
3824 restitution payments, paying court costs, or completing
3825 community service hours.

3826 8. Leaving the county without permission.
3827 9. Failure to report a change in employment.
3828 10. Associating with a person engaged in criminal activity.
3829 11. Any other violation as determined by administrative
3830 order of the chief judge of the circuit.

3831 (c) As used in this subsection, the term "moderate-risk
3832 violation" means any of the following:

3833 1. A violation identified in paragraph (b), when committed
3834 by an offender on community control.

3835 2. Failure to remain at an approved residence by an
3836 offender on community control.

3837 3. A third violation identified in paragraph (b) by a
3838 probationer within the current term of supervision.

3839 4. Any other violation as determined by administrative



558818

3840 order of the chief judge of the circuit.
3841 (d) A probationer or offender on community control is not
3842 eligible for an alternative sanction if:
3843 1. He or she is a violent felony offender of special
3844 concern as defined in paragraph (8) (b);
3845 2. The violation is a felony, misdemeanor, or criminal
3846 traffic offense;
3847 3. The violation is absconding;
3848 4. The violation is of a stay-away order or no-contact
3849 order;
3850 5. The violation is not identified as low-risk or moderate-
3851 risk under this subsection or by administrative order;
3852 6. He or she has a prior moderate-risk level violation
3853 during the current term of supervision;
3854 7. He or she has three prior low-risk level violations
3855 during the same term of supervision;
3856 8. The term of supervision is scheduled to terminate in
3857 less than 90 days; or
3858 9. The terms of the sentence prohibit alternative
3859 sanctioning.
3860 (e) For a first or second low-risk violation, as defined in
3861 paragraph (b), within the current term of supervision, a
3862 probation officer may offer an eligible probationer one or more
3863 of the following as an alternative sanction:
3864 1. Up to 5 days in the county jail.
3865 2. Up to 50 additional community service hours.
3866 3. Counseling or treatment.
3867 4. Support group attendance.
3868 5. Drug testing.



558818

- 3869 6. Loss of travel or other privileges.
- 3870 7. Curfew for up to 30 days.
- 3871 8. House arrest for up to 30 days.
- 3872 9.a. Any other sanction as determined by administrative
3873 order of the chief judge of the circuit.
- 3874 b. However, in no circumstance shall participation in an
3875 alternative sanctioning program convert a withheld adjudication
3876 to an adjudication of guilt.
- 3877 (f) For a first moderate-risk violation, as defined in
3878 paragraph (c), within the current term of supervision, a
3879 probation officer, with a supervisor's approval, may offer an
3880 eligible probationer or offender on community control one or
3881 more of the following as an alternative sanction:
- 3882 1. Up to 21 days in the county jail.
- 3883 2. Curfew for up to 90 days.
- 3884 3. House arrest for up to 90 days.
- 3885 4. Electronic monitoring for up to 90 days.
- 3886 5. Residential treatment for up to 90 days.
- 3887 6. Any other sanction available for a low-risk violation.
- 3888 7.a. Any other sanction as determined by administrative
3889 order of the chief judge of the circuit.
- 3890 b. However, in no circumstance shall participation in an
3891 alternative sanctioning program convert a withheld adjudication
3892 to an adjudication of guilt.
- 3893 (g) The participation of a probationer or an offender on
3894 community control in the program is voluntary. The probationer
3895 or offender on community control may waive or discontinue
3896 participation in the program at any time before the court
3897 imposes a recommended sanction.



558818

3898 (h)1. If a probationer or offender on community control is
3899 eligible for the alternative sanctioning program under this
3900 subsection, he or she may:

3901 a. Waive participation in the program, in which case the
3902 probation officer may submit a violation report, affidavit, and
3903 warrant to the court; or

3904 b. Elect to participate in the program after receiving
3905 written notice of an alleged technical violation and disclosure
3906 of the evidence against him or her, and admit the technical
3907 violation, agree to comply with the probation officer's
3908 recommended sanction if subsequently ordered by the court, and
3909 agree to waive the right to:

3910 (I) Be represented by legal counsel.

3911 (II) Require the state to prove his or her guilt before a
3912 neutral and detached hearing body.

3913 (III) Subpoena witnesses and present to a judge evidence in
3914 his or her defense.

3915 (IV) Confront and cross-examine adverse witnesses.

3916 (V) Receive a written statement from a judge as to the
3917 evidence relied on and the reasons for the sanction imposed.

3918 2. If the probationer or offender on community control
3919 admits to committing the technical violation and agrees with the
3920 probation officer's recommended sanction, the probation officer
3921 must, before imposing the sanction, submit the recommended
3922 sanction to the court with documentation reflecting the
3923 probationer's admission to the technical violation and agreement
3924 with the recommended sanction.

3925 (i) The court may impose the recommended sanction or direct
3926 the department to submit a violation report, affidavit, and



558818

3927 warrant to the court.

3928 (j) If a probationer or offender on community control
3929 waives or discontinues participation in the program or fails to
3930 successfully complete all alternative sanctions within 90 days
3931 after imposition or within the timeframe specified in the
3932 agreed-upon sanction, the probation officer may submit a
3933 violation report, affidavit, and warrant to the court. A prior
3934 admission by the probationer or offender on community control to
3935 a technical violation may not be used as evidence in subsequent
3936 proceedings.

3937 Section 64. Subsection (6) of section 948.08, Florida
3938 Statutes, is amended to read:

3939 948.08 Pretrial intervention program.-

3940 (6) (a) For purposes of this subsection, the term
3941 "nonviolent felony" means a third degree felony violation of
3942 chapter 810 or any other felony offense that is not a forcible
3943 felony as defined in s. 776.08.

3944 (b) ~~Notwithstanding any provision of this section, a person~~
3945 ~~who is charged with a nonviolent felony and is identified as~~
3946 ~~having a substance abuse problem or is charged with a felony of~~
3947 ~~the second or third degree for purchase or possession of a~~
3948 ~~controlled substance under chapter 893, prostitution, tampering~~
3949 ~~with evidence, solicitation for purchase of a controlled~~
3950 ~~substance, or obtaining a prescription by fraud; who has not~~
3951 ~~been charged with a crime involving violence, including, but not~~
3952 ~~limited to, murder, sexual battery, robbery, carjacking, home-~~
3953 ~~invasion robbery, or any other crime involving violence; and who~~
3954 ~~has not previously been convicted of a felony is eligible for~~
3955 ~~voluntary admission into a pretrial substance abuse education~~



558818

3956 and treatment intervention program, including a treatment-based
3957 drug court program established pursuant to s. 397.334, approved
3958 by the chief judge of the circuit, for a period of not less than
3959 1 year in duration, if he or she:

3960 1. Is identified as having a substance abuse problem and is
3961 amenable to treatment.

3962 2. Is charged with a nonviolent felony.

3963 3. Has never been charged with a crime involving violence,
3964 including, but not limited to, murder, sexual battery, robbery,
3965 carjacking, home-invasion robbery, or any other crime involving
3966 violence.

3967 4. Has two or fewer felony convictions, provided that the
3968 prior convictions are for nonviolent felonies.

3969 (c) Upon motion of either party or the court's own motion,
3970 and with the agreement of the defendant, the court shall admit
3971 an eligible person into a pretrial substance abuse education and
3972 treatment intervention program, except:

3973 1. If a defendant was previously offered admission to a
3974 pretrial substance abuse education and treatment intervention
3975 program at any time before ~~prior to~~ trial and the defendant
3976 rejected that offer on the record, ~~then~~ the court or the state
3977 attorney may deny the defendant's admission to such a program.

3978 2. If the state attorney believes that the facts and
3979 circumstances of the case suggest the defendant's involvement in
3980 the dealing and selling of controlled substances, the court
3981 shall hold a preadmission hearing. If the state attorney
3982 establishes, by a preponderance of the evidence at such hearing,
3983 that the defendant was involved in the dealing or selling of
3984 controlled substances, the court shall deny the defendant's



558818

3985 admission into a pretrial intervention program.

3986 3. If the defendant has two or fewer prior felony
3987 convictions as provided in subparagraph (b)4., the court, in its
3988 discretion, may deny admission to such a program.

3989 (d) ~~(b)~~ While enrolled in a pretrial intervention program
3990 authorized by this subsection, the participant is subject to a
3991 coordinated strategy developed by a drug court team under s.
3992 397.334(4). The coordinated strategy may include a protocol of
3993 sanctions that may be imposed upon the participant for
3994 noncompliance with program rules. The protocol of sanctions may
3995 include, but is not limited to, placement in a substance abuse
3996 treatment program offered by a licensed service provider as
3997 defined in s. 397.311 or in a jail-based treatment program or
3998 serving a period of incarceration within the time limits
3999 established for contempt of court. The coordinated strategy must
4000 be provided in writing to the participant before the participant
4001 agrees to enter into a pretrial treatment-based drug court
4002 program or other pretrial intervention program. Any person whose
4003 charges are dismissed after successful completion of the
4004 treatment-based drug court program, if otherwise eligible, may
4005 have his or her arrest record and plea of nolo contendere to the
4006 dismissed charges expunged under s. 943.0585.

4007 (e) ~~(e)~~ At the end of the pretrial intervention period, the
4008 court shall consider the recommendation of the administrator
4009 pursuant to subsection (5) and the recommendation of the state
4010 attorney as to disposition of the pending charges. The court
4011 shall determine, by written finding, whether the defendant has
4012 successfully completed the pretrial intervention program.
4013 Notwithstanding the coordinated strategy developed by a drug



558818

4014 court team pursuant to s. 397.334(4), if the court finds that
4015 the defendant has not successfully completed the pretrial
4016 intervention program, the court may order the person to continue
4017 in education and treatment, which may include substance abuse
4018 treatment programs offered by licensed service providers as
4019 defined in s. 397.311 or jail-based treatment programs, or order
4020 that the charges revert to normal channels for prosecution. The
4021 court shall dismiss the charges upon a finding that the
4022 defendant has successfully completed the pretrial intervention
4023 program.

4024 (f) ~~(d)~~ Any entity, whether public or private, providing a
4025 pretrial substance abuse education and treatment intervention
4026 program under this subsection must contract with the county or
4027 appropriate governmental entity, and the terms of the contract
4028 must include, but need not be limited to, the requirements
4029 established for private entities under s. 948.15(3).

4030 Section 65. Section 948.081, Florida Statutes, is created
4031 to read:

4032 948.081 Community court programs.-

4033 (1) Each judicial circuit may establish a community court
4034 program for defendants charged with certain misdemeanor
4035 offenses. Each community court shall, at a minimum:

4036 (a) Adopt a nonadversarial approach.

4037 (b) Establish an advisory committee to recommend solutions
4038 and sanctions in each case.

4039 (c) Provide for judicial leadership and interaction.

4040 (d) In each particular case, consider the needs of the
4041 victim, consider individualized treatment services for the
4042 defendant, and monitor the defendant's compliance.



558818

4043 (2) The chief judge of the judicial circuit, by
4044 administrative order, shall specify each misdemeanor offense
4045 eligible for the community court program. In making such
4046 determination, the chief judge shall consider the particular
4047 needs and concerns of the communities within the judicial
4048 circuit.

4049 (3) A defendant's entry into any community court program
4050 must be voluntary.

4051 (4) The chief judge shall appoint a community court
4052 resource coordinator, who shall:

4053 (a) Coordinate the responsibilities of the participating
4054 agencies and service providers.

4055 (b) Provide case management services.

4056 (c) Monitor compliance by defendants with court
4057 requirements.

4058 (d) Manage the collection of data for program evaluation
4059 and accountability.

4060 (5) The chief judge of the judicial circuit shall appoint
4061 members to an advisory committee for each community court. The
4062 members of the advisory committee must include, at a minimum:

4063 (a) The chief judge or a community court judge designated
4064 by the chief judge, who shall serve as chair.

4065 (b) The state attorney or his or her designee.

4066 (c) The public defender or his or her designee.

4067 (d) The community court resource coordinator.

4068
4069 The committee may also include community stakeholders, treatment
4070 representatives, and other persons the chair deems appropriate.

4071 (6) The advisory committee shall review each defendant's



558818

4072 case. Each committee member may make recommendations to the
4073 judge, including appropriate sanctions and treatment solutions
4074 for the defendant. The judge shall consider such recommendations
4075 and make the final decision concerning sanctions and treatment
4076 with respect to each defendant.

4077 (7) Each judicial circuit shall report client-level and
4078 programmatic data to the Office of the State Courts
4079 Administrator annually for program evaluation. Client-level data
4080 include primary offenses resulting in the community court
4081 referral or sentence, treatment compliance, completion status,
4082 reasons for failing to complete the program, offenses committed
4083 during treatment and sanctions imposed, frequency of court
4084 appearances, and units of service. Programmatic data include
4085 referral and screening procedures, eligibility criteria, type
4086 and duration of treatment offered, and residential treatment
4087 resources.

4088 (8) The Department of Corrections, the Department of
4089 Juvenile Justice, the Department of Health, the Department of
4090 Law Enforcement, the Department of Education, law enforcement
4091 agencies, and other governmental entities involved in the
4092 criminal justice system shall support such community court
4093 programs.

4094 (9) Community court program funding must be secured from
4095 sources other than the state for costs not assumed by the state
4096 under s. 29.004. However, this subsection does not preclude the
4097 use of funds provided for treatment and other services through
4098 state executive branch agencies.

4099 Section 66. Section 951.22, Florida Statutes, is amended to
4100 read:



558818

4101 951.22 County detention facilities; contraband articles.-

4102 (1) It is unlawful, except through regular channels as duly
4103 authorized by the sheriff or officer in charge, to introduce
4104 into or possess upon the grounds of any county detention
4105 facility as defined in s. 951.23 or to give to or receive from
4106 any inmate of any such facility wherever said inmate is located
4107 at the time or to take or to attempt to take or send therefrom
4108 any of the following articles, which are hereby declared to be
4109 contraband:

4110 (a) for the purposes of this act, to wit: Any written or
4111 recorded communication. This paragraph does not apply to any
4112 document or correspondence exchanged between a lawyer,
4113 paralegal, or other legal staff and an inmate at a detention
4114 facility if the document or correspondence is otherwise lawfully
4115 possessed and disseminated and relates to the legal
4116 representation of the inmate.†

4117 (b) Any currency or coin.†

4118 (c) Any article of food or clothing.†

4119 (d) Any tobacco products as defined in s. 210.25(12).†

4120 (e) Any cigarette as defined in s. 210.01(1).†

4121 (f) Any cigar.†

4122 (g) Any intoxicating beverage or beverage ~~that~~ which causes
4123 or may cause an intoxicating effect.†

4124 (h) Any narcotic, hypnotic, or excitative drug or drug of
4125 any kind or nature, including nasal inhalators, sleeping pills,
4126 barbiturates, and controlled substances as defined in s.
4127 893.02(4).†

4128 (i) Any firearm or any instrumentality customarily used or
4129 which is intended to be used as a dangerous weapon.†~~and~~



558818

4130 (j) Any instrumentality of any nature which ~~that~~ may be or
4131 is intended to be used as an aid in effecting or attempting to
4132 effect an escape from a county facility.

4133 (k) Any cellular telephone or other portable communication
4134 device as described in s. 944.47(1)(a)6. The term does not
4135 include any device that has communication capabilities which has
4136 been approved or issued by the sheriff or officer in charge for
4137 investigative or institutional security purposes or for
4138 conducting other official business.

4139 (2) A person who ~~whoever~~ violates paragraph (1)(a),
4140 paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph
4141 (1)(e), paragraph (1)(f), or paragraph (1)(g) commits a
4142 misdemeanor of the first degree, punishable as provided in s.
4143 775.082 or s. 775.083. A person who violates paragraph (1)(h),
4144 paragraph (1)(i), paragraph (1)(j), or paragraph (1)(k) commits
4145 subsection (1) shall be guilty of a felony of the third degree,
4146 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4147 Section 67. Subsection (1) of section 958.04, Florida
4148 Statutes, is amended to read:

4149 958.04 Judicial disposition of youthful offenders.—

4150 (1) The court may sentence as a youthful offender any
4151 person:

4152 (a) Who is at least 18 years of age or who has been
4153 transferred for prosecution to the criminal division of the
4154 circuit court pursuant to chapter 985;

4155 (b) Who is found guilty of or who has tendered, and the
4156 court has accepted, a plea of nolo contendere or guilty to a
4157 crime that is, under the laws of this state, a felony if such
4158 crime was committed before the defendant turned 21 years of age



558818

4159 ~~the offender is younger than 21 years of age at the time~~
4160 ~~sentence is imposed; and~~

4161 (c) Who has not previously been classified as a youthful
4162 offender under ~~the provisions of~~ this act; however, a person who
4163 has been found guilty of a capital or life felony may not be
4164 sentenced as a youthful offender under this act.

4165 Section 68. Section 960.07, Florida Statutes, is amended to
4166 read:

4167 960.07 Filing of claims for compensation.—

4168 (1) A claim for compensation may be filed by a person
4169 eligible for compensation as provided in s. 960.065 or, if such
4170 person is a minor, by his or her parent or guardian or, if the
4171 person entitled to make a claim is mentally incompetent, by the
4172 person's guardian or such other individual authorized to
4173 administer his or her estate.

4174 (2) Except as provided in subsections ~~subsection~~ (3) and
4175 (4), a claim must be filed in accordance with this subsection.
4176 ~~not later than 1 year after:~~

4177 (a)1. A claim arising from a crime occurring before October
4178 1, 2019, must be filed within 1 year after:

4179 a. The occurrence of the crime upon which the claim is
4180 based.

4181 b. ~~(b)~~ The death of the victim or intervenor.

4182 c. ~~(c)~~ The death of the victim or intervenor is determined
4183 to be the result of a crime, and the crime occurred after June
4184 30, 1994.

4185 2. However, For good cause the department may extend the
4186 time for filing a claim under subparagraph 1. for a period not
4187 exceeding 2 years after such occurrence.



558818

4188 (b)1. A claim arising from a crime occurring on or after
4189 October 1, 2019, must be filed within 3 years after the later
4190 of:

4191 a. The occurrence of the crime upon which the claim is
4192 based;

4193 b. The death of the victim or intervenor; or

4194 c. The death of the victim or intervenor is determined to
4195 be the result of the crime.

4196 2. For good cause the department may extend the time for
4197 filing a claim under subparagraph 1. for a period not to exceed
4198 5 years after such occurrence.

4199 (3) Notwithstanding the provisions of subsection (2) ~~and~~
4200 ~~regardless of when the crime occurred~~, if the victim or
4201 intervenor was under the age of 18 at the time the crime upon
4202 which the claim is based occurred, a claim may be filed in
4203 accordance with this subsection.

4204 (a) The victim's or intervenor's parent or guardian may
4205 file a claim on behalf of the victim or intervenor while the
4206 victim or intervenor is less than 18 years of age; ~~or~~

4207 (b) For a claim arising from a crime that occurred before
4208 October 1, 2019, when a victim or intervenor who was under the
4209 age of 18 at the time the crime occurred reaches the age of 18,
4210 the victim or intervenor has 1 year ~~within which~~ to file a
4211 claim; or

4212 (c) For a claim arising from a crime occurring on or after
4213 October 1, 2019, when a victim or intervenor who was under the
4214 age of 18 at the time the crime occurred reaches the age of 18,
4215 the victim or intervenor has 3 years to file a claim.
4216



558818

4217 For good cause, the department may extend the time period
4218 allowed for filing a claim under paragraph (b) for an additional
4219 period not to exceed 1 year or under paragraph (c) for an
4220 additional period not to exceed 2 years.

4221 (4) The provisions of subsection (2) notwithstanding, ~~and~~
4222 ~~regardless of when the crime occurred,~~ a victim of a sexually
4223 violent offense as defined in s. 394.912, may file a claim for
4224 compensation for counseling or other mental health services
4225 within:

4226 (a) One ± year after the filing of a petition under s.
4227 394.914, to involuntarily civilly commit the individual who
4228 perpetrated the sexually violent offense, if the claim arises
4229 from a crime committed before October 1, 2019; or

4230 (b) Three years after the filing of petition under s.
4231 394.914, to involuntarily civilly commit the individual who
4232 perpetrated the sexually violent offense, if the claim arises
4233 from a crime committed on or after October 1, 2019.

4234 Section 69. Paragraph (b) of subsection (1) of section
4235 960.13, Florida Statutes, is amended to read:

4236 960.13 Awards.—

4237 (1)

4238 (b) In no case may an award be made when the record shows
4239 that such report was made more than:

4240 1. Seventy-two ~~72~~ hours after the occurrence of such crime,
4241 if the crime occurred before October 1, 2019; or

4242 2. Five days after the occurrence of such crime, if the
4243 crime occurred on or after October 1, 2019,

4244
4245 unless the department, for good cause shown, finds the delay to



558818

4246 have been justified. The department, upon finding that any
4247 claimant or award recipient has not duly cooperated with the
4248 state attorney, all law enforcement agencies, and the
4249 department, may deny, reduce, or withdraw any award, as the case
4250 may be.

4251 Section 70. Subsection (1) of section 960.195, Florida
4252 Statutes, is amended to read:

4253 960.195 Awards to elderly persons or disabled adults for
4254 property loss.—

4255 (1) Notwithstanding the criteria in s. 960.13, for crime
4256 victim compensation awards, the department may award a maximum
4257 of \$500 on any one claim and a lifetime maximum of \$1,000 on all
4258 claims to elderly persons or disabled adults who suffer a
4259 property loss that causes a substantial diminution in their
4260 quality of life when:

4261 (a) There is proof that a criminal or delinquent act was
4262 committed;

4263 (b) The criminal or delinquent act is reported to law
4264 enforcement authorities within:

4265 1. Seventy-two 72 hours, if such crime or act occurred
4266 before October 1, 2019; or

4267 2. Five days, if such crime or act occurred on or after
4268 October 1, 2019,

4269
4270 unless the department, for good cause shown, finds the delay to
4271 have been justified;

4272 (c) There is proof that the tangible personal property in
4273 question belonged to the claimant;

4274 (d) The claimant did not contribute to the criminal or



558818

4275 delinquent act;

4276 (e) There is no other source of reimbursement or
4277 indemnification available to the claimant; and

4278 (f) The claimant would not be able to replace the tangible
4279 personal property in question without incurring a serious
4280 financial hardship.

4281 Section 71. Section 960.196, Florida Statutes, is amended
4282 to read:

4283 960.196 Relocation assistance for victims of human
4284 trafficking.—

4285 (1) Notwithstanding the criteria specified in ss. 960.07(2)
4286 and 960.13 for crime victim compensation awards, the department
4287 may award a one-time payment of up to \$1,500 for any one claim
4288 and a lifetime maximum of \$3,000 to a victim of human
4289 trafficking who needs urgent assistance to escape from an unsafe
4290 environment directly related to the human trafficking offense.

4291 (2) In order for an award to be granted to a victim for
4292 relocation assistance:

4293 (a) There must be proof that a human trafficking offense,
4294 as described in s. 787.06(3)(b), (d), (f), or (g), was
4295 committed.

4296 (b) 1. For a crime occurring before October 1, 2019, the
4297 crime must be reported to the proper authorities and the claim
4298 must be filed within 1 year, or 2 years with good cause, after
4299 the date of the last human trafficking offense, as described in
4300 s. 787.06(3)(b), (d), (f), or (g).

4301 2. For a crime occurring on or after October 1, 2019, the
4302 crime must be reported to the proper authorities and the claim
4303 must be filed within 3 years, or 5 years with good cause, after



558818

4304 the date of the last human trafficking offense, as described in
4305 s. 787.06(3) (b), (d), (f), or (g).

4306 3. In a case that exceeds the reporting and filing 2-year
4307 requirement due to an active and ongoing investigation, a state
4308 attorney, statewide prosecutor, or federal prosecutor may
4309 certify in writing a human trafficking victim's need to relocate
4310 from an unsafe environment due to the threat of future violence
4311 which is directly related to the human trafficking offense.

4312 (c) The victim's need must be certified by a certified
4313 domestic violence or rape crisis center in this state, except as
4314 provided in paragraph (b). The center's certification must
4315 assert that the victim is cooperating with the proper
4316 authorities and must include documentation that the victim has
4317 developed a safety plan.

4318 (3) Relocation payments for a human trafficking claim shall
4319 be denied if the department has previously approved or paid out
4320 a domestic violence or sexual battery relocation claim under s.
4321 960.198 or s. 960.199 to the same victim regarding the same
4322 incident.

4323 Section 72. Subsection (2) of section 960.28, Florida
4324 Statutes, is amended to read:

4325 960.28 Payment for victims' initial forensic physical
4326 examinations.—

4327 (2) The Crime Victims' Services Office of the department
4328 shall pay for medical expenses connected with an initial
4329 forensic physical examination of a victim of sexual battery as
4330 defined in chapter 794 or a lewd or lascivious offense as
4331 defined in chapter 800. Such payment shall be made regardless of
4332 whether the victim is covered by health or disability insurance



558818

4333 and whether the victim participates in the criminal justice
4334 system or cooperates with law enforcement. The payment shall be
4335 made only out of moneys allocated to the Crime Victims' Services
4336 Office for the purposes of this section, and the payment may not
4337 exceed \$1,000 ~~\$500~~ with respect to any violation. The department
4338 shall develop and maintain separate protocols for the initial
4339 forensic physical examination of adults and children. Payment
4340 under this section is limited to medical expenses connected with
4341 the initial forensic physical examination, and payment may be
4342 made to a medical provider using an examiner qualified under
4343 part I of chapter 464, excluding s. 464.003(14); chapter 458; or
4344 chapter 459. Payment made to the medical provider by the
4345 department shall be considered by the provider as payment in
4346 full for the initial forensic physical examination associated
4347 with the collection of evidence. The victim may not be required
4348 to pay, directly or indirectly, the cost of an initial forensic
4349 physical examination performed in accordance with this section.

4350 Section 73. Effective upon this act becoming a law,
4351 paragraphs (c), (d), and (f) of subsection (2) of section
4352 985.12, Florida Statutes, are amended to read:

4353 985.12 Civil citation or similar prearrest diversion
4354 programs.—

4355 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST
4356 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

4357 (c) The state attorney of each circuit shall operate a
4358 civil citation or similar prearrest diversion program in each
4359 circuit. A sheriff, police department, county, municipality,
4360 locally authorized entity, or public or private educational
4361 institution may continue to operate an independent civil



4362 citation or similar prearrest diversion program that is in
4363 operation as of October 1, 2018, if the independent program is
4364 reviewed by the state attorney of the applicable circuit and he
4365 or she determines that the independent program is substantially
4366 similar to the civil citation or similar prearrest diversion
4367 program developed by the circuit. If the state attorney
4368 determines that the independent program is not substantially
4369 similar to the civil citation or similar prearrest diversion
4370 program developed by the circuit, the operator of the
4371 independent diversion program may revise the program and the
4372 state attorney may conduct an additional review of the
4373 independent program.

4374 (d) A judicial circuit may model an existing sheriff's,
4375 police department's, county's, municipality's, locally
4376 authorized entity's, or public or private educational
4377 institution's independent civil citation or similar prearrest
4378 diversion program in developing the civil citation or similar
4379 prearrest diversion program for the circuit.

4380 (f) Each civil citation or similar prearrest diversion
4381 program shall enter the appropriate youth data into the Juvenile
4382 Justice Information System Prevention Web within 7 days after
4383 the admission of the youth into the program ~~A copy of each civil~~
4384 ~~citation or similar prearrest diversion program notice issued~~
4385 ~~under this section shall be provided to the department, and the~~
4386 ~~department shall enter appropriate information into the juvenile~~
4387 ~~offender information system.~~

4388 Section 74. Effective upon this act becoming a law,
4389 subsection (2) and paragraph (c) of subsection (3) of section
4390 985.126, Florida Statutes, are amended to read:



558818

4391 985.126 Diversion programs; data collection; denial of
4392 participation or expunged record.—

4393 (2) Upon issuance of documentation requiring a minor to
4394 participate in a diversion program, before or without an arrest,
4395 the issuing law enforcement officer shall send a copy of such
4396 documentation to the entity designated to operate the diversion
4397 program ~~and to the department~~, which shall enter such
4398 information into the Juvenile Justice Information System
4399 Prevention Web within 7 days after the youth's admission into
4400 the program.

4401 (3)

4402 (c) The data required pursuant to paragraph (a) shall be
4403 entered into the Juvenile Justice Information System Prevention
4404 Web within 7 days after the youth's admission into the program
4405 ~~submitted to the department quarterly.~~

4406 Section 75. Effective upon this act becoming a law,
4407 paragraph (f) of subsection (1) of section 985.145, Florida
4408 Statutes, is amended to read:

4409 985.145 Responsibilities of the department during intake;
4410 screenings and assessments.—

4411 (1) The department shall serve as the primary case manager
4412 for the purpose of managing, coordinating, and monitoring the
4413 services provided to the child. Each program administrator
4414 within the Department of Children and Families shall cooperate
4415 with the primary case manager in carrying out the duties and
4416 responsibilities described in this section. In addition to
4417 duties specified in other sections and through departmental
4418 rules, the department shall be responsible for the following:

4419 ~~(f) Prevention web. For a child with a first-time~~



558818

4420 ~~misdemeanor offense, the department shall enter all related~~
4421 ~~information into the Juvenile Justice Information System~~
4422 ~~Prevention Web until such time as formal charges are filed. If~~
4423 ~~formal charges are not filed, the information shall remain in~~
4424 ~~the Juvenile Justice Information System Prevention Web until~~
4425 ~~removed pursuant to department policies.~~

4426 Section 76. Subsection (2) of section 985.557, Florida
4427 Statutes, is amended to read:

4428 985.557 Direct filing of an information; discretionary and
4429 mandatory criteria.—

4430 ~~(2) MANDATORY DIRECT FILE.—~~

4431 ~~(a) With respect to any child who was 16 or 17 years of age~~
4432 ~~at the time the alleged offense was committed, the state~~
4433 ~~attorney shall file an information if the child has been~~
4434 ~~previously adjudicated delinquent for an act classified as a~~
4435 ~~felony, which adjudication was for the commission of, attempt to~~
4436 ~~commit, or conspiracy to commit murder, sexual battery, armed or~~
4437 ~~strong-armed robbery, carjacking, home-invasion robbery,~~
4438 ~~aggravated battery, or aggravated assault, and the child is~~
4439 ~~currently charged with a second or subsequent violent crime~~
4440 ~~against a person.~~

4441 ~~(b) With respect to any child 16 or 17 years of age at the~~
4442 ~~time an offense classified as a forcible felony, as defined in~~
4443 ~~s. 776.08, was committed, the state attorney shall file an~~
4444 ~~information if the child has previously been adjudicated~~
4445 ~~delinquent or had adjudication withheld for three acts~~
4446 ~~classified as felonies each of which occurred at least 45 days~~
4447 ~~apart from each other. This paragraph does not apply when the~~
4448 ~~state attorney has good cause to believe that exceptional~~



558818

4449 ~~circumstances exist which preclude the just prosecution of the~~
4450 ~~juvenile in adult court.~~

4451 ~~(c) The state attorney must file an information if a child,~~
4452 ~~regardless of the child's age at the time the alleged offense~~
4453 ~~was committed, is alleged to have committed an act that would be~~
4454 ~~a violation of law if the child were an adult, that involves~~
4455 ~~stealing a motor vehicle, including, but not limited to, a~~
4456 ~~violation of s. 812.133, relating to carjacking, or s.~~
4457 ~~812.014(2)(c)6., relating to grand theft of a motor vehicle, and~~
4458 ~~while the child was in possession of the stolen motor vehicle~~
4459 ~~the child caused serious bodily injury to or the death of a~~
4460 ~~person who was not involved in the underlying offense. For~~
4461 ~~purposes of this section, the driver and all willing passengers~~
4462 ~~in the stolen motor vehicle at the time such serious bodily~~
4463 ~~injury or death is inflicted shall also be subject to mandatory~~
4464 ~~transfer to adult court. "Stolen motor vehicle," for the~~
4465 ~~purposes of this section, means a motor vehicle that has been~~
4466 ~~the subject of any criminal wrongful taking. For purposes of~~
4467 ~~this section, "willing passengers" means all willing passengers~~
4468 ~~who have participated in the underlying offense.~~

4469 ~~(d)1. With respect to any child who was 16 or 17 years of~~
4470 ~~age at the time the alleged offense was committed, the state~~
4471 ~~attorney shall file an information if the child has been charged~~
4472 ~~with committing or attempting to commit an offense listed in s.~~
4473 ~~775.087(2)(a)1.a.p., and, during the commission of or attempt~~
4474 ~~to commit the offense, the child:~~

4475 ~~a. Actually possessed a firearm or destructive device, as~~
4476 ~~those terms are defined in s. 790.001.~~

4477 ~~b. Discharged a firearm or destructive device, as described~~



558818

4478 ~~in s. 775.087(2)(a)2.~~
4479 ~~e. Discharged a firearm or destructive device, as described~~
4480 ~~in s. 775.087(2)(a)3., and, as a result of the discharge, death~~
4481 ~~or great bodily harm was inflicted upon any person.~~
4482 ~~2. Upon transfer, any child who is:~~
4483 ~~a. Charged under sub-subparagraph 1.a. and who has been~~
4484 ~~previously adjudicated or had adjudication withheld for a~~
4485 ~~forcible felony offense or any offense involving a firearm, or~~
4486 ~~who has been previously placed in a residential commitment~~
4487 ~~program, shall be subject to sentencing under s. 775.087(2)(a),~~
4488 ~~notwithstanding s. 985.565.~~
4489 ~~b. Charged under sub-subparagraph 1.b. or sub-subparagraph~~
4490 ~~1.c., shall be subject to sentencing under s. 775.087(2)(a),~~
4491 ~~notwithstanding s. 985.565.~~
4492 ~~3. Upon transfer, any child who is charged under this~~
4493 ~~paragraph, but who does not meet the requirements specified in~~
4494 ~~subparagraph 2., shall be sentenced under s. 985.565; however,~~
4495 ~~if the court imposes a juvenile sanction, the court must commit~~
4496 ~~the child to a high risk or maximum-risk juvenile facility.~~
4497 ~~4. This paragraph shall not apply if the state attorney has~~
4498 ~~good cause to believe that exceptional circumstances exist that~~
4499 ~~preclude the just prosecution of the child in adult court.~~
4500 ~~5. The Department of Corrections shall make every~~
4501 ~~reasonable effort to ensure that any child 16 or 17 years of age~~
4502 ~~who is convicted and sentenced under this paragraph be~~
4503 ~~completely separated such that there is no physical contact with~~
4504 ~~adult offenders in the facility, to the extent that it is~~
4505 ~~consistent with chapter 958.~~
4506 Section 77. Subsection (3) of section 776.09, Florida



558818

4507 Statutes, is amended to read:

4508 776.09 Retention of records pertaining to persons found to
4509 be acting in lawful self-defense; expunction of criminal history
4510 records.-

4511 (3) Under either condition described in subsection (1) or
4512 subsection (2), the person accused may apply for a certificate
4513 of eligibility to expunge the associated criminal history
4514 record, pursuant to s. 943.0578 ~~s. 943.0585(5)~~, notwithstanding
4515 the eligibility requirements prescribed in s. 943.0585(1) ~~s.~~
4516 ~~943.0585(1)(b)~~ or (2).

4517 Section 78. Paragraph (c) of subsection (3) of section
4518 943.053, Florida Statutes, is amended to read:

4519 943.053 Dissemination of criminal justice information;
4520 fees.-

4521 (3)

4522 (c)1. Criminal history information relating to juveniles,
4523 including criminal history information consisting in whole or in
4524 part of information that is confidential and exempt under
4525 paragraph (b), shall be available to:

4526 a. A criminal justice agency for criminal justice purposes
4527 on a priority basis and free of charge;

4528 b. The person to whom the record relates, or his or her
4529 attorney;

4530 c. The parent, guardian, or legal custodian of the person
4531 to whom the record relates, provided such person has not reached
4532 the age of majority, been emancipated by a court, or been
4533 legally married; or

4534 d. An agency or entity specified in s. 943.0585(6) ~~s.~~
4535 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~, for the purposes



558818

4536 specified therein, and to any person within such agency or
4537 entity who has direct responsibility for employment, access
4538 authorization, or licensure decisions.

4539 2. After providing the program with all known personal
4540 identifying information, the criminal history information
4541 relating to a juvenile which is not confidential and exempt
4542 under this subsection may be released to the private sector and
4543 noncriminal justice agencies not specified in s. 943.0585(6) ~~s.~~
4544 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~ in the same manner as
4545 provided in paragraph (a). Criminal history information relating
4546 to a juvenile which is not confidential and exempt under this
4547 subsection is the entire criminal history information relating
4548 to a juvenile who satisfies any of the criteria listed in sub-
4549 subparagraphs (b)1.a.-d., except for any portion of such
4550 juvenile's criminal history record which has been expunged or
4551 sealed under any law applicable to such record.

4552 3. All criminal history information relating to juveniles,
4553 other than that provided to criminal justice agencies for
4554 criminal justice purposes, shall be provided upon tender of fees
4555 as established in this subsection and in the manner prescribed
4556 by rule of the Department of Law Enforcement.

4557 Section 79. Paragraph (b) of subsection (2) of section
4558 943.0582, Florida Statutes, is amended to read:

4559 943.0582 Diversion program expunction.—

4560 (2) As used in this section, the term:

4561 (b) "Expunction" has the same meaning ascribed in and
4562 effect as s. 943.0585, except that:

4563 1. Section 943.0585(6) (b) does ~~The provisions of s.~~
4564 ~~943.0585(4) (a) do~~ not apply, except that the criminal history



558818

4565 record of a person whose record is expunged pursuant to this
4566 section shall be made available only to criminal justice
4567 agencies for the purpose of:

- 4568 a. Determining eligibility for diversion programs;
- 4569 b. A criminal investigation; or
- 4570 c. Making a prosecutorial decision under s. 985.15.

4571 2. Records maintained by local criminal justice agencies in
4572 the county in which the arrest occurred that are eligible for
4573 expunction pursuant to this section shall be sealed as the term
4574 is used in s. 943.059.

4575 Section 80. Paragraphs (a) and (b) of subsection (4) of
4576 section 985.565, Florida Statutes, are amended to read:

4577 985.565 Sentencing powers; procedures; alternatives for
4578 juveniles prosecuted as adults.—

4579 (4) SENTENCING ALTERNATIVES.—

4580 (a) *Adult sanctions*.—

4581 1. Cases prosecuted on indictment.—If the child is found to
4582 have committed the offense punishable by death or life
4583 imprisonment, the child shall be sentenced as an adult. If the
4584 juvenile is not found to have committed the indictable offense
4585 but is found to have committed a lesser included offense or any
4586 other offense for which he or she was indicted as a part of the
4587 criminal episode, the court may sentence as follows:

- 4588 a. As an adult;
- 4589 b. Under chapter 958; or
- 4590 c. As a juvenile under this section.

4591 2. Other cases.—If a child who has been transferred for
4592 criminal prosecution pursuant to information or waiver of
4593 juvenile court jurisdiction is found to have committed a



558818

4594 violation of state law or a lesser included offense for which he
4595 or she was charged as a part of the criminal episode, the court
4596 may sentence as follows:

4597 a. As an adult;

4598 b. Under chapter 958; or

4599 c. As a juvenile under this section.

4600 3. Notwithstanding any other provision to the contrary, if
4601 the state attorney is required to file a motion to transfer and
4602 certify the juvenile for prosecution as an adult under s.

4603 985.556(3) and that motion is granted, ~~or if the state attorney~~
4604 ~~is required to file an information under s. 985.557(2)(a) or~~
4605 ~~(b)~~, the court must impose adult sanctions.

4606 4. Any sentence imposing adult sanctions is presumed
4607 appropriate, and the court is not required to set forth specific
4608 findings or enumerate the criteria in this subsection as any
4609 basis for its decision to impose adult sanctions.

4610 5. When a child has been transferred for criminal
4611 prosecution as an adult and has been found to have committed a
4612 violation of state law, the disposition of the case may include
4613 the enforcement of any restitution ordered in any juvenile
4614 proceeding.

4615 (b) *Juvenile sanctions.*—For juveniles transferred to adult
4616 court but who do not qualify for such transfer under s.
4617 985.556(3) ~~or s. 985.557(2)(a) or (b)~~, the court may impose
4618 juvenile sanctions under this paragraph. If juvenile sentences
4619 are imposed, the court shall, under this paragraph, adjudge the
4620 child to have committed a delinquent act. Adjudication of
4621 delinquency may ~~shall~~ not be deemed a conviction, nor shall it
4622 operate to impose any of the civil disabilities ordinarily



558818

4623 resulting from a conviction. The court shall impose an adult
4624 sanction or a juvenile sanction and may not sentence the child
4625 to a combination of adult and juvenile punishments. An adult
4626 sanction or a juvenile sanction may include enforcement of an
4627 order of restitution or probation previously ordered in any
4628 juvenile proceeding. However, if the court imposes a juvenile
4629 sanction and the department determines that the sanction is
4630 unsuitable for the child, the department shall return custody of
4631 the child to the sentencing court for further proceedings,
4632 including the imposition of adult sanctions. Upon adjudicating a
4633 child delinquent under subsection (1), the court may:

4634 1. Place the child in a probation program under the
4635 supervision of the department for an indeterminate period of
4636 time until the child reaches the age of 19 years or sooner if
4637 discharged by order of the court.

4638 2. Commit the child to the department for treatment in an
4639 appropriate program for children for an indeterminate period of
4640 time until the child is 21 or sooner if discharged by the
4641 department. The department shall notify the court of its intent
4642 to discharge no later than 14 days before ~~prior to~~ discharge.
4643 Failure of the court to timely respond to the department's
4644 notice shall be considered approval for discharge.

4645 3. Order disposition under ss. 985.435, 985.437, 985.439,
4646 985.441, 985.45, and 985.455 as an alternative to youthful
4647 offender or adult sentencing if the court determines not to
4648 impose youthful offender or adult sanctions.

4649

4650 It is the intent of the Legislature that the criteria and
4651 guidelines in this subsection are mandatory and that a



558818

4652 determination of disposition under this subsection is subject to
4653 the right of the child to appellate review under s. 985.534.

4654 Section 81. Subsection (3) of section 921.0022, Florida
4655 Statutes, is amended to read:

4656 921.0022 Criminal Punishment Code; offense severity ranking
4657 chart.—

4658 (3) OFFENSE SEVERITY RANKING CHART

4659 (a) LEVEL 1

Florida Statute	Felony Degree	Description
4661 24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
4662 212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
4663 212.15(2)(b)	3rd	Failure to remit sales taxes, amount <u>\$1,000 or more</u> greater than \$300 but less than \$20,000.
4664 316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
4665 319.30(5)	3rd	Sell, exchange, give away



558818

4666			certificate of title or identification number plate.
	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
4667			
	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
4668			
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
4669			
	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
4670			
	322.212 (5) (a)	3rd	False application for driver license or identification card.
4671			
	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.



558818

4672	443.071(1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
4673	509.151(1)	3rd	Defraud an innkeeper, food or lodging value <u>\$1,000 or more</u> greater than \$300 .
4674	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
4675	562.27(1)	3rd	Possess still or still apparatus.
4676	713.69	3rd	Tenant removes property upon which lien has accrued, value <u>\$1,000 or more</u> than \$50 .
4677	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
4678	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of



558818

4679			a trade secret.
	815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
4680			
	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
4681			
	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
4682			
	826.01	3rd	Bigamy.
4683			
	828.122 (3)	3rd	Fighting or baiting animals.
4684			
	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
4685			
	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.



558818

4686	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
4687	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.
4688	838.15 (2)	3rd	Commercial bribe receiving.
4689	838.16	3rd	Commercial bribery.
4690	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
4691	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
4692	849.01	3rd	Keeping gambling house.
4693	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.



558818

4694	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
4695	849.25 (2)	3rd	Engaging in bookmaking.
4696	860.08	3rd	Interfere with a railroad signal.
4697	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
4698	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
4699	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
4700	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
4701			
4702			
4703	(b) LEVEL 2		
4704			
	Florida	Felony	
	Statute	Degree	Description
4705			



558818

4706	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
4707	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
4708	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.
4709	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
4710	590.28 (1)	3rd	Intentional burning of lands.
	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses



558818

4711			it to inflict injury or death.
4711	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
4712	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
4713	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
4714	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
4715	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; <u>\$750</u> \$300 or more but less than \$5,000.
4716	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less



558818

4717	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
4718	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
4719	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
4720	817.52 (3)	3rd	Failure to redeliver hired vehicle.
4721	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
4722	817.60 (5)	3rd	Dealing in credit cards

than \$750 ~~\$300~~, taken from unenclosed curtilage of dwelling.



558818

4723			of another.
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
4724			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
4725			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
4726			
	831.01	3rd	Forgery.
4727			
	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
4728			
	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
4729			
	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
4730			



558818

4731	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
4732	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
4733	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
4734	843.08	3rd	False personation.
4735	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.
4736	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
4737			
4738	(c) LEVEL 3		



558818

4739	Florida Statute	Felony Degree	Description
4740	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
4741	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
4742	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
4743	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
4744	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
4745	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.



558818

4746	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
4747	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
4748	327.35(2)(b)	3rd	Felony BUI.
4749	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
4750	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
4751	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
4752	379.2431	3rd	Taking, disturbing,



558818

4753	(1) (e) 5.		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.
	379.2431	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.
4754	(1) (e) 6.		
	379.2431	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
4755	(1) (e) 7.		
	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
4756			



558818

4757	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
4758	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
4759	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
4760	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
4761	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.



4762	697.08	3rd	Equity skimming.
4763	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
4764	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
4765	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
4766	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
4767	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
4768	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
4769			



558818

4770	<u>812.015(8)(b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; conspires with others.</u>
4771	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
4772	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
4773	817.233	3rd	Burning to defraud insurer.
4774	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
4775	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
4776	817.236	3rd	Filing a false motor vehicle insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle



558818

4777			insurance card.
	817.413(2)	3rd	Sale of used goods <u>of \$1,000 or more</u> as new.
4778			
	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> .
4779			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
4780			
	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
4781			
	843.19	3rd	Injure, disable, or kill police dog or horse.
4782			
	860.15(3)	3rd	Overcharging for repairs and parts.
4783			
	870.01(2)	3rd	Riot; inciting or encouraging.
4784			



558818

4785	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).
4786	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.
4787	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., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
	893.13(4)(c)	3rd	Use or hire of minor;



558818

4788	893.13 (6) (a)	3rd	deliver to minor other controlled substances.
4789	893.13 (7) (a) 8.	3rd	Possession of any controlled substance other than felony possession of cannabis.
4790	893.13 (7) (a) 9.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
4791	893.13 (7) (a) 10.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
4792	893.13 (7) (a) 11.	3rd	Affix false or forged label to package of controlled substance.
4793	893.13 (8) (a) 1.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
			Knowingly assist a patient,



558818

4794	893.13(8)(a)2.	3rd	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.
4795	893.13(8)(a)3.	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.
4796	893.13(8)(a)4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person. Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.



558818

4797	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
4798	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
4799	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
4800	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
4801			
4802			
4803	(d) LEVEL 4		
4804			
	Florida	Felony	
	Statute	Degree	Description
4805	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and



558818

4806			lights activated.
	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
4807			
	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
4808			
	517.07(1)	3rd	Failure to register securities.
4809			
	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
4810			
	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
4811			
	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.



558818

4812	784.075	3rd	Battery on detention or commitment facility staff.
4813	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
4814	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
4815	784.081 (3)	3rd	Battery on specified official or employee.
4816	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
4817	784.083 (3)	3rd	Battery on code inspector.
4818	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.



558818

4819	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
4820	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
4821	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
4822	787.07	3rd	Human smuggling.
4823	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
4824	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or



4825			other weapon on school property.
	790.115 (2) (c)	3rd	Possessing firearm on school property.
4826			
	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
4827			
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
4828			
	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
4829			
	810.06	3rd	Burglary; possession of tools.
4830			
	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
4831			



558818

4832	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
4833	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; <u>specified items</u> , a will, firearm, motor vehicle, livestock, etc.
4834	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
4835	817.505 (4) (a)	3rd	Patient brokering.
4836	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
4837	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or



4838			reencoder.
	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
4839			
	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
4840			
	837.02 (1)	3rd	Perjury in official proceedings.
4841			
	837.021 (1)	3rd	Make contradictory statements in official proceedings.
4842			
	838.022	3rd	Official misconduct.
4843			
	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
4844			
	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.



558818

4845	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
4846	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
4847	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
4848	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
4849	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
4850	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a),



558818

4851	914.14 (2)	3rd	(2) (b), or (2) (c) 5. drugs).
4852	914.22 (1)	3rd	Witnesses accepting bribes.
4853	914.23 (2)	3rd	Force, threaten, etc., witness, victim, or informant.
4854	918.12	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
4855	934.215	3rd	Tampering with jurors.
4856	<u>944.47 (1) (a) 6.</u>	<u>3rd</u>	Use of two-way communications device to facilitate commission of a crime.
			<u>Introduction of</u> <u>contraband (cellular</u> <u>telephone or other</u> <u>portable communication</u> <u>device) into</u> <u>correctional</u> <u>institution.</u>



558818

4857

951.22 (1) (h),
(j), & (k)

3rd

Intoxicating drug,
instrumentality or other
device to aid escape, or
cellular telephone or
other portable
communication device
introduced into county
detention facility.

4858

4859

4860

(e) LEVEL 5

4861

Florida
Statute

Felony
Degree

Description

4862

316.027 (2) (a)

3rd

Accidents involving
personal injuries other
than serious bodily
injury, failure to stop;
leaving scene.

4863

316.1935 (4) (a)

2nd

Aggravated fleeing or
eluding.

4864

316.80 (2)

2nd

Unlawful conveyance of
fuel; obtaining fuel
fraudulently.

4865



558818

4866	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
4867	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
4867	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged,



558818

4868	379.367(4)	3rd	counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
4869	379.407(5)(b)3.	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
4870	381.0041(11)(b)	3rd	Possession of 100 or more undersized spiny lobsters.
4871	440.10(1)(g)	2nd	Donate blood, plasma, or organs knowing HIV positive.
4872	440.105(5)	2nd	Failure to obtain workers' compensation coverage.
			Unlawful solicitation for the purpose of making workers' compensation claims.



558818

4873	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
4874	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
4875	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
4876	790.01(2)	3rd	Carrying a concealed firearm.
4877	790.162	2nd	Threat to throw or discharge destructive device.
4878	790.163(1)	2nd	False report of bomb, explosive, weapon of



558818

4879			mass destruction, or use of firearms in violent manner.
	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
4880			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
4881			
	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
4882			
	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
4883			
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
4884			
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
4885			



558818

4886	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
4887	812.015 (8) <u>(a), (c), (d), & (e)</u>	3rd	Retail theft; property stolen is valued at <u>\$750</u> \$300 or more and one or more specified acts.
4888	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
4889	812.131 (2) (b)	3rd	Robbery by sudden snatching.
4890	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
4891	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
4892	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	817.2341 (1),	3rd	Filing false financial



558818

	(2) (a) & (3) (a)		statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
4893	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.
4894	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
4895	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or



558818

4896			reencoder.
	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
4897			
	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
4898			
	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
4899			
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
4900			
	839.13 (2) (b)	2nd	Falsifying records of an



558818

4901			individual in the care and custody of a state agency involving great bodily harm or death.
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
4902			
	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
4903			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
4904			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
4905			
	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent



558818

4906

874.05 (2) (a)

2nd

offense.

Encouraging or recruiting person under 13 years of age to join a criminal gang.

4907

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).

4908

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 child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.



558818

4909	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
4910	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
4911	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



4912			1,000 feet of public housing facility.
	893.13 (4) (b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
4913			
	893.1351 (1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
4914			
4915			
4916	(f) LEVEL 6		
4917			
	Florida Statute	Felony Degree	Description
4918			
	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
4919			
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
4920			
	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.



4921	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
4922	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
4923	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
4924	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
4925	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
4926	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
4927	784.041	3rd	Felony battery; domestic battery by strangulation.



4928	784.048 (3)	3rd	Aggravated stalking; credible threat.
4929	784.048 (5)	3rd	Aggravated stalking of person under 16.
4930	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
4931	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
4932	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
4933	784.081 (2)	2nd	Aggravated assault on specified official or employee.
4934	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
4935	784.083 (2)	2nd	Aggravated assault on



558818

4936			code inspector.
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
4937			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
4938			
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
4939			
	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.
4940			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
4941			



4942	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
4943	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
4944	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.
4945	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
4946	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
4947	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	810.145 (8) (b)	2nd	Video voyeurism; certain



558818

4948	812.014 (2) (b) 1.	2nd	minor victims; 2nd or subsequent offense. Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
4949	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
4950	812.015 (9) (a)	2nd	Retail theft; property stolen <u>\$750</u> \$300 or more; second or subsequent conviction.
4951	812.015 (9) (b)	2nd	Retail theft; <u>aggregated property stolen within 30 days is</u> \$3,000 or more; coordination of others.
4952	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
4953	817.4821 (5)	2nd	Possess cloning paraphernalia with



558818

4954			intent to create cloned cellular telephones.
	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
4955			
	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
4956			
	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
4957			
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
4958			
	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
4959			
	827.03 (2) (c)	3rd	Abuse of a child.
4960			
	827.03 (2) (d)	3rd	Neglect of a child.
4961			
	827.071 (2) & (3)	2nd	Use or induce a child in



558818

4962			a sexual performance, or promote or direct such performance.
4963	836.05	2nd	Threats; extortion.
4964	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
4965	843.12	3rd	Aids or assists person to escape.
4966	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
4967	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual



4968			depiction of such conduct.
	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
4969			
	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.
4970			
	944.40	2nd	Escapes.
4971			
	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
4972			
	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
4973			



951.22 (1) (i) 3rd ~~Intoxicating drug,~~
~~951.22 (1)~~ Firearm, or weapon
 introduced into county
detention facility.

4974
 4975
 4976
 4977

(g) LEVEL 7

Florida
 Statute

Felony
 Degree

Description

4978

316.027 (2) (c) 1st Accident involving death,
 failure to stop; leaving
 scene.

4979

316.193 (3) (c) 2. 3rd DUI resulting in serious
 bodily injury.

4980

316.1935 (3) (b) 1st Causing serious bodily
 injury or death to another
 person; driving at high
 speed or with wanton
 disregard for safety while
 fleeing or attempting to
 elude law enforcement
 officer who is in a patrol
 vehicle with siren and
 lights activated.

4981



558818

4982	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
4983	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
4984	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
4985	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
4986	456.065 (2)	3rd	Practicing a health care profession without a license.
4987	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
4988	458.327 (1)	3rd	Practicing medicine without a license.



558818

4989	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
4990	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
4991	461.012 (1)	3rd	Practicing podiatric medicine without a license.
4992	462.17	3rd	Practicing naturopathy without a license.
4993	463.015 (1)	3rd	Practicing optometry without a license.
4994	464.016 (1)	3rd	Practicing nursing without a license.
4995	465.015 (2)	3rd	Practicing pharmacy without a license.
4996	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
	467.201	3rd	Practicing midwifery



558818

4997			without a license.
	468.366	3rd	Delivering respiratory care services without a license.
4998			
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
4999			
	483.901 (7)	3rd	Practicing medical physics without a license.
5000			
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
5001			
	484.053	3rd	Dispensing hearing aids without a license.
5002			
	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
5003			
	560.123 (8) (b) 1.	3rd	Failure to report currency



558818

5004	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
5005	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
5006	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
5007	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
5008	775.21 (10) (g)	3rd	Failure to report or providing false or payment instruments exceeding \$300 but less than \$20,000 by a money services business.



558818

5009			information about a sexual predator; harbor or conceal a sexual predator.
	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
5010			
	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
5011			
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
5012			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
5013			
	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing



558818

5014			great bodily harm or disfigurement.
	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
5015			
	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
5016			
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
5017			
	784.048 (7)	3rd	Aggravated stalking; violation of court order.
5018			
	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
5019			
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
5020			
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
5021			
	784.081 (1)	1st	Aggravated battery on



558818

5022			specified official or employee.
	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
5023			
	784.083(1)	1st	Aggravated battery on code inspector.
5024			
	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
5025			
	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.
5026			
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
5027			
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.



558818

5028	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
5029	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
5030	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
5031	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
5032	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
5033	794.08(4)	3rd	Female genital mutilation;



558818

5034	796.05 (1)	1st	consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
5035	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
5036	800.04 (5) (c) 1.	2nd	Live on earnings of a prostitute; 3rd and subsequent offense.
5037	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
5038	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.



558818

5039			younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
5040	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
5041	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
5042	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
5043	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
5044	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
	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



558818

5045			causing other property damage; 1st degree grand theft.
	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
5046			
	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
5047			
	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
5048			
	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
5049			
	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
5050			
	812.131 (2) (a)	2nd	Robbery by sudden



558818

5051			snatching.
	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
5052			
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
5053			
	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
5054			
	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
5055			
	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
5056			
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the



558818

5057			insolvency of that entity.
	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
5058			
	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
5059			
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
5060			
	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.
5061			
	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
5062			
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by



558818

5063			person 21 years of age or older.
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
5064			
	838.015	2nd	Bribery.
5065			
	838.016	2nd	Unlawful compensation or reward for official behavior.
5066			
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
5067			
	838.22	2nd	Bid tampering.
5068			
	843.0855 (2)	3rd	Impersonation of a public officer or employee.
5069			
	843.0855 (3)	3rd	Unlawful simulation of legal process.
5070			
	843.0855 (4)	3rd	Intimidation of a public officer or employee.
5071			
	847.0135 (3)	3rd	Solicitation of a child,



558818

5072			via a computer service, to commit an unlawful sex act.
	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
5073			
	872.06	2nd	Abuse of a dead human body.
5074			
	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
5075			
	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
5076			
	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



558818

5077	893.13 (1) (e) 1.	1st	feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
5078	893.13 (4) (a)	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.
5079	893.135 (1) (a) 1.	1st	Use or hire of minor; deliver to minor other controlled substance.
5080	893.135 (1) (b) 1.a.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
			Trafficking in cocaine, more than 28 grams, less than 200 grams.



5081	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
5082	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, <u>28</u> 14 grams or more, less than <u>50</u> 28 grams.
5083	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, <u>50</u> 28 grams or more, less than <u>100</u> 50 grams.
5084	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
5085	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
5086	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
5087	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or



5088			more, less than 200 grams.
	893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
5089			
	893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
5090			
	893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
5091			
	893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
5092			
	893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
5093			
	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.



558818

5094	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
5095	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
5096	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
5097	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
5098	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
5099	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions



558818

5100			exceeding \$300 but less than \$20,000.
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
5101			
	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
5102			
	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
5103			
	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
5104			
	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false



558818

5105			registration information.
	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
5106			
	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
5107			
	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
5108			
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
5109			
	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
5110			
	985.4815(12)	3rd	Failure to report or providing false



558818

5111			information about a sexual offender; harbor or conceal a sexual offender.
	985.4815 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
5112			
5113			
5114	(h) LEVEL 8		
5115			
	Florida Statute	Felony Degree	Description
5116	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
5117	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
5118	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
5119	499.0051 (6)	1st	Knowing trafficking in contraband prescription



558818

5120			drugs.
	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
5121			
	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.
5122			
	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.
5123			
	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
5124			
	777.03 (2) (a)	1st	Accessory after the fact,



558818

5125	782.04 (4)	2nd	capital felony. 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.
5126	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
5127	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
5128	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give



558818

			information.
5129	787.06 (3) (a)1.	1st	Human trafficking for labor and services of a child.
5130	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
5131	787.06 (3) (c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
5132	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.
5133	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



558818

5134			state.
	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
5135			
	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.
5136			
	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.
5137			
	794.011(5)(c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
5138			



558818

5139	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.
5140	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
5141	800.04 (4) (b)	2nd	Lewd or lascivious battery.
5142	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
5143	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.



5144	810.02 (2) (a)	1st,PBL	Burglary with assault or battery.
5145	810.02 (2) (b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
5146	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
5147	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
5148	812.13 (2) (b)	1st	Robbery with a weapon.
5149	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
5150	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
	817.535 (2) (b)	2nd	Filing false lien or other unauthorized



558818

5151	817.535 (3) (a)	2nd	document; second or subsequent offense.
5152	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
5153	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
5154	817.568 (6)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
5155	817.611 (2) (c)	1st	Fraudulent use of personal identification information of an individual under the age of 18.
			Traffic in or possess 50



558818

5156			or more counterfeit credit cards or related documents.
	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
5157			
	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
5158			
	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
5159			
	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
5160			
	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
5161			
	860.121 (2) (c)	1st	Shooting at or throwing



558818

			any object in path of railroad vehicle resulting in great bodily harm.
5162	860.16	1st	Aircraft piracy.
5163	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).
5164	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
5165	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
5166	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
5167	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.



5168	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
5169	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, <u>100</u> 50 grams or more, less than <u>300</u> 200 grams.
5170	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
5171	893.135 (1) (c) 4.b. (II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
5172	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
5173	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
5174			



558818

5175	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
5176	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
5177	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
5178	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4- Butanediol, 5 kilograms or more, less than 10 kilograms.
5179	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
	893.135 (1) (m) 2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30



558818

5180			kilograms.
	893.135 (1) (n) 2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
5181			
	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
5182			
	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
5183			
	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
5184			
	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
5185			



558818

5186	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
5187	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.
5188			
5189	(i) LEVEL 9		
5190			
5191	Florida Statute	Felony Degree	Description
5192	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
5193	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
	409.920	1st	Medicaid provider fraud;



558818

5194	(2) (b) 1. c.		\$50,000 or more.
	499.0051 (8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
5195	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
5196	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
5197	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
5198	775.0844	1st	Aggravated white collar crime.



5199	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
5200	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.
5201	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
5202	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
5203	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
5204	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to



558818

5205	787.01 (1) (a) 4.	1st,PBL	commit or facilitate commission of any felony. Kidnapping with intent to interfere with performance of any governmental or political function.
5206	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.
5207	787.06 (3) (c) 1.	1st	Human trafficking for labor and services of an unauthorized alien child.
5208	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
5209	787.06 (3) (f) 1.	1st,PBL	Human trafficking for commercial sexual



5210			activity by the transfer or transport of any child from outside Florida to within the state.
	790.161	1st	Attempted capital destructive device offense.
5211			
	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
5212			
	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
5213			
	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
5214			
	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



558818

5215	794.011(4)(b)	1st	older. Sexual battery, certain circumstances; victim and offender 18 years of age or older.
5216	794.011(4)(c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
5217	794.011(4)(d)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
5218	794.011(8)(b)	1st,PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
5219	794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.



558818

5220	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
5221	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
5222	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
5223	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
5224	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
5225	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
5226			



558818

5227	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.
5228	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.
5229	827.03 (2) (a)	1st	Aggravated child abuse.
5230	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
5231	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
	859.01	1st	Poisoning or introducing



558818

5232			bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
	893.135	1st	Attempted capital trafficking offense.
5233			
	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
5234			
	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
5235			
	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
5236			
	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, <u>300</u> 200 grams or more, less than 30 kilograms.
5237			
	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less



5238			than 30 kilograms.
	893.135	1st	Trafficking in fentanyl,
	(1) (c) 4.b. (III)		28 grams or more.
5239			
	893.135	1st	Trafficking in
	(1) (d) 1.c.		phencyclidine, 400 grams
			or more.
5240			
	893.135	1st	Trafficking in
	(1) (e) 1.c.		methaqualone, 25
			kilograms or more.
5241			
	893.135	1st	Trafficking in
	(1) (f) 1.c.		amphetamine, 200 grams or
			more.
5242			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.c.		hydroxybutyric acid
			(GHB), 10 kilograms or
			more.
5243			
	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.c.		Butanediol, 10 kilograms
			or more.
5244			
	893.135	1st	Trafficking in
	(1) (k) 2.c.		Phenethylamines, 400
			grams or more.



5245	893.135 (1) (m) 2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.
5246	893.135 (1) (n) 2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
5247	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
5248	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
5249			
5250			
5251	(j) LEVEL 10		
5252			
	Florida	Felony	
	Statute	Degree	Description
5253	499.0051 (9)	1st	Knowing sale or purchase of contraband



5254	782.04 (2)	1st, PBL	prescription drugs resulting in death. Unlawful killing of human; act is homicide, unpremeditated.
5255	782.07 (3)	1st	Aggravated manslaughter of a child.
5256	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
5257	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.
5258	787.06 (3) (g)	Life	Human trafficking for commercial sexual activity of a child under the age of 18 or mentally defective or incapacitated person.
5259			



558818

5260	787.06(4)(a)	Life	Selling or buying of minors into human trafficking.
5261	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.
5262	812.135(2)(a)	1st,PBL	Home-invasion robbery with firearm or other deadly weapon.
5263	876.32	1st	Treason against the state.

5264
5265 Section 82. For the purpose of incorporating the amendment
5266 made by this act to section 322.056, Florida Statutes, in a
5267 reference thereto, subsection (11) of section 322.05, Florida
5268 Statutes, is reenacted to read:

5269 322.05 Persons not to be licensed.—The department may not
5270 issue a license:

5271 (11) To any person who is ineligible under s. 322.056.

5272 Section 83. For the purpose of incorporating the amendment
5273 made by this act to section 322.34, Florida Statutes, in a
5274 reference thereto, paragraph (c) of subsection (2) of section



558818

5275 316.027, Florida Statutes, is reenacted to read:

5276 316.027 Crash involving death or personal injuries.—

5277 (2)

5278 (c) The driver of a vehicle involved in a crash occurring
5279 on public or private property which results in the death of a
5280 person shall immediately stop the vehicle at the scene of the
5281 crash, or as close thereto as possible, and shall remain at the
5282 scene of the crash until he or she has fulfilled the
5283 requirements of s. 316.062. A person who is arrested for a
5284 violation of this paragraph and who has previously been
5285 convicted of a violation of this section, s. 316.061, s.
5286 316.191, or s. 316.193, or a felony violation of s. 322.34,
5287 shall be held in custody until brought before the court for
5288 admittance to bail in accordance with chapter 903. A person who
5289 willfully violates this paragraph commits a felony of the first
5290 degree, punishable as provided in s. 775.082, s. 775.083, or s.
5291 775.084, and shall be sentenced to a mandatory minimum term of
5292 imprisonment of 4 years. A person who willfully commits such a
5293 violation while driving under the influence as set forth in s.
5294 316.193(1) shall be sentenced to a mandatory minimum term of
5295 imprisonment of 4 years.

5296 Section 84. For the purpose of incorporating the amendment
5297 made by this act to section 322.34, Florida Statutes, in a
5298 reference thereto, paragraph (c) of subsection (4) of section
5299 907.041, Florida Statutes, is reenacted to read:

5300 907.041 Pretrial detention and release.—

5301 (4) PRETRIAL DETENTION.—

5302 (c) The court may order pretrial detention if it finds a
5303 substantial probability, based on a defendant's past and present



558818

5304 patterns of behavior, the criteria in s. 903.046, and any other
5305 relevant facts, that any of the following circumstances exist:

5306 1. The defendant has previously violated conditions of
5307 release and that no further conditions of release are reasonably
5308 likely to assure the defendant's appearance at subsequent
5309 proceedings;

5310 2. The defendant, with the intent to obstruct the judicial
5311 process, has threatened, intimidated, or injured any victim,
5312 potential witness, juror, or judicial officer, or has attempted
5313 or conspired to do so, and that no condition of release will
5314 reasonably prevent the obstruction of the judicial process;

5315 3. The defendant is charged with trafficking in controlled
5316 substances as defined by s. 893.135, that there is a substantial
5317 probability that the defendant has committed the offense, and
5318 that no conditions of release will reasonably assure the
5319 defendant's appearance at subsequent criminal proceedings;

5320 4. The defendant is charged with DUI manslaughter, as
5321 defined by s. 316.193, and that there is a substantial
5322 probability that the defendant committed the crime and that the
5323 defendant poses a threat of harm to the community; conditions
5324 that would support a finding by the court pursuant to this
5325 subparagraph that the defendant poses a threat of harm to the
5326 community include, but are not limited to, any of the following:

5327 a. The defendant has previously been convicted of any crime
5328 under s. 316.193, or of any crime in any other state or
5329 territory of the United States that is substantially similar to
5330 any crime under s. 316.193;

5331 b. The defendant was driving with a suspended driver
5332 license when the charged crime was committed; or



558818

5333 c. The defendant has previously been found guilty of, or
5334 has had adjudication of guilt withheld for, driving while the
5335 defendant's driver license was suspended or revoked in violation
5336 of s. 322.34;

5337 5. The defendant poses the threat of harm to the community.
5338 The court may so conclude, if it finds that the defendant is
5339 presently charged with a dangerous crime, that there is a
5340 substantial probability that the defendant committed such crime,
5341 that the factual circumstances of the crime indicate a disregard
5342 for the safety of the community, and that there are no
5343 conditions of release reasonably sufficient to protect the
5344 community from the risk of physical harm to persons;

5345 6. The defendant was on probation, parole, or other release
5346 pending completion of sentence or on pretrial release for a
5347 dangerous crime at the time the current offense was committed;

5348 7. The defendant has violated one or more conditions of
5349 pretrial release or bond for the offense currently before the
5350 court and the violation, in the discretion of the court,
5351 supports a finding that no conditions of release can reasonably
5352 protect the community from risk of physical harm to persons or
5353 assure the presence of the accused at trial; or

5354 8.a. The defendant has ever been sentenced pursuant to s.
5355 775.082(9) or s. 775.084 as a prison releasee reoffender,
5356 habitual violent felony offender, three-time violent felony
5357 offender, or violent career criminal, or the state attorney
5358 files a notice seeking that the defendant be sentenced pursuant
5359 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
5360 habitual violent felony offender, three-time violent felony
5361 offender, or violent career criminal;



558818

5362 b. There is a substantial probability that the defendant
5363 committed the offense; and

5364 c. There are no conditions of release that can reasonably
5365 protect the community from risk of physical harm or ensure the
5366 presence of the accused at trial.

5367 Section 85. For the purpose of incorporating the amendment
5368 made by this act to section 509.151, Florida Statutes, in a
5369 reference thereto, section 509.161, Florida Statutes, is
5370 reenacted to read:

5371 509.161 Rules of evidence in prosecutions.—In prosecutions
5372 under s. 509.151, proof that lodging, food, or other
5373 accommodations were obtained by false pretense; by false or
5374 fictitious show of baggage or other property; by absconding
5375 without paying or offering to pay for such food, lodging, or
5376 accommodations; or by surreptitiously removing or attempting to
5377 remove baggage shall constitute prima facie evidence of
5378 fraudulent intent. If the operator of the establishment has
5379 probable cause to believe, and does believe, that any person has
5380 obtained food, lodging, or other accommodations at such
5381 establishment with intent to defraud the operator thereof, the
5382 failure to make payment upon demand therefor, there being no
5383 dispute as to the amount owed, shall constitute prima facie
5384 evidence of fraudulent intent in such prosecutions.

5385 Section 86. For the purpose of incorporating the amendment
5386 made by this act to section 784.048, Florida Statutes, in a
5387 reference thereto, paragraph (c) of subsection (2) of section
5388 790.065, Florida Statutes, is reenacted to read:

5389 790.065 Sale and delivery of firearms.—

5390 (2) Upon receipt of a request for a criminal history record



558818

5391 check, the Department of Law Enforcement shall, during the
5392 licensee's call or by return call, forthwith:

5393 (c)1. Review any records available to it to determine
5394 whether the potential buyer or transferee has been indicted or
5395 has had an information filed against her or him for an offense
5396 that is a felony under either state or federal law, or, as
5397 mandated by federal law, has had an injunction for protection
5398 against domestic violence entered against the potential buyer or
5399 transferee under s. 741.30, has had an injunction for protection
5400 against repeat violence entered against the potential buyer or
5401 transferee under s. 784.046, or has been arrested for a
5402 dangerous crime as specified in s. 907.041(4)(a) or for any of
5403 the following enumerated offenses:

- 5404 a. Criminal anarchy under ss. 876.01 and 876.02.
- 5405 b. Extortion under s. 836.05.
- 5406 c. Explosives violations under s. 552.22(1) and (2).
- 5407 d. Controlled substances violations under chapter 893.
- 5408 e. Resisting an officer with violence under s. 843.01.
- 5409 f. Weapons and firearms violations under this chapter.
- 5410 g. Treason under s. 876.32.
- 5411 h. Assisting self-murder under s. 782.08.
- 5412 i. Sabotage under s. 876.38.
- 5413 j. Stalking or aggravated stalking under s. 784.048.

5414
5415 If the review indicates any such indictment, information, or
5416 arrest, the department shall provide to the licensee a
5417 conditional nonapproval number.

5418 2. Within 24 working hours, the department shall determine
5419 the disposition of the indictment, information, or arrest and



558818

5420 inform the licensee as to whether the potential buyer is
5421 prohibited from receiving or possessing a firearm. For purposes
5422 of this paragraph, "working hours" means the hours from 8 a.m.
5423 to 5 p.m. Monday through Friday, excluding legal holidays.

5424 3. The office of the clerk of court, at no charge to the
5425 department, shall respond to any department request for data on
5426 the disposition of the indictment, information, or arrest as
5427 soon as possible, but in no event later than 8 working hours.

5428 4. The department shall determine as quickly as possible
5429 within the allotted time period whether the potential buyer is
5430 prohibited from receiving or possessing a firearm.

5431 5. If the potential buyer is not so prohibited, or if the
5432 department cannot determine the disposition information within
5433 the allotted time period, the department shall provide the
5434 licensee with a conditional approval number.

5435 6. If the buyer is so prohibited, the conditional
5436 nonapproval number shall become a nonapproval number.

5437 7. The department shall continue its attempts to obtain the
5438 disposition information and may retain a record of all approval
5439 numbers granted without sufficient disposition information. If
5440 the department later obtains disposition information which
5441 indicates:

5442 a. That the potential buyer is not prohibited from owning a
5443 firearm, it shall treat the record of the transaction in
5444 accordance with this section; or

5445 b. That the potential buyer is prohibited from owning a
5446 firearm, it shall immediately revoke the conditional approval
5447 number and notify local law enforcement.

5448 8. During the time that disposition of the indictment,



558818

5449 information, or arrest is pending and until the department is
5450 notified by the potential buyer that there has been a final
5451 disposition of the indictment, information, or arrest, the
5452 conditional nonapproval number shall remain in effect.

5453 Section 87. For the purpose of incorporating the amendment
5454 made by this act to section 784.048, Florida Statutes, in a
5455 reference thereto, subsection (1) of section 794.056, Florida
5456 Statutes, is reenacted to read:

5457 794.056 Rape Crisis Program Trust Fund.—

5458 (1) The Rape Crisis Program Trust Fund is created within
5459 the Department of Health for the purpose of providing funds for
5460 rape crisis centers in this state. Trust fund moneys shall be
5461 used exclusively for the purpose of providing services for
5462 victims of sexual assault. Funds credited to the trust fund
5463 consist of those funds collected as an additional court
5464 assessment in each case in which a defendant pleads guilty or
5465 nolo contendere to, or is found guilty of, regardless of
5466 adjudication, an offense provided in s. 775.21(6) and (10)(a),
5467 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
5468 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
5469 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
5470 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
5471 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
5472 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
5473 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
5474 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
5475 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
5476 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
5477 fund also shall include revenues provided by law, moneys



558818

5478 appropriated by the Legislature, and grants from public or
5479 private entities.

5480 Section 88. For the purpose of incorporating the amendment
5481 made by this act to section 784.048, Florida Statutes, in a
5482 reference thereto, subsection (4) of section 847.0141, Florida
5483 Statutes, is reenacted to read:

5484 847.0141 Sexting; prohibited acts; penalties.—

5485 (4) This section does not prohibit the prosecution of a
5486 minor for a violation of any law of this state if the photograph
5487 or video that depicts nudity also includes the depiction of
5488 sexual conduct or sexual excitement, and does not prohibit the
5489 prosecution of a minor for stalking under s. 784.048.

5490 Section 89. For the purpose of incorporating the amendment
5491 made by this act to section 784.048, Florida Statutes, in a
5492 reference thereto, subsection (5) of section 901.41, Florida
5493 Statutes, is reenacted to read:

5494 901.41 Prearrest diversion programs.—

5495 (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime
5496 of domestic violence, as defined in s. 741.28, or a misdemeanor
5497 under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048,
5498 s. 784.0487, or s. 784.049 does not qualify for a civil citation
5499 or prearrest diversion program.

5500 Section 90. For the purpose of incorporating the amendment
5501 made by this act to section 784.048, Florida Statutes, in a
5502 reference thereto, section 938.08, Florida Statutes, is
5503 reenacted to read:

5504 938.08 Additional cost to fund programs in domestic
5505 violence.—In addition to any sanction imposed for a violation of
5506 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.



558818

5507 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.
5508 784.083, s. 784.085, s. 794.011, or for any offense of domestic
5509 violence described in s. 741.28, the court shall impose a
5510 surcharge of \$201. Payment of the surcharge shall be a condition
5511 of probation, community control, or any other court-ordered
5512 supervision. The sum of \$85 of the surcharge shall be deposited
5513 into the Domestic Violence Trust Fund established in s. 741.01.
5514 The clerk of the court shall retain \$1 of each surcharge that
5515 the clerk of the court collects as a service charge of the
5516 clerk's office. The remainder of the surcharge shall be provided
5517 to the governing board of the county and must be used only to
5518 defray the costs of incarcerating persons sentenced under s.
5519 741.283 and provide additional training to law enforcement
5520 personnel in combating domestic violence.

5521 Section 91. For the purpose of incorporating the amendment
5522 made by this act to section 784.048, Florida Statutes, in a
5523 reference thereto, section 938.085, Florida Statutes, is
5524 reenacted to read:

5525 938.085 Additional cost to fund rape crisis centers.—In
5526 addition to any sanction imposed when a person pleads guilty or
5527 nolo contendere to, or is found guilty of, regardless of
5528 adjudication, a violation of s. 775.21(6) and (10)(a), (b), and
5529 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
5530 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
5531 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
5532 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.
5533 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
5534 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
5535 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.



558818

5536 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
5537 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
5538 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
5539 \$151. Payment of the surcharge shall be a condition of
5540 probation, community control, or any other court-ordered
5541 supervision. The sum of \$150 of the surcharge shall be deposited
5542 into the Rape Crisis Program Trust Fund established within the
5543 Department of Health by chapter 2003-140, Laws of Florida. The
5544 clerk of the court shall retain \$1 of each surcharge that the
5545 clerk of the court collects as a service charge of the clerk's
5546 office.

5547 Section 92. For the purpose of incorporating the amendment
5548 made by this act to section 784.048, Florida Statutes, in a
5549 reference thereto, paragraph (c) of subsection (8) of section
5550 948.06, Florida Statutes, is reenacted to read:

5551 948.06 Violation of probation or community control;
5552 revocation; modification; continuance; failure to pay
5553 restitution or cost of supervision.—

5554 (8)

5555 (c) For purposes of this section, the term "qualifying
5556 offense" means any of the following:

5557 1. Kidnapping or attempted kidnapping under s. 787.01,
5558 false imprisonment of a child under the age of 13 under s.
5559 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
5560 or (c).

5561 2. Murder or attempted murder under s. 782.04, attempted
5562 felony murder under s. 782.051, or manslaughter under s. 782.07.

5563 3. Aggravated battery or attempted aggravated battery under
5564 s. 784.045.



558818

5565 4. Sexual battery or attempted sexual battery under s.
5566 794.011(2), (3), (4), or (8)(b) or (c).

5567 5. Lewd or lascivious battery or attempted lewd or
5568 lascivious battery under s. 800.04(4), lewd or lascivious
5569 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
5570 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
5571 under s. 800.04(7)(b), or lewd or lascivious exhibition on
5572 computer under s. 847.0135(5)(b).

5573 6. Robbery or attempted robbery under s. 812.13, carjacking
5574 or attempted carjacking under s. 812.133, or home invasion
5575 robbery or attempted home invasion robbery under s. 812.135.

5576 7. Lewd or lascivious offense upon or in the presence of an
5577 elderly or disabled person or attempted lewd or lascivious
5578 offense upon or in the presence of an elderly or disabled person
5579 under s. 825.1025.

5580 8. Sexual performance by a child or attempted sexual
5581 performance by a child under s. 827.071.

5582 9. Computer pornography under s. 847.0135(2) or (3),
5583 transmission of child pornography under s. 847.0137, or selling
5584 or buying of minors under s. 847.0145.

5585 10. Poisoning food or water under s. 859.01.

5586 11. Abuse of a dead human body under s. 872.06.

5587 12. Any burglary offense or attempted burglary offense that
5588 is either a first degree felony or second degree felony under s.
5589 810.02(2) or (3).

5590 13. Arson or attempted arson under s. 806.01(1).

5591 14. Aggravated assault under s. 784.021.

5592 15. Aggravated stalking under s. 784.048(3), (4), (5), or
5593 (7).



558818

5594 16. Aircraft piracy under s. 860.16.
5595 17. Unlawful throwing, placing, or discharging of a
5596 destructive device or bomb under s. 790.161(2), (3), or (4).
5597 18. Treason under s. 876.32.
5598 19. Any offense committed in another jurisdiction which
5599 would be an offense listed in this paragraph if that offense had
5600 been committed in this state.
5601 Section 93. For the purpose of incorporating the amendment
5602 made by this act to section 784.048, Florida Statutes, in a
5603 reference thereto, subsection (1) of section 948.062, Florida
5604 Statutes, is reenacted to read:
5605 948.062 Reviewing and reporting serious offenses committed
5606 by offenders placed on probation or community control.—
5607 (1) The department shall review the circumstances related
5608 to an offender placed on probation or community control who has
5609 been arrested while on supervision for the following offenses:
5610 (a) Any murder as provided in s. 782.04;
5611 (b) Any sexual battery as provided in s. 794.011 or s.
5612 794.023;
5613 (c) Any sexual performance by a child as provided in s.
5614 827.071;
5615 (d) Any kidnapping, false imprisonment, or luring of a
5616 child as provided in s. 787.01, s. 787.02, or s. 787.025;
5617 (e) Any lewd and lascivious battery or lewd and lascivious
5618 molestation as provided in s. 800.04(4) or (5);
5619 (f) Any aggravated child abuse as provided in s.
5620 827.03(2) (a);
5621 (g) Any robbery with a firearm or other deadly weapon, home
5622 invasion robbery, or carjacking as provided in s. 812.13(2) (a),



558818

5623 s. 812.135, or s. 812.133;

5624 (h) Any aggravated stalking as provided in s. 784.048(3),
5625 (4), or (5);

5626 (i) Any forcible felony as provided in s. 776.08, committed
5627 by a person on probation or community control who is designated
5628 as a sexual predator; or

5629 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),
5630 or vehicular or vessel homicide as provided in s. 782.071 or s.
5631 782.072, committed by a person who is on probation or community
5632 control for an offense involving death or injury resulting from
5633 a driving incident.

5634 Section 94. For the purpose of incorporating the amendment
5635 made by this act to section 784.048, Florida Statutes, in a
5636 reference thereto, paragraph (b) of subsection (1) of section
5637 960.001, Florida Statutes, is reenacted to read:

5638 960.001 Guidelines for fair treatment of victims and
5639 witnesses in the criminal justice and juvenile justice systems.-

5640 (1) The Department of Legal Affairs, the state attorneys,
5641 the Department of Corrections, the Department of Juvenile
5642 Justice, the Florida Commission on Offender Review, the State
5643 Courts Administrator and circuit court administrators, the
5644 Department of Law Enforcement, and every sheriff's department,
5645 police department, or other law enforcement agency as defined in
5646 s. 943.10(4) shall develop and implement guidelines for the use
5647 of their respective agencies, which guidelines are consistent
5648 with the purposes of this act and s. 16(b), Art. I of the State
5649 Constitution and are designed to implement s. 16(b), Art. I of
5650 the State Constitution and to achieve the following objectives:

5651 (b) *Information for purposes of notifying victim or*



558818

5652 *appropriate next of kin of victim or other designated contact of*
5653 *victim.*—In the case of a homicide, pursuant to chapter 782; or a
5654 sexual offense, pursuant to chapter 794; or an attempted murder
5655 or sexual offense, pursuant to chapter 777; or stalking,
5656 pursuant to s. 784.048; or domestic violence, pursuant to s.
5657 25.385:

5658 1. The arresting law enforcement officer or personnel of an
5659 organization that provides assistance to a victim or to the
5660 appropriate next of kin of the victim or other designated
5661 contact must request that the victim or appropriate next of kin
5662 of the victim or other designated contact complete a victim
5663 notification card. However, the victim or appropriate next of
5664 kin of the victim or other designated contact may choose not to
5665 complete the victim notification card.

5666 2. Unless the victim or the appropriate next of kin of the
5667 victim or other designated contact waives the option to complete
5668 the victim notification card, a copy of the victim notification
5669 card must be filed with the incident report or warrant in the
5670 sheriff's office of the jurisdiction in which the incident
5671 report or warrant originated. The notification card shall, at a
5672 minimum, consist of:

5673 a. The name, address, and phone number of the victim; or

5674 b. The name, address, and phone number of the appropriate
5675 next of kin of the victim; or

5676 c. The name, address, and telephone number of a designated
5677 contact other than the victim or appropriate next of kin of the
5678 victim; and

5679 d. Any relevant identification or case numbers assigned to
5680 the case.



558818

5681 3. The chief administrator, or a person designated by the
5682 chief administrator, of a county jail, municipal jail, juvenile
5683 detention facility, or residential commitment facility shall
5684 make a reasonable attempt to notify the alleged victim or
5685 appropriate next of kin of the alleged victim or other
5686 designated contact within 4 hours following the release of the
5687 defendant on bail or, in the case of a juvenile offender, upon
5688 the release from residential detention or commitment. If the
5689 chief administrator, or designee, is unable to contact the
5690 alleged victim or appropriate next of kin of the alleged victim
5691 or other designated contact by telephone, the chief
5692 administrator, or designee, must send to the alleged victim or
5693 appropriate next of kin of the alleged victim or other
5694 designated contact a written notification of the defendant's
5695 release.

5696 4. Unless otherwise requested by the victim or the
5697 appropriate next of kin of the victim or other designated
5698 contact, the information contained on the victim notification
5699 card must be sent by the chief administrator, or designee, of
5700 the appropriate facility to the subsequent correctional or
5701 residential commitment facility following the sentencing and
5702 incarceration of the defendant, and unless otherwise requested
5703 by the victim or the appropriate next of kin of the victim or
5704 other designated contact, he or she must be notified of the
5705 release of the defendant from incarceration as provided by law.

5706 5. If the defendant was arrested pursuant to a warrant
5707 issued or taken into custody pursuant to s. 985.101 in a
5708 jurisdiction other than the jurisdiction in which the defendant
5709 is being released, and the alleged victim or appropriate next of



558818

5710 kin of the alleged victim or other designated contact does not
5711 waive the option for notification of release, the chief
5712 correctional officer or chief administrator of the facility
5713 releasing the defendant shall make a reasonable attempt to
5714 immediately notify the chief correctional officer of the
5715 jurisdiction in which the warrant was issued or the juvenile was
5716 taken into custody pursuant to s. 985.101, and the chief
5717 correctional officer of that jurisdiction shall make a
5718 reasonable attempt to notify the alleged victim or appropriate
5719 next of kin of the alleged victim or other designated contact,
5720 as provided in this paragraph, that the defendant has been or
5721 will be released.

5722 Section 95. For the purpose of incorporating the amendment
5723 made by this act to section 784.048, Florida Statutes, in a
5724 reference thereto, paragraph (b) of subsection (3) of section
5725 985.265, Florida Statutes, is reenacted to read:

5726 985.265 Detention transfer and release; education; adult
5727 jails.-

5728 (3)

5729 (b) When a juvenile is released from secure detention or
5730 transferred to nonsecure detention, detention staff shall
5731 immediately notify the appropriate law enforcement agency,
5732 school personnel, and victim if the juvenile is charged with
5733 committing any of the following offenses or attempting to commit
5734 any of the following offenses:

- 5735 1. Murder, under s. 782.04;
- 5736 2. Sexual battery, under chapter 794;
- 5737 3. Stalking, under s. 784.048; or
- 5738 4. Domestic violence, as defined in s. 741.28.



558818

5739 Section 96. For the purpose of incorporating the amendment
5740 made by this act to section 784.048, Florida Statutes, in a
5741 reference thereto, paragraph (e) of subsection (3) of section
5742 1006.147, Florida Statutes, is reenacted to read:

5743 1006.147 Bullying and harassment prohibited.—

5744 (3) For purposes of this section:

5745 (e) Definitions in s. 815.03 and the definition in s.
5746 784.048(1)(d) relating to stalking are applicable to this
5747 section.

5748 Section 97. For the purpose of incorporating the amendment
5749 made by this act to section 806.13, Florida Statutes, in a
5750 reference thereto, subsection (1) of section 316.0775, Florida
5751 Statutes, is reenacted to read:

5752 316.0775 Interference with official traffic control devices
5753 or railroad signs or signals.—

5754 (1) A person may not, without lawful authority, attempt to
5755 or in fact alter, deface, injure, knock down, or remove any
5756 official traffic control device or any railroad sign or signal
5757 or any inscription, shield, or insignia thereon, or any other
5758 part thereof. A violation of this subsection is a criminal
5759 violation pursuant to s. 318.17 and shall be punishable as set
5760 forth in s. 806.13 related to criminal mischief and graffiti,
5761 beginning on or after July 1, 2000.

5762 Section 98. For the purpose of incorporating the amendment
5763 made by this act to section 812.014, Florida Statutes, in a
5764 reference thereto, subsection (10) of section 95.18, Florida
5765 Statutes, is reenacted to read:

5766 95.18 Real property actions; adverse possession without
5767 color of title.—



558818

5768 (10) A person who occupies or attempts to occupy a
5769 residential structure solely by claim of adverse possession
5770 under this section and offers the property for lease to another
5771 commits theft under s. 812.014.

5772 Section 99. For the purpose of incorporating the amendment
5773 made by this act to section 812.014, Florida Statutes, in a
5774 reference thereto, paragraph (c) of subsection (3) of section
5775 373.6055, Florida Statutes, is reenacted to read:

5776 373.6055 Criminal history checks for certain water
5777 management district employees and others.—

5778 (3)

5779 (c) In addition to other requirements for employment or
5780 access established by any water management district pursuant to
5781 its water management district's security plan for buildings,
5782 facilities, and structures, each water management district's
5783 security plan shall provide that:

5784 1. Any person who has within the past 7 years been
5785 convicted, regardless of whether adjudication was withheld, for
5786 a forcible felony as defined in s. 776.08; an act of terrorism
5787 as defined in s. 775.30; planting of a hoax bomb as provided in
5788 s. 790.165; any violation involving the manufacture, possession,
5789 sale, delivery, display, use, or attempted or threatened use of
5790 a weapon of mass destruction or hoax weapon of mass destruction
5791 as provided in s. 790.166; dealing in stolen property; any
5792 violation of s. 893.135; any violation involving the sale,
5793 manufacturing, delivery, or possession with intent to sell,
5794 manufacture, or deliver a controlled substance; burglary;
5795 robbery; any felony violation of s. 812.014; any violation of s.
5796 790.07; any crime an element of which includes use or possession



558818

5797 of a firearm; any conviction for any similar offenses under the
5798 laws of another jurisdiction; or conviction for conspiracy to
5799 commit any of the listed offenses may not be qualified for
5800 initial employment within or authorized regular access to
5801 buildings, facilities, or structures defined in the water
5802 management district's security plan as restricted access areas.

5803 2. Any person who has at any time been convicted of any of
5804 the offenses listed in subparagraph 1. may not be qualified for
5805 initial employment within or authorized regular access to
5806 buildings, facilities, or structures defined in the water
5807 management district's security plan as restricted access areas
5808 unless, after release from incarceration and any supervision
5809 imposed as a sentence, the person remained free from a
5810 subsequent conviction, regardless of whether adjudication was
5811 withheld, for any of the listed offenses for a period of at
5812 least 7 years prior to the employment or access date under
5813 consideration.

5814 Section 100. For the purpose of incorporating the amendment
5815 made by this act to section 812.014, Florida Statutes, in a
5816 reference thereto, subsection (3) of section 400.9935, Florida
5817 Statutes, is reenacted to read:

5818 400.9935 Clinic responsibilities.—

5819 (3) A charge or reimbursement claim made by or on behalf of
5820 a clinic that is required to be licensed under this part but
5821 that is not so licensed, or that is otherwise operating in
5822 violation of this part, regardless of whether a service is
5823 rendered or whether the charge or reimbursement claim is paid,
5824 is an unlawful charge and is noncompensable and unenforceable. A
5825 person who knowingly makes or causes to be made an unlawful



558818

5826 charge commits theft within the meaning of and punishable as
5827 provided in s. 812.014.

5828 Section 101. For the purpose of incorporating the amendment
5829 made by this act to section 812.014, Florida Statutes, in a
5830 reference thereto, subsection (10) of section 550.6305, Florida
5831 Statutes, is reenacted to read:

5832 550.6305 Intertrack wagering; guest track payments;
5833 accounting rules.—

5834 (10) All races or games conducted at a permitholder's
5835 facility, all broadcasts of such races or games, and all
5836 broadcast rights relating thereto are owned by the permitholder
5837 at whose facility such races or games are conducted and
5838 constitute the permitholder's property as defined in s.
5839 812.012(4). Transmission, reception of a transmission,
5840 exhibition, use, or other appropriation of such races or games,
5841 broadcasts of such races or games, or broadcast rights relating
5842 thereto without the written consent of the permitholder
5843 constitutes a theft of such property under s. 812.014; and in
5844 addition to the penal sanctions contained in s. 812.014, the
5845 permitholder has the right to avail itself of the civil remedies
5846 specified in ss. 772.104, 772.11, and 812.035 in addition to any
5847 other remedies available under applicable state or federal law.

5848 Section 102. For the purpose of incorporating the amendment
5849 made by this act to section 812.014, Florida Statutes, in a
5850 reference thereto, subsection (2) of section 627.743, Florida
5851 Statutes, is reenacted to read:

5852 627.743 Payment of third-party claims.—

5853 (2) When making any payment on a third party claim for
5854 damage to an automobile for a partial loss, the insurer shall



558818

5855 have printed on the loss estimate, if prepared by the insurer,
5856 the following: "Failure to use the insurance proceeds in
5857 accordance with the security agreement, if any, could be a
5858 violation of s. 812.014, Florida Statutes. If you have any
5859 questions, contact your lending institution." However, this
5860 subsection does not apply if the insurer does not prepare the
5861 loss estimate.

5862 Section 103. For the purpose of incorporating the amendment
5863 made by this act to section 812.014, Florida Statutes, in a
5864 reference thereto, subsection (2) of section 634.421, Florida
5865 Statutes, is reenacted to read:

5866 634.421 Reporting and accounting for funds.—

5867 (2) Any sales representative who, not being entitled
5868 thereto, diverts or appropriates funds or any portion thereof to
5869 her or his own use commits theft as provided in s. 812.014.

5870 Section 104. For the purpose of incorporating the amendment
5871 made by this act to section 812.014, Florida Statutes, in a
5872 reference thereto, subsection (2) of section 642.038, Florida
5873 Statutes, is reenacted to read:

5874 642.038 Reporting and accounting for funds.—

5875 (2) Any sales representative who, not being entitled
5876 thereto, diverts or appropriates such funds or any portion
5877 thereof to his or her own use commits theft as provided in s.
5878 812.014.

5879 Section 105. For the purpose of incorporating the amendment
5880 made by this act to section 812.014, Florida Statutes, in a
5881 reference thereto, subsection (4) of section 705.102, Florida
5882 Statutes, is reenacted to read:

5883 705.102 Reporting lost or abandoned property.—



558818

5884 (4) Any person who unlawfully appropriates such lost or
5885 abandoned property to his or her own use or refuses to deliver
5886 such property when required commits theft as defined in s.
5887 812.014, punishable as provided in s. 775.082, s. 775.083, or s.
5888 775.084.

5889 Section 106. For the purpose of incorporating the amendment
5890 made by this act to section 812.014, Florida Statutes, in a
5891 reference thereto, subsection (7) of section 812.14, Florida
5892 Statutes, is reenacted to read:

5893 812.14 Trespass and larceny with relation to utility
5894 fixtures; theft of utility services.-

5895 (7) An owner, lessor, or sublessor who willfully violates
5896 subsection (5) commits a misdemeanor of the first degree,
5897 punishable as provided in s. 775.082 or s. 775.083. Prosecution
5898 for a violation of subsection (5) does not preclude prosecution
5899 for theft pursuant to subsection (8) or s. 812.014.

5900 Section 107. For the purpose of incorporating the amendment
5901 made by this act to section 812.014, Florida Statutes, in a
5902 reference thereto, subsection (3) of section 893.138, Florida
5903 Statutes, is reenacted to read:

5904 893.138 Local administrative action to abate drug-related,
5905 prostitution-related, or stolen-property-related public
5906 nuisances and criminal gang activity.-

5907 (3) Any pain-management clinic, as described in s. 458.3265
5908 or s. 459.0137, which has been used on more than two occasions
5909 within a 6-month period as the site of a violation of:

5910 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
5911 relating to assault and battery;

5912 (b) Section 810.02, relating to burglary;



558818

5913 (c) Section 812.014, relating to theft;
5914 (d) Section 812.131, relating to robbery by sudden
5915 snatching; or
5916 (e) Section 893.13, relating to the unlawful distribution
5917 of controlled substances,
5918
5919 may be declared to be a public nuisance, and such nuisance may
5920 be abated pursuant to the procedures provided in this section.
5921 Section 108. For the purpose of incorporating the amendment
5922 made by this act to section 812.015, Florida Statutes, in a
5923 reference thereto, subsection (5) of section 538.09, Florida
5924 Statutes, is reenacted to read:
5925 538.09 Registration.—
5926 (5) In addition to the fine provided in subsection (4),
5927 registration under this section may be denied or any
5928 registration granted may be revoked, restricted, or suspended by
5929 the department if the department determines that the applicant
5930 or registrant:
5931 (a) Has violated any provision of this chapter or any rule
5932 or order made pursuant to this chapter;
5933 (b) Has made a material false statement in the application
5934 for registration;
5935 (c) Has been guilty of a fraudulent act in connection with
5936 any purchase or sale or has been or is engaged in or is about to
5937 engage in any practice, purchase, or sale which is fraudulent or
5938 in violation of the law;
5939 (d) Has made a misrepresentation or false statement to, or
5940 concealed any essential or material fact from, any person in
5941 making any purchase or sale;



558818

5942 (e) Is making purchases or sales through any business
5943 associate not registered in compliance with the provisions of
5944 this chapter;

5945 (f) Has, within the preceding 10-year period for new
5946 registrants who apply for registration on or after October 1,
5947 2006, been convicted of, or has entered a plea of guilty or nolo
5948 contendere to, or had adjudication withheld for, a crime against
5949 the laws of this state or any other state or of the United
5950 States which relates to registration as a secondhand dealer or
5951 which involves theft, larceny, dealing in stolen property,
5952 receiving stolen property, burglary, embezzlement, obtaining
5953 property by false pretenses, possession of altered property, any
5954 felony drug offense, any violation of s. 812.015, or any
5955 fraudulent dealing;

5956 (g) Has had a final judgment entered against her or him in
5957 a civil action upon grounds of fraud, embezzlement,
5958 misrepresentation, or deceit; or

5959 (h) Has failed to pay any sales tax owed to the Department
5960 of Revenue.

5961
5962 In the event the department determines to deny an application or
5963 revoke a registration, it shall enter a final order with its
5964 findings on the register of secondhand dealers and their
5965 business associates, if any; and denial, suspension, or
5966 revocation of the registration of a secondhand dealer shall also
5967 deny, suspend, or revoke the registration of such secondhand
5968 dealer's business associates.

5969 Section 109. For the purpose of incorporating the amendment
5970 made by this act to section 812.015, Florida Statutes, in a



558818

5971 reference thereto, subsection (2) of section 538.23, Florida
5972 Statutes, is reenacted to read:

5973 538.23 Violations and penalties.—

5974 (2) A secondary metals recycler is presumed to know upon
5975 receipt of stolen regulated metals property in a purchase
5976 transaction that the regulated metals property has been stolen
5977 from another if the secondary metals recycler knowingly and
5978 intentionally fails to maintain the information required in s.
5979 538.19 and shall, upon conviction of a violation of s. 812.015,
5980 be punished as provided in s. 812.014(2) or (3).

5981 Section 110. For the purpose of incorporating the amendment
5982 made by this act to section 815.03, Florida Statutes, in a
5983 reference thereto, paragraph (e) of subsection (3) of section
5984 1006.147, Florida Statutes, is reenacted to read:

5985 1006.147 Bullying and harassment prohibited.—

5986 (3) For purposes of this section:

5987 (e) Definitions in s. 815.03 and the definition in s.
5988 784.048(1)(d) relating to stalking are applicable to this
5989 section.

5990 Section 111. For the purpose of incorporating the amendment
5991 made by this act to section 815.06, Florida Statutes, in a
5992 reference thereto, subsection (2) of section 316.80, Florida
5993 Statutes, is reenacted to read:

5994 316.80 Unlawful conveyance of fuel; obtaining fuel
5995 fraudulently.—

5996 (2) A person who violates subsection (1) commits a felony
5997 of the second degree, punishable as provided in s. 775.082, s.
5998 775.083, or s. 775.084, if he or she has attempted to or has
5999 fraudulently obtained motor or diesel fuel by:



558818

6000 (a) Presenting a credit card or a credit card account
6001 number in violation of ss. 817.57-817.685;
6002 (b) Using unauthorized access to any computer network in
6003 violation of s. 815.06; or
6004 (c) Using a fraudulently scanned or lost or stolen payment
6005 access device, whether credit card or contactless device.
6006 Section 112. For the purpose of incorporating the amendment
6007 made by this act to section 815.06, Florida Statutes, in
6008 references thereto, subsections (1) and (2) of section 775.30,
6009 Florida Statutes, are reenacted to read:
6010 775.30 Terrorism; defined; penalties.-
6011 (1) As used in this chapter and the Florida Criminal Code,
6012 the terms "terrorism" or "terrorist activity" mean an activity
6013 that:
6014 (a) Involves:
6015 1. A violent act or an act dangerous to human life which is
6016 a violation of the criminal laws of this state or of the United
6017 States; or
6018 2. A violation of s. 815.06; and
6019 (b) Is intended to:
6020 1. Intimidate, injure, or coerce a civilian population;
6021 2. Influence the policy of a government by intimidation or
6022 coercion; or
6023 3. Affect the conduct of government through destruction of
6024 property, assassination, murder, kidnapping, or aircraft piracy.
6025 (2) A person who violates s. 782.04(1)(a)1. or (2), s.
6026 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.
6027 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16,
6028 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.



558818

6029 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.
6030 859.01, or s. 876.34, in furtherance of intimidating or coercing
6031 the policy of a government, or in furtherance of affecting the
6032 conduct of a government by mass destruction, assassination, or
6033 kidnapping, commits the crime of terrorism, a felony of the
6034 first degree, punishable as provided in s. 775.082, s. 775.083,
6035 or s. 775.084.

6036 Section 113. For the purpose of incorporating the amendment
6037 made by this act to section 815.06, Florida Statutes, in a
6038 reference thereto, subsection (2) of section 775.33, Florida
6039 Statutes, is reenacted to read:

6040 775.33 Providing material support or resources for
6041 terrorism or to terrorist organizations.—

6042 (2) A person commits a felony of the first degree,
6043 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
6044 if the person:

6045 (a) Provides material support or resources or conceals or
6046 disguises the nature, location, source, or ownership of the
6047 material support or resources, knowing or intending that the
6048 support or resources are to be used in preparation for or in
6049 carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s.
6050 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s.
6051 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32,
6052 s. 876.34, or s. 876.36;

6053 (b) Conceals an escape from the commission of a violation
6054 of paragraph (a); or

6055 (c) Attempts or conspires to commit a violation of
6056 paragraph (a).

6057 Section 114. For the purpose of incorporating the amendment



558818

6058 made by this act to section 815.06, Florida Statutes, in a
6059 reference thereto, subsection (5) of section 782.04, Florida
6060 Statutes, is reenacted to read:

6061 782.04 Murder.—

6062 (5) As used in this section, the term "terrorism" means an
6063 activity that:

6064 (a)1. Involves a violent act or an act dangerous to human
6065 life which is a violation of the criminal laws of this state or
6066 of the United States; or

6067 2. Involves a violation of s. 815.06; and

6068 (b) Is intended to:

6069 1. Intimidate, injure, or coerce a civilian population;

6070 2. Influence the policy of a government by intimidation or
6071 coercion; or

6072 3. Affect the conduct of government through destruction of
6073 property, assassination, murder, kidnapping, or aircraft piracy.

6074 Section 115. For the purpose of incorporating the amendment
6075 made by this act to section 815.06, Florida Statutes, in a
6076 reference thereto, subsection (3) of section 934.07, Florida
6077 Statutes, is reenacted to read:

6078 934.07 Authorization for interception of wire, oral, or
6079 electronic communications.—

6080 (3) As used in this section, the term "terrorism" means an
6081 activity that:

6082 (a)1. Involves a violent act or an act dangerous to human
6083 life which is a violation of the criminal laws of this state or
6084 of the United States; or

6085 2. Involves a violation of s. 815.06; and

6086 (b) Is intended to:



558818

6087 1. Intimidate, injure, or coerce a civilian population;
6088 2. Influence the policy of a government by intimidation or
6089 coercion; or
6090 3. Affect the conduct of government through destruction of
6091 property, assassination, murder, kidnapping, or aircraft piracy.
6092 Section 116. For the purpose of incorporating the amendment
6093 made by this act to section 849.01, Florida Statutes, in a
6094 reference thereto, section 849.02, Florida Statutes, is
6095 reenacted to read:
6096 849.02 Agents or employees of keeper of gambling house.—
6097 Whoever acts as servant, clerk, agent, or employee of any person
6098 in the violation of s. 849.01 shall be punished in the manner
6099 and to the extent therein mentioned.
6100 Section 117. For the purpose of incorporating the amendment
6101 made by this act to section 893.135, Florida Statutes, in a
6102 reference thereto, paragraph (c) of subsection (3) of section
6103 373.6055, Florida Statutes, is reenacted to read:
6104 373.6055 Criminal history checks for certain water
6105 management district employees and others.—
6106 (3)
6107 (c) In addition to other requirements for employment or
6108 access established by any water management district pursuant to
6109 its water management district's security plan for buildings,
6110 facilities, and structures, each water management district's
6111 security plan shall provide that:
6112 1. Any person who has within the past 7 years been
6113 convicted, regardless of whether adjudication was withheld, for
6114 a forcible felony as defined in s. 776.08; an act of terrorism
6115 as defined in s. 775.30; planting of a hoax bomb as provided in



558818

6116 s. 790.165; any violation involving the manufacture, possession,
6117 sale, delivery, display, use, or attempted or threatened use of
6118 a weapon of mass destruction or hoax weapon of mass destruction
6119 as provided in s. 790.166; dealing in stolen property; any
6120 violation of s. 893.135; any violation involving the sale,
6121 manufacturing, delivery, or possession with intent to sell,
6122 manufacture, or deliver a controlled substance; burglary;
6123 robbery; any felony violation of s. 812.014; any violation of s.
6124 790.07; any crime an element of which includes use or possession
6125 of a firearm; any conviction for any similar offenses under the
6126 laws of another jurisdiction; or conviction for conspiracy to
6127 commit any of the listed offenses may not be qualified for
6128 initial employment within or authorized regular access to
6129 buildings, facilities, or structures defined in the water
6130 management district's security plan as restricted access areas.

6131 2. Any person who has at any time been convicted of any of
6132 the offenses listed in subparagraph 1. may not be qualified for
6133 initial employment within or authorized regular access to
6134 buildings, facilities, or structures defined in the water
6135 management district's security plan as restricted access areas
6136 unless, after release from incarceration and any supervision
6137 imposed as a sentence, the person remained free from a
6138 subsequent conviction, regardless of whether adjudication was
6139 withheld, for any of the listed offenses for a period of at
6140 least 7 years prior to the employment or access date under
6141 consideration.

6142 Section 118. For the purpose of incorporating the amendment
6143 made by this act to section 893.135, Florida Statutes, in a
6144 reference thereto, subsection (6) of section 397.4073, Florida



558818

6145 Statutes, is reenacted to read:

6146 397.4073 Background checks of service provider personnel.—

6147 (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State
6148 funds may not be disseminated to any service provider owned or
6149 operated by an owner, director, or chief financial officer who
6150 has been convicted of, has entered a plea of guilty or nolo
6151 contendere to, or has had adjudication withheld for, a violation
6152 of s. 893.135 pertaining to trafficking in controlled
6153 substances, or a violation of the law of another state, the
6154 District of Columbia, the United States or any possession or
6155 territory thereof, or any foreign jurisdiction which is
6156 substantially similar in elements and penalties to a trafficking
6157 offense in this state, unless the owner's or director's civil
6158 rights have been restored.

6159 Section 119. For the purpose of incorporating the amendment
6160 made by this act to section 893.135, Florida Statutes, in a
6161 reference thereto, subsection (1) of section 414.095, Florida
6162 Statutes, is reenacted to read:

6163 414.095 Determining eligibility for temporary cash
6164 assistance.—

6165 (1) ELIGIBILITY.—An applicant must meet eligibility
6166 requirements of this section before receiving services or
6167 temporary cash assistance under this chapter, except that an
6168 applicant shall be required to register for work and engage in
6169 work activities in accordance with s. 445.024, as designated by
6170 the local workforce development board, and may receive support
6171 services or child care assistance in conjunction with such
6172 requirement. The department shall make a determination of
6173 eligibility based on the criteria listed in this chapter. The



558818

6174 department shall monitor continued eligibility for temporary
6175 cash assistance through periodic reviews consistent with the
6176 food assistance eligibility process. Benefits may not be denied
6177 to an individual solely based on a felony drug conviction,
6178 unless the conviction is for trafficking pursuant to s. 893.135.
6179 To be eligible under this section, an individual convicted of a
6180 drug felony must be satisfactorily meeting the requirements of
6181 the temporary cash assistance program, including all substance
6182 abuse treatment requirements. Within the limits specified in
6183 this chapter, the state opts out of the provision of Pub. L. No.
6184 104-193, s. 115, that eliminates eligibility for temporary cash
6185 assistance and food assistance for any individual convicted of a
6186 controlled substance felony.

6187 Section 120. For the purpose of incorporating the amendment
6188 made by this act to section 893.135, Florida Statutes, in a
6189 reference thereto, subsection (2) of section 772.12, Florida
6190 Statutes, is reenacted to read:

6191 772.12 Drug Dealer Liability Act.—

6192 (2) A person, including any governmental entity, has a
6193 cause of action for threefold the actual damages sustained and
6194 is entitled to minimum damages in the amount of \$1,000 and
6195 reasonable attorney's fees and court costs in the trial and
6196 appellate courts, if the person proves by the greater weight of
6197 the evidence that:

6198 (a) The person was injured because of the defendant's
6199 actions that resulted in the defendant's conviction for:

- 6200 1. A violation of s. 893.13, except for a violation of s.
6201 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or
6202 2. A violation of s. 893.135; and



558818

6203 (b) The person was not injured by reason of his or her
6204 participation in the same act or transaction that resulted in
6205 the defendant's conviction for any offense described in
6206 subparagraph (a)1.

6207 Section 121. For the purpose of incorporating the amendment
6208 made by this act to section 893.135, Florida Statutes, in
6209 references thereto, paragraph (a) of subsection (2) and
6210 paragraph (a) of subsection (3) of section 775.087, Florida
6211 Statutes, are reenacted to read:

6212 775.087 Possession or use of weapon; aggravated battery;
6213 felony reclassification; minimum sentence.-

6214 (2) (a)1. Any person who is convicted of a felony or an
6215 attempt to commit a felony, regardless of whether the use of a
6216 weapon is an element of the felony, and the conviction was for:

- 6217 a. Murder;
- 6218 b. Sexual battery;
- 6219 c. Robbery;
- 6220 d. Burglary;
- 6221 e. Arson;
- 6222 f. Aggravated battery;
- 6223 g. Kidnapping;
- 6224 h. Escape;
- 6225 i. Aircraft piracy;
- 6226 j. Aggravated child abuse;
- 6227 k. Aggravated abuse of an elderly person or disabled adult;
- 6228 l. Unlawful throwing, placing, or discharging of a
6229 destructive device or bomb;
- 6230 m. Carjacking;
- 6231 n. Home-invasion robbery;



558818

6232 o. Aggravated stalking;
6233 p. Trafficking in cannabis, trafficking in cocaine, capital
6234 importation of cocaine, trafficking in illegal drugs, capital
6235 importation of illegal drugs, trafficking in phencyclidine,
6236 capital importation of phencyclidine, trafficking in
6237 methaqualone, capital importation of methaqualone, trafficking
6238 in amphetamine, capital importation of amphetamine, trafficking
6239 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
6240 (GHB), trafficking in 1,4-Butanediol, trafficking in
6241 Phenethylamines, or other violation of s. 893.135(1); or
6242 q. Possession of a firearm by a felon
6243

6244 and during the commission of the offense, such person actually
6245 possessed a "firearm" or "destructive device" as those terms are
6246 defined in s. 790.001, shall be sentenced to a minimum term of
6247 imprisonment of 10 years, except that a person who is convicted
6248 for possession of a firearm by a felon or burglary of a
6249 conveyance shall be sentenced to a minimum term of imprisonment
6250 of 3 years if such person possessed a "firearm" or "destructive
6251 device" during the commission of the offense. However, if an
6252 offender who is convicted of the offense of possession of a
6253 firearm by a felon has a previous conviction of committing or
6254 attempting to commit a felony listed in s. 775.084(1)(b)1. and
6255 actually possessed a firearm or destructive device during the
6256 commission of the prior felony, the offender shall be sentenced
6257 to a minimum term of imprisonment of 10 years.

6258 2. Any person who is convicted of a felony or an attempt to
6259 commit a felony listed in sub-subparagraphs (a)1.a.-p.,
6260 regardless of whether the use of a weapon is an element of the



558818

6261 felony, and during the course of the commission of the felony
6262 such person discharged a "firearm" or "destructive device" as
6263 defined in s. 790.001 shall be sentenced to a minimum term of
6264 imprisonment of 20 years.

6265 3. Any person who is convicted of a felony or an attempt to
6266 commit a felony listed in sub-subparagraphs (a)1.a.-p.,
6267 regardless of whether the use of a weapon is an element of the
6268 felony, and during the course of the commission of the felony
6269 such person discharged a "firearm" or "destructive device" as
6270 defined in s. 790.001 and, as the result of the discharge, death
6271 or great bodily harm was inflicted upon any person, the
6272 convicted person shall be sentenced to a minimum term of
6273 imprisonment of not less than 25 years and not more than a term
6274 of imprisonment of life in prison.

6275 (3) (a)1. Any person who is convicted of a felony or an
6276 attempt to commit a felony, regardless of whether the use of a
6277 firearm is an element of the felony, and the conviction was for:

- 6278 a. Murder;
- 6279 b. Sexual battery;
- 6280 c. Robbery;
- 6281 d. Burglary;
- 6282 e. Arson;
- 6283 f. Aggravated battery;
- 6284 g. Kidnapping;
- 6285 h. Escape;
- 6286 i. Sale, manufacture, delivery, or intent to sell,
6287 manufacture, or deliver any controlled substance;
- 6288 j. Aircraft piracy;
- 6289 k. Aggravated child abuse;



558818

6290 1. Aggravated abuse of an elderly person or disabled adult;
6291 m. Unlawful throwing, placing, or discharging of a
6292 destructive device or bomb;
6293 n. Carjacking;
6294 o. Home-invasion robbery;
6295 p. Aggravated stalking; or
6296 q. Trafficking in cannabis, trafficking in cocaine, capital
6297 importation of cocaine, trafficking in illegal drugs, capital
6298 importation of illegal drugs, trafficking in phencyclidine,
6299 capital importation of phencyclidine, trafficking in
6300 methaqualone, capital importation of methaqualone, trafficking
6301 in amphetamine, capital importation of amphetamine, trafficking
6302 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
6303 (GHB), trafficking in 1,4-Butanediol, trafficking in
6304 Phenethylamines, or other violation of s. 893.135(1);

6305
6306 and during the commission of the offense, such person possessed
6307 a semiautomatic firearm and its high-capacity detachable box
6308 magazine or a machine gun as defined in s. 790.001, shall be
6309 sentenced to a minimum term of imprisonment of 15 years.

6310 2. Any person who is convicted of a felony or an attempt to
6311 commit a felony listed in subparagraph (a)1., regardless of
6312 whether the use of a weapon is an element of the felony, and
6313 during the course of the commission of the felony such person
6314 discharged a semiautomatic firearm and its high-capacity box
6315 magazine or a "machine gun" as defined in s. 790.001 shall be
6316 sentenced to a minimum term of imprisonment of 20 years.

6317 3. Any person who is convicted of a felony or an attempt to
6318 commit a felony listed in subparagraph (a)1., regardless of



558818

6319 whether the use of a weapon is an element of the felony, and
6320 during the course of the commission of the felony such person
6321 discharged a semiautomatic firearm and its high-capacity box
6322 magazine or a "machine gun" as defined in s. 790.001 and, as the
6323 result of the discharge, death or great bodily harm was
6324 inflicted upon any person, the convicted person shall be
6325 sentenced to a minimum term of imprisonment of not less than 25
6326 years and not more than a term of imprisonment of life in
6327 prison.

6328 Section 122. For the purpose of incorporating the amendment
6329 made by this act to section 893.135, Florida Statutes, in
6330 references thereto, paragraph (a) of subsection (1) and
6331 subsections (3) and (4) of section 782.04, Florida Statutes, are
6332 reenacted to read:

6333 782.04 Murder.—

6334 (1) (a) The unlawful killing of a human being:

6335 1. When perpetrated from a premeditated design to effect
6336 the death of the person killed or any human being;

6337 2. When committed by a person engaged in the perpetration
6338 of, or in the attempt to perpetrate, any:

6339 a. Trafficking offense prohibited by s. 893.135(1),

6340 b. Arson,

6341 c. Sexual battery,

6342 d. Robbery,

6343 e. Burglary,

6344 f. Kidnapping,

6345 g. Escape,

6346 h. Aggravated child abuse,

6347 i. Aggravated abuse of an elderly person or disabled adult,



558818

- 6348 j. Aircraft piracy,
6349 k. Unlawful throwing, placing, or discharging of a
6350 destructive device or bomb,
6351 l. Carjacking,
6352 m. Home-invasion robbery,
6353 n. Aggravated stalking,
6354 o. Murder of another human being,
6355 p. Resisting an officer with violence to his or her person,
6356 q. Aggravated fleeing or eluding with serious bodily injury
6357 or death,
6358 r. Felony that is an act of terrorism or is in furtherance
6359 of an act of terrorism, including a felony under s. 775.30, s.
6360 775.32, s. 775.33, s. 775.34, or s. 775.35, or
6361 s. Human trafficking; or
6362 3. Which resulted from the unlawful distribution by a
6363 person 18 years of age or older of any of the following
6364 substances, or mixture containing any of the following
6365 substances, when such substance or mixture is proven to be the
6366 proximate cause of the death of the user:
6367 a. A substance controlled under s. 893.03(1);
6368 b. Cocaine, as described in s. 893.03(2)(a)4.;
6369 c. Opium or any synthetic or natural salt, compound,
6370 derivative, or preparation of opium;
6371 d. Methadone;
6372 e. Alfentanil, as described in s. 893.03(2)(b)1.;
6373 f. Carfentanil, as described in s. 893.03(2)(b)6.;
6374 g. Fentanyl, as described in s. 893.03(2)(b)9.;
6375 h. Sufentanil, as described in s. 893.03(2)(b)30.; or
6376 i. A controlled substance analog, as described in s.



558818

6377 893.0356, of any substance specified in sub-subparagraphs a.-h.,
6378
6379 is murder in the first degree and constitutes a capital felony,
6380 punishable as provided in s. 775.082.

6381 (3) When a human being is killed during the perpetration
6382 of, or during the attempt to perpetrate, any:

6383 (a) Trafficking offense prohibited by s. 893.135(1),

6384 (b) Arson,

6385 (c) Sexual battery,

6386 (d) Robbery,

6387 (e) Burglary,

6388 (f) Kidnapping,

6389 (g) Escape,

6390 (h) Aggravated child abuse,

6391 (i) Aggravated abuse of an elderly person or disabled
6392 adult,

6393 (j) Aircraft piracy,

6394 (k) Unlawful throwing, placing, or discharging of a
6395 destructive device or bomb,

6396 (l) Carjacking,

6397 (m) Home-invasion robbery,

6398 (n) Aggravated stalking,

6399 (o) Murder of another human being,

6400 (p) Aggravated fleeing or eluding with serious bodily
6401 injury or death,

6402 (q) Resisting an officer with violence to his or her
6403 person, or

6404 (r) Felony that is an act of terrorism or is in furtherance
6405 of an act of terrorism, including a felony under s. 775.30, s.



558818

6406 775.32, s. 775.33, s. 775.34, or s. 775.35,
6407
6408 by a person other than the person engaged in the perpetration of
6409 or in the attempt to perpetrate such felony, the person
6410 perpetrating or attempting to perpetrate such felony commits
6411 murder in the second degree, which constitutes a felony of the
6412 first degree, punishable by imprisonment for a term of years not
6413 exceeding life or as provided in s. 775.082, s. 775.083, or s.
6414 775.084.

6415 (4) The unlawful killing of a human being, when perpetrated
6416 without any design to effect death, by a person engaged in the
6417 perpetration of, or in the attempt to perpetrate, any felony
6418 other than any:

6419 (a) Trafficking offense prohibited by s. 893.135(1),

6420 (b) Arson,

6421 (c) Sexual battery,

6422 (d) Robbery,

6423 (e) Burglary,

6424 (f) Kidnapping,

6425 (g) Escape,

6426 (h) Aggravated child abuse,

6427 (i) Aggravated abuse of an elderly person or disabled
6428 adult,

6429 (j) Aircraft piracy,

6430 (k) Unlawful throwing, placing, or discharging of a
6431 destructive device or bomb,

6432 (l) Unlawful distribution of any substance controlled under
6433 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
6434 opium or any synthetic or natural salt, compound, derivative, or



558818

6435 preparation of opium by a person 18 years of age or older, when
6436 such drug is proven to be the proximate cause of the death of
6437 the user,

6438 (m) Carjacking,

6439 (n) Home-invasion robbery,

6440 (o) Aggravated stalking,

6441 (p) Murder of another human being,

6442 (q) Aggravated fleeing or eluding with serious bodily
6443 injury or death,

6444 (r) Resisting an officer with violence to his or her
6445 person, or

6446 (s) Felony that is an act of terrorism or is in furtherance
6447 of an act of terrorism, including a felony under s. 775.30, s.
6448 775.32, s. 775.33, s. 775.34, or s. 775.35,

6449
6450 is murder in the third degree and constitutes a felony of the
6451 second degree, punishable as provided in s. 775.082, s. 775.083,
6452 or s. 775.084.

6453 Section 123. For the purpose of incorporating the amendment
6454 made by this act to section 893.135, Florida Statutes, in a
6455 reference thereto, subsection (3) of section 810.02, Florida
6456 Statutes, is reenacted to read:

6457 810.02 Burglary.—

6458 (3) Burglary is a felony of the second degree, punishable
6459 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
6460 course of committing the offense, the offender does not make an
6461 assault or battery and is not and does not become armed with a
6462 dangerous weapon or explosive, and the offender enters or
6463 remains in a:



558818

6464 (a) Dwelling, and there is another person in the dwelling
6465 at the time the offender enters or remains;

6466 (b) Dwelling, and there is not another person in the
6467 dwelling at the time the offender enters or remains;

6468 (c) Structure, and there is another person in the structure
6469 at the time the offender enters or remains;

6470 (d) Conveyance, and there is another person in the
6471 conveyance at the time the offender enters or remains;

6472 (e) Authorized emergency vehicle, as defined in s. 316.003;
6473 or

6474 (f) Structure or conveyance when the offense intended to be
6475 committed therein is theft of a controlled substance as defined
6476 in s. 893.02. Notwithstanding any other law, separate judgments
6477 and sentences for burglary with the intent to commit theft of a
6478 controlled substance under this paragraph and for any applicable
6479 possession of controlled substance offense under s. 893.13 or
6480 trafficking in controlled substance offense under s. 893.135 may
6481 be imposed when all such offenses involve the same amount or
6482 amounts of a controlled substance.

6483
6484 However, if the burglary is committed within a county that is
6485 subject to a state of emergency declared by the Governor under
6486 chapter 252 after the declaration of emergency is made and the
6487 perpetration of the burglary is facilitated by conditions
6488 arising from the emergency, the burglary is a felony of the
6489 first degree, punishable as provided in s. 775.082, s. 775.083,
6490 or s. 775.084. As used in this subsection, the term "conditions
6491 arising from the emergency" means civil unrest, power outages,
6492 curfews, voluntary or mandatory evacuations, or a reduction in



558818

6493 the presence of or response time for first responders or
6494 homeland security personnel. A person arrested for committing a
6495 burglary within a county that is subject to such a state of
6496 emergency may not be released until the person appears before a
6497 committing magistrate at a first appearance hearing. For
6498 purposes of sentencing under chapter 921, a felony offense that
6499 is reclassified under this subsection is ranked one level above
6500 the ranking under s. 921.0022 or s. 921.0023 of the offense
6501 committed.

6502 Section 124. For the purpose of incorporating the amendment
6503 made by this act to section 893.135, Florida Statutes, in a
6504 reference thereto, paragraph (d) of subsection (8) of section
6505 893.13, Florida Statutes, is reenacted to read:

6506 893.13 Prohibited acts; penalties.—

6507 (8)

6508 (d) Notwithstanding paragraph (c), if a prescribing
6509 practitioner has violated paragraph (a) and received \$1,000 or
6510 more in payment for writing one or more prescriptions or, in the
6511 case of a prescription written for a controlled substance
6512 described in s. 893.135, has written one or more prescriptions
6513 for a quantity of a controlled substance which, individually or
6514 in the aggregate, meets the threshold for the offense of
6515 trafficking in a controlled substance under s. 893.135, the
6516 violation is reclassified as a felony of the second degree and
6517 ranked in level 4 of the Criminal Punishment Code.

6518 Section 125. For the purpose of incorporating the amendment
6519 made by this act to section 893.135, Florida Statutes, in
6520 references thereto, subsections (1) and (2) of section 893.1351,
6521 Florida Statutes, are reenacted to read:



558818

6522 893.1351 Ownership, lease, rental, or possession for
6523 trafficking in or manufacturing a controlled substance.—

6524 (1) A person may not own, lease, or rent any place,
6525 structure, or part thereof, trailer, or other conveyance with
6526 the knowledge that the place, structure, trailer, or conveyance
6527 will be used for the purpose of trafficking in a controlled
6528 substance, as provided in s. 893.135; for the sale of a
6529 controlled substance, as provided in s. 893.13; or for the
6530 manufacture of a controlled substance intended for sale or
6531 distribution to another. A person who violates this subsection
6532 commits a felony of the third degree, punishable as provided in
6533 s. 775.082, s. 775.083, or s. 775.084.

6534 (2) A person may not knowingly be in actual or constructive
6535 possession of any place, structure, or part thereof, trailer, or
6536 other conveyance with the knowledge that the place, structure,
6537 or part thereof, trailer, or conveyance will be used for the
6538 purpose of trafficking in a controlled substance, as provided in
6539 s. 893.135; for the sale of a controlled substance, as provided
6540 in s. 893.13; or for the manufacture of a controlled substance
6541 intended for sale or distribution to another. A person who
6542 violates this subsection commits a felony of the second degree,
6543 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

6544 Section 126. For the purpose of incorporating the amendment
6545 made by this act to section 893.135, Florida Statutes, in a
6546 reference thereto, paragraph (e) of subsection (3) of section
6547 900.05, Florida Statutes, is reenacted to read:

6548 900.05 Criminal justice data collection.—

6549 (3) DATA COLLECTION AND REPORTING.—Beginning January 1,
6550 2019, an entity required to collect data in accordance with this



558818

6551 subsection shall collect the specified data required of the
6552 entity on a biweekly basis. Each entity shall report the data
6553 collected in accordance with this subsection to the Department
6554 of Law Enforcement on a monthly basis.

6555 (e) *Department of Corrections.*—The Department of
6556 Corrections shall collect the following data:

6557 1. Information related to each inmate, including:

6558 a. Identifying information, including name, date of birth,
6559 race or ethnicity, and identification number assigned by the
6560 department.

6561 b. Number of children.

6562 c. Education level, including any vocational training.

6563 d. Date the inmate was admitted to the custody of the
6564 department.

6565 e. Current institution placement and the security level
6566 assigned to the institution.

6567 f. Custody level assignment.

6568 g. Qualification for a flag designation as defined in this
6569 section, including sexual offender flag, habitual offender flag,
6570 gang affiliation flag, or concurrent or consecutive sentence
6571 flag.

6572 h. County that committed the prisoner to the custody of the
6573 department.

6574 i. Whether the reason for admission to the department is
6575 for a new conviction or a violation of probation, community
6576 control, or parole. For an admission for a probation, community
6577 control, or parole violation, the department shall report
6578 whether the violation was technical or based on a new violation
6579 of law.



558818

6580 j. Specific statutory citation for which the inmate was
6581 committed to the department, including, for an inmate convicted
6582 of drug trafficking under s. 893.135, the statutory citation for
6583 each specific drug trafficked.

6584 k. Length of sentence or concurrent or consecutive
6585 sentences served.

6586 1. Tentative release date.

6587 m. Gain time earned in accordance with s. 944.275.

6588 n. Prior incarceration within the state.

6589 o. Disciplinary violation and action.

6590 p. Participation in rehabilitative or educational programs
6591 while in the custody of the department.

6592 2. Information about each state correctional institution or
6593 facility, including:

6594 a. Budget for each state correctional institution or
6595 facility.

6596 b. Daily prison population of all inmates incarcerated in a
6597 state correctional institution or facility.

6598 c. Daily number of correctional officers for each state
6599 correctional institution or facility.

6600 3. Information related to persons supervised by the
6601 department on probation or community control, including:

6602 a. Identifying information for each person supervised by
6603 the department on probation or community control, including his
6604 or her name, date of birth, race or ethnicity, sex, and
6605 department-assigned case number.

6606 b. Length of probation or community control sentence
6607 imposed and amount of time that has been served on such
6608 sentence.



558818

6609 c. Projected termination date for probation or community
6610 control.

6611 d. Revocation of probation or community control due to a
6612 violation, including whether the revocation is due to a
6613 technical violation of the conditions of supervision or from the
6614 commission of a new law violation.

6615 4. Per diem rates for:

6616 a. Prison bed.

6617 b. Probation.

6618 c. Community control.

6619

6620 This information only needs to be reported once annually at the
6621 time the most recent per diem rate is published.

6622 Section 127. For the purpose of incorporating the amendment
6623 made by this act to section 893.135, Florida Statutes, in a
6624 reference thereto, section 903.133, Florida Statutes, is
6625 reenacted to read:

6626 903.133 Bail on appeal; prohibited for certain felony
6627 convictions.—Notwithstanding the provisions of s. 903.132, no
6628 person adjudged guilty of a felony of the first degree for a
6629 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
6630 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
6631 violation of s. 794.011(2) or (3), shall be admitted to bail
6632 pending review either by posttrial motion or appeal.

6633 Section 128. For the purpose of incorporating the amendment
6634 made by this act to section 893.135, Florida Statutes, in a
6635 reference thereto, paragraph (c) of subsection (4) of section
6636 907.041, Florida Statutes, is reenacted to read:

6637 907.041 Pretrial detention and release.—



558818

6638 (4) PRETRIAL DETENTION.—

6639 (c) The court may order pretrial detention if it finds a
6640 substantial probability, based on a defendant's past and present
6641 patterns of behavior, the criteria in s. 903.046, and any other
6642 relevant facts, that any of the following circumstances exist:

6643 1. The defendant has previously violated conditions of
6644 release and that no further conditions of release are reasonably
6645 likely to assure the defendant's appearance at subsequent
6646 proceedings;

6647 2. The defendant, with the intent to obstruct the judicial
6648 process, has threatened, intimidated, or injured any victim,
6649 potential witness, juror, or judicial officer, or has attempted
6650 or conspired to do so, and that no condition of release will
6651 reasonably prevent the obstruction of the judicial process;

6652 3. The defendant is charged with trafficking in controlled
6653 substances as defined by s. 893.135, that there is a substantial
6654 probability that the defendant has committed the offense, and
6655 that no conditions of release will reasonably assure the
6656 defendant's appearance at subsequent criminal proceedings;

6657 4. The defendant is charged with DUI manslaughter, as
6658 defined by s. 316.193, and that there is a substantial
6659 probability that the defendant committed the crime and that the
6660 defendant poses a threat of harm to the community; conditions
6661 that would support a finding by the court pursuant to this
6662 subparagraph that the defendant poses a threat of harm to the
6663 community include, but are not limited to, any of the following:

6664 a. The defendant has previously been convicted of any crime
6665 under s. 316.193, or of any crime in any other state or
6666 territory of the United States that is substantially similar to



558818

6667 any crime under s. 316.193;

6668 b. The defendant was driving with a suspended driver
6669 license when the charged crime was committed; or

6670 c. The defendant has previously been found guilty of, or
6671 has had adjudication of guilt withheld for, driving while the
6672 defendant's driver license was suspended or revoked in violation
6673 of s. 322.34;

6674 5. The defendant poses the threat of harm to the community.
6675 The court may so conclude, if it finds that the defendant is
6676 presently charged with a dangerous crime, that there is a
6677 substantial probability that the defendant committed such crime,
6678 that the factual circumstances of the crime indicate a disregard
6679 for the safety of the community, and that there are no
6680 conditions of release reasonably sufficient to protect the
6681 community from the risk of physical harm to persons;

6682 6. The defendant was on probation, parole, or other release
6683 pending completion of sentence or on pretrial release for a
6684 dangerous crime at the time the current offense was committed;

6685 7. The defendant has violated one or more conditions of
6686 pretrial release or bond for the offense currently before the
6687 court and the violation, in the discretion of the court,
6688 supports a finding that no conditions of release can reasonably
6689 protect the community from risk of physical harm to persons or
6690 assure the presence of the accused at trial; or

6691 8.a. The defendant has ever been sentenced pursuant to s.
6692 775.082(9) or s. 775.084 as a prison releasee reoffender,
6693 habitual violent felony offender, three-time violent felony
6694 offender, or violent career criminal, or the state attorney
6695 files a notice seeking that the defendant be sentenced pursuant



558818

6696 to s. 775.082(9) or s. 775.084, as a prison release reoffender,
6697 habitual violent felony offender, three-time violent felony
6698 offender, or violent career criminal;

6699 b. There is a substantial probability that the defendant
6700 committed the offense; and

6701 c. There are no conditions of release that can reasonably
6702 protect the community from risk of physical harm or ensure the
6703 presence of the accused at trial.

6704 Section 129. For the purpose of incorporating the amendment
6705 made by this act to section 893.135, Florida Statutes, in a
6706 reference thereto, subsection (9) of section 921.141, Florida
6707 Statutes, is reenacted to read:

6708 921.141 Sentence of death or life imprisonment for capital
6709 felonies; further proceedings to determine sentence.—

6710 (9) APPLICABILITY.—This section does not apply to a person
6711 convicted or adjudicated guilty of a capital drug trafficking
6712 felony under s. 893.135.

6713 Section 130. For the purpose of incorporating the amendment
6714 made by this act to section 893.135, Florida Statutes, in a
6715 reference thereto, subsection (2) of section 921.142, Florida
6716 Statutes, is reenacted to read:

6717 921.142 Sentence of death or life imprisonment for capital
6718 drug trafficking felonies; further proceedings to determine
6719 sentence.—

6720 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon
6721 conviction or adjudication of guilt of a defendant of a capital
6722 felony under s. 893.135, the court shall conduct a separate
6723 sentencing proceeding to determine whether the defendant should
6724 be sentenced to death or life imprisonment as authorized by s.



558818

6725 775.082. The proceeding shall be conducted by the trial judge
6726 before the trial jury as soon as practicable. If, through
6727 impossibility or inability, the trial jury is unable to
6728 reconvene for a hearing on the issue of penalty, having
6729 determined the guilt of the accused, the trial judge may summon
6730 a special juror or jurors as provided in chapter 913 to
6731 determine the issue of the imposition of the penalty. If the
6732 trial jury has been waived, or if the defendant pleaded guilty,
6733 the sentencing proceeding shall be conducted before a jury
6734 impaneled for that purpose, unless waived by the defendant. In
6735 the proceeding, evidence may be presented as to any matter that
6736 the court deems relevant to the nature of the crime and the
6737 character of the defendant and shall include matters relating to
6738 any of the aggravating factors enumerated in subsection (7) and
6739 for which notice has been provided pursuant to s. 782.04(1)(b)
6740 or mitigating circumstances enumerated in subsection (8). Any
6741 such evidence that the court deems to have probative value may
6742 be received, regardless of its admissibility under the
6743 exclusionary rules of evidence, provided the defendant is
6744 accorded a fair opportunity to rebut any hearsay statements.
6745 However, this subsection shall not be construed to authorize the
6746 introduction of any evidence secured in violation of the
6747 Constitution of the United States or the Constitution of the
6748 State of Florida. The state and the defendant or the defendant's
6749 counsel shall be permitted to present argument for or against
6750 sentence of death.

6751 Section 131. For the purpose of incorporating the amendment
6752 made by this act to section 944.704, Florida Statutes, in a
6753 reference thereto, paragraph (a) of subsection (3) of section



558818

6754 944.026, Florida Statutes, is reenacted to read:

6755 944.026 Community-based facilities and programs.—

6756 (3) (a) The department shall develop and implement
6757 procedures to diagnose offenders prior to sentencing, for the
6758 purpose of recommending to the sentencing court suitable
6759 candidates for placement in a community-based residential drug
6760 treatment facility or probation and restitution center as
6761 provided in this section. The department shall also develop and
6762 implement procedures to properly identify inmates prior to
6763 release who demonstrate the need for or interest in and
6764 suitability for placement in a community-based substance abuse
6765 transition housing program as provided in this section and
6766 pursuant to ss. 944.4731 and 944.704.

6767 Section 132. For the purpose of incorporating the amendment
6768 made by this act to section 944.705, Florida Statutes, in a
6769 reference thereto, subsection (6) of section 944.4731, Florida
6770 Statutes, is reenacted to read:

6771 944.4731 Addiction-Recovery Supervision Program.—

6772 (6) Six months before an offender is released, the chaplain
6773 and transition assistance specialist at the institution where
6774 the offender is incarcerated shall initiate the prerelease
6775 screening process in addition to the basic release orientation
6776 required under s. 944.705.

6777 (a) The transition assistance specialist and the chaplain
6778 shall provide a list of contracted private providers, including
6779 faith-based providers, to the offender and facilitate the
6780 application process. The transition assistance specialist shall
6781 inform the offender of program availability and assess the
6782 offender's need and suitability for substance abuse transition



558818

6783 housing assistance. If an offender is approved for placement,
6784 the specialist shall assist the offender and coordinate the
6785 release of the offender with the selected program. If an
6786 offender requests and is approved for placement in a contracted
6787 faith-based substance abuse transition housing program, the
6788 specialist must consult with the chaplain prior to such
6789 placement. A right to substance abuse program services is not
6790 stated, intended, or otherwise implied by this section.

6791 (b) If an offender has participated in a faith-based
6792 program while incarcerated or housed at a community correctional
6793 center and the same or a similar faith-based provider offers a
6794 contracted substance abuse transition housing program, the
6795 department shall make every attempt to maintain this continuum
6796 of care.

6797 Section 133. For the purpose of incorporating the amendment
6798 made by this act to section 944.801, Florida Statutes, in a
6799 reference thereto, subsection (2) of section 447.203, Florida
6800 Statutes, is reenacted to read:

6801 447.203 Definitions.—As used in this part:

6802 (2) "Public employer" or "employer" means the state or any
6803 county, municipality, or special district or any subdivision or
6804 agency thereof which the commission determines has sufficient
6805 legal distinctiveness properly to carry out the functions of a
6806 public employer. With respect to all public employees determined
6807 by the commission as properly belonging to a statewide
6808 bargaining unit composed of State Career Service System
6809 employees or Selected Professional Service employees, the
6810 Governor shall be deemed to be the public employer; and the
6811 Board of Governors of the State University System, or the



558818

6812 board's designee, shall be deemed to be the public employer with
6813 respect to all public employees of each constituent state
6814 university. The board of trustees of a community college shall
6815 be deemed to be the public employer with respect to all
6816 employees of the community college. The district school board
6817 shall be deemed to be the public employer with respect to all
6818 employees of the school district. The Board of Trustees of the
6819 Florida School for the Deaf and the Blind shall be deemed to be
6820 the public employer with respect to the academic and academic
6821 administrative personnel of the Florida School for the Deaf and
6822 the Blind. The Governor shall be deemed to be the public
6823 employer with respect to all employees in the Correctional
6824 Education Program of the Department of Corrections established
6825 pursuant to s. 944.801.

6826 Section 134. For the purpose of incorporating the amendment
6827 made by this act to section 948.013, Florida Statutes, in a
6828 reference thereto, paragraph (n) of subsection (1) of section
6829 921.187, Florida Statutes, is reenacted to read:

6830 921.187 Disposition and sentencing; alternatives;
6831 restitution.—

6832 (1) The alternatives provided in this section for the
6833 disposition of criminal cases shall be used in a manner that
6834 will best serve the needs of society, punish criminal offenders,
6835 and provide the opportunity for rehabilitation. If the offender
6836 does not receive a state prison sentence, the court may:

6837 (n) Impose split probation whereby upon satisfactory
6838 completion of half the term of probation, the Department of
6839 Corrections may place the offender on administrative probation
6840 pursuant to s. 948.013 for the remainder of the term of



558818

6841 supervision.

6842 Section 135. For the purpose of incorporating the amendment
6843 made by this act to section 948.06, Florida Statutes, in a
6844 reference thereto, paragraph (b) of subsection (2) of section
6845 948.012, Florida Statutes, is reenacted to read:

6846 948.012 Split sentence of probation or community control
6847 and imprisonment.—

6848 (2) The court may also impose a split sentence whereby the
6849 defendant is sentenced to a term of probation which may be
6850 followed by a period of incarceration or, with respect to a
6851 felony, into community control, as follows:

6852 (b) If the offender does not meet the terms and conditions
6853 of probation or community control, the court may revoke, modify,
6854 or continue the probation or community control as provided in s.
6855 948.06. If the probation or community control is revoked, the
6856 court may impose any sentence that it could have imposed at the
6857 time the offender was placed on probation or community control.
6858 The court may not provide credit for time served for any portion
6859 of a probation or community control term toward a subsequent
6860 term of probation or community control. However, the court may
6861 not impose a subsequent term of probation or community control
6862 which, when combined with any amount of time served on preceding
6863 terms of probation or community control for offenses pending
6864 before the court for sentencing, would exceed the maximum
6865 penalty allowable as provided in s. 775.082. Such term of
6866 incarceration shall be served under applicable law or county
6867 ordinance governing service of sentences in state or county
6868 jurisdiction. This paragraph does not prohibit any other
6869 sanction provided by law.



558818

6870 Section 136. For the purpose of incorporating the amendment
6871 made by this act to section 948.06, Florida Statutes, in a
6872 reference thereto, subsection (3) of section 948.10, Florida
6873 Statutes, is reenacted to read:

6874 948.10 Community control programs; home confinement.—

6875 (3) Procedures governing violations of community control
6876 are the same as those described in s. 948.06 with respect to
6877 probation.

6878 Section 137. For the purpose of incorporating the amendment
6879 made by this act to section 948.06, Florida Statutes, in a
6880 reference thereto, subsection (3) of section 948.20, Florida
6881 Statutes, is reenacted to read:

6882 948.20 Drug offender probation.—

6883 (3) Offenders placed on drug offender probation are subject
6884 to revocation of probation as provided in s. 948.06.

6885 Section 138. For the purpose of incorporating the amendment
6886 made by this act to section 948.06, Florida Statutes, in a
6887 reference thereto, section 958.14, Florida Statutes, is
6888 reenacted to read:

6889 958.14 Violation of probation or community control
6890 program.—A violation or alleged violation of probation or the
6891 terms of a community control program shall subject the youthful
6892 offender to the provisions of s. 948.06. However, no youthful
6893 offender shall be committed to the custody of the department for
6894 a substantive violation for a period longer than the maximum
6895 sentence for the offense for which he or she was found guilty,
6896 with credit for time served while incarcerated, or for a
6897 technical or nonsubstantive violation for a period longer than 6
6898 years or for a period longer than the maximum sentence for the



558818

6899 offense for which he or she was found guilty, whichever is less,
6900 with credit for time served while incarcerated.

6901 Section 139. For the purpose of incorporating the amendment
6902 made by this act to section 948.08, Florida Statutes, in a
6903 reference thereto, paragraph (b) of subsection (4) of section
6904 796.07, Florida Statutes, is reenacted to read:

6905 796.07 Prohibiting prostitution and related acts.—

6906 (4)

6907 (b) A person who is charged with a third or subsequent
6908 violation of this section, other than paragraph (2)(f), shall be
6909 offered admission to a pretrial intervention program or a
6910 substance abuse treatment program as provided in s. 948.08.

6911 Section 140. For the purpose of incorporating the amendment
6912 made by this act to section 948.08, Florida Statutes, in a
6913 reference thereto, paragraph (b) of subsection (3) of section
6914 944.026, Florida Statutes, is reenacted to read:

6915 944.026 Community-based facilities and programs.—

6916 (3)

6917 (b) Pretrial intervention programs in appropriate counties
6918 to provide early counseling and supervision services to
6919 specified offenders as provided in s. 948.08.

6920 Section 141. For the purpose of incorporating the amendment
6921 made by this act to section 948.08, Florida Statutes, in a
6922 reference thereto, subsection (1) of section 948.036, Florida
6923 Statutes, is reenacted to read:

6924 948.036 Work programs as a condition of probation,
6925 community control, or other court-ordered community
6926 supervision.—

6927 (1) Whenever an offender is required by the court to



558818

6928 participate in any work program under the provisions of this
6929 chapter, enters into the pretrial intervention program pursuant
6930 to s. 948.08, or volunteers to work in a supervised work program
6931 conducted by a specified state, county, municipal, or community
6932 service organization or to work for the victim, either as an
6933 alternative to monetary restitution or as a part of the
6934 rehabilitative or community control program, the offender shall
6935 be considered an employee of the state for the purposes of
6936 chapter 440.

6937 Section 142. For the purpose of incorporating the
6938 amendments made by this act to section 948.08, Florida Statutes,
6939 in a reference thereto, subsection (2) of section 394.47892,
6940 Florida Statutes, is reenacted to read:

6941 394.47892 Mental health court programs.—

6942 (2) Mental health court programs may include pretrial
6943 intervention programs as provided in ss. 948.08, 948.16, and
6944 985.345, postadjudicatory mental health court programs as
6945 provided in ss. 948.01 and 948.06, and review of the status of
6946 compliance or noncompliance of sentenced defendants through a
6947 mental health court program.

6948 Section 143. For the purpose of incorporating the
6949 amendments made by this act to section 948.08, Florida Statutes,
6950 in a reference thereto, subsection (5) of section 397.334,
6951 Florida Statutes, is reenacted to read:

6952 397.334 Treatment-based drug court programs.—

6953 (5) Treatment-based drug court programs may include
6954 pretrial intervention programs as provided in ss. 948.08,
6955 948.16, and 985.345, treatment-based drug court programs
6956 authorized in chapter 39, postadjudicatory programs as provided



558818

6957 in ss. 948.01, 948.06, and 948.20, and review of the status of
6958 compliance or noncompliance of sentenced offenders through a
6959 treatment-based drug court program. While enrolled in a
6960 treatment-based drug court program, the participant is subject
6961 to a coordinated strategy developed by a drug court team under
6962 subsection (4). The coordinated strategy may include a protocol
6963 of sanctions that may be imposed upon the participant for
6964 noncompliance with program rules. The protocol of sanctions may
6965 include, but is not limited to, placement in a substance abuse
6966 treatment program offered by a licensed service provider as
6967 defined in s. 397.311 or in a jail-based treatment program or
6968 serving a period of secure detention under chapter 985 if a
6969 child or a period of incarceration within the time limits
6970 established for contempt of court if an adult. The coordinated
6971 strategy must be provided in writing to the participant before
6972 the participant agrees to enter into a treatment-based drug
6973 court program.

6974 Section 144. For the purpose of incorporating the
6975 amendments made by this act to section 948.08, Florida Statutes,
6976 in a reference thereto, paragraph (a) of subsection (5) of
6977 section 910.035, Florida Statutes, is reenacted to read:

6978 910.035 Transfer from county for plea, sentence, or
6979 participation in a problem-solving court.—

6980 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—

6981 (a) For purposes of this subsection, the term "problem-
6982 solving court" means a drug court pursuant to s. 948.01, s.
6983 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'
6984 and servicemembers' court pursuant to s. 394.47891, s. 948.08,
6985 s. 948.16, or s. 948.21; a mental health court program pursuant



558818

6986 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;
6987 or a delinquency pretrial intervention court program pursuant to
6988 s. 985.345.

6989 Section 145. For the purpose of incorporating the amendment
6990 made by this act to section 958.04, Florida Statutes, in a
6991 reference thereto, subsection (5) of section 958.03, Florida
6992 Statutes, is reenacted to read:

6993 958.03 Definitions.—As used in this act:

6994 (5) "Youthful offender" means any person who is sentenced
6995 as such by the court or is classified as such by the department
6996 pursuant to s. 958.04.

6997 Section 146. For the purpose of incorporating the amendment
6998 made by this act to section 958.04, Florida Statutes, in a
6999 reference thereto, paragraph (a) of subsection (8) of section
7000 958.045, Florida Statutes, is reenacted to read:

7001 958.045 Youthful offender basic training program.—

7002 (8) (a) The Assistant Secretary for Youthful Offenders shall
7003 continuously screen all institutions, facilities, and programs
7004 for any inmate who meets the eligibility requirements for
7005 youthful offender designation specified in s. 958.04, whose age
7006 does not exceed 24 years. The department may classify and assign
7007 as a youthful offender any inmate who meets the criteria of s.
7008 958.04.

7009 Section 147. For the purpose of incorporating the amendment
7010 made by this act to section 958.04, Florida Statutes, in a
7011 reference thereto, section 958.046, Florida Statutes, is
7012 reenacted to read:

7013 958.046 Placement in county-operated boot camp programs for
7014 youthful offenders.—In counties where there are county-operated



7015 youthful offender boot camp programs, other than boot camps
7016 described in s. 958.04, the court may sentence a youthful
7017 offender to such a boot camp. In county-operated youthful
7018 offender boot camp programs, juvenile offenders shall not be
7019 commingled with youthful offenders.

7020 Section 148. For the purpose of incorporating the amendment
7021 made by this act to section 958.04, Florida Statutes, in a
7022 reference thereto, paragraph (c) of subsection (4) of section
7023 985.565, Florida Statutes, is reenacted to read:

7024 985.565 Sentencing powers; procedures; alternatives for
7025 juveniles prosecuted as adults.—

7026 (4) SENTENCING ALTERNATIVES.—

7027 (c) *Adult sanctions upon failure of juvenile sanctions.*—If
7028 a child proves not to be suitable to a commitment program,
7029 juvenile probation program, or treatment program under paragraph
7030 (b), the department shall provide the sentencing court with a
7031 written report outlining the basis for its objections to the
7032 juvenile sanction and shall simultaneously provide a copy of the
7033 report to the state attorney and the defense counsel. The
7034 department shall schedule a hearing within 30 days. Upon
7035 hearing, the court may revoke the previous adjudication, impose
7036 an adjudication of guilt, and impose any sentence which it may
7037 lawfully impose, giving credit for all time spent by the child
7038 in the department. The court may also classify the child as a
7039 youthful offender under s. 958.04, if appropriate. For purposes
7040 of this paragraph, a child may be found not suitable to a
7041 commitment program, community control program, or treatment
7042 program under paragraph (b) if the child commits a new violation
7043 of law while under juvenile sanctions, if the child commits any



558818

7044 other violation of the conditions of juvenile sanctions, or if
7045 the child's actions are otherwise determined by the court to
7046 demonstrate a failure of juvenile sanctions.

7047
7048 It is the intent of the Legislature that the criteria and
7049 guidelines in this subsection are mandatory and that a
7050 determination of disposition under this subsection is subject to
7051 the right of the child to appellate review under s. 985.534.

7052 Section 149. For the purpose of incorporating the amendment
7053 made by this act to section 985.557, Florida Statutes, in a
7054 reference thereto, subsection (3) of section 985.556, Florida
7055 Statutes, is reenacted to read:

7056 985.556 Waiver of juvenile court jurisdiction; hearing.—

7057 (3) INVOLUNTARY MANDATORY WAIVER.—

7058 (a) If the child was 14 years of age or older, and if the
7059 child has been previously adjudicated delinquent for an act
7060 classified as a felony, which adjudication was for the
7061 commission of, attempt to commit, or conspiracy to commit
7062 murder, sexual battery, armed or strong-armed robbery,
7063 carjacking, home-invasion robbery, aggravated battery,
7064 aggravated assault, or burglary with an assault or battery, and
7065 the child is currently charged with a second or subsequent
7066 violent crime against a person; or

7067 (b) If the child was 14 years of age or older at the time
7068 of commission of a fourth or subsequent alleged felony offense
7069 and the child was previously adjudicated delinquent or had
7070 adjudication withheld for or was found to have committed, or to
7071 have attempted or conspired to commit, three offenses that are
7072 felony offenses if committed by an adult, and one or more of



558818

7073 such felony offenses involved the use or possession of a firearm
7074 or violence against a person;

7075
7076 the state attorney shall request the court to transfer and
7077 certify the child for prosecution as an adult or shall provide
7078 written reasons to the court for not making such request, or
7079 proceed under s. 985.557(1). Upon the state attorney's request,
7080 the court shall either enter an order transferring the case and
7081 certifying the case for trial as if the child were an adult or
7082 provide written reasons for not issuing such an order.

7083 Section 150. For the purpose of incorporating the amendment
7084 made by this act to section 985.557, Florida Statutes, in a
7085 reference thereto, subsection (1) of section 985.15, Florida
7086 Statutes, is reenacted to read:

7087 985.15 Filing decisions.—

7088 (1) The state attorney may in all cases take action
7089 independent of the action or lack of action of the juvenile
7090 probation officer and shall determine the action that is in the
7091 best interest of the public and the child. If the child meets
7092 the criteria requiring prosecution as an adult under s. 985.556,
7093 the state attorney shall request the court to transfer and
7094 certify the child for prosecution as an adult or shall provide
7095 written reasons to the court for not making such a request. In
7096 all other cases, the state attorney may:

7097 (a) File a petition for dependency;

7098 (b) File a petition under chapter 984;

7099 (c) File a petition for delinquency;

7100 (d) File a petition for delinquency with a motion to
7101 transfer and certify the child for prosecution as an adult;



558818

7102 (e) File an information under s. 985.557;

7103 (f) Refer the case to a grand jury;

7104 (g) Refer the child to a diversionary, pretrial
7105 intervention, arbitration, or mediation program, or to some
7106 other treatment or care program if such program commitment is
7107 voluntarily accepted by the child or the child's parents or
7108 legal guardian; or

7109 (h) Decline to file.

7110 Section 151. For the purpose of incorporating the amendment
7111 made by this act to section 985.557, Florida Statutes, in a
7112 reference thereto, paragraph (c) of subsection (2) of section
7113 985.26, Florida Statutes, is reenacted to read:

7114 985.26 Length of detention.—

7115 (2)

7116 (c) A prolific juvenile offender under s. 985.255(1)(j)
7117 shall be placed on nonsecure detention care with electronic
7118 monitoring or in secure detention care under a special detention
7119 order until disposition. If secure detention care is ordered by
7120 the court, it must be authorized under this part and may not
7121 exceed:

7122 1. Twenty-one days unless an adjudicatory hearing for the
7123 case has been commenced in good faith by the court or the period
7124 is extended by the court pursuant to paragraph (b); or

7125 2. Fifteen days after the entry of an order of
7126 adjudication.

7127
7128 As used in this paragraph, the term "disposition" means a
7129 declination to file under s. 985.15(1)(h), the entry of nolle
7130 prosequi for the charges, the filing of an indictment under s.



558818

7131 985.56 or an information under s. 985.557, a dismissal of the
7132 case, or an order of final disposition by the court.

7133 Section 152. Criminal Punishment Code Task Force.—

7134 (1) The Task Force on the Criminal Punishment Code, a task
7135 force as defined in s. 20.03(8), Florida Statutes, is created
7136 adjunct to the Department of Legal Affairs for the purpose of
7137 reviewing, evaluating, and making recommendations regarding
7138 sentencing for and ranking of noncapital felony offenses under
7139 the Criminal Punishment Code. The task force shall include an
7140 analysis of best practices in its review.

7141 (2) The task force is composed of the following members:

7142 (a) The Attorney General, or a designee of the Attorney
7143 General, who shall serve as chair of the task force.

7144 (b) The Secretary of the Department of Corrections, or a
7145 designee of the secretary.

7146 (c) The Secretary of the Department of Juvenile Justice, or
7147 a designee of the secretary.

7148 (d) Two members appointed by the President of the Senate,
7149 one of whom must be a public defender.

7150 (e) Two members appointed by the Speaker of the House of
7151 Representatives, one of whom must be a state attorney.

7152 (f) Two members appointed by the Chief Justice of the
7153 Supreme Court, one of whom must be a circuit judge currently
7154 assigned to a felony division.

7155 (g) Six members appointed by the Governor, two of whom must
7156 be professors at a Florida College System institution or state
7157 university.

7158
7159 Any vacancies on the task force shall be filled in the same



558818

7160 manner as the original appointments. Appointments to the task
7161 force shall be made no later than July 15, 2019.

7162 (3) The task force shall meet throughout its duration and
7163 is encouraged to take input from all stakeholders involved in
7164 the criminal justice system. The first meeting of the task force
7165 shall occur no later than August 15, 2019. The Attorney General
7166 shall designate staff of the Department of Legal Affairs to
7167 provide support to the task force.

7168 (4) Upon the Attorney General's request, the Department of
7169 Corrections and the Office of the State Courts Administrator
7170 may, when resources permit, provide reasonable data collection
7171 and analysis, research, and support services to the task force.

7172 (5) Members of the task force may not receive compensation
7173 other than their usual salaries received from their employers,
7174 but are entitled to reimbursement for per diem and travel
7175 expenses from their employers in accordance with s. 112.061,
7176 Florida Statutes.

7177 (6) The task force shall submit a report to the Governor,
7178 the President of the Senate, the Speaker of the House of
7179 Representatives, and the Chief Justice of the Supreme Court no
7180 later than June 30, 2020, which must include, at a minimum, the
7181 issues considered by the task force, any recommendations for
7182 legislative changes, and an analysis of the expected impact of
7183 such recommendations if enacted by the Legislature. The task
7184 force is dissolved upon submission of the report.

7185 (7) This section expires July 1, 2020.

7186 Section 153. Section 1009.02, Florida Statutes, is created
7187 to read:

7188 1009.02 Eligibility for educational scholarships upon



558818

7189 completion of all terms of sentence.-Notwithstanding any other
7190 provision of this chapter, upon the completion of all terms of a
7191 sentence for a criminal conviction a person is eligible to be
7192 awarded any scholarship, grant, or other aid for higher
7193 education or vocational training under this chapter so long as
7194 he or she meets all other requirements to be awarded the
7195 scholarship, grant, or other aid.

7196 Section 154. The creation of s. 1009.02 by this act shall
7197 take effect on the same date that HB 7089 or similar legislation
7198 takes effect, if such legislation is adopted in the same
7199 legislative session or an extension thereof and becomes a law.

7200 Section 155. For the 2019-2020 fiscal year, the sum of
7201 \$250,000 in nonrecurring funds is appropriated from the General
7202 Revenue Fund to the Department of Legal Affairs for the purpose
7203 of implementing the Criminal Punishment Code Task Force.

7204 Section 156. Except as otherwise expressly provided in this
7205 act, and except for this section, which shall take effect upon
7206 this act becoming a law, this act shall take effect October 1,
7207 2019.

7208
7209 ===== T I T L E A M E N D M E N T =====

7210 And the title is amended as follows:

7211 Delete everything before the enacting clause
7212 and insert:

7213 A bill to be entitled
7214 An act relating to administration of justice; amending
7215 s. 16.555, F.S.; providing for reallocation of
7216 unencumbered funds returned to the Crime Stoppers
7217 Trust Fund; specifying permissible uses for funds



558818

7218 awarded to counties from the trust fund; creating s.
7219 16.557, F.S.; defining terms; providing criminal
7220 penalties for disclosure of privileged communications
7221 or protected information or information concerning
7222 such communications or information; providing
7223 exceptions; creating s. 43.51, F.S.; requiring the
7224 Office of the State Courts Administrator to provide an
7225 annual report containing certain information to the
7226 Legislature; defining the term "problem-solving
7227 court"; amending s. 57.105, F.S.; prohibiting the
7228 awarding of attorney fees for certain proceedings for
7229 injunctions for protection under specified provisions;
7230 providing an exception; amending s. 61.13016, F.S.;
7231 providing that a written agreement for payment may
7232 include a reasonable period of payment deferral to
7233 accommodate an obligor's good faith job-seeking
7234 efforts; amending s. 212.15, F.S.; increasing
7235 threshold amounts for certain theft offenses; amending
7236 s. 287.095, F.S.; deleting a provision that provides a
7237 limitation on the total sales by a specified
7238 corporation of certain products offered for purchase
7239 to a state agency; amending s. 322.01, F.S.; defining
7240 the term "suspension or revocation equivalent status";
7241 amending s. 322.055, F.S.; reducing the length of
7242 driver license revocation for possession or sale of,
7243 trafficking in, or conspiracy to possess, sell, or
7244 traffic in a controlled substance; deleting provisions
7245 authorizing a driver to petition the Department of
7246 Highway Safety and Motor Vehicles for restoration of



558818

7247 his or her driving privilege; amending s. 322.056,
7248 F.S.; reducing the period for revocation or suspension
7249 of, or delay of eligibility for, driver licenses or
7250 driving privileges for certain persons found guilty of
7251 certain drug offenses; deleting requirements relating
7252 to the revocation or suspension of, or delay of
7253 eligibility for, driver licenses or driving privileges
7254 for certain persons found guilty of certain alcohol or
7255 tobacco offenses; deleting provisions relating to the
7256 suspension or revocation of certain persons' driver
7257 licenses; repealing s. 322.057, F.S., relating to
7258 discretionary revocation or suspension of a driver
7259 license for certain persons who provide alcohol to
7260 persons under a specified age; amending s. 322.34,
7261 F.S.; revising criminal penalties for the third or
7262 subsequent offense of driving while license suspended,
7263 revoked, canceled, or disqualified; applying criminal
7264 penalties related to various provisions of driving on
7265 certain driver license statuses to persons driving
7266 with suspension or revocation equivalent status;
7267 creating s. 322.75, F.S.; requiring each clerk of
7268 court to establish a Driver License Reinstatement Days
7269 program for reinstating suspended driver licenses in
7270 certain circumstances; providing duties of the clerks
7271 of the circuit courts and the department; authorizing
7272 such clerks to compromise on or waive certain fees and
7273 costs; authorizing such clerks to schedule a Driver
7274 License Reinstatement Days event on certain days or
7275 times; providing eligibility requirements; requiring



558818

7276 such clerks and the Department of Highway Safety and
7277 Motor Vehicles to verify information necessary to
7278 reinstate a driver license under the program;
7279 requiring the clerks of court to collect specified
7280 data and report such data to the Florida Clerks of
7281 Court Operations Corporation; requiring the Florida
7282 Clerks of Court Operations Corporation to report
7283 specified information in a certain annual report the
7284 annual report required by s. 28.35, F.S.; amending s.
7285 394.917, F.S.; requiring the Department of Children
7286 and Families to provide rehabilitation to criminal
7287 offenders designated as sexually violent predators;
7288 amending s. 397.334, F.S.; conforming provisions to
7289 changes made by the act; amending s. 397.403, F.S.;
7290 providing an exemption from certain accreditation
7291 requirements relating to licensure renewal for certain
7292 substance abuse programs; amending s. 455.213, F.S.;
7293 requiring certain boards and entities within the
7294 Divisions of Certified Public Accounting, Professions,
7295 or Real Estate of the Department of Business and
7296 Professional Regulation to use a specified process for
7297 the review of an applicant's criminal record to
7298 determine the applicant's eligibility for certain
7299 licenses; prohibiting the conviction, or any other
7300 adjudication, of a crime before a specified date from
7301 being grounds for the denial of certain licenses;
7302 defining the term "conviction"; providing
7303 construction; authorizing a person to apply for a
7304 license before his or her lawful release from



558818

7305 confinement or supervision; prohibiting the department
7306 from charging an applicant who is confined or under
7307 supervision an additional fee; prohibiting a board
7308 from basing a denial of a license application solely
7309 on the applicant's current confinement or supervision;
7310 authorizing a board to stay the issuance of an
7311 approved license under certain circumstances;
7312 requiring a board to verify an applicant's release
7313 with the Department of Corrections; requiring the
7314 applicable board or the Department of Business and
7315 Professional Regulation to allow certain applicants to
7316 appear by teleconference or video conference at
7317 certain meetings; requiring the Department of
7318 Corrections to cooperate and coordinate with the
7319 applicable board to facilitate the appearance of
7320 certain applicants at certain meetings in person, by
7321 teleconference, or by video conference, as
7322 appropriate; requiring a board or the department to
7323 provide certain lists on the department's website
7324 specifying how certain crimes do or do not affect an
7325 applicant's eligibility for licensure; providing that
7326 certain information be identified for the crimes on
7327 such list; requiring such lists to be available to the
7328 public upon request; amending s. 474.2165, F.S.;
7329 authorizing a veterinarian to report certain suspected
7330 criminal violations without notice to or authorization
7331 from a client; providing an exception; amending s.
7332 489.126, F.S.; providing that a contractor has a just
7333 cause defense for criminal offenses and disciplinary



558818

7334 violations; providing an inference; deleting an intent
7335 requirement for contractor offenses; revising elements
7336 of offenses; revising criminal penalties for
7337 contractor offenses; amending s. 489.553, F.S.;
7338 prohibiting the conviction, or any other adjudication,
7339 of a crime before a specified date from being grounds
7340 for the denial of registration under certain
7341 circumstances; defining the term "conviction";
7342 providing construction; authorizing a person to apply
7343 for registration before his or her lawful release from
7344 confinement or supervision; prohibiting the department
7345 or other applicable authority from charging an
7346 applicant who is confined or under supervision an
7347 additional fee; prohibiting the department or other
7348 applicable authority from basing the denial of
7349 registration solely on the applicant's current
7350 confinement or supervision; authorizing the department
7351 or other applicable authority to stay the issuance of
7352 an approved registration under certain circumstances;
7353 requiring the department or other applicable authority
7354 to verify an applicant's release with the Department
7355 of Corrections; requiring the Department of Business
7356 and Professional Regulation or other applicable
7357 authority to allow certain applicants to appear by
7358 teleconference or video conference at certain
7359 meetings; requiring the Department of Corrections to
7360 cooperate and coordinate with the department or
7361 applicable authority to facilitate the appearance of
7362 certain applicants at certain meetings in person, by



558818

7363 teleconference, or by video conference, as
7364 appropriate; requiring the department or other
7365 applicable authority to provide certain lists on its
7366 website specifying how certain crimes do or do not
7367 affect an applicant's eligibility for registration;
7368 providing that certain information be identified for
7369 each crime on such lists; requiring such lists to be
7370 available to the public upon request; amending s.
7371 500.451, F.S.; abolishing mandatory minimum sentence
7372 for the sale of horse meat for human consumption;
7373 amending s. 509.151, F.S.; increasing threshold
7374 amounts for certain theft offenses; amending s.
7375 562.11, F.S.; deleting provisions relating to
7376 withholding, suspending, or revoking the driving
7377 privilege of a person who provides alcoholic beverages
7378 to a person under 21 years of age; amending s.
7379 562.111, F.S.; deleting provisions relating to
7380 withholding, suspending, or revoking the driving
7381 privilege of a person under 21 years of age who
7382 possesses alcoholic beverages; amending s. 562.27,
7383 F.S.; reducing the offense severity of certain crimes
7384 related to the possession of a still or related
7385 apparatus; amending s. 562.451, F.S.; reducing the
7386 offense severity for possession of one or more gallons
7387 of certain liquors; amending s. 569.11, F.S.;
7388 conforming provisions to changes made by the act;
7389 revising penalties; amending s. 713.69, F.S.;
7390 increasing threshold amounts for certain theft
7391 offenses; amending s. 741.30, F.S.; conforming a



558818

7392 provision to changes made by the act; amending s.
7393 775.082, F.S.; revising legislative intent that
7394 certain offenders released from incarceration from
7395 county detention facilities qualify as prison releasee
7396 reoffenders; amending s. 784.048, F.S.; revising the
7397 definition of the term "cyberstalk"; providing
7398 criminal penalties; amending s. 790.052, F.S.;

7399 specifying that certain law enforcement and
7400 correctional officers meet the definition of
7401 "qualified law enforcement officer" for the purposes
7402 of qualifying for certain rights during off-duty
7403 hours; specifying that certain persons meet the
7404 definition of "qualified retired law enforcement
7405 officer" for the purposes of qualifying for certain
7406 rights during off-duty hours; amending s. 790.22,
7407 F.S.; authorizing, rather than requiring, a court to
7408 withhold issuance of or suspend a person's driver
7409 license or driving privilege for a minor who possesses
7410 or uses a firearm in certain circumstances; amending
7411 s. 800.09, F.S.; revising the definitions of the terms
7412 "employee" and "facility"; prohibiting certain lewd or
7413 lascivious acts in the presence of county correctional
7414 personnel; providing criminal penalties; amending s.
7415 806.13, F.S.; authorizing, rather than requiring, a
7416 court to withhold issuance of or suspend a person's
7417 driver license or driving privilege for committing
7418 criminal mischief by a minor; amending s. 812.014,
7419 F.S.; increasing the threshold amount for certain
7420 theft offenses; revising the list of items the theft



7421 of which constitutes a felony of the third degree;
7422 requiring the Office of Program Policy Analysis and
7423 Government Accountability (OPPAGA) to perform a study
7424 about certain threshold amounts on a specified
7425 schedule; providing study requirements; requiring
7426 OPPAGA to consult with the Office of Economic and
7427 Demographic Research and other interested entities;
7428 requiring OPPAGA to submit a report to the Governor
7429 and the Legislature by a certain date and on a
7430 specified basis; amending s. 812.015, F.S.; revising
7431 the circumstances under which an offense of retail
7432 theft constitutes a felony of the second or third
7433 degree; authorizing the aggregation of retail thefts
7434 that occur in more than one judicial circuit within a
7435 30-day period into one total value and requiring
7436 prosecution of such thefts by the Office of the
7437 Statewide Prosecutor in accordance with s. 16.56,
7438 F.S.; requiring OPPAGA to perform a study about
7439 certain threshold amounts on a specified schedule;
7440 providing study requirements; requiring OPPAGA to
7441 consult with the Office of Economic and Demographic
7442 Research and other interested entities; requiring
7443 OPPAGA to submit a report to the Governor and the
7444 Legislature by a certain date and on a specified
7445 basis; amending s. 812.0155, F.S.; removing a court's
7446 authority to suspend a driver license for a
7447 misdemeanor theft adjudication of guilt for a person
7448 18 years of age or older; allowing a court to suspend
7449 a driver license for a person 18 years of age or



7450 younger as an alternative to other possible sentences;
7451 amending s. 815.03, F.S.; revising the definition of
7452 the term "access" for purposes of provisions relating
7453 to computer crimes; amending s. 815.06, F.S.; revising
7454 conduct constituting an offense against users of
7455 computers, computer systems, computer networks, or
7456 electronic devices; providing criminal penalties;
7457 amending s. 817.413, F.S.; increasing threshold
7458 amounts for certain theft offenses; amending s.
7459 831.28, F.S.; criminalizing possession of a
7460 counterfeit instrument with intent to defraud;
7461 amending s. 849.01, F.S.; reducing the offense
7462 severity of certain crimes relating to keeping a
7463 gambling house or possessing certain gambling
7464 apparatuses; amending s. 877.112, F.S.; removing
7465 driver license revocation or suspension as a penalty
7466 for certain offenses involving nicotine products;
7467 amending s. 893.135, F.S.; revising threshold amounts
7468 for trafficking in specified substances; amending s.
7469 900.05, F.S.; revising and providing definitions;
7470 revising and providing data required to be collected
7471 and reported to the Department of Law Enforcement by
7472 specified entities; requiring the department to
7473 publish data received from reporting agencies by a
7474 specified date; imposing penalties on reporting
7475 agencies for noncompliance with data reporting
7476 requirements; declaring information that is
7477 confidential and exempt upon collection by a reporting
7478 agency remains confidential and exempt when reported



558818

7479 to the department; creating s. 943.0578, F.S.;

7480 establishing eligibility criteria for expunction of a

7481 criminal history record by a person found to have

7482 acted in lawful self-defense; requiring the department

7483 to issue a certificate of eligibility for expunction

7484 if specified criteria are fulfilled; specifying

7485 requirements for a petition to expunge; creating a

7486 penalty for providing false information on such

7487 petition; requiring the department to adopt rules

7488 relating to a certificate of expunction for lawful

7489 self-defense; amending s. 943.0581, F.S.; clarifying

7490 that administrative expunction applies to criminal

7491 history records resulting from an arrest made contrary

7492 to law or by mistake; creating s. 943.0584, F.S.;

7493 providing a definition; specifying criminal history

7494 records that are ineligible for court-ordered

7495 expunction or court-ordered sealing; amending s.

7496 943.0585, F.S.; providing eligibility criteria for

7497 court-ordered expunction of a criminal history record;

7498 requiring the department to issue a certificate of

7499 eligibility to petitioners meeting eligibility

7500 criteria; specifying requirements for a petition for

7501 court-ordered expunction; specifying a court's

7502 authority to expunge criminal history records;

7503 specifying the process for a petition to expunge a

7504 criminal history record; specifying the process

7505 following the issuance of an order to expunge a

7506 criminal history record; specifying the effect of an

7507 order to expunge a criminal history record; amending



7508 s. 943.059, F.S.; providing eligibility criteria for
7509 court-ordered sealing of a criminal history record;
7510 requiring the department to issue a certificate of
7511 eligibility to petitioners meeting eligibility
7512 criteria; specifying requirements for a petition for
7513 court-ordered sealing; specifying a court's authority
7514 to seal criminal history records; specifying the
7515 process for a petition to seal a criminal history
7516 record; specifying the effect of an order to seal a
7517 criminal history record; creating s. 943.0595, F.S.;
7518 requiring the department to adopt rules to implement
7519 administrative sealing of specified criminal history
7520 records; providing eligibility criteria for
7521 administrative sealing of criminal history records;
7522 specifying ineligible criminal history records;
7523 providing that there is no limitation on the number of
7524 times a person with an eligible criminal history
7525 record may obtain an automatic administrative sealing;
7526 requiring the clerk of court to transmit a certified
7527 copy of an eligible criminal history record to the
7528 department upon the resolution of a criminal case;
7529 specifying that the effect of automatic sealing is the
7530 same as court-ordered sealing; amending s. 943.6871,
7531 F.S.; declaring information received by the department
7532 from a reporting agency that is confidential and
7533 exempt upon collection remains confidential and
7534 exempt; requiring the Criminal and Juvenile Justice
7535 Information Systems Council to develop specifications
7536 for a uniform arrest affidavit; providing requirements



558818

7537 for such affidavits; requiring the council to develop
7538 specifications for a uniform criminal charge and
7539 disposition statute crosswalk table and uniform
7540 criminal disposition and sentencing crosswalk table;
7541 requiring the department to procure the affidavit and
7542 statute crosswalk tables by a certain date; requiring
7543 the department to provide training on the use of the
7544 affidavit and crosswalk tables; requiring law
7545 enforcement agencies to use the uniform arrest
7546 affidavit and other agencies to use the statute
7547 crosswalk tables by a certain date; amending s.
7548 944.40, F.S.; including escape while on furlough in
7549 the offense of escape; providing criminal penalties;
7550 amending s. 944.47, F.S.; providing enhanced penalties
7551 for offenses involving introduction of contraband in
7552 correctional facilities when committed by correctional
7553 facility employees; amending s. 944.704, F.S.;

7554 authorizing the department to increase the number of
7555 employees serving as transition specialists and
7556 employment specialists; requiring transition
7557 assistance staff to provide job assignment
7558 credentialing and industry certification information
7559 to inmates before their release; amending s. 944.705,
7560 F.S.; requiring the department to establish a
7561 telephone hotline for released offenders; requiring
7562 that the department provide an inmate with a
7563 comprehensive community reentry resource directory
7564 organized by county before the inmate's release;
7565 requiring the department to use certain programming



7566 data to notify inmates about reentry resources before
7567 release; authorizing a nonprofit faith-based or
7568 professional business or a civic or community
7569 organization to apply for registration with the
7570 department to provide inmate reentry services;
7571 requiring the department to adopt certain policies and
7572 procedures; authorizing the department to deny
7573 approval and registration of an organization or
7574 representative of an organization under certain
7575 circumstances; authorizing the department to contract
7576 with a public or private educational institution's
7577 veteran advocacy clinic or veteran legal clinic for
7578 certain purposes; authorizing the department to
7579 contract with public or private organizations to
7580 establish transitional employment programs that
7581 provide employment opportunities to recently released
7582 inmates; requiring the department to adopt certain
7583 rules; amending s. 944.801, F.S.; authorizing the
7584 Correctional Education Program to establish a Prison
7585 Entrepreneurship Program and adopt procedures for
7586 admitting student inmates; providing requirements for
7587 the program; authorizing transitional and postrelease
7588 continuing educational services to be offered under
7589 certain circumstances; requiring the department to
7590 enter into certain agreements to implement the
7591 program; requiring that the program be funded with
7592 existing resources; authorizing the Department of
7593 Corrections to develop a program, in cooperation with
7594 the Department of Agriculture and Consumer Services,



558818

7595 the Florida Forestry Division, and the Florida
7596 Department of Financial Services, Division of State
7597 Fire Marshal, to train and certify inmates to become
7598 firefighters; amending s. 948.001, F.S.; redefining
7599 the term "administrative probation"; amending s.
7600 948.013, F.S.; authorizing the department to transfer
7601 an offender to administrative probation under certain
7602 circumstances; amending s. 948.04, F.S.; requiring a
7603 court to early terminate a term of probation or
7604 convert the term to administrative probation under
7605 certain circumstances; authorizing a court to continue
7606 reporting probation upon making written findings;
7607 amending s. 948.05, F.S.; requiring the department to
7608 implement a graduated incentives program for
7609 probationers and offenders on community control;
7610 authorizing the department to issue certain incentives
7611 without leave of court; amending s. 948.06, F.S.;
7612 requiring a probation officer to determine whether a
7613 probationer or offender on community control who
7614 commits a technical violation is eligible for a
7615 certain alternative sanctioning program; authorizing
7616 the probation officer to take certain actions if such
7617 probationer or offender is eligible; defining the term
7618 "technical violation"; requiring a court to modify or
7619 continue a probationary term under certain
7620 circumstances; requiring that judicial circuits
7621 establish an alternative sanctioning program;
7622 authorizing the chief judge of each judicial circuit
7623 to issue specified administrative orders; requiring a



558818

7624 probation officer to submit to the court for approval
7625 any recommended sanctions against a probationer or
7626 offender determined to be eligible for the program;
7627 defining the terms "low-risk violation" and "moderate-
7628 risk violation"; specifying circumstances under which
7629 a probationer or offender on community control is not
7630 eligible for an alternative sanction; authorizing a
7631 probation officer to offer an eligible probationer one
7632 or more specified alternative sanctions for a first or
7633 second low-risk violation; authorizing a probation
7634 officer, under certain circumstances, to offer an
7635 eligible probationer or offender on community control
7636 one or more specified alternative sanctions for a
7637 first moderate-risk violation; providing that the
7638 participation of a probationer or offender on
7639 community control in the alternative sanctioning
7640 program is voluntary, subject to certain requirements;
7641 specifying actions that a probationer or offender on
7642 community control may take if he or she is eligible
7643 for an alternative sanctioning program; requiring that
7644 a probation officer, under certain circumstances,
7645 submit a recommended sanction to the court;
7646 authorizing the court to impose the recommended
7647 sanction or direct the department to submit a
7648 violation report, affidavit, and warrant to the court;
7649 authorizing a probation officer to submit a violation
7650 report, affidavit, and warrant to the court under
7651 certain circumstances; prohibiting certain evidence in
7652 subsequent proceedings; amending s. 948.08, F.S.;



558818

7653 expanding eligibility criteria for pretrial substance
7654 abuse education programs to include a person with two
7655 or fewer convictions for nonviolent felonies; creating
7656 s. 948.081, F.S.; authorizing community court
7657 programs; providing program requirements; amending s.
7658 951.22, F.S.; providing an exception to a prohibition
7659 on contraband for certain legal documents; prohibiting
7660 introduction into or possession of certain cellular
7661 telephones or other portable communication devices on
7662 the grounds of any county detention facility;
7663 providing criminal penalties; amending s. 958.04,
7664 F.S.; revising the criteria authorizing a court to
7665 sentence as a youthful offender a person who is found
7666 guilty of, or who pled nolo contendere or guilty to,
7667 committing a felony before the person turned 21 years
7668 of age; amending s. 960.07, F.S.; increasing the
7669 timeframe for filing a crime victim compensation
7670 claim; providing an extension for good cause for a
7671 specified period; increasing the timeframe to file a
7672 claim for a victim or intervenor who was under a
7673 certain age at the time of the crime; providing an
7674 extension of a certain timeframe for good cause;
7675 increasing the timeframe a victim of a sexually
7676 violent offense may file a claim for victim
7677 compensation; amending s. 960.13, F.S.; increasing the
7678 timeframe for prompt reporting of a crime to be
7679 eligible for a victim compensation award; amending s.
7680 960.195, F.S.; increasing the timeframe for reporting
7681 a criminal or delinquent act resulting in property



558818

7682 loss of an elderly person or disabled adult; amending
7683 s. 960.196, F.S.; increasing the timeframe to report
7684 certain human trafficking offenses to be eligible for
7685 a victim relocation assistance award; providing an
7686 extension for good cause; amending s. 960.28, F.S.,
7687 increasing the maximum monetary reimbursement amount
7688 to certain medical providers for an initial forensic
7689 physical examination of certain victims; amending s.
7690 985.12, F.S.; providing that locally authorized
7691 entities may continue to operate an independent civil
7692 citation or similar prearrest diversion program that
7693 is in operation as of October 1, 2018; requiring each
7694 civil citation or similar diversion program to enter
7695 appropriate youth data into the Juvenile Justice
7696 Information System Prevention Web within a specified
7697 period after the admission of the youth into the
7698 program; amending s. 985.126, F.S.; removing the
7699 requirement for law enforcement officers to submit a
7700 copy of specified documentation to the Department of
7701 Juvenile Justice; requiring certain information be
7702 entered into the Juvenile Justice Information System
7703 Prevention Web within a specified timeframe; amending
7704 s. 985.145, F.S.; deleting the requirement that the
7705 department must enter certain information into the
7706 Juvenile Justice Information System Prevention Web in
7707 specified instances; amending s. 985.557, F.S.;
7708 deleting provisions requiring the mandatory direct
7709 filing of charges in adult court against juveniles
7710 under certain circumstances; amending ss. 776.09,



558818

7711 943.053, and 943.0582, F.S.; conforming cross-
7712 references; amending s. 985.565, F.S.; conforming
7713 provisions to changes made by the act; amending s.
7714 921.0022, F.S.; listing on levels 3 and 4 certain
7715 felonies on the offense severity ranking chart of the
7716 Criminal Punishment Code; conforming provisions to
7717 changes made by the act; reenacting s. 322.05(11),
7718 F.S., relating to prohibiting the issuance of a driver
7719 license to certain persons, to incorporate the
7720 amendment made to s. 322.056, F.S., in a reference
7721 thereto; reenacting ss. 316.027(2)(c) and
7722 907.041(4)(c), F.S., relating to a crash involving
7723 death or personal injuries and pretrial detention and
7724 release, respectively, to incorporate the amendment
7725 made to s. 322.34, F.S., in references thereto;
7726 reenacting s. 509.161, F.S., relating to rules of
7727 evidence in certain prosecutions, to incorporate the
7728 amendment made to s. 509.151, F.S., in a reference
7729 thereto; reenacting ss. 790.065(2)(c), 794.056(1),
7730 847.0141(4), 901.41(5), 938.08, 938.085,
7731 943.325(2)(g), 948.06(8)(c), 948.062(1),
7732 960.001(1)(b), 985.265(3)(b), and 1006.147(3)(e),
7733 F.S., relating to the sale and delivery of firearms,
7734 the Rape Crisis Program Trust Fund, sexting, prearrest
7735 diversion programs, additional costs to fund programs
7736 in domestic violence and rape crisis centers, the DNA
7737 database, the definition of the term "qualifying
7738 offense" as it relates to the violation of probation
7739 or community control and failure to pay restitution or



558818

7740 cost of supervision, reviewing and reporting serious
7741 offenses committed by offenders placed on probation or
7742 community control, guidelines for fair treatment of
7743 victims and witnesses in the criminal justice and
7744 juvenile justice systems, detention transfer and
7745 release, education, and adult jails, and the
7746 prohibition of bullying and harassment, respectively,
7747 to incorporate the amendment made to s. 784.048, F.S.,
7748 in references thereto; reenacting s. 316.0775(1),
7749 F.S., relating to interference with official traffic
7750 control devices or railroad signs or signals, to
7751 incorporate the amendment made to s. 806.13, F.S., in
7752 a reference thereto; reenacting ss. 95.18(10),
7753 373.6055(3)(c), 400.9935(3), 550.6305(10), 627.743(2),
7754 634.421(2), 642.038(2), 705.102(4), 812.14(7), and
7755 893.138(3), F.S., relating to real property actions
7756 and adverse possession without color of title,
7757 criminal history checks for certain water management
7758 district employees and others, clinic
7759 responsibilities, intertrack wagering, guest track
7760 payments, and accounting rules, the payment of third-
7761 party claims, reporting and accounting for funds,
7762 reporting lost or abandoned property, trespass and
7763 larceny with relation to utility fixtures and the
7764 theft of utility services, and local administrative
7765 action to abate drug-related, prostitution-related, or
7766 stolen-property-related public nuisances and criminal
7767 gang activity, respectively, to incorporate the
7768 amendment made to s. 812.014, F.S., in references



558818

7769 thereto; reenacting ss. 538.09(5) and 538.23(2), F.S.,
7770 relating to the registration of and violations and
7771 penalties for secondhand dealers, respectively, to
7772 incorporate the amendment made to s. 812.015, F.S., in
7773 references thereto; reenacting s. 1006.147(3)(e),
7774 F.S., relating to the prohibition of bullying and
7775 harassment, to incorporate the amendment made to s.
7776 815.03, F.S., in a reference thereto; reenacting ss.
7777 316.80(2), 775.30(1) and (2), 775.33(2), 782.04(5),
7778 and 934.07(3), F.S., relating to the unlawful
7779 conveyance of fuel and obtaining fuel fraudulently,
7780 terrorism, providing material support or resources for
7781 terrorism or to terrorist organizations, the
7782 definition of the term "terrorism" as it relates to
7783 murder, and the authorization for interception of
7784 wire, oral, or electronic communications,
7785 respectively, to incorporate the amendment made to s.
7786 815.06, F.S., in references thereto; reenacting s.
7787 849.02, F.S., relating to agents or employees of
7788 keepers of gambling houses, to incorporate the
7789 amendment made to s. 849.01, F.S., in a reference
7790 thereto; reenacting ss. 373.6055(3)(c), 397.4073(6),
7791 414.095(1), 772.12(2), 775.087(2)(a) and (3)(a),
7792 782.04(1)(a), (3), and (4), 810.02(3), 893.13(8)(d),
7793 893.1351(1) and (2), 900.05(3)(e), 903.133,
7794 907.041(4)(c), 921.141(9), and 921.142(2), F.S.,
7795 relating to criminal history checks for certain water
7796 management district employees and others, background
7797 checks of service provider personnel, determining



558818

7798 eligibility for temporary cash assistance, the Drug
7799 Dealer Liability Act, possession or use of a weapon,
7800 aggravated battery, felony reclassifications, and
7801 minimum sentencing, murder, burglary, prohibited acts
7802 and penalties relating to controlled substances, the
7803 ownership, lease, rental, or possession for
7804 trafficking in or manufacturing a controlled
7805 substance, criminal justice data collection, the
7806 prohibition of bail on appeal for certain felony
7807 convictions, pretrial detention and release, the
7808 sentence of death or life imprisonment for capital
7809 felonies and further proceedings to determine
7810 sentences, and the sentence of death or life
7811 imprisonment for capital drug trafficking felonies and
7812 further proceedings to determine sentences,
7813 respectively, to incorporate the amendment made to s.
7814 893.135, F.S., in references thereto; reenacting s.
7815 944.026(3)(a), F.S., relating to community-based
7816 facilities and programs, to incorporate the amendment
7817 made to s. 944.704, F.S., in a reference thereto;
7818 reenacting s. 944.4731(6), F.S., relating to the
7819 Addiction-Recovery Supervision Program, to incorporate
7820 the amendment made to s. 944.705, F.S., in a reference
7821 thereto; reenacting s. 447.203(2), F.S., relating to
7822 the definition of the terms "public employer" or
7823 "employer," to incorporate the amendment made to s.
7824 944.801, F.S., in a reference thereto; reenacting s.
7825 921.187(1)(n), F.S., relating to disposition and
7826 sentencing alternatives, to incorporate the amendment



558818

7827 made to s. 948.013, F.S., in a reference thereto;
7828 reenacting ss. 948.012(2)(b), 948.10(3), 948.20(3),
7829 and 958.14, F.S., relating to split sentencing of
7830 probation or community control and imprisonment,
7831 procedures governing violations of community control,
7832 revocation of drug offender probation, and violations
7833 of probation or community control programs,
7834 respectively, to incorporate the amendment made to s.
7835 948.06, F.S., in references thereto; reenacting ss.
7836 796.07(4)(b), 944.026(3)(b), and 948.036(1), F.S.,
7837 relating to charges of prostitution and related acts,
7838 certain pretrial intervention programs, and work
7839 programs, respectively, to incorporate the amendment
7840 made to s. 948.08, F.S., in references thereto;
7841 reenacting ss. 394.47892(2), 397.334(5), and
7842 910.035(5)(a), F.S., relating to mental health court
7843 programs, treatment-based drug court programs, and
7844 transfer for participation in a problem-solving court,
7845 respectively, to incorporate the amendments made to
7846 ss. 948.08 and 948.16, F.S., in references thereto;
7847 reenacting ss. 958.03(5), 958.045(8)(a), 958.046, and
7848 985.565(4)(c), F.S., relating to the definition of the
7849 term "youthful offender," the youthful offender basic
7850 training program, county-operated youthful offender
7851 boot camp programs, and adult sanctions upon failure
7852 of juvenile sanctions, to incorporate the amendment
7853 made to s. 958.04, F.S., in references thereto;
7854 reenacting s. 985.556(3), F.S., relating to
7855 involuntary mandatory waiver, to incorporate the



558818

7856 amendment made to s. 985.557, F.S., in a reference
7857 thereto; reenacting ss. 985.15(1), and 985.26(2)(c),
7858 F.S., relating to filing decisions of state attorneys
7859 in the prosecution of a child, and length of detention
7860 for prolific juvenile offenders, respectively, to
7861 incorporate the amendment made to s. 985.557, F.S., in
7862 references thereto; creating the Task Force on the
7863 Criminal Punishment Code adjunct to the Department of
7864 Legal Affairs; providing a legislative finding;
7865 specifying the task force's purpose; requiring that
7866 the task force analyze best practices; providing for
7867 membership of the task force and the filling of any
7868 vacancies; providing meeting requirements; providing
7869 for staff support; authorizing, when resources permit,
7870 specified governmental entities to provide certain
7871 information and support services upon request of the
7872 Attorney General; providing for reimbursement of per
7873 diem and travel expenses; prescribing reporting
7874 requirements; providing for dissolution of the task
7875 force; creating s. 1009.02, F.S.; specifying
7876 eligibility for educational scholarships, grants, or
7877 other aid for specified persons upon completion of all
7878 terms of sentence; providing an appropriation;
7879 providing effective dates.