

1 A bill to be entitled
2 An act relating to administration of justice; amending
3 s. 16.555, F.S.; providing for reallocation of
4 unencumbered funds returned to the Crime Stoppers
5 Trust Fund; specifying permissible uses for funds
6 awarded to counties from the trust fund; creating s.
7 16.557, F.S.; defining terms; providing criminal
8 penalties for disclosure of privileged communications
9 or protected information or information concerning
10 such communications or information; providing
11 exceptions; creating s. 43.51, F.S.; requiring the
12 Office of the State Courts Administrator to provide an
13 annual report containing certain information to the
14 Legislature; defining the term "problem-solving
15 court"; amending s. 57.105, F.S.; prohibiting the
16 awarding of attorney fees for certain proceedings for
17 injunctions for protection under specified provisions;
18 providing an exception; amending s. 61.13016, F.S.;
19 providing that a written agreement for payment may
20 include a reasonable period of payment deferral to
21 accommodate an obligor's good faith job-seeking
22 efforts; amending s. 212.15, F.S.; increasing
23 threshold amounts for certain theft offenses; amending
24 s. 287.095, F.S.; deleting a provision that provides a
25 limitation on the total sales by a specified

26 corporation of certain products offered for purchase
27 to a state agency; amending s. 322.01, F.S.; defining
28 the term "suspension or revocation equivalent status";
29 amending s. 322.055, F.S.; reducing the length of
30 driver license revocation for possession or sale of,
31 trafficking in, or conspiracy to possess, sell, or
32 traffic in a controlled substance; deleting provisions
33 authorizing a driver to petition the Department of
34 Highway Safety and Motor Vehicles for restoration of
35 his or her driving privilege; amending s. 322.056,
36 F.S.; reducing the period for revocation or suspension
37 of, or delay of eligibility for, driver licenses or
38 driving privileges for certain persons found guilty of
39 certain drug offenses; deleting requirements relating
40 to the revocation or suspension of, or delay of
41 eligibility for, driver licenses or driving privileges
42 for certain persons found guilty of certain alcohol or
43 tobacco offenses; deleting provisions relating to the
44 suspension or revocation of certain persons' driver
45 licenses; repealing s. 322.057, F.S., relating to
46 discretionary revocation or suspension of a driver
47 license for certain persons who provide alcohol to
48 persons under a specified age; amending s. 322.34,
49 F.S.; revising criminal penalties for the third or
50 subsequent offense of driving while license suspended,

51 | revoked, canceled, or disqualified; applying criminal
52 | penalties related to various provisions of driving on
53 | certain driver license statuses to persons driving
54 | with suspension or revocation equivalent status;
55 | creating s. 322.75, F.S.; requiring each clerk of
56 | court to establish a Driver License Reinstatement Days
57 | program for reinstating suspended driver licenses in
58 | certain circumstances; providing duties of the clerks
59 | of the circuit courts and the department; authorizing
60 | such clerks to compromise on or waive certain fees and
61 | costs; authorizing such clerks to schedule a Driver
62 | License Reinstatement Days event on certain days or
63 | times; providing eligibility requirements; requiring
64 | such clerks and the Department of Highway Safety and
65 | Motor Vehicles to verify information necessary to
66 | reinstate a driver license under the program;
67 | requiring the clerks of court to collect specified
68 | data and report such data to the Florida Clerks of
69 | Court Operations Corporation; requiring the Florida
70 | Clerks of Court Operations Corporation to report
71 | specified information in a certain annual report the
72 | annual report required by s. 28.35, F.S.; amending s.
73 | 394.917, F.S.; requiring the Department of Children
74 | and Families to provide rehabilitation to criminal
75 | offenders designated as sexually violent predators;

76 | amending s. 397.334, F.S.; conforming provisions to
77 | changes made by the act; amending s. 397.403, F.S.;
78 | providing an exemption from certain accreditation
79 | requirements relating to licensure renewal for certain
80 | substance abuse programs; amending s. 455.213, F.S.;
81 | requiring certain boards and entities within the
82 | Divisions of Certified Public Accounting, Professions,
83 | or Real Estate of the Department of Business and
84 | Professional Regulation to use a specified process for
85 | the review of an applicant's criminal record to
86 | determine the applicant's eligibility for certain
87 | licenses; prohibiting the conviction, or any other
88 | adjudication, of a crime before a specified date from
89 | being grounds for the denial of certain licenses;
90 | defining the term "conviction"; providing
91 | construction; authorizing a person to apply for a
92 | license before his or her lawful release from
93 | confinement or supervision; prohibiting the department
94 | from charging an applicant who is confined or under
95 | supervision an additional fee; prohibiting a board
96 | from basing a denial of a license application solely
97 | on the applicant's current confinement or supervision;
98 | authorizing a board to stay the issuance of an
99 | approved license under certain circumstances;
100 | requiring a board to verify an applicant's release

101 with the Department of Corrections; requiring the
102 applicable board or the Department of Business and
103 Professional Regulation to allow certain applicants to
104 appear by teleconference or video conference at
105 certain meetings; requiring the Department of
106 Corrections to cooperate and coordinate with the
107 applicable board to facilitate the appearance of
108 certain applicants at certain meetings in person, by
109 teleconference, or by video conference, as
110 appropriate; requiring a board or the department to
111 provide certain lists on the department's website
112 specifying how certain crimes do or do not affect an
113 applicant's eligibility for licensure; providing that
114 certain information be identified for the crimes on
115 such list; requiring such lists to be available to the
116 public upon request; amending s. 474.2165, F.S.;

117 authorizing a veterinarian to report certain suspected
118 criminal violations without notice to or authorization
119 from a client; providing an exception; amending s.
120 489.126, F.S.; providing that a contractor has a just
121 cause defense for criminal offenses and disciplinary
122 violations; providing an inference; deleting an intent
123 requirement for contractor offenses; revising elements
124 of offenses; revising criminal penalties for
125 contractor offenses; amending s. 489.553, F.S.;

126 prohibiting the conviction, or any other adjudication,
127 of a crime before a specified date from being grounds
128 for the denial of registration under certain
129 circumstances; defining the term "conviction";
130 providing construction; authorizing a person to apply
131 for registration before his or her lawful release from
132 confinement or supervision; prohibiting the department
133 or other applicable authority from charging an
134 applicant who is confined or under supervision an
135 additional fee; prohibiting the department or other
136 applicable authority from basing the denial of
137 registration solely on the applicant's current
138 confinement or supervision; authorizing the department
139 or other applicable authority to stay the issuance of
140 an approved registration under certain circumstances;
141 requiring the department or other applicable authority
142 to verify an applicant's release with the Department
143 of Corrections; requiring the Department of Business
144 and Professional Regulation or other applicable
145 authority to allow certain applicants to appear by
146 teleconference or video conference at certain
147 meetings; requiring the Department of Corrections to
148 cooperate and coordinate with the department or
149 applicable authority to facilitate the appearance of
150 certain applicants at certain meetings in person, by

151 | teleconference, or by video conference, as
152 | appropriate; requiring the department or other
153 | applicable authority to provide certain lists on its
154 | website specifying how certain crimes do or do not
155 | affect an applicant's eligibility for registration;
156 | providing that certain information be identified for
157 | each crime on such lists; requiring such lists to be
158 | available to the public upon request; amending s.
159 | 500.451, F.S.; abolishing mandatory minimum sentence
160 | for the sale of horse meat for human consumption;
161 | amending s. 509.151, F.S.; increasing threshold
162 | amounts for certain theft offenses; amending s.
163 | 562.11, F.S.; deleting provisions relating to
164 | withholding, suspending, or revoking the driving
165 | privilege of a person who provides alcoholic beverages
166 | to a person under 21 years of age; amending s.
167 | 562.111, F.S.; deleting provisions relating to
168 | withholding, suspending, or revoking the driving
169 | privilege of a person under 21 years of age who
170 | possesses alcoholic beverages; amending s. 562.27,
171 | F.S.; reducing the offense severity of certain crimes
172 | related to the possession of a still or related
173 | apparatus; amending s. 562.451, F.S.; reducing the
174 | offense severity for possession of one or more gallons
175 | of certain liquors; amending s. 569.11, F.S.;

176 conforming provisions to changes made by the act;
177 revising penalties; amending s. 713.69, F.S.;
178 increasing threshold amounts for certain theft
179 offenses; amending s. 741.30, F.S.; conforming a
180 provision to changes made by the act; amending s.
181 775.082, F.S.; revising legislative intent that
182 certain offenders released from incarceration from
183 county detention facilities qualify as prison releasee
184 reoffenders; amending s. 784.048, F.S.; revising the
185 definition of the term "cyberstalk"; providing
186 criminal penalties; amending s. 790.052, F.S.;
187 specifying that certain law enforcement and
188 correctional officers meet the definition of
189 "qualified law enforcement officer" for the purposes
190 of qualifying for certain rights during off-duty
191 hours; specifying that certain persons meet the
192 definition of "qualified retired law enforcement
193 officer" for the purposes of qualifying for certain
194 rights during off-duty hours; amending s. 790.22,
195 F.S.; authorizing, rather than requiring, a court to
196 withhold issuance of or suspend a person's driver
197 license or driving privilege for a minor who possesses
198 or uses a firearm in certain circumstances; amending
199 s. 800.09, F.S.; revising the definitions of the terms
200 "employee" and "facility"; prohibiting certain lewd or

201 lascivious acts in the presence of county correctional
202 personnel; providing criminal penalties; amending s.
203 806.13, F.S.; authorizing, rather than requiring, a
204 court to withhold issuance of or suspend a person's
205 driver license or driving privilege for committing
206 criminal mischief by a minor; amending s. 812.014,
207 F.S.; increasing the threshold amount for certain
208 theft offenses; revising the list of items the theft
209 of which constitutes a felony of the third degree;
210 requiring the Office of Program Policy Analysis and
211 Government Accountability (OPPAGA) to perform a study
212 about certain threshold amounts on a specified
213 schedule; providing study requirements; requiring
214 OPPAGA to consult with the Office of Economic and
215 Demographic Research and other interested entities;
216 requiring OPPAGA to submit a report to the Governor
217 and the Legislature by a certain date and on a
218 specified basis; amending s. 812.015, F.S.; revising
219 the circumstances under which an offense of retail
220 theft constitutes a felony of the second or third
221 degree; authorizing the aggregation of retail thefts
222 that occur in more than one judicial circuit within a
223 30-day period into one total value and requiring
224 prosecution of such thefts by the Office of the
225 Statewide Prosecutor in accordance with s. 16.56,

226 F.S.; requiring OPPAGA to perform a study about
227 certain threshold amounts on a specified schedule;
228 providing study requirements; requiring OPPAGA to
229 consult with the Office of Economic and Demographic
230 Research and other interested entities; requiring
231 OPPAGA to submit a report to the Governor and the
232 Legislature by a certain date and on a specified
233 basis; amending s. 812.0155, F.S.; removing a court's
234 authority to suspend a driver license for a
235 misdemeanor theft adjudication of guilt for a person
236 18 years of age or older; allowing a court to suspend
237 a driver license for a person 18 years of age or
238 younger as an alternative to other possible sentences;
239 amending s. 815.03, F.S.; revising the definition of
240 the term "access" for purposes of provisions relating
241 to computer crimes; amending s. 815.06, F.S.; revising
242 conduct constituting an offense against users of
243 computers, computer systems, computer networks, or
244 electronic devices; providing criminal penalties;
245 amending s. 817.413, F.S.; increasing threshold
246 amounts for certain theft offenses; amending s.
247 831.28, F.S.; criminalizing possession of a
248 counterfeit instrument with intent to defraud;
249 amending s. 849.01, F.S.; reducing the offense
250 severity of certain crimes relating to keeping a

251 gambling house or possessing certain gambling
252 apparatuses; amending s. 877.112, F.S.; removing
253 driver license revocation or suspension as a penalty
254 for certain offenses involving nicotine products;
255 amending s. 893.135, F.S.; revising threshold amounts
256 for trafficking in specified substances; amending s.
257 900.05, F.S.; revising and providing definitions;
258 revising and providing data required to be collected
259 and reported to the Department of Law Enforcement by
260 specified entities; requiring the department to
261 publish data received from reporting agencies by a
262 specified date; imposing penalties on reporting
263 agencies for noncompliance with data reporting
264 requirements; declaring information that is
265 confidential and exempt upon collection by a reporting
266 agency remains confidential and exempt when reported
267 to the department; creating s. 943.0578, F.S.;
268 establishing eligibility criteria for expunction of a
269 criminal history record by a person found to have
270 acted in lawful self-defense; requiring the department
271 to issue a certificate of eligibility for expunction
272 if specified criteria are fulfilled; specifying
273 requirements for a petition to expunge; creating a
274 penalty for providing false information on such
275 petition; requiring the department to adopt rules

276 relating to a certificate of expunction for lawful
277 self-defense; amending s. 943.0581, F.S.; clarifying
278 that administrative expunction applies to criminal
279 history records resulting from an arrest made contrary
280 to law or by mistake; creating s. 943.0584, F.S.;
281 providing a definition; specifying criminal history
282 records that are ineligible for court-ordered
283 expunction or court-ordered sealing; amending s.
284 943.0585, F.S.; providing eligibility criteria for
285 court-ordered expunction of a criminal history record;
286 requiring the department to issue a certificate of
287 eligibility to petitioners meeting eligibility
288 criteria; specifying requirements for a petition for
289 court-ordered expunction; specifying a court's
290 authority to expunge criminal history records;
291 specifying the process for a petition to expunge a
292 criminal history record; specifying the process
293 following the issuance of an order to expunge a
294 criminal history record; specifying the effect of an
295 order to expunge a criminal history record; amending
296 s. 943.059, F.S.; providing eligibility criteria for
297 court-ordered sealing of a criminal history record;
298 requiring the department to issue a certificate of
299 eligibility to petitioners meeting eligibility
300 criteria; specifying requirements for a petition for

301 court-ordered sealing; specifying a court's authority
302 to seal criminal history records; specifying the
303 process for a petition to seal a criminal history
304 record; specifying the effect of an order to seal a
305 criminal history record; creating s. 943.0595, F.S.;
306 requiring the department to adopt rules to implement
307 administrative sealing of specified criminal history
308 records; providing eligibility criteria for
309 administrative sealing of criminal history records;
310 specifying ineligible criminal history records;
311 providing that there is no limitation on the number of
312 times a person with an eligible criminal history
313 record may obtain an automatic administrative sealing;
314 requiring the clerk of court to transmit a certified
315 copy of an eligible criminal history record to the
316 department upon the resolution of a criminal case;
317 specifying that the effect of automatic sealing is the
318 same as court-ordered sealing; amending s. 943.6871,
319 F.S.; declaring information received by the department
320 from a reporting agency that is confidential and
321 exempt upon collection remains confidential and
322 exempt; requiring the Criminal and Juvenile Justice
323 Information Systems Council to develop specifications
324 for a uniform arrest affidavit; providing requirements
325 for such affidavits; requiring the council to develop

326 specifications for a uniform criminal charge and
327 disposition statute crosswalk table and uniform
328 criminal disposition and sentencing crosswalk table;
329 requiring the department to procure the affidavit and
330 statute crosswalk tables by a certain date; requiring
331 the department to provide training on the use of the
332 affidavit and crosswalk tables; requiring law
333 enforcement agencies to use the uniform arrest
334 affidavit and other agencies to use the statute
335 crosswalk tables by a certain date; amending s.
336 944.40, F.S.; including escape while on furlough in
337 the offense of escape; providing criminal penalties;
338 amending s. 944.47, F.S.; providing enhanced penalties
339 for offenses involving introduction of contraband in
340 correctional facilities when committed by correctional
341 facility employees; amending s. 944.704, F.S.;
342 authorizing the department to increase the number of
343 employees serving as transition specialists and
344 employment specialists; requiring transition
345 assistance staff to provide job assignment
346 credentialing and industry certification information
347 to inmates before their release; amending s. 944.705,
348 F.S.; requiring the department to establish a
349 telephone hotline for released offenders; requiring
350 that the department provide an inmate with a

351 comprehensive community reentry resource directory
352 organized by county before the inmate's release;
353 requiring the department to use certain programming
354 data to notify inmates about reentry resources before
355 release; authorizing a nonprofit faith-based or
356 professional business or a civic or community
357 organization to apply for registration with the
358 department to provide inmate reentry services;
359 requiring the department to adopt certain policies and
360 procedures; authorizing the department to deny
361 approval and registration of an organization or
362 representative of an organization under certain
363 circumstances; authorizing the department to contract
364 with a public or private educational institution's
365 veteran advocacy clinic or veteran legal clinic for
366 certain purposes; authorizing the department to
367 contract with public or private organizations to
368 establish transitional employment programs that
369 provide employment opportunities to recently released
370 inmates; requiring the department to adopt certain
371 rules; amending s. 944.801, F.S.; authorizing the
372 Correctional Education Program to establish a Prison
373 Entrepreneurship Program and adopt procedures for
374 admitting student inmates; providing requirements for
375 the program; authorizing transitional and postrelease

376 continuing educational services to be offered under
377 certain circumstances; requiring the department to
378 enter into certain agreements to implement the
379 program; requiring that the program be funded with
380 existing resources; authorizing the Department of
381 Corrections to develop a program, in cooperation with
382 the Department of Agriculture and Consumer Services,
383 the Florida Forestry Division, and the Florida
384 Department of Financial Services, Division of State
385 Fire Marshal, to train and certify inmates to become
386 firefighters; amending s. 948.001, F.S.; redefining
387 the term "administrative probation"; amending s.
388 948.013, F.S.; authorizing the department to transfer
389 an offender to administrative probation under certain
390 circumstances; amending s. 948.04, F.S.; requiring a
391 court to early terminate a term of probation or
392 convert the term to administrative probation under
393 certain circumstances; authorizing a court to continue
394 reporting probation upon making written findings;
395 amending s. 948.05, F.S.; requiring the department to
396 implement a graduated incentives program for
397 probationers and offenders on community control;
398 authorizing the department to issue certain incentives
399 without leave of court; amending s. 948.06, F.S.;
400 requiring a probation officer to determine whether a

401 probationer or offender on community control who
402 commits a technical violation is eligible for a
403 certain alternative sanctioning program; authorizing
404 the probation officer to take certain actions if such
405 probationer or offender is eligible; defining the term
406 "technical violation"; requiring a court to modify or
407 continue a probationary term under certain
408 circumstances; requiring that judicial circuits
409 establish an alternative sanctioning program;
410 authorizing the chief judge of each judicial circuit
411 to issue specified administrative orders; requiring a
412 probation officer to submit to the court for approval
413 any recommended sanctions against a probationer or
414 offender determined to be eligible for the program;
415 defining the terms "low-risk violation" and "moderate-
416 risk violation"; specifying circumstances under which
417 a probationer or offender on community control is not
418 eligible for an alternative sanction; authorizing a
419 probation officer to offer an eligible probationer one
420 or more specified alternative sanctions for a first or
421 second low-risk violation; authorizing a probation
422 officer, under certain circumstances, to offer an
423 eligible probationer or offender on community control
424 one or more specified alternative sanctions for a
425 first moderate-risk violation; providing that the

426 participation of a probationer or offender on
427 community control in the alternative sanctioning
428 program is voluntary, subject to certain requirements;
429 specifying actions that a probationer or offender on
430 community control may take if he or she is eligible
431 for an alternative sanctioning program; requiring that
432 a probation officer, under certain circumstances,
433 submit a recommended sanction to the court;
434 authorizing the court to impose the recommended
435 sanction or direct the department to submit a
436 violation report, affidavit, and warrant to the court;
437 authorizing a probation officer to submit a violation
438 report, affidavit, and warrant to the court under
439 certain circumstances; prohibiting certain evidence in
440 subsequent proceedings; amending s. 948.08, F.S.;
441 expanding eligibility criteria for pretrial substance
442 abuse education programs to include a person with two
443 or fewer convictions for nonviolent felonies; creating
444 s. 948.081, F.S.; authorizing community court
445 programs; providing program requirements; amending s.
446 951.22, F.S.; providing an exception to a prohibition
447 on contraband for certain legal documents; prohibiting
448 introduction into or possession of certain cellular
449 telephones or other portable communication devices on
450 the grounds of any county detention facility;

451 providing criminal penalties; amending s. 958.04,
452 F.S.; revising the criteria authorizing a court to
453 sentence as a youthful offender a person who is found
454 guilty of, or who pled nolo contendere or guilty to,
455 committing a felony before the person turned 21 years
456 of age; amending s. 960.07, F.S.; increasing the
457 timeframe for filing a crime victim compensation
458 claim; providing an extension for good cause for a
459 specified period; increasing the timeframe to file a
460 claim for a victim or intervenor who was under a
461 certain age at the time of the crime; providing an
462 extension of a certain timeframe for good cause;
463 increasing the timeframe a victim of a sexually
464 violent offense may file a claim for victim
465 compensation; amending s. 960.13, F.S.; increasing the
466 timeframe for prompt reporting of a crime to be
467 eligible for a victim compensation award; amending s.
468 960.195, F.S.; increasing the timeframe for reporting
469 a criminal or delinquent act resulting in property
470 loss of an elderly person or disabled adult; amending
471 s. 960.196, F.S.; increasing the timeframe to report
472 certain human trafficking offenses to be eligible for
473 a victim relocation assistance award; providing an
474 extension for good cause; amending s. 960.28, F.S.,
475 increasing the maximum monetary reimbursement amount

476 to certain medical providers for an initial forensic
477 physical examination of certain victims; amending s.
478 985.12, F.S.; providing that locally authorized
479 entities may continue to operate an independent civil
480 citation or similar prearrest diversion program that
481 is in operation as of October 1, 2018; requiring each
482 civil citation or similar diversion program to enter
483 appropriate youth data into the Juvenile Justice
484 Information System Prevention Web within a specified
485 period after the admission of the youth into the
486 program; amending s. 985.126, F.S.; removing the
487 requirement for law enforcement officers to submit a
488 copy of specified documentation to the Department of
489 Juvenile Justice; requiring certain information be
490 entered into the Juvenile Justice Information System
491 Prevention Web within a specified timeframe; amending
492 s. 985.145, F.S.; deleting the requirement that the
493 department must enter certain information into the
494 Juvenile Justice Information System Prevention Web in
495 specified instances; amending s. 985.557, F.S.;
496 deleting provisions requiring the mandatory direct
497 filing of charges in adult court against juveniles
498 under certain circumstances; amending ss. 776.09,
499 943.053, and 943.0582, F.S.; conforming cross-
500 references; amending s. 985.565, F.S.; conforming

501 provisions to changes made by the act; amending s.
502 921.0022, F.S.; listing on levels 3 and 4 certain
503 felonies on the offense severity ranking chart of the
504 Criminal Punishment Code; conforming provisions to
505 changes made by the act; reenacting s. 322.05(11),
506 F.S., relating to prohibiting the issuance of a driver
507 license to certain persons, to incorporate the
508 amendment made to s. 322.056, F.S., in a reference
509 thereto; reenacting ss. 316.027(2)(c) and
510 907.041(4)(c), F.S., relating to a crash involving
511 death or personal injuries and pretrial detention and
512 release, respectively, to incorporate the amendment
513 made to s. 322.34, F.S., in references thereto;
514 reenacting s. 509.161, F.S., relating to rules of
515 evidence in certain prosecutions, to incorporate the
516 amendment made to s. 509.151, F.S., in a reference
517 thereto; reenacting ss. 790.065(2)(c), 794.056(1),
518 847.0141(4), 901.41(5), 938.08, 938.085,
519 943.325(2)(g), 948.06(8)(c), 948.062(1),
520 960.001(1)(b), 985.265(3)(b), and 1006.147(3)(e),
521 F.S., relating to the sale and delivery of firearms,
522 the Rape Crisis Program Trust Fund, sexting, prearrest
523 diversion programs, additional costs to fund programs
524 in domestic violence and rape crisis centers, the DNA
525 database, the definition of the term "qualifying

526 offense" as it relates to the violation of probation
527 or community control and failure to pay restitution or
528 cost of supervision, reviewing and reporting serious
529 offenses committed by offenders placed on probation or
530 community control, guidelines for fair treatment of
531 victims and witnesses in the criminal justice and
532 juvenile justice systems, detention transfer and
533 release, education, and adult jails, and the
534 prohibition of bullying and harassment, respectively,
535 to incorporate the amendment made to s. 784.048, F.S.,
536 in references thereto; reenacting s. 316.0775(1),
537 F.S., relating to interference with official traffic
538 control devices or railroad signs or signals, to
539 incorporate the amendment made to s. 806.13, F.S., in
540 a reference thereto; reenacting ss. 95.18(10),
541 373.6055(3)(c), 400.9935(3), 550.6305(10), 627.743(2),
542 634.421(2), 642.038(2), 705.102(4), 812.14(7), and
543 893.138(3), F.S., relating to real property actions
544 and adverse possession without color of title,
545 criminal history checks for certain water management
546 district employees and others, clinic
547 responsibilities, intertrack wagering, guest track
548 payments, and accounting rules, the payment of third-
549 party claims, reporting and accounting for funds,
550 reporting lost or abandoned property, trespass and

551 larceny with relation to utility fixtures and the
552 theft of utility services, and local administrative
553 action to abate drug-related, prostitution-related, or
554 stolen-property-related public nuisances and criminal
555 gang activity, respectively, to incorporate the
556 amendment made to s. 812.014, F.S., in references
557 thereto; reenacting ss. 538.09(5) and 538.23(2), F.S.,
558 relating to the registration of and violations and
559 penalties for secondhand dealers, respectively, to
560 incorporate the amendment made to s. 812.015, F.S., in
561 references thereto; reenacting s. 1006.147(3)(e),
562 F.S., relating to the prohibition of bullying and
563 harassment, to incorporate the amendment made to s.
564 815.03, F.S., in a reference thereto; reenacting ss.
565 316.80(2), 775.30(1) and (2), 775.33(2), 782.04(5),
566 and 934.07(3), F.S., relating to the unlawful
567 conveyance of fuel and obtaining fuel fraudulently,
568 terrorism, providing material support or resources for
569 terrorism or to terrorist organizations, the
570 definition of the term "terrorism" as it relates to
571 murder, and the authorization for interception of
572 wire, oral, or electronic communications,
573 respectively, to incorporate the amendment made to s.
574 815.06, F.S., in references thereto; reenacting s.
575 849.02, F.S., relating to agents or employees of

576 keepers of gambling houses, to incorporate the
577 amendment made to s. 849.01, F.S., in a reference
578 thereto; reenacting ss. 373.6055(3)(c), 397.4073(6),
579 414.095(1), 772.12(2), 775.087(2)(a) and (3)(a),
580 782.04(1)(a), (3), and (4), 810.02(3), 893.13(8)(d),
581 893.1351(1) and (2), 900.05(3)(e), 903.133,
582 907.041(4)(c), 921.141(9), and 921.142(2), F.S.,
583 relating to criminal history checks for certain water
584 management district employees and others, background
585 checks of service provider personnel, determining
586 eligibility for temporary cash assistance, the Drug
587 Dealer Liability Act, possession or use of a weapon,
588 aggravated battery, felony reclassifications, and
589 minimum sentencing, murder, burglary, prohibited acts
590 and penalties relating to controlled substances, the
591 ownership, lease, rental, or possession for
592 trafficking in or manufacturing a controlled
593 substance, criminal justice data collection, the
594 prohibition of bail on appeal for certain felony
595 convictions, pretrial detention and release, the
596 sentence of death or life imprisonment for capital
597 felonies and further proceedings to determine
598 sentences, and the sentence of death or life
599 imprisonment for capital drug trafficking felonies and
600 further proceedings to determine sentences,

601 respectively, to incorporate the amendment made to s.
602 893.135, F.S., in references thereto; reenacting s.
603 944.026(3)(a), F.S., relating to community-based
604 facilities and programs, to incorporate the amendment
605 made to s. 944.704, F.S., in a reference thereto;
606 reenacting s. 944.4731(6), F.S., relating to the
607 Addiction-Recovery Supervision Program, to incorporate
608 the amendment made to s. 944.705, F.S., in a reference
609 thereto; reenacting s. 447.203(2), F.S., relating to
610 the definition of the terms "public employer" or
611 "employer," to incorporate the amendment made to s.
612 944.801, F.S., in a reference thereto; reenacting s.
613 921.187(1)(n), F.S., relating to disposition and
614 sentencing alternatives, to incorporate the amendment
615 made to s. 948.013, F.S., in a reference thereto;
616 reenacting ss. 948.012(2)(b), 948.10(3), 948.20(3),
617 and 958.14, F.S., relating to split sentencing of
618 probation or community control and imprisonment,
619 procedures governing violations of community control,
620 revocation of drug offender probation, and violations
621 of probation or community control programs,
622 respectively, to incorporate the amendment made to s.
623 948.06, F.S., in references thereto; reenacting ss.
624 796.07(4)(b), 944.026(3)(b), and 948.036(1), F.S.,
625 relating to charges of prostitution and related acts,

626 certain pretrial intervention programs, and work
627 programs, respectively, to incorporate the amendment
628 made to s. 948.08, F.S., in references thereto;
629 reenacting ss. 394.47892(2), 397.334(5), and
630 910.035(5)(a), F.S., relating to mental health court
631 programs, treatment-based drug court programs, and
632 transfer for participation in a problem-solving court,
633 respectively, to incorporate the amendments made to
634 ss. 948.08 and 948.16, F.S., in references thereto;
635 reenacting ss. 958.03(5), 958.045(8)(a), 958.046, and
636 985.565(4)(c), F.S., relating to the definition of the
637 term "youthful offender," the youthful offender basic
638 training program, county-operated youthful offender
639 boot camp programs, and adult sanctions upon failure
640 of juvenile sanctions, to incorporate the amendment
641 made to s. 958.04, F.S., in references thereto;
642 reenacting s. 985.556(3), F.S., relating to
643 involuntary mandatory waiver, to incorporate the
644 amendment made to s. 985.557, F.S., in a reference
645 thereto; reenacting ss. 985.15(1), and 985.26(2)(c),
646 F.S., relating to filing decisions of state attorneys
647 in the prosecution of a child, and length of detention
648 for prolific juvenile offenders, respectively, to
649 incorporate the amendment made to s. 985.557, F.S., in
650 references thereto; creating the Task Force on the

651 Criminal Punishment Code adjunct to the Department of
 652 Legal Affairs; providing a legislative finding;
 653 specifying the task force's purpose; requiring that
 654 the task force analyze best practices; providing for
 655 membership of the task force and the filling of any
 656 vacancies; providing meeting requirements; providing
 657 for staff support; authorizing, when resources permit,
 658 specified governmental entities to provide certain
 659 information and support services upon request of the
 660 Attorney General; providing for reimbursement of per
 661 diem and travel expenses; prescribing reporting
 662 requirements; providing for dissolution of the task
 663 force; creating s. 1009.02, F.S.; specifying
 664 eligibility for educational scholarships, grants, or
 665 other aid for specified persons upon completion of all
 666 terms of sentence; providing an appropriation;
 667 providing effective dates.

668
 669 Be It Enacted by the Legislature of the State of Florida:

670
 671 Section 1. Effective July 1, 2019, paragraph (c) is added
 672 to subsection (4) and paragraph (e) is added to subsection (5)
 673 of section 16.555, Florida Statutes, to read:

674 16.555 Crime Stoppers Trust Fund; rulemaking.—
 675 (4)

676 (c) After an initial distribution of funds to the judicial
677 circuit in which they were collected, up to 50 percent of the
678 unencumbered funds returned to the Crime Stoppers Trust Fund
679 from that circuit from a previous grant year, may, in subsequent
680 grant years, be reallocated to other judicial circuits for
681 special crime stoppers initiatives or other programs of the
682 Florida Association of Crime Stoppers, as prioritized and
683 determined by the department and the Florida Association of
684 Crime Stoppers.

685 (5)

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

689 1. An arrest.

690 2. The recovery of stolen property.

691 3. The recovery of illegal narcotics.

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

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

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

697 7. The prevention of a terrorist act.

698 8. The solving and closing of a criminal case involving a
699 homicide or other violent felony offense that remains unsolved
700 for 1 year or more after being reported to a law enforcement

701 agency and that has no viable and unexplored investigatory
702 leads.

703 Section 2. Section 16.557, Florida Statutes, is created to
704 read:

705 16.557 Crime stoppers organizations; disclosure of
706 privileged communications or protected information.-

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

708 (a) "Crime stoppers organization" means a private not-for-
709 profit organization that collects and expends donations for
710 rewards to persons who report to the organization information
711 concerning criminal activity, and forwards that information to
712 appropriate law enforcement agencies.

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

716 (c) "Protected information" includes the identity of a
717 person who engages in privileged communication with a crime
718 stoppers organization and any records, recordings, oral or
719 written statements, papers, documents, or other tangible items
720 provided to or collected by a crime stoppers organization, a law
721 enforcement crime stoppers coordinator or his or her staff, or a
722 law enforcement agency in connection with such privileged
723 communication.

724 (2) (a) Except pursuant to criminal discovery or as
725 provided in paragraph (b), a person who discloses a privileged

726 communication or protected information or any information
 727 concerning a privileged communication or protected information
 728 commits a felony of the third degree, punishable as provided in
 729 s. 775.082, s. 775.083, or s. 775.084.

730 (b) This subsection does not apply to:

731 1. The person who provides the privileged communication or
 732 protected information; or

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

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

738 Section 3. Section 43.51, Florida Statutes, is created to
 739 read:

740 43.51 Problem-solving court reports.-

741 (1) The Office of the State Courts Administrator shall
 742 provide an annual report to the President of the Senate and the
 743 Speaker of the House of Representatives which details the number
 744 of participants in each problem-solving court for each fiscal
 745 year the court has been operating and the types of services
 746 provided, identifies each source of funding for each court
 747 during each fiscal year, and provides information on the
 748 performance of each court based upon outcome measures
 749 established by the courts.

750 (2) For purposes of this section, the term "problem-

751 solving court" includes, but is not limited to, a drug court
752 pursuant to s. 397.334, s. 948.01, s. 948.06, s. 948.08, s.
753 948.16, or s. 948.20; a military veterans' and servicemembers'
754 court pursuant to s. 394.47891, s. 948.08, s. 948.16, or s.
755 948.21; a mental health court program pursuant to s. 394.47892,
756 s. 948.01, s. 948.06, s. 948.08, or s. 948.16; a community court
757 pursuant to s. 948.081; or a delinquency pretrial intervention
758 court program pursuant to s. 985.345.

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

761 57.105 Attorney's fee; sanctions for raising unsupported
762 claims or defenses; exceptions; service of motions; damages for
763 delay of litigation.—

764 (8) Attorney fees may not be awarded under this section in
765 proceedings for an injunction for protection pursuant to s.
766 741.30, s. 784.046, or s. 784.0485, unless the court finds by
767 clear and convincing evidence that the petitioner knowingly made
768 a false statement or allegation in the petition or that the
769 respondent knowingly made a false statement or allegation in an
770 asserted defense, with regard to a material matter as defined in
771 s. 837.011(3).

772 Section 5. Paragraph (c) of subsection (1) of section
773 61.13016, Florida Statutes, is amended to read:

774 61.13016 Suspension of driver licenses and motor vehicle
775 registrations.—

776 (1) The driver license and motor vehicle registration of a
777 support obligor who is delinquent in payment or who has failed
778 to comply with subpoenas or a similar order to appear or show
779 cause relating to paternity or support proceedings may be
780 suspended. When an obligor is 15 days delinquent making a
781 payment in support or failure to comply with a subpoena, order
782 to appear, order to show cause, or similar order in IV-D cases,
783 the Title IV-D agency may provide notice to the obligor of the
784 delinquency or failure to comply with a subpoena, order to
785 appear, order to show cause, or similar order and the intent to
786 suspend by regular United States mail that is posted to the
787 obligor's last address of record with the Department of Highway
788 Safety and Motor Vehicles. When an obligor is 15 days delinquent
789 in making a payment in support in non-IV-D cases, and upon the
790 request of the obligee, the depository or the clerk of the court
791 must provide notice to the obligor of the delinquency and the
792 intent to suspend by regular United States mail that is posted
793 to the obligor's last address of record with the Department of
794 Highway Safety and Motor Vehicles. In either case, the notice
795 must state:

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

800 1.a. Pays the delinquency in full and any other costs and

801 fees accrued between the date of the notice and the date the
802 delinquency is paid;

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

809 c. Files a petition with the circuit court to contest the
810 delinquency action;

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

813 e. Demonstrates that he or she is disabled and incapable
814 of self-support or that he or she receives benefits under the
815 federal Supplemental Security Income program or Social Security
816 Disability Insurance program;

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

819 g. Demonstrates that he or she is making payments in
820 accordance with a confirmed bankruptcy plan under chapter 11,
821 chapter 12, or chapter 13 of the United States Bankruptcy Code,
822 11 U.S.C. ss. 101 et seq.; and

823 2. Pays any applicable delinquency fees.

824

825 If an obligor in a non-IV-D case enters into a written agreement

826 for payment before the expiration of the 20-day period, the
 827 obligor must provide a copy of the signed written agreement to
 828 the depository or the clerk of the court. If an obligor seeks to
 829 satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-
 830 subparagraph 1.f., or sub-subparagraph 1.g. before expiration of
 831 the 20-day period, the obligor must provide the applicable
 832 documentation or proof to the depository or the clerk of the
 833 court.

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

836 212.15 Taxes declared state funds; penalties for failure
 837 to remit taxes; due and delinquent dates; judicial review.—

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

842 (a) If the total amount of stolen revenue is less than
 843 \$1,000 ~~\$300~~, the offense is a misdemeanor of the second degree,
 844 punishable as provided in s. 775.082 or s. 775.083. Upon a
 845 second conviction, the offender commits ~~is guilty of~~ a
 846 misdemeanor of the first degree, punishable as provided in s.
 847 775.082 or s. 775.083. Upon a third or subsequent conviction,
 848 the offender commits ~~is guilty of~~ a felony of the third degree,
 849 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

850 (b) If the total amount of stolen revenue is \$1,000 ~~\$300~~

851 or more, but less than \$20,000, the offense is a felony of the
852 third degree, punishable as provided in s. 775.082, s. 775.083,
853 or s. 775.084.

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

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

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

863 287.095 Department of Corrections; prison industry
864 programs.—

865 (3) All products offered for purchase to a state agency by
866 the corporation organized under chapter 946 shall be produced in
867 majority part by inmate labor, except for products not made by
868 inmates which products are contractually allied to products made
869 by inmates which are offered by the corporation, ~~provided the~~
870 ~~value of the products not made by inmates do not exceed 2~~
871 ~~percent of the total sales of the corporation in any year.~~

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

876 | 322.01 Definitions.—As used in this chapter:

877 | (41) "Suspension or revocation equivalent status" is a
 878 | designation for a person who does not have a driver license or
 879 | driving privilege but would qualify for suspension or revocation
 880 | of his or her driver license or driving privilege if licensed.
 881 | The department may designate a person as having suspension or
 882 | revocation equivalent status in the same manner as it is
 883 | authorized to suspend or revoke a driver license or driving
 884 | privilege by law.

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

887 | 322.055 Revocation or suspension of, or delay of
 888 | eligibility for, driver license for persons 18 years of age or
 889 | older convicted of certain drug offenses.—

890 | (1) Notwithstanding s. 322.28, upon the conviction of a
 891 | person 18 years of age or older for possession or sale of,
 892 | trafficking in, or conspiracy to possess, sell, or traffic in a
 893 | controlled substance, the court shall direct the department to
 894 | suspend ~~revoke~~ the person's driver license or driving privilege
 895 | ~~of the person~~. The suspension ~~period of such revocation~~ shall be
 896 | 6 months ~~1 year~~ or until the person is evaluated for and, if
 897 | deemed necessary by the evaluating agency, completes a drug
 898 | treatment and rehabilitation program approved or regulated by
 899 | the Department of Children and Families. However, the court may,
 900 | upon finding a compelling circumstance to warrant an exception

901 ~~in its sound discretion,~~ direct the department to issue a
902 license for driving privilege restricted to business or
903 employment purposes only, as defined by s. 322.271, if the
904 person is otherwise qualified for such a license. ~~A driver whose~~
905 ~~license or driving privilege has been suspended or revoked under~~
906 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~
907 ~~petition the department for restoration of the driving privilege~~
908 ~~on a restricted or unrestricted basis depending on length of~~
909 ~~suspension or revocation. In no case shall a restricted license~~
910 ~~be available until 6 months of the suspension or revocation~~
911 ~~period has expired.~~

912 (2) If a person 18 years of age or older is convicted for
913 the possession or sale of, trafficking in, or conspiracy to
914 possess, sell, or traffic in a controlled substance and such
915 person is eligible by reason of age for a driver license or
916 privilege, the court shall direct the department to withhold
917 issuance of such person's driver license or driving privilege
918 for a period of 6 months ~~1 year~~ after the date the person was
919 convicted or until the person is evaluated for and, if deemed
920 necessary by the evaluating agency, completes a drug treatment
921 and rehabilitation program approved or regulated by the
922 Department of Children and Families. However, the court may,
923 upon finding a compelling circumstance to warrant an exception
924 ~~in its sound discretion,~~ direct the department to issue a
925 license for driving privilege restricted to business or

926 employment purposes only, as defined by s. 322.271, if the
927 person is otherwise qualified for such a license. ~~A driver whose~~
928 ~~license or driving privilege has been suspended or revoked under~~
929 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~
930 ~~petition the department for restoration of the driving privilege~~
931 ~~on a restricted or unrestricted basis depending on the length of~~
932 ~~suspension or revocation. In no case shall a restricted license~~
933 ~~be available until 6 months of the suspension or revocation~~
934 ~~period has expired.~~

935 (3) If a person 18 years of age or older is convicted for
936 the possession or sale of, trafficking in, or conspiracy to
937 possess, sell, or traffic in a controlled substance and such
938 person's driver license or driving privilege is already under
939 suspension or revocation for any reason, the court shall direct
940 the department to extend the period of such suspension or
941 revocation by an additional period of 6 months ~~1 year~~ or until
942 the person is evaluated for and, if deemed necessary by the
943 evaluating agency, completes a drug treatment and rehabilitation
944 program approved or regulated by the Department of Children and
945 Families. However, the court may, upon finding a compelling
946 circumstance to warrant an exception ~~in its sound discretion,~~
947 direct the department to issue a license for driving privilege
948 restricted to business or employment purposes only, as defined
949 by s. 322.271, if the person is otherwise qualified for such a
950 license. ~~A driver whose license or driving privilege has been~~

951 ~~suspended or revoked under this section or s. 322.056 may, upon~~
952 ~~the expiration of 6 months, petition the department for~~
953 ~~restoration of the driving privilege on a restricted or~~
954 ~~unrestricted basis depending on the length of suspension or~~
955 ~~revocation. In no case shall a restricted license be available~~
956 ~~until 6 months of the suspension or revocation period has~~
957 ~~expired.~~

958 (4) If a person 18 years of age or older is convicted for
959 the possession or sale of, trafficking in, or conspiracy to
960 possess, sell, or traffic in a controlled substance and such
961 person is ineligible by reason of age for a driver license or
962 driving privilege, the court shall direct the department to
963 withhold issuance of such person's driver license or driving
964 privilege for a period of 6 months ~~1 year~~ after the date that he
965 or she would otherwise have become eligible or until he or she
966 becomes eligible by reason of age for a driver license and is
967 evaluated for and, if deemed necessary by the evaluating agency,
968 completes a drug treatment and rehabilitation program approved
969 or regulated by the Department of Children and Families.
970 However, the court may, upon finding a compelling circumstance
971 to warrant an exception ~~in its sound discretion~~, direct the
972 department to issue a license for driving privilege restricted
973 to business or employment purposes only, as defined by s.
974 322.271, if the person is otherwise qualified for such a
975 license. ~~A driver whose license or driving privilege has been~~

976 ~~suspended or revoked under this section or s. 322.056 may, upon~~
 977 ~~the expiration of 6 months, petition the department for~~
 978 ~~restoration of the driving privilege on a restricted or~~
 979 ~~unrestricted basis depending on the length of suspension or~~
 980 ~~revocation. In no case shall a restricted license be available~~
 981 ~~until 6 months of the suspension or revocation period has~~
 982 ~~expired.~~

983 Section 10. Section 322.056, Florida Statutes, is amended
 984 to read:

985 322.056 Mandatory revocation or suspension of, or delay of
 986 eligibility for, driver license for persons under age 18 found
 987 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;
 988 prohibition.-

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

993 (a) The person is eligible by reason of age for a driver
 994 license or driving privilege, the court shall direct the
 995 department to revoke or to withhold issuance of his or her
 996 driver license or driving privilege for a period of 6 months+

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

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

1000 (b) The person's driver license or driving privilege is

1001 under suspension or revocation for any reason, the court shall
 1002 direct the department to extend the period of suspension or
 1003 revocation by an additional period of 6 months÷

1004 ~~1. Not less than 6 months and not more than 1 year for the~~
 1005 ~~first violation.~~

1006 ~~2. Two years, for a subsequent violation.~~

1007 (c) The person is ineligible by reason of age for a driver
 1008 license or driving privilege, the court shall direct the
 1009 department to withhold issuance of his or her driver license or
 1010 driving privilege for a period of÷

1011 ~~1. Not less than 6 months and not more than 1 year after~~
 1012 ~~the date on which he or she would otherwise have become~~
 1013 ~~eligible, for the first violation.~~

1014 ~~2. Two years after the date on which he or she would~~
 1015 ~~otherwise have become eligible, for a subsequent violation.~~

1016
 1017 However, the court may, upon finding a compelling circumstance
 1018 to warrant an exception in its sound discretion, direct the
 1019 department to issue a license for driving privileges restricted
 1020 to business or employment purposes only, as defined in s.
 1021 322.271, if the person is otherwise qualified for such a
 1022 license.

1023 ~~(2) If a person under 18 years of age is found by the~~
 1024 ~~court to have committed a noncriminal violation under s. 569.11~~
 1025 ~~or s. 877.112(6) or (7) and that person has failed to comply~~

1026 ~~with the procedures established in that section by failing to~~
1027 ~~fulfill community service requirements, failing to pay the~~
1028 ~~applicable fine, or failing to attend a locally available~~
1029 ~~school-approved anti-tobacco program, and:~~

1030 ~~(a) The person is eligible by reason of age for a driver~~
1031 ~~license or driving privilege, the court shall direct the~~
1032 ~~department to revoke or to withhold issuance of his or her~~
1033 ~~driver license or driving privilege as follows:~~

1034 ~~1. For the first violation, for 30 days.~~

1035 ~~2. For the second violation within 12 weeks of the first~~
1036 ~~violation, for 45 days.~~

1037 ~~(b) The person's driver license or driving privilege is~~
1038 ~~under suspension or revocation for any reason, the court shall~~
1039 ~~direct the department to extend the period of suspension or~~
1040 ~~revocation by an additional period as follows:~~

1041 ~~1. For the first violation, for 30 days.~~

1042 ~~2. For the second violation within 12 weeks of the first~~
1043 ~~violation, for 45 days.~~

1044 ~~(c) The person is ineligible by reason of age for a driver~~
1045 ~~license or driving privilege, the court shall direct the~~
1046 ~~department to withhold issuance of his or her driver license or~~
1047 ~~driving privilege as follows:~~

1048 ~~1. For the first violation, for 30 days.~~

1049 ~~2. For the second violation within 12 weeks of the first~~
1050 ~~violation, for 45 days.~~

1051
1052 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~
1053 ~~within the 12-week period after the first violation will be~~
1054 ~~treated as a first violation and in the same manner as provided~~
1055 ~~in this subsection.~~

1056 ~~(3) If a person under 18 years of age is found by the~~
1057 ~~court to have committed a third violation of s. 569.11 or s.~~
1058 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~
1059 ~~court must direct the Department of Highway Safety and Motor~~
1060 ~~Vehicles to suspend or withhold issuance of his or her driver~~
1061 ~~license or driving privilege for 60 consecutive days. Any third~~
1062 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~
1063 ~~12-week period after the first violation will be treated as a~~
1064 ~~first violation and in the same manner as provided in subsection~~
1065 ~~(2).~~

1066 (2)(4) A penalty imposed under this section shall be in
1067 addition to any other penalty imposed by law.

1068 ~~(5) The suspension or revocation of a person's driver~~
1069 ~~license imposed pursuant to subsection (2) or subsection (3),~~
1070 ~~shall not result in or be cause for an increase of the convicted~~
1071 ~~person's, or his or her parent's or legal guardian's, automobile~~
1072 ~~insurance rate or premium or result in points assessed against~~
1073 ~~the person's driving record.~~

1074 Section 11. Section 322.057, Florida Statutes, is
1075 repealed.

1076 Section 12. Subsections (2), (4), (5), (7), paragraph (a)
 1077 of subsection (8), paragraph (a) of subsection (9), subsection
 1078 (10), and paragraph (a) of subsection (11) of section 322.34,
 1079 Florida Statutes, are amended to read:

1080 322.34 Driving while license suspended, revoked, canceled,
 1081 or disqualified.—

1082 (2) Any person whose driver license or driving privilege
 1083 has been canceled, suspended, or revoked as provided by law, or
 1084 who does not have a driver license or driving privilege but is
 1085 under suspension or revocation equivalent status as defined in
 1086 s. 322.01(41), except persons defined in s. 322.264, who,
 1087 knowing of such cancellation, suspension, ~~or~~ revocation, or
 1088 suspension or revocation equivalent status, drives any motor
 1089 vehicle upon the highways of this state while such license or
 1090 privilege is canceled, suspended, or revoked, or while under
 1091 suspension or revocation equivalent status, commits upon:

1092 (a) ~~A first conviction is guilty of a misdemeanor of the~~
 1093 ~~second degree, punishable as provided in s. 775.082 or s.~~
 1094 ~~775.083.~~

1095 (b)1. ~~A second conviction is guilty of a misdemeanor of~~
 1096 ~~the first degree, punishable as provided in s. 775.082 or s.~~
 1097 ~~775.083, upon a second or subsequent conviction, except as~~
 1098 ~~provided in paragraph (c).~~

1099 2. ~~A person convicted of a third or subsequent conviction,~~
 1100 ~~except as provided in paragraph (c), must serve a minimum of 10~~

1101 days in jail.

1102 (c) A ~~third or subsequent conviction is guilty of a felony~~
 1103 of the third degree, punishable as provided in s. 775.082, s.
 1104 775.083, or s. 775.084, upon a third or subsequent conviction if
 1105 the current violation of this section or the most recent prior
 1106 violation of the section are related to driving while license
 1107 canceled, suspended, revoked, or suspension or revocation
 1108 equivalent status resulting from a violation of:

- 1109 1. Driving under the influence;
- 1110 2. Refusal to submit to a urine, breath-alcohol, or blood
 1111 alcohol test;
- 1112 3. A traffic offense causing death or serious bodily
 1113 injury; or
- 1114 4. Fleeing or eluding.

1115

1116 The element of knowledge is satisfied if the person has been
 1117 previously cited as provided in subsection (1); or the person
 1118 admits to knowledge of the cancellation, suspension, or
 1119 revocation, or suspension or revocation equivalent status; or
 1120 the person received notice as provided in subsection (4). There
 1121 shall be a rebuttable presumption that the knowledge requirement
 1122 is satisfied if a judgment or order as provided in subsection
 1123 (4) appears in the department's records for any case except for
 1124 one involving a suspension by the department for failure to pay
 1125 a traffic fine or for a financial responsibility violation.

1126 (4) Any judgment or order rendered by a court or
1127 adjudicatory body or any uniform traffic citation that cancels,
1128 suspends, or revokes a person's driver license or places a
1129 person under suspension or revocation equivalent status must
1130 contain a provision notifying the person that his or her driver
1131 license has been canceled, suspended, or revoked, or of such
1132 suspension or revocation equivalent status.

1133 (5) Any person who has been designated a habitual traffic
1134 offender as defined by ~~whose driver license has been revoked~~
1135 ~~pursuant to s. 322.264 (habitual offender)~~ and who drives any
1136 motor vehicle upon the highways of this state while designated a
1137 habitual traffic offender ~~such license is revoked~~ is guilty of a
1138 felony of the third degree, punishable as provided in s.
1139 775.082, s. 775.083, or s. 775.084.

1140 (7) Any person whose driver license or driving privilege
1141 has been canceled, suspended, revoked, or disqualified, or who
1142 does not have a driver license or driving privilege but is under
1143 suspension or revocation equivalent status, and who drives a
1144 commercial motor vehicle on the highways of this state while
1145 such license or privilege is canceled, suspended, revoked, or
1146 disqualified, or while under suspension or revocation equivalent
1147 status, upon:

1148 (a) A first conviction is guilty of a misdemeanor of the
1149 first degree, punishable as provided in s. 775.082 or s.
1150 775.083.

1151 (b) A second or subsequent conviction is guilty of a
1152 felony of the third degree, punishable as provided in s.
1153 775.082, s. 775.083, or s. 775.084.

1154 (8) (a) Upon the arrest of a person for the offense of
1155 driving while the person's driver license or driving privilege
1156 is suspended or revoked, the arresting officer shall determine:

1157 1. Whether the person's driver license is suspended or
1158 revoked, or the person is under suspension or revocation
1159 equivalent status.

1160 2. Whether the person's driver license has remained
1161 suspended or revoked, or the person has been under suspension or
1162 revocation equivalent status, since a conviction for the offense
1163 of driving with a suspended or revoked license.

1164 3. Whether the suspension, ~~or~~ revocation, or suspension or
1165 revocation equivalent status was made under s. 316.646 or s.
1166 627.733, relating to failure to maintain required security, or
1167 under s. 322.264, relating to habitual traffic offenders.

1168 4. Whether the driver is the registered owner or coowner
1169 of the vehicle.

1170 (9) (a) A motor vehicle that is driven by a person under
1171 the influence of alcohol or drugs in violation of s. 316.193 is
1172 subject to seizure and forfeiture under ss. 932.701-932.7062 and
1173 is subject to liens for recovering, towing, or storing vehicles
1174 under s. 713.78 if, at the time of the offense, the person's
1175 driver license is suspended, revoked, or canceled, or suspension

1176 or revocation equivalent status was imposed, as a result of a
1177 prior conviction for driving under the influence.

1178 (10) (a) Notwithstanding any other provision of this
1179 section, if a person does not have a prior forcible felony
1180 conviction as defined in s. 776.08, the penalties provided in
1181 paragraph (b) apply if a person's driver license or driving
1182 privilege is canceled, suspended, or revoked, or the person is
1183 under suspension or revocation equivalent status, for:

1184 1. Failing to pay child support as provided in s. 322.245
1185 or s. 61.13016;

1186 2. Failing to pay any other financial obligation as
1187 provided in s. 322.245 other than those specified in s.
1188 322.245(1);

1189 3. Failing to comply with a civil penalty required in s.
1190 318.15;

1191 4. Failing to maintain vehicular financial responsibility
1192 as required by chapter 324;

1193 5. Failing to comply with attendance or other requirements
1194 for minors as set forth in s. 322.091; or

1195 6. Having been designated a habitual traffic offender
1196 under s. 322.264(1)(d) as a result of suspensions of his or her
1197 driver license or driver privilege for any underlying violation
1198 listed in subparagraphs 1.-5.

1199 (b)1. Upon a first conviction for knowingly driving while
1200 his or her license is suspended, revoked, or canceled, or while

1201 under suspension or revocation equivalent status, for any of the
1202 underlying violations listed in subparagraphs (a)1.-6., a person
1203 commits a misdemeanor of the second degree, punishable as
1204 provided in s. 775.082 or s. 775.083.

1205 2. Upon a second or subsequent conviction for the same
1206 offense of knowingly driving while his or her license is
1207 suspended, revoked, or canceled, or while under suspension or
1208 revocation equivalent status, for any of the underlying
1209 violations listed in subparagraphs (a)1.-6., a person commits a
1210 misdemeanor of the first degree, punishable as provided in s.
1211 775.082 or s. 775.083.

1212 (11) (a) A person who does not hold a commercial driver
1213 license and who is cited for an offense of knowingly driving
1214 while his or her license is suspended, revoked, or canceled, or
1215 while under suspension or revocation equivalent status, for any
1216 of the underlying violations listed in paragraph (10) (a) may, in
1217 lieu of payment of fine or court appearance, elect to enter a
1218 plea of nolo contendere and provide proof of compliance to the
1219 clerk of the court, designated official, or authorized operator
1220 of a traffic violations bureau. In such case, adjudication shall
1221 be withheld. However, no election shall be made under this
1222 subsection if such person has made an election under this
1223 subsection during the preceding 12 months. A person may not make
1224 more than three elections under this subsection.

1225 Section 13. Section 322.75, Florida Statutes, is created

1226 to read:

1227 322.75 Driver License Reinstatement Days.—

1228 (1) Each clerk of court shall establish a Driver License
 1229 Reinstatement Days program for reinstating suspended driver
 1230 licenses. Participants may include, but are not limited to, the
 1231 Department of Highway Safety and Motor Vehicles, the state
 1232 attorney's office, the public defender's office, the circuit and
 1233 county courts, the clerk of court, and any interested community
 1234 organization.

1235 (2) The clerk of court, in consultation with other
 1236 participants, shall select 1 or more days annually for an event
 1237 at which a person may have his or her driver license reinstated.
 1238 The clerk may work with the Florida Association of Court Clerks
 1239 and Comptrollers to promote such program, develop
 1240 communications, and coordinate the event. A person must pay the
 1241 full license reinstatement fee; however, the clerk may reduce or
 1242 waive other fees and costs, except those imposed by the court,
 1243 to facilitate reinstatement.

1244 (3) The clerk of court is encouraged to schedule at least
 1245 one event on a weekend or with hours after 5 p.m. on a weekday.

1246 (4) (a) A person is eligible for reinstatement under the
 1247 program if his or her license was suspended due to:

- 1248 1. Driving without a valid driver license;
- 1249 2. Driving with a suspended driver license;
- 1250 3. Failing to make a payment on penalties in collection;

1251 4. Failing to appear in court for a traffic violation; or
 1252 5. Failing to comply with any provision of chapter 318 or
 1253 this chapter.

1254 (b) Notwithstanding paragraphs (5) (a)-(c), a person is
 1255 eligible for reinstatement under the program if the period of
 1256 suspension or revocation has elapsed, the person has completed
 1257 any required course or program as described in paragraph (5) (c),
 1258 and the person is otherwise eligible for reinstatement.

1259 (5) A person is not eligible for reinstatement under the
 1260 program if his or her driver license is suspended or revoked due
 1261 to:

1262 (a) The person's failure to fulfill a court-ordered child
 1263 support obligation;

1264 (b) A violation of s. 316.193;

1265 (c) The person's failure to complete a driver training
 1266 program, driver improvement course, or alcohol or substance
 1267 abuse education or evaluation program required under s. 316.192,
 1268 s. 316.193, s. 322.2616, s. 322.271, or s. 322.264;

1269 (d) A traffic-related felony; or

1270 (e) The person being designated as a habitual traffic
 1271 offender under s. 322.264.

1272 (6) The clerk of court and the Department of Highway
 1273 Safety and Motor Vehicles shall verify any information necessary
 1274 for reinstatement of a driver license under the program.

1275 (7) The clerk of court must collect and report to the

1276 Florida Clerks of Court Operations Corporation all of the
 1277 following:
 1278 (a) Number of cases paid in full.
 1279 (b) Number of cases put on a payment plan.
 1280 (c) Number of driver license reinstatements.
 1281 (d) Number of driver licenses made eligible for
 1282 reinstatement.
 1283 (e) Amount of fees and costs collected, reported by the
 1284 entity receiving the funds. The Florida Clerks of Court
 1285 Operations Corporation must report the aggregate funds received
 1286 by the clerks of court, the local governmental entities, and
 1287 state entities, including the General Revenue Fund.
 1288 (f) The personnel, operating, security, and other
 1289 expenditures incurred by the clerk of court.
 1290 (g) The number of cases that fail to comply with a payment
 1291 plan and subsequently result in driver license suspension.
 1292 (8) The Florida Clerks of Court Operations Corporation
 1293 shall report the information collected in subsection (7) in its
 1294 annual report required by s. 28.35.
 1295 Section 14. Subsection (2) of section 394.917, Florida
 1296 Statutes, is amended to read:
 1297 394.917 Determination; commitment procedure; mistrials;
 1298 housing; counsel and costs in indigent appellate cases.—
 1299 (2) If the court or jury determines that the person is a
 1300 sexually violent predator, upon the expiration of the

1301 | incarceration portion of all criminal sentences and disposition
 1302 | of any detainers, the person shall be committed to the custody
 1303 | of the Department of Children and Families for control, care,
 1304 | ~~and treatment,~~ and rehabilitation of criminal offenders, until
 1305 | such time as the person's mental abnormality or personality
 1306 | disorder has so changed that it is safe for the person to be at
 1307 | large. At all times, persons who are detained or committed under
 1308 | this part shall be kept in a secure facility segregated from
 1309 | patients of the department who are not detained or committed
 1310 | under this part.

1311 | Section 15. Subsection (2) of section 397.334, Florida
 1312 | Statutes, is amended to read:

1313 | 397.334 Treatment-based drug court programs.—

1314 | (2) Entry into any pretrial treatment-based drug court
 1315 | program shall be voluntary. When neither s. 948.08(6)(c)1. nor
 1316 | 2. s. 948.08(6)(a)1. nor 2. applies, the court may order an
 1317 | eligible individual to enter into a pretrial treatment-based
 1318 | drug court program only upon written agreement by the
 1319 | individual, which shall include a statement that the individual
 1320 | understands the requirements of the program and the potential
 1321 | sanctions for noncompliance.

1322 | Section 16. Subsection (3) of section 397.403, Florida
 1323 | Statutes, is amended to read:

1324 | 397.403 License application.—

1325 | (3) Applications for licensure renewal must include proof

1326 of application for accreditation for each licensed service
 1327 component providing clinical treatment by an accrediting
 1328 organization that is acceptable to the department for the first
 1329 renewal, and proof of accreditation for any subsequent renewals.
 1330 This subsection does not apply to any inmate substance abuse
 1331 program operated by or under an exclusive contract with a jail
 1332 or the Department of Corrections.

1333 Section 17. Present subsections (3) through (12) of
 1334 section 455.213, Florida Statutes, are redesignated as
 1335 subsections (4) through (13), respectively, subsection (2) of
 1336 that section is amended, and a new subsection (3) is added to
 1337 that section, to read:

1338 455.213 General licensing provisions.—

1339 (2) Before the issuance of any license, the department may
 1340 charge an initial license fee as determined by rule of the
 1341 applicable board or, if no such board exists, by rule of the
 1342 department. Upon receipt of the appropriate license fee, except
 1343 as provided in subsection (4) ~~(3)~~, the department shall issue a
 1344 license to any person certified by the appropriate board, or its
 1345 designee, or the department when there is no board, as having
 1346 met the applicable requirements imposed by law or rule. However,
 1347 an applicant who is not otherwise qualified for licensure is not
 1348 entitled to licensure solely based on a passing score on a
 1349 required examination. Upon a determination by the department
 1350 that it erroneously issued a license, or upon the revocation of

1351 a license by the applicable board, or by the department when
 1352 there is no board, the licensee must surrender his or her
 1353 license to the department.

1354 (3) (a) Notwithstanding any other law, the applicable board
 1355 shall use the process in this subsection for review of an
 1356 applicant's criminal record to determine his or her eligibility
 1357 for licensure as:

- 1358 1. A barber under chapter 476;
- 1359 2. A cosmetologist or cosmetology specialist under chapter
 1360 477;
- 1361 3. Any of the following construction professions under
 1362 chapter 489:
 - 1363 a. Air-conditioning contractor;
 - 1364 b. Electrical contractor;
 - 1365 c. Mechanical contractor;
 - 1366 d. Plumbing contractor;
 - 1367 e. Pollutant storage systems contractor;
 - 1368 f. Roofing contractor;
 - 1369 g. Sheet metal contractor;
 - 1370 h. Solar contractor;
 - 1371 i. Swimming pool and spa contractor;
 - 1372 j. Underground utility and excavation contractor; or
 - 1373 k. Other specialty contractors; or
- 1374 4. Any other profession for which the department issues a
 1375 license, provided the profession is offered to inmates in any

1376 correctional institution or correctional facility as vocational
1377 training or through an industry certification program.

1378 (b)1. A conviction, or any other adjudication, for a crime
1379 more than 5 years before the date the application is received by
1380 the applicable board may not be grounds for denial of a license
1381 specified in paragraph (a). For purposes of this paragraph, the
1382 term "conviction" means a determination of guilt that is the
1383 result of a plea or trial, regardless of whether adjudication is
1384 withheld. This paragraph does not limit the applicable board
1385 from considering an applicant's criminal history that includes a
1386 crime listed in s. 775.21(4) (a)1. or s. 776.08 at any time, but
1387 only if such criminal history has been found to relate to the
1388 practice of the applicable profession.

1389 2. The applicable board may consider the criminal history
1390 of an applicant for licensure under subparagraph (a)3. if such
1391 criminal history has been found to relate to good moral
1392 character.

1393 (c)1. A person may apply for a license before his or her
1394 lawful release from confinement or supervision. The department
1395 may not charge an applicant an additional fee for being confined
1396 or under supervision. The applicable board may not deny an
1397 application for a license solely on the basis of the applicant's
1398 current confinement or supervision.

1399 2. After a license application is approved, the applicable
1400 board may stay the issuance of a license until the applicant is

1401 lawfully released from confinement or supervision and the
1402 applicant notifies the applicable board of such release. The
1403 applicable board must verify the applicant's release with the
1404 Department of Corrections before it issues a license.

1405 3. If an applicant is unable to appear in person due to
1406 his or her confinement or supervision, the applicable board must
1407 permit the applicant to appear by teleconference or video
1408 conference, as appropriate, at any meeting of the applicable
1409 board or other hearing by the agency concerning his or her
1410 application.

1411 4. If an applicant is confined or under supervision, the
1412 Department of Corrections and the applicable board shall
1413 cooperate and coordinate to facilitate the appearance of the
1414 applicant at a board meeting or agency hearing in person, by
1415 teleconference, or by video conference, as appropriate.

1416 (d) Each applicable board shall compile a list of crimes
1417 that, if committed and regardless of adjudication, do not relate
1418 to the practice of the profession or the ability to practice the
1419 profession and do not constitute grounds for denial of a
1420 license. This list must be made available on the department's
1421 website and updated annually. Beginning October 1, 2019, each
1422 applicable board shall compile a list of crimes that although
1423 reported by an applicant for licensure, were not used as a basis
1424 for denial. The list must identify for each such license
1425 application the crime reported and the date of conviction and

1426 whether there was a finding of guilt, a plea, or an adjudication
1427 entered or the date of sentencing.

1428 (e) Each applicable board shall compile a list of crimes
1429 that have been used as a basis for denial of a license in the
1430 past 2 years and shall make the list available on the
1431 department's website. Starting October 1, 2019, and updated
1432 quarterly thereafter, the applicable board shall compile a list
1433 indicating each crime used as a basis for denial. For each crime
1434 listed, the applicable board must identify the date of
1435 conviction, finding of guilt, plea, or adjudication entered, or
1436 date of sentencing. Such denials must be made available to the
1437 public upon request.

1438 Section 18. Subsection (4) of section 474.2165, Florida
1439 Statutes, is amended to read:

1440 474.2165 Ownership and control of veterinary medical
1441 patient records; report or copies of records to be furnished.—

1442 (4) Except as otherwise provided in this section, such
1443 records may not be furnished to, and the medical condition of a
1444 patient may not be discussed with, any person other than the
1445 client or the client's legal representative or other
1446 veterinarians involved in the care or treatment of the patient,
1447 except upon written authorization of the client. However, such
1448 records may be furnished without written authorization under the
1449 following circumstances:

1450 (a) To any person, firm, or corporation that has procured

1451 or furnished such examination or treatment with the client's
1452 consent.

1453 (b) In any civil or criminal action, unless otherwise
1454 prohibited by law, upon the issuance of a subpoena from a court
1455 of competent jurisdiction and proper notice to the client or the
1456 client's legal representative by the party seeking such records.

1457 (c) For statistical and scientific research, provided the
1458 information is abstracted in such a way as to protect the
1459 identity of the patient and the client, or provided written
1460 permission is received from the client or the client's legal
1461 representative.

1462 (d) In any criminal action or situation where a
1463 veterinarian suspects a criminal violation. If a criminal
1464 violation is suspected, a veterinarian may, without notice to or
1465 authorization from the client, report the violation to a law
1466 enforcement officer, an animal control officer who is certified
1467 pursuant to s. 828.27(4)(a), or an agent appointed under s.
1468 828.03. However, if a suspected violation occurs at a commercial
1469 food-producing animal operation on land classified as
1470 agricultural under s. 193.461, the veterinarian must provide
1471 notice to the client or the client's legal representative before
1472 reporting the suspected violation to an officer or agent under
1473 this paragraph. The report may not include written medical
1474 records except upon the issuance of an order from a court of
1475 competent jurisdiction.

1476 Section 19. Subsections (2), (3), and (4) of section
1477 489.126, Florida Statutes, are amended, and subsections (5) and
1478 (6) are added to that section, to read:

1479 489.126 Moneys received by contractors.—

1480 (2) (a) A contractor who receives, as initial payment,
1481 money totaling more than 10 percent of the contract price for
1482 repair, restoration, improvement, or construction to residential
1483 real property must:

1484 1. (a) Apply for permits necessary to do work within 30
1485 days after the date payment is made, except where the work does
1486 not require a permit under the applicable codes and ordinances,
1487 and

1488 2. (b) Start the work within 90 days after the date all
1489 necessary permits for work, if any, are issued,

1490

1491 unless the contractor has just cause for failing to apply for
1492 the necessary permits, starting the work, or refunding the
1493 payment, or unless the person who made the payment agreed, in
1494 writing, to a longer period to apply for the necessary permits
1495 or start the work or to longer periods for both.

1496 (b)1. If a contractor fails to comply with the
1497 requirements of paragraph (a), the contractee must make written
1498 demand to the contractor in the form of a letter that includes a
1499 demand to apply for the necessary permits, to start the work, or
1500 to refund the payment sent via certified mail, return receipt

1501 requested, mailed to the address listed in the contracting
1502 agreement. If there is no address for the contractor listed in
1503 the contracting agreement, or no written agreement exists, the
1504 contractee must mail the written demand letter to the address
1505 listed for licensing purposes with the department or the local
1506 construction industry licensing board, if applicable.

1507 2. It may be inferred that a contractor does not have just
1508 cause if the contractor fails to apply for the necessary
1509 permits, start the work, or refund payments within 30 days of
1510 receiving written demand to apply for the necessary permits,
1511 start the work, or refund the payment from the person who made
1512 the payment.

1513 (3) (a) A contractor who receives money for repair,
1514 restoration, addition, improvement, or construction of
1515 residential real property in excess of the value of the work
1516 performed may ~~shall~~ not, ~~with intent to defraud the owner,~~ fail
1517 or refuse to perform any work for any 90-day period or for any
1518 period that is mutually agreed upon and specified in the
1519 contract.

1520 (b) It is prima facie evidence ~~Proof~~ that a contractor
1521 received money for the repair, restoration, addition,
1522 improvement, or construction of residential real property and
1523 that the amount received exceeds the value of the work performed
1524 by the contractor when ~~and that:~~

1525 1. The contractor failed to perform any of the work for

1526 | which he or she contracted during any 90-day ~~60-day~~ period or
1527 | any period that is mutually agreed upon and specified in the
1528 | contract;

1529 | 2. The failure to perform any such work during the 90-day
1530 | ~~60-day~~ period or such period that is mutually agreed upon and
1531 | specified in the contract was not related to the owner's
1532 | termination of the contract or a material breach of the contract
1533 | by the owner; and

1534 | 3. The contractor failed to perform for the 90-day period
1535 | or such period that is mutually agreed upon and specified in the
1536 | contract without just cause or terminated the contract without
1537 | proper notification to the owner.

1538 | a. Proper notification of termination for purposes of this
1539 | subparagraph must be made by the contractor in the form of a
1540 | letter that includes the reason for termination of the contract
1541 | or the reason for failure to perform sent via certified mail,
1542 | return receipt requested, mailed to the address of the owner
1543 | listed in the contracting agreement. If no written agreement
1544 | exists, the letter must be mailed to the address where the work
1545 | was to be performed or the address listed on the permit, if
1546 | applicable.

1547 | b. If a contractor fails to comply with paragraph (a),
1548 | written demand must be made to the contractor in the form of a
1549 | letter that includes a demand to perform work, or refund the
1550 | money received in excess of the value of the work performed,

1551 sent via certified mail, return receipt requested, mailed to the
1552 address listed in the contracting agreement. If there is no
1553 address for the contractor listed in the contracting agreement,
1554 or no agreement exists, the letter must be mailed to the address
1555 listed with the department for licensing purposes or the local
1556 construction industry licensing board, if applicable.

1557 c. It may be inferred that a contractor does not have just
1558 cause if the contractor fails to perform work, or refund the
1559 money received in excess of the value of the work performed,
1560 within 30 days after receiving a written demand to perform the
1561 work, or refund the money received in excess of the value of the
1562 work performed, from the person who made the payment, for an
1563 additional 30-day period after the date of mailing of
1564 notification as specified in paragraph (c), to perform any work
1565 for which he or she contracted,

1566
1567 gives rise to an inference that the money in excess of the value
1568 of the work performed was taken with the intent to defraud.

1569 (c) Notification as contemplated in paragraph (b) consists
1570 of a certified letter, return receipt requested, mailed to the
1571 address of the contractor as listed in the written contracting
1572 agreement. The letter must indicate that the contractor has
1573 failed to perform any work for a 60-day period, that the failure
1574 to perform the work was not the result of the owner's
1575 termination of the contract or a material breach of the contract

1576 ~~by the owner, and that the contractor must recommence~~
1577 ~~construction within 30 days after the date of mailing of the~~
1578 ~~letter. If there is no address for the contractor listed in the~~
1579 ~~written contracting agreement, or no written agreement exists,~~
1580 ~~the letter must be mailed to the address of the contractor~~
1581 ~~listed in the building permit application.~~

1582 (4) Any violation of subsection (2) or subsection (3) must
1583 be prosecuted in accordance with the thresholds established in
1584 this section and the following: ~~person who violates any~~
1585 ~~provision of this section is guilty of theft and shall be~~
1586 ~~prosecuted and punished under s. 812.014.~~

1587 (a) The required intent to prove a criminal violation may
1588 be shown to exist at the time that the contractor appropriated
1589 the money to his or her own use and is not required to be proven
1590 to exist at the time of the taking of the money from the owner
1591 or at the time the owner makes a payment to the contractor.

1592 (b) It may be inferred that a contractor intended to
1593 deprive the owner of the right to the money owed, or deprive the
1594 owner of the benefit from it, and inferred that the contractor
1595 appropriated the money for his or her own use, or to a person
1596 not entitled to the use of the money, if the contractor fails to
1597 refund any portion of the money owed within 30 days after
1598 receiving a written demand for such money from the owner.

1599 (c) In a prosecution for a violation of this section, the
1600 fact that the person so charged intended to return the money

1601 owed is not a defense.

1602 (5) A person who violates subsection (2) commits:

1603 (a) A misdemeanor of the first degree, punishable as
1604 provided in s. 775.082 or s. 775.083, if the total money
1605 received is less than \$1,000.

1606 (b) A felony of the third degree, punishable as provided
1607 in s. 775.082, s. 775.083, or s. 775.084, if the total money
1608 received is \$1,000 or more, but less than \$20,000.

1609 (c) A felony of the second degree, punishable as provided
1610 in s. 775.082, s. 775.083, or s. 775.084, if the total money
1611 received is \$20,000 or more, but less than \$200,000.

1612 (d) A felony of the first degree, punishable as provided
1613 in s. 775.082, s. 775.083, or s. 775.084, if the total money
1614 received is \$200,000 or more.

1615 (6) A person who violates subsection (3) commits:

1616 (a) A misdemeanor of the first degree, punishable as
1617 provided in s. 775.082 or s. 775.083, if the total money
1618 received exceeding the value of the work performed is less than
1619 \$1,000.

1620 (b) A felony of the third degree, punishable as provided
1621 in s. 775.082, s. 775.083, or s. 775.084, if the total money
1622 received exceeding the value of the work performed is \$1,000 or
1623 more, but less than \$20,000.

1624 (c) A felony of the second degree, punishable as provided
1625 in s. 775.082, s. 775.083, or s. 775.084, if the total money

1626 received exceeding the value of the work performed is \$20,000 or
1627 more, but less than \$200,000.

1628 (d) A felony of the first degree, punishable as provided
1629 in s. 775.082, s. 775.083, or s. 775.084, if the total money
1630 received exceeding the value of the work performed is \$200,000
1631 or more.

1632 Section 20. Subsections (7) through (10) are added to
1633 section 489.553, Florida Statutes, to read:

1634 489.553 Administration of part; registration
1635 qualifications; examination.—

1636 (7) Notwithstanding any other law, a conviction, or any
1637 other adjudication, for a crime more than 5 years before the
1638 date the application is received by the department or other
1639 applicable authority may not be grounds for denial of
1640 registration. For purposes of this subsection, the term
1641 "conviction" means a determination of guilt that is the result
1642 of a plea or trial, regardless of whether adjudication is
1643 withheld. This subsection does not limit a board from
1644 considering an applicant's criminal history that includes any
1645 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but
1646 only if such criminal history has been found to relate to the
1647 practice of the applicable profession, or any crime if it has
1648 been found to relate to good moral character.

1649 (8) (a) A person may apply to be registered before his or
1650 her lawful release from confinement or supervision. The

1651 department or other applicable authority may not charge an
1652 applicant an additional fee for being confined or under
1653 supervision. The department or other applicable authority may
1654 not deny an application for registration solely on the basis of
1655 the applicant's current confinement or supervision.

1656 (b) After a registration application is approved, the
1657 department or other applicable authority may stay the issuance
1658 of registration until the applicant is lawfully released from
1659 confinement or supervision and the applicant notifies the board
1660 of such release. The department or other applicable authority
1661 must verify the applicant's release with the Department of
1662 Corrections before it registers such applicant.

1663 (c) If an applicant is unable to appear in person due to
1664 his or her confinement or supervision, the department or other
1665 applicable authority must permit the applicant to appear by
1666 teleconference or video conference, as appropriate, at any
1667 meeting or hearing by the department or other applicable
1668 authority concerning his or her application.

1669 (d) If an applicant is confined or under supervision, the
1670 Department of Corrections and the department or other applicable
1671 authority shall cooperate and coordinate to facilitate the
1672 appearance of the applicant at a meeting or hearing in person,
1673 by teleconference, or by video conference, as appropriate.

1674 (9) The department or other applicable authority shall
1675 compile a list of crimes that, if committed and regardless of

1676 adjudication, do not relate to the practice of the profession or
1677 the ability to practice the profession and do not constitute
1678 grounds for denial of registration. This list must be made
1679 available on the department's website and updated annually.
1680 Beginning October 1, 2019, and updated quarterly thereafter, the
1681 department or other applicable authority shall add to this list
1682 such crimes that although reported by an applicant for
1683 registration, were not used as a basis for denial in the past 2
1684 years. The list must identify for each such registration
1685 application the crime reported and the date of conviction, plea,
1686 adjudication, or sentencing.

1687 (10) The department or other applicable authority shall
1688 compile a list of crimes that have been used as a basis for
1689 denial of registration in the past 2 years and make the list
1690 available on the department's website. Beginning October 1,
1691 2019, and updated quarterly thereafter, the department shall add
1692 to this list each crime used as a basis for denial. For each
1693 crime listed, the department must identify the date of
1694 conviction, plea, adjudication, or sentencing. Such denials must
1695 be made available to the public upon request.

1696 Section 21. Subsection (2) of section 500.451, Florida
1697 Statutes, is amended, and subsection (1) of that section is
1698 republished, to read:

1699 500.451 Horse meat; offenses.—

1700 (1) It is unlawful for any person to:

1701 (a) Sell in the markets of this state horse meat for human
 1702 consumption unless the horse meat is clearly stamped, marked,
 1703 and described as horse meat for human consumption.

1704 (b) Knowingly transport, distribute, sell, purchase, or
 1705 possess horse meat for human consumption that is not clearly
 1706 stamped, marked, and described as horse meat for human
 1707 consumption or horse meat that is not acquired from a licensed
 1708 slaughterhouse.

1709 (2) A person that violates this section commits a felony
 1710 of the third degree, punishable as provided in s. 775.082, s.
 1711 775.083, or s. 775.084, except that any person who commits a
 1712 violation of this section must ~~shall~~ be sentenced to a minimum
 1713 mandatory fine of \$3,500 ~~and a minimum mandatory period of~~
 1714 ~~incarceration of 1 year.~~

1715 Section 22. Subsection (1) of section 509.151, Florida
 1716 Statutes, is amended to read:

1717 509.151 Obtaining food or lodging with intent to defraud;
 1718 penalty.-

1719 (1) Any person who obtains food, lodging, or other
 1720 accommodations having a value of less than \$1,000 ~~\$300~~ at any
 1721 public food service establishment, or at any transient
 1722 establishment, with intent to defraud the operator thereof,
 1723 commits ~~is guilty of~~ a misdemeanor of the second degree,
 1724 punishable as provided in s. 775.082 or s. 775.083; if such
 1725 food, lodging, or other accommodations have a value of \$1,000

1726 ~~§300~~ or more, such person commits ~~is guilty of~~ a felony of the
 1727 third degree, punishable as provided in s. 775.082, s. 775.083,
 1728 or s. 775.084.

1729 Section 23. Paragraph (a) of subsection (1) and paragraph
 1730 (c) of subsection (2) of section 562.11, Florida Statutes, are
 1731 amended to read:

1732 562.11 Selling, giving, or serving alcoholic beverages to
 1733 person under age 21; providing a proper name; misrepresenting or
 1734 misstating age or age of another to induce licensee to serve
 1735 alcoholic beverages to person under 21; penalties.—

1736 (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to
 1737 be served alcoholic beverages to a person under 21 years of age
 1738 or permit a person under 21 years of age to consume such
 1739 beverages on the licensed premises. A person who violates this
 1740 paragraph ~~subparagraph~~ commits a misdemeanor of the second
 1741 degree, punishable as provided in s. 775.082 or s. 775.083. A
 1742 person who violates this paragraph ~~subparagraph~~ a second or
 1743 subsequent time within 1 year after a prior conviction commits a
 1744 misdemeanor of the first degree, punishable as provided in s.
 1745 775.082 or s. 775.083.

1746 ~~2.—In addition to any other penalty imposed for a~~
 1747 ~~violation of subparagraph 1., the court may order the Department~~
 1748 ~~of Highway Safety and Motor Vehicles to withhold the issuance~~
 1749 ~~of, or suspend or revoke, the driver license or driving~~
 1750 ~~privilege, as provided in s. 322.057, of any person who violates~~

1751 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~
1752 ~~as defined in s. 561.01, who violates subparagraph 1. while~~
1753 ~~acting within the scope of his or her license or an employee or~~
1754 ~~agent of a licensee, as defined in s. 561.01, who violates~~
1755 ~~subparagraph 1. while engaged within the scope of his or her~~
1756 ~~employment or agency.~~

1757 ~~3. A court that withholds the issuance of, or suspends or~~
1758 ~~revokes, the driver license or driving privilege of a person~~
1759 ~~pursuant to subparagraph 2. may direct the Department of Highway~~
1760 ~~Safety and Motor Vehicles to issue the person a license for~~
1761 ~~driving privilege restricted to business purposes only, as~~
1762 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1763 (2) It is unlawful for any person to misrepresent or
1764 misstate his or her age or the age of any other person for the
1765 purpose of inducing any licensee or his or her agents or
1766 employees to sell, give, serve, or deliver any alcoholic
1767 beverages to a person under 21 years of age, or for any person
1768 under 21 years of age to purchase or attempt to purchase
1769 alcoholic beverages.

1770 (c) In addition to any other penalty imposed for a
1771 violation of this subsection, if a person uses a driver license
1772 or identification card issued by the Department of Highway
1773 Safety and Motor Vehicles in violation of this subsection, the
1774 court:

1775 ~~1.~~ may order the person to participate in public service

1776 or a community work project for a period not to exceed 40 hours;
1777 and

1778 ~~2. Shall direct the Department of Highway Safety and Motor~~
1779 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~
1780 ~~person's driver license or driving privilege, as provided in s.~~
1781 ~~322.056.~~

1782 Section 24. Subsection (3) of section 562.111, Florida
1783 Statutes, is amended to read:

1784 562.111 Possession of alcoholic beverages by persons under
1785 age 21 prohibited.-

1786 ~~(3) In addition to any other penalty imposed for a~~
1787 ~~violation of subsection (1), the court shall direct the~~
1788 ~~Department of Highway Safety and Motor Vehicles to withhold~~
1789 ~~issuance of, or suspend or revoke, the violator's driver license~~
1790 ~~or driving privilege, as provided in s. 322.056.~~

1791 Section 25. Subsection (8) of section 562.27, Florida
1792 Statutes, is amended, and subsections (1) through (7) of that
1793 section are republished, to read:

1794 562.27 Seizure and forfeiture.-

1795 (1) It is unlawful for any person to have in her or his
1796 possession, custody, or control, or to own, make, construct, or
1797 repair, any still, still piping, still apparatus, or still worm,
1798 or any piece or part thereof, designed or adapted for the
1799 manufacture of an alcoholic beverage, or to have in her or his
1800 possession, custody or control any receptacle or container

1801 containing any mash, wort, or wash, or other fermented liquids
 1802 whatever capable of being distilled or manufactured into an
 1803 alcoholic beverage, unless such possession, custody, control,
 1804 ownership, manufacture, construction, or repairing be by or for
 1805 a person authorized by law to manufacture such alcoholic
 1806 beverage.

1807 (2) It is unlawful for any person to have in her or his
 1808 possession, custody, or control any raw materials or substance
 1809 intended to be used in the distillation or manufacturing of an
 1810 alcoholic beverage unless the person holds a license from the
 1811 state authorizing the manufacture of the alcoholic beverage.

1812 (3) The terms "raw material" or "substance" for the
 1813 purpose of this chapter shall mean and include, but not be
 1814 limited to, any of the following: Any grade or type of sugar,
 1815 syrup, or molasses derived from sugarcane, sugar beets, corn,
 1816 sorghum, or any other source; starch; potatoes; grain or
 1817 cornmeal, corn chops, cracked corn, rye chops, middlings,
 1818 shorts, bran, or any other grain derivative; malt; malt sugar or
 1819 malt syrup; oak chips, charred or not charred; yeast; cider;
 1820 honey; fruit; grapes; berries; fruit, grape or berry juices or
 1821 concentrates; wine; caramel; burnt sugar; gin flavor; Chinese
 1822 bean cake or Chinese wine cake; urea; ammonium phosphate,
 1823 ammonium carbonate, ammonium sulphate, or any other yeast food;
 1824 ethyl acetate or any other ethyl ester; any other material of
 1825 the character used in the manufacture of distilled spirits or

1826 any chemical or other material suitable for promoting or
1827 accelerating fermentation; any chemical or material of the
1828 character used in the production of distilled spirits by
1829 chemical reaction; or any combination of such materials or
1830 chemicals.

1831 (4) Any such raw materials, substance, or any still, still
1832 piping, still apparatus, or still worm, or any piece or part
1833 thereof, or any mash, wort, or wash, or other fermented liquid
1834 and the receptacle or container thereof, and any alcoholic
1835 beverage, together with all personal property used to facilitate
1836 the manufacture or production of the alcoholic beverage or to
1837 facilitate the violation of the alcoholic beverage control laws
1838 of this state or the United States, may be seized by the
1839 division or by any sheriff or deputy sheriff and shall be
1840 forfeited to the state.

1841 (5) It shall be unlawful for any person to sell or
1842 otherwise dispose of raw materials or other substances knowing
1843 same are to be used in the distillation or manufacture of an
1844 alcoholic beverage unless such person receiving same, by
1845 purchase or otherwise, holds a license from the state
1846 authorizing the manufacture of such alcoholic beverage.

1847 (6) Any vehicle, vessel, or aircraft used in the
1848 transportation or removal of or for the deposit or concealment
1849 of any illicit liquor still or stilling apparatus; any mash,
1850 wort, wash, or other fermented liquids capable of being

1851 distilled or manufactured into an alcoholic beverage; or any
1852 alcoholic beverage commonly known and referred to as "moonshine
1853 whiskey" shall be seized and may be forfeited as provided by the
1854 Florida Contraband Forfeiture Act. Any sheriff, deputy sheriff,
1855 employee of the division, or police officer may seize any of the
1856 vehicles, vessels, or conveyances, and the same may be forfeited
1857 as provided by law.

1858 (7) The finding of any still, still piping, still
1859 apparatus, or still worm, or any piece or part thereof, or any
1860 mash, wort, or wash or other fermented liquids in the dwelling
1861 house or place of business, or so near thereto as to lead to the
1862 reasonable belief that they are within the possession, custody,
1863 or control of the occupants of the dwelling house or place of
1864 business, shall be prima facie evidence of a violation of this
1865 section by the occupants of the dwelling house or place of
1866 business.

1867 (8) Any person violating any provisions of this section of
1868 the law commits ~~shall be guilty of a misdemeanor felony~~ of the
1869 second ~~third~~ degree, punishable as provided in s. 775.082 or ~~s.~~
1870 ~~775.083, or s. 775.084.~~

1871 Section 26. Subsections (1) and (2) of section 562.451,
1872 Florida Statutes, are amended to read:

1873 562.451 Moonshine whiskey; ownership, possession, or
1874 control prohibited; penalties; rule of evidence.—

1875 (1) Any person who owns or has in her or his possession or

1876 | under her or his control less than 1 gallon of liquor, as
 1877 | defined in the Beverage Law, which was not made or manufactured
 1878 | in accordance with the laws in effect at the time when and place
 1879 | where the same was made or manufactured commits ~~shall be guilty~~
 1880 | ~~of~~ a misdemeanor of the second degree, punishable as provided in
 1881 | s. 775.082 or s. 775.083.

1882 | (2) Any person who owns or has in her or his possession or
 1883 | under her or his control 1 gallon or more of liquor, as defined
 1884 | in the Beverage Law, which was not made or manufactured in
 1885 | accordance with the laws in effect at the time when and place
 1886 | where the same was made or manufactured commits ~~shall be guilty~~
 1887 | ~~of~~ a misdemeanor ~~felony~~ of the first ~~third~~ degree, punishable as
 1888 | provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

1889 | Section 27. Subsections (1), (2), and (5) of section
 1890 | 569.11, Florida Statutes, are amended to read:

1891 | 569.11 Possession, misrepresenting age or military service
 1892 | to purchase, and purchase of tobacco products by persons under
 1893 | 18 years of age prohibited; penalties; jurisdiction; disposition
 1894 | of fines.—

1895 | (1) It is unlawful for any person under 18 years of age to
 1896 | knowingly possess any tobacco product. Any person under 18 years
 1897 | of age who violates ~~the provisions of~~ this subsection commits a
 1898 | noncriminal violation as provided in s. 775.08(3), punishable
 1899 | by:

1900 | (a) For a first violation, 16 hours of community service

1901 or, instead of community service, a \$25 fine. In addition, the
 1902 person must attend a school-approved anti-tobacco program, if
 1903 locally available; or

1904 (b) For a second or subsequent violation within 12 weeks
 1905 after ~~of~~ the first violation, a \$25 fine; ~~or~~

1906 ~~(c) For a third or subsequent violation within 12 weeks of~~
 1907 ~~the first violation, the court must direct the Department of~~
 1908 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
 1909 ~~suspend or revoke the person's driver license or driving~~
 1910 ~~privilege, as provided in s. 322.056.~~

1911
 1912 Any second or subsequent violation not within the 12-week ~~time~~
 1913 period after the first violation is punishable as provided for a
 1914 first violation.

1915 (2) It is unlawful for any person under 18 years of age to
 1916 misrepresent his or her age or military service for the purpose
 1917 of inducing a dealer or an agent or employee of the dealer to
 1918 sell, give, barter, furnish, or deliver any tobacco product, or
 1919 to purchase, or attempt to purchase, any tobacco product from a
 1920 person or a vending machine. Any person under 18 years of age
 1921 who violates ~~a provision of~~ this subsection commits a
 1922 noncriminal violation as provided in s. 775.08(3), punishable
 1923 by:

1924 (a) For a first violation, 16 hours of community service
 1925 or, instead of community service, a \$25 fine and, in addition,

1926 | the person must attend a school-approved anti-tobacco program,
 1927 | if available; or

1928 | (b) For a second or subsequent violation within 12 weeks
 1929 | after ~~of~~ the first violation, a \$25 fine; ~~or~~

1930 | ~~(c) For a third or subsequent violation within 12 weeks of~~
 1931 | ~~the first violation, the court must direct the Department of~~
 1932 | ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
 1933 | ~~suspend or revoke the person's driver license or driving~~
 1934 | ~~privilege, as provided in s. 322.056.~~

1935 |
 1936 | Any second or subsequent violation not within the 12-week ~~time~~
 1937 | period after the first violation is punishable as provided for a
 1938 | first violation.

1939 | (5) (a) If a person under 18 years of age is found by the
 1940 | court to have committed a noncriminal violation under this
 1941 | section and that person has failed to complete community
 1942 | service, pay the fine as required by paragraph (1) (a) or
 1943 | paragraph (2) (a), or attend a school-approved anti-tobacco
 1944 | program, if locally available, the court may ~~must~~ direct the
 1945 | Department of Highway Safety and Motor Vehicles to withhold
 1946 | issuance of or suspend the driver license or driving privilege
 1947 | of that person for a period of 30 consecutive days.

1948 | (b) If a person under 18 years of age is found by the
 1949 | court to have committed a noncriminal violation under this
 1950 | section and that person has failed to pay the applicable fine as

1951 required by paragraph (1) (b) or paragraph (2) (b), the court may
 1952 ~~must~~ direct the Department of Highway Safety and Motor Vehicles
 1953 to withhold issuance of or suspend the driver license or driving
 1954 privilege of that person for a period of 45 consecutive days.

1955 Section 28. Section 713.69, Florida Statutes, is amended
 1956 to read:

1957 713.69 Unlawful to remove property upon which lien has
 1958 accrued.—It is unlawful for any person to remove any property
 1959 upon which a lien has accrued under ~~the provisions of~~ s. 713.68
 1960 from any hotel, apartment house, roominghouse, lodginghouse,
 1961 boardinghouse or tenement house without first making full
 1962 payment to the person operating or conducting the same of all
 1963 sums due and payable for such occupancy or without first having
 1964 the written consent of such person so conducting or operating
 1965 such place to so remove such property. Any person who violates
 1966 ~~violating the provisions of~~ this section ~~shall~~, if the value of
 1967 the property removed in violation hereof is less than \$1,000 ~~be~~
 1968 ~~of the value of \$50 or less, commits be guilty of~~ a misdemeanor
 1969 of the second degree, punishable as provided in s. 775.082 or s.
 1970 775.083; and if the value of the property so removed is \$1,000
 1971 or more, should be of greater value than \$50 then such person
 1972 commits ~~shall be guilty of~~ a felony of the third degree,
 1973 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1974 Section 29. Paragraph (g) of subsection (1) of section
 1975 741.30, Florida Statutes, is amended to read:

1976 | 741.30 Domestic violence; injunction; powers and duties of
 1977 | court and clerk; petition; notice and hearing; temporary
 1978 | injunction; issuance of injunction; statewide verification
 1979 | system; enforcement; public records exemption.—

1980 | (1) There is created a cause of action for an injunction
 1981 | for protection against domestic violence.

1982 | ~~(g) Notwithstanding any other law, attorney fees may not~~
 1983 | ~~be awarded in any proceeding under this section.~~

1984 | Section 30. Paragraphs (a) and (d) of subsection (9) of
 1985 | section 775.082, Florida Statutes, are amended to read:

1986 | 775.082 Penalties; applicability of sentencing structures;
 1987 | mandatory minimum sentences for certain reoffenders previously
 1988 | released from prison.—

1989 | (9) (a)1. "Prison releasee reoffender" means any defendant
 1990 | who commits, or attempts to commit:

- 1991 | a. Treason;
- 1992 | b. Murder;
- 1993 | c. Manslaughter;
- 1994 | d. Sexual battery;
- 1995 | e. Carjacking;
- 1996 | f. Home-invasion robbery;
- 1997 | g. Robbery;
- 1998 | h. Arson;
- 1999 | i. Kidnapping;
- 2000 | j. Aggravated assault with a deadly weapon;

2001 k. Aggravated battery;

2002 l. Aggravated stalking;

2003 m. Aircraft piracy;

2004 n. Unlawful throwing, placing, or discharging of a

2005 destructive device or bomb;

2006 o. Any felony that involves the use or threat of physical

2007 force or violence against an individual;

2008 p. Armed burglary;

2009 q. Burglary of a dwelling or burglary of an occupied

2010 structure; or

2011 r. Any felony violation of s. 790.07, s. 800.04, s.

2012 827.03, s. 827.071, or s. 847.0135(5);

2013

2014 within 3 years after being released from a state correctional

2015 facility operated by the Department of Corrections or a private

2016 vendor, a county detention facility following incarceration for

2017 an offense for which the sentence pronounced was a prison

2018 sentence, or ~~within 3 years after being released from a~~

2019 correctional institution of another state, the District of

2020 Columbia, the United States, any possession or territory of the

2021 United States, or any foreign jurisdiction, following

2022 incarceration for an offense for which the sentence is

2023 punishable by more than 1 year in this state.

2024 2. "Prison releasee reoffender" also means any defendant

2025 who commits or attempts to commit any offense listed in sub-

2026 subparagraphs (a)1.a.-r. while the defendant was serving a
2027 prison sentence or on escape status from a state correctional
2028 facility operated by the Department of Corrections or a private
2029 vendor or while the defendant was on escape status from a
2030 correctional institution of another state, the District of
2031 Columbia, the United States, any possession or territory of the
2032 United States, or any foreign jurisdiction, following
2033 incarceration for an offense for which the sentence is
2034 punishable by more than 1 year in this state.

2035 3. If the state attorney determines that a defendant is a
2036 prison releasee reoffender as defined in subparagraph 1., the
2037 state attorney may seek to have the court sentence the defendant
2038 as a prison releasee reoffender. Upon proof from the state
2039 attorney that establishes by a preponderance of the evidence
2040 that a defendant is a prison releasee reoffender as defined in
2041 this section, such defendant is not eligible for sentencing
2042 under the sentencing guidelines and must be sentenced as
2043 follows:

2044 a. For a felony punishable by life, by a term of
2045 imprisonment for life;

2046 b. For a felony of the first degree, by a term of
2047 imprisonment of 30 years;

2048 c. For a felony of the second degree, by a term of
2049 imprisonment of 15 years; and

2050 d. For a felony of the third degree, by a term of

2051 imprisonment of 5 years.

2052 (d)1. It is the intent of the Legislature that offenders
 2053 previously released from prison or a county detention facility
 2054 following incarceration for an offense for which the sentence
 2055 pronounced was a prison sentence who meet the criteria in
 2056 paragraph (a) be punished to the fullest extent of the law and
 2057 as provided in this subsection, unless the state attorney
 2058 determines that extenuating circumstances exist which preclude
 2059 the just prosecution of the offender, including whether the
 2060 victim recommends that the offender not be sentenced as provided
 2061 in this subsection.

2062 2. For every case in which the offender meets the criteria
 2063 in paragraph (a) and does not receive the mandatory minimum
 2064 prison sentence, the state attorney must explain the sentencing
 2065 deviation in writing and place such explanation in the case file
 2066 maintained by the state attorney.

2067 Section 31. Paragraph (d) of subsection (1) of section
 2068 784.048, Florida Statutes, is amended, and subsections (2)
 2069 through (5) and (7) of that section are republished, to read:

2070 784.048 Stalking; definitions; penalties.-

2071 (1) As used in this section, the term:

2072 (d) "Cyberstalk" means:

2073 1. To engage in a course of conduct to communicate, or to
 2074 cause to be communicated, words, images, or language by or
 2075 through the use of electronic mail or electronic communication,

2076 | directed at a specific person; or
2077 | 2. To access, or attempt to access, the online accounts or
2078 | Internet-connected home electronic systems of another person
2079 | without that person's permission,
2080 |
2081 | causing substantial emotional distress to that person and
2082 | serving no legitimate purpose.
2083 | (2) A person who willfully, maliciously, and repeatedly
2084 | follows, harasses, or cyberstalks another person commits the
2085 | offense of stalking, a misdemeanor of the first degree,
2086 | punishable as provided in s. 775.082 or s. 775.083.
2087 | (3) A person who willfully, maliciously, and repeatedly
2088 | follows, harasses, or cyberstalks another person and makes a
2089 | credible threat to that person commits the offense of aggravated
2090 | stalking, a felony of the third degree, punishable as provided
2091 | in s. 775.082, s. 775.083, or s. 775.084.
2092 | (4) A person who, after an injunction for protection
2093 | against repeat violence, sexual violence, or dating violence
2094 | pursuant to s. 784.046, or an injunction for protection against
2095 | domestic violence pursuant to s. 741.30, or after any other
2096 | court-imposed prohibition of conduct toward the subject person
2097 | or that person's property, knowingly, willfully, maliciously,
2098 | and repeatedly follows, harasses, or cyberstalks another person
2099 | commits the offense of aggravated stalking, a felony of the
2100 | third degree, punishable as provided in s. 775.082, s. 775.083,

2101 or s. 775.084.

2102 (5) A person who willfully, maliciously, and repeatedly
 2103 follows, harasses, or cyberstalks a child under 16 years of age
 2104 commits the offense of aggravated stalking, a felony of the
 2105 third degree, punishable as provided in s. 775.082, s. 775.083,
 2106 or s. 775.084.

2107 (7) A person who, after having been sentenced for a
 2108 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and
 2109 prohibited from contacting the victim of the offense under s.
 2110 921.244, willfully, maliciously, and repeatedly follows,
 2111 harasses, or cyberstalks the victim commits the offense of
 2112 aggravated stalking, a felony of the third degree, punishable as
 2113 provided in s. 775.082, s. 775.083, or s. 775.084.

2114 Section 32. Subsection (1) of section 790.052, Florida
 2115 Statutes, is amended to read:

2116 790.052 Carrying concealed firearms; off-duty law
 2117 enforcement officers.—

2118 (1) (a) All persons holding active certifications from the
 2119 Criminal Justice Standards and Training Commission as law
 2120 enforcement officers or correctional officers as defined in s.
 2121 943.10(1), (2), (6), (7), (8), or (9) shall have the right to
 2122 carry, on or about their persons, concealed firearms, during
 2123 off-duty hours, at the discretion of their superior officers,
 2124 and may perform those law enforcement functions that they
 2125 normally perform during duty hours, utilizing their weapons in a

2126 manner which is reasonably expected of on-duty officers in
2127 similar situations.

2128 (b) All persons holding an active certification from the
2129 Criminal Justice Standards and Training Commission as a law
2130 enforcement officer or a correctional officer as defined in s.
2131 943.10(1), (2), (6), (7), (8), or (9) meet the definition of
2132 "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

2133 (c) All persons who held an active certification from the
2134 Criminal Justice Standards and Training Commission as a law
2135 enforcement officer or correctional officer as defined in s.
2136 943.10(1), (2), (6), (7), (8), or (9), while working for an
2137 employing agency, as defined in s. 943.10(4), but have separated
2138 from service under the conditions set forth in 18 U.S.C. s.
2139 926C(c), meet the definition of "qualified retired law
2140 enforcement officer."

2141 (d) However, nothing in This section does not subsection
2142 shall be construed to limit the right of a law enforcement
2143 officer, correctional officer, or correctional probation officer
2144 to carry a concealed firearm off duty as a private citizen under
2145 the exemption provided in s. 790.06 that allows a law
2146 enforcement officer, correctional officer, or correctional
2147 probation officer as defined in s. 943.10(1), (2), (3), (6),
2148 (7), (8), or (9) to carry a concealed firearm without a
2149 concealed weapon or firearm license. The appointing or employing
2150 agency or department of an officer carrying a concealed firearm

2151 as a private citizen under s. 790.06 shall not be liable for the
 2152 use of the firearm in such capacity. Nothing herein limits the
 2153 authority of the appointing or employing agency or department
 2154 from establishing policies limiting law enforcement officers or
 2155 correctional officers from carrying concealed firearms during
 2156 off-duty hours in their capacity as appointees or employees of
 2157 the agency or department.

2158 Section 33. Subsections (5) and (10) of section 790.22,
 2159 Florida Statutes, are amended to read:

2160 790.22 Use of BB guns, air or gas-operated guns, or
 2161 electric weapons or devices by minor under 16; limitation;
 2162 possession of firearms by minor under 18 prohibited; penalties.—

2163 (5) (a) A minor who violates subsection (3) commits a
 2164 misdemeanor of the first degree; for a first offense, may serve
 2165 a period of detention of up to 3 days in a secure detention
 2166 facility; and, in addition to any other penalty provided by law,
 2167 shall be required to perform 100 hours of community service;
 2168 and:

2169 1. If the minor is eligible by reason of age for a driver
 2170 license or driving privilege, the court may ~~shall~~ direct the
 2171 Department of Highway Safety and Motor Vehicles to revoke or to
 2172 withhold issuance of the minor's driver license or driving
 2173 privilege for up to 1 year.

2174 2. If the minor's driver license or driving privilege is
 2175 under suspension or revocation for any reason, the court may

2176 | ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
 2177 | to extend the period of suspension or revocation by an
 2178 | additional period of up to 1 year.

2179 | 3. If the minor is ineligible by reason of age for a
 2180 | driver license or driving privilege, the court may ~~shall~~ direct
 2181 | the Department of Highway Safety and Motor Vehicles to withhold
 2182 | issuance of the minor's driver license or driving privilege for
 2183 | up to 1 year after the date on which the minor would otherwise
 2184 | have become eligible.

2185 | (b) For a second or subsequent offense, a minor who
 2186 | violates subsection (3) commits a felony of the third degree and
 2187 | shall serve a period of detention of up to 15 days in a secure
 2188 | detention facility and shall be required to perform not less
 2189 | than 100 nor more than 250 hours of community service, and:

2190 | 1. If the minor is eligible by reason of age for a driver
 2191 | license or driving privilege, the court may ~~shall~~ direct the
 2192 | Department of Highway Safety and Motor Vehicles to revoke or to
 2193 | withhold issuance of the minor's driver license or driving
 2194 | privilege for up to 2 years.

2195 | 2. If the minor's driver license or driving privilege is
 2196 | under suspension or revocation for any reason, the court may
 2197 | ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
 2198 | to extend the period of suspension or revocation by an
 2199 | additional period of up to 2 years.

2200 | 3. If the minor is ineligible by reason of age for a

2201 driver license or driving privilege, the court may ~~shall~~ direct
 2202 the Department of Highway Safety and Motor Vehicles to withhold
 2203 issuance of the minor's driver license or driving privilege for
 2204 up to 2 years after the date on which the minor would otherwise
 2205 have become eligible.

2206
 2207 For the purposes of this subsection, community service shall be
 2208 performed, if possible, in a manner involving a hospital
 2209 emergency room or other medical environment that deals on a
 2210 regular basis with trauma patients and gunshot wounds.

2211 (10) If a minor is found to have committed an offense
 2212 under subsection (9), the court shall impose the following
 2213 penalties in addition to any penalty imposed under paragraph
 2214 (9) (a) or paragraph (9) (b):

2215 (a) For a first offense:

2216 1. If the minor is eligible by reason of age for a driver
 2217 license or driving privilege, the court may ~~shall~~ direct the
 2218 Department of Highway Safety and Motor Vehicles to revoke or to
 2219 withhold issuance of the minor's driver license or driving
 2220 privilege for up to 1 year.

2221 2. If the minor's driver license or driving privilege is
 2222 under suspension or revocation for any reason, the court may
 2223 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
 2224 to extend the period of suspension or revocation by an
 2225 additional period for up to 1 year.

2226 3. If the minor is ineligible by reason of age for a
2227 driver license or driving privilege, the court may ~~shall~~ direct
2228 the Department of Highway Safety and Motor Vehicles to withhold
2229 issuance of the minor's driver license or driving privilege for
2230 up to 1 year after the date on which the minor would otherwise
2231 have become eligible.

2232 (b) For a second or subsequent offense:

2233 1. If the minor is eligible by reason of age for a driver
2234 license or driving privilege, the court may ~~shall~~ direct the
2235 Department of Highway Safety and Motor Vehicles to revoke or to
2236 withhold issuance of the minor's driver license or driving
2237 privilege for up to 2 years.

2238 2. If the minor's driver license or driving privilege is
2239 under suspension or revocation for any reason, the court may
2240 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
2241 to extend the period of suspension or revocation by an
2242 additional period for up to 2 years.

2243 3. If the minor is ineligible by reason of age for a
2244 driver license or driving privilege, the court may ~~shall~~ direct
2245 the Department of Highway Safety and Motor Vehicles to withhold
2246 issuance of the minor's driver license or driving privilege for
2247 up to 2 years after the date on which the minor would otherwise
2248 have become eligible.

2249 Section 34. Section 800.09, Florida Statutes, is amended
2250 to read:

2251 800.09 Lewd or lascivious exhibition in the presence of an
 2252 employee.—

2253 (1) As used in this section, the term:

2254 (a) "Employee" means:

2255 1. Any person employed by or performing contractual
 2256 services for a public or private entity operating a state
 2257 correctional institution or private correctional facility; ~~or~~

2258 2. Any person employed by or performing contractual
 2259 services for the corporation operating the prison industry
 2260 enhancement programs or the correctional work programs under
 2261 part II of chapter 946; ~~The term also includes~~

2262 3. Any person who is a parole examiner with the Florida
 2263 Commission on Offender Review; or

2264 4. Any person employed at or performing contractual
 2265 services for a county detention facility.

2266 (b) "Facility" means a state correctional institution as
 2267 defined in s. 944.02, ~~or~~ a private correctional facility as
 2268 defined in s. 944.710, or a county detention facility as defined
 2269 in s. 951.23.

2270 (2) (a) A person who is detained in a facility may not:

2271 1. Intentionally masturbate;

2272 2. Intentionally expose the genitals in a lewd or
 2273 lascivious manner; or

2274 3. Intentionally commit any other sexual act that does not
 2275 involve actual physical or sexual contact with the victim,

2276 including, but not limited to, sadomasochistic abuse, sexual
2277 bestiality, or the simulation of any act involving sexual
2278 activity,
2279
2280 in the presence of a person he or she knows or reasonably should
2281 know is an employee.

2282 (b) A person who violates paragraph (a) commits lewd or
2283 lascivious exhibition in the presence of an employee, a felony
2284 of the third degree, punishable as provided in s. 775.082, s.
2285 775.083, or s. 775.084.

2286 Section 35. Subsection (7) of section 806.13, Florida
2287 Statutes, is amended, and subsection (8) of that section is
2288 republished, to read:

2289 806.13 Criminal mischief; penalties; penalty for minor.—

2290 (7) In addition to any other penalty provided by law, if a
2291 minor is found to have committed a delinquent act under this
2292 section for placing graffiti on any public property or private
2293 property, and:

2294 (a) The minor is eligible by reason of age for a driver
2295 license or driving privilege, the court may ~~shall~~ direct the
2296 Department of Highway Safety and Motor Vehicles to revoke or
2297 withhold issuance of the minor's driver license or driving
2298 privilege for not more than 1 year.

2299 (b) The minor's driver license or driving privilege is
2300 under suspension or revocation for any reason, the court may

2301 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles
2302 to extend the period of suspension or revocation by an
2303 additional period of not more than 1 year.

2304 (c) The minor is ineligible by reason of age for a driver
2305 license or driving privilege, the court may ~~shall~~ direct the
2306 Department of Highway Safety and Motor Vehicles to withhold
2307 issuance of the minor's driver license or driving privilege for
2308 not more than 1 year after the date on which he or she would
2309 otherwise have become eligible.

2310 (8) A minor whose driver license or driving privilege is
2311 revoked, suspended, or withheld under subsection (7) may elect
2312 to reduce the period of revocation, suspension, or withholding
2313 by performing community service at the rate of 1 day for each
2314 hour of community service performed. In addition, if the court
2315 determines that due to a family hardship, the minor's driver
2316 license or driving privilege is necessary for employment or
2317 medical purposes of the minor or a member of the minor's family,
2318 the court shall order the minor to perform community service and
2319 reduce the period of revocation, suspension, or withholding at
2320 the rate of 1 day for each hour of community service performed.
2321 As used in this subsection, the term "community service" means
2322 cleaning graffiti from public property.

2323 Section 36. Paragraphs (c), (d), and (e) of subsection (2)
2324 of section 812.014, Florida Statutes, are amended, and
2325 subsection (7) is added to that section, to read:

2326 | 812.014 Theft.—

2327 | (2)

2328 | (c) It is grand theft of the third degree and a felony of
2329 | the third degree, punishable as provided in s. 775.082, s.

2330 | 775.083, or s. 775.084, if the property stolen is:

2331 | 1. Valued at \$750 ~~\$300~~ or more, but less than \$5,000.

2332 | 2. Valued at \$5,000 or more, but less than \$10,000.

2333 | 3. Valued at \$10,000 or more, but less than \$20,000.

2334 | 4. A will, codicil, or other testamentary instrument.

2335 | 5. A firearm.

2336 | 6. A motor vehicle, except as provided in paragraph (a).

2337 | 7. Any commercially farmed animal, including any animal of

2338 | the equine, avian, bovine, or swine class or other grazing

2339 | animal; a bee colony of a registered beekeeper; and aquaculture

2340 | species raised at a certified aquaculture facility. If the

2341 | property stolen is a commercially farmed animal, including an

2342 | animal of the equine, avian, bovine, or swine class or other

2343 | grazing animal; a bee colony of a registered beekeeper; or an

2344 | aquaculture species raised at a certified aquaculture facility,

2345 | a \$10,000 fine shall be imposed.

2346 | 8. Any fire extinguisher that, at the time of the taking,
2347 | was installed in any building for the purpose of fire prevention

2348 | and control. This subparagraph does not apply to a fire

2349 | extinguisher taken from the inventory at a point-of-sale

2350 | business.

2351 9. Any amount of citrus fruit consisting of 2,000 or more
 2352 individual pieces of fruit.

2353 10. Taken from a designated construction site identified
 2354 by the posting of a sign as provided for in s. 810.09(2)(d).

2355 11. Any stop sign.

2356 12. Anhydrous ammonia.

2357 13. Any amount of a controlled substance as defined in s.
 2358 893.02. Notwithstanding any other law, separate judgments and
 2359 sentences for theft of a controlled substance under this
 2360 subparagraph and for any applicable possession of controlled
 2361 substance offense under s. 893.13 or trafficking in controlled
 2362 substance offense under s. 893.135 may be imposed when all such
 2363 offenses involve the same amount or amounts of a controlled
 2364 substance.

2365
 2366 However, if the property is stolen within a county that is
 2367 subject to a state of emergency declared by the Governor under
 2368 chapter 252, the property is stolen after the declaration of
 2369 emergency is made, and the perpetration of the theft is
 2370 facilitated by conditions arising from the emergency, the
 2371 offender commits a felony of the second degree, punishable as
 2372 provided in s. 775.082, s. 775.083, or s. 775.084, if the
 2373 property is valued at \$5,000 or more, but less than \$10,000, as
 2374 provided under subparagraph 2., or if the property is valued at
 2375 \$10,000 or more, but less than \$20,000, as provided under

2376 subparagraph 3. As used in this paragraph, the term "conditions
2377 arising from the emergency" means civil unrest, power outages,
2378 curfews, voluntary or mandatory evacuations, or a reduction in
2379 the presence of or the response time for first responders or
2380 homeland security personnel. For purposes of sentencing under
2381 chapter 921, a felony offense that is reclassified under this
2382 paragraph is ranked one level above the ranking under s.
2383 921.0022 or s. 921.0023 of the offense committed.

2384 (d) It is grand theft of the third degree and a felony of
2385 the third degree, punishable as provided in s. 775.082, s.
2386 775.083, or s. 775.084, if the property stolen is valued at \$100
2387 or more, but less than \$750 ~~\$300~~, and is taken from a dwelling
2388 as defined in s. 810.011(2) or from the unenclosed curtilage of
2389 a dwelling pursuant to s. 810.09(1).

2390 (e) Except as provided in paragraph (d), if the property
2391 stolen is valued at \$100 or more, but less than \$750 ~~\$300~~, the
2392 offender commits petit theft of the first degree, punishable as
2393 a misdemeanor of the first degree, as provided in s. 775.082 or
2394 s. 775.083.

2395 (7) The Office of Program Policy Analysis and Government
2396 Accountability (OPPAGA) shall perform a study every 5 years to
2397 determine the appropriateness of the threshold amounts included
2398 in this section. The study's scope must include, but need not be
2399 limited to, the crime trends related to theft offenses, the
2400 theft threshold amounts of other states in effect at the time of

2401 the study, the fiscal impact of any modifications to this
2402 state's threshold amounts, and the effect on economic factors,
2403 such as inflation. The study must include options for amending
2404 the threshold amounts if the study finds that such amounts are
2405 inconsistent with current trends. In conducting the study,
2406 OPPAGA shall consult with the Office of Economic and Demographic
2407 Research in addition to other interested entities. OPPAGA shall
2408 submit a report to the Governor, the President of the Senate,
2409 and the Speaker of the House of Representatives by September 1
2410 of every 5th year.

2411 Section 37. Subsections (8) and (9) of section 812.015,
2412 Florida Statutes, are amended, and subsections (10) and (11) are
2413 added to that section, to read:

2414 812.015 Retail and farm theft; transit fare evasion;
2415 mandatory fine; alternative punishment; detention and arrest;
2416 exemption from liability for false arrest; resisting arrest;
2417 penalties.—

2418 (8) Except as provided in subsection (9), a person who
2419 commits retail theft commits a felony of the third degree,
2420 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
2421 if the property stolen is valued at \$750 ~~\$300~~ or more, and the
2422 person:

2423 (a) Individually commits retail theft, or in concert with
2424 one or more other persons, coordinates the activities of one or
2425 more individuals in committing the offense, which may occur

2426 through multiple acts of retail theft, in which ~~case~~ the amount
2427 of each individual theft is aggregated within a 30-day period to
2428 determine the value of the property stolen;

2429 (b) Conspires with another person to commit retail theft
2430 with the intent to sell the stolen property for monetary or
2431 other gain, and subsequently takes or causes such property to be
2432 placed in the control of another person in exchange for
2433 consideration, in which the stolen property taken or placed
2434 within a 30-day period is aggregated to determine the value of
2435 the stolen property;

2436 (c)~~(b)~~ Individually, or in concert with one or more other
2437 persons, commits theft from more than one location within a 30-
2438 day ~~48-hour~~ period, in which ~~case~~ the amount of each individual
2439 theft is aggregated to determine the value of the property
2440 stolen;

2441 (d)~~(e)~~ Acts in concert with one or more other individuals
2442 within one or more establishments to distract the merchant,
2443 merchant's employee, or law enforcement officer in order to
2444 carry out the offense, or acts in other ways to coordinate
2445 efforts to carry out the offense; or

2446 (e)~~(d)~~ Commits the offense through the purchase of
2447 merchandise in a package or box that contains merchandise other
2448 than, or in addition to, the merchandise purported to be
2449 contained in the package or box.

2450 (9) A person commits a felony of the second degree,

2451 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
2452 if the person:

2453 (a) Violates subsection (8) and has previously been
2454 convicted of a violation of subsection (8); ~~or~~

2455 (b) Individually, or in concert with one or more other
2456 persons, coordinates the activities of one or more persons in
2457 committing the offense of retail theft, in which the amount of
2458 each individual theft within a 30-day period is aggregated to
2459 determine the value of the stolen property and such ~~where the~~
2460 ~~stolen property has a value~~ is in excess of \$3,000; or

2461 (c) Conspires with another person to commit retail theft
2462 with the intent to sell the stolen property for monetary or
2463 other gain, and subsequently takes or causes such property to be
2464 placed in control of another person in exchange for
2465 consideration, in which the stolen property taken or placed
2466 within a 30-day period is aggregated to have a value in excess
2467 of \$3,000.

2468 (10) If a person commits retail theft in more than one
2469 judicial circuit within a 30-day period, the value of the stolen
2470 property resulting from the thefts in each judicial circuit may
2471 be aggregated, and the person must be prosecuted by the Office
2472 of the Statewide Prosecutor in accordance with s. 16.56.

2473 (11) The Office of Program Policy Analysis and Government
2474 Accountability (OPPAGA) shall perform a study every 5 years to
2475 determine the appropriateness of the threshold amounts included

2476 in this section. The study's scope must include, but need not be
 2477 limited to, the crime trends related to theft offenses, the
 2478 theft threshold amounts of other states in effect at the time of
 2479 the study, the fiscal impact of any modifications to this
 2480 state's threshold amounts, and the effect on economic factors,
 2481 such as inflation. The study must include options for amending
 2482 the threshold amounts if the study finds that such amounts are
 2483 inconsistent with current trends. In conducting the study,
 2484 OPPAGA shall consult with the Office of Economic and Demographic
 2485 Research in addition to other interested entities. OPPAGA shall
 2486 submit a report to the Governor, the President of the Senate,
 2487 and the Speaker of the House of Representatives by September 1
 2488 of every 5th year.

2489 Section 38. Section 812.0155, Florida Statutes, is amended
 2490 to read:

2491 812.0155 Driver license suspension as an alternative
 2492 sentence for a person under 18 years of age ~~Suspension of driver~~
 2493 ~~license following an adjudication of guilt for theft.-~~

2494 ~~(1) Except as provided in subsections (2) and (3), the~~
 2495 ~~court may order the suspension of the driver license of each~~
 2496 ~~person adjudicated guilty of any misdemeanor violation of s.~~
 2497 ~~812.014 or s. 812.015, regardless of the value of the property~~
 2498 ~~stolen. Upon ordering the suspension of the driver license of~~
 2499 ~~the person adjudicated guilty, the court shall forward the~~
 2500 ~~driver license of the person adjudicated guilty to the~~

2501 ~~Department of Highway Safety and Motor Vehicles in accordance~~
2502 ~~with s. 322.25.~~

2503 ~~(a) The first suspension of a driver license under this~~
2504 ~~subsection shall be for a period of up to 6 months.~~

2505 ~~(b) A second or subsequent suspension of a driver license~~
2506 ~~under this subsection shall be for 1 year.~~

2507 (1)~~(2)~~ The court may revoke, suspend, or withhold issuance
2508 of a driver license of a person less than 18 years of age who
2509 violates s. 812.014 or s. 812.015 as an alternative to
2510 sentencing the person to:

2511 (a) Probation as defined in s. 985.03 or commitment to the
2512 Department of Juvenile Justice, if the person is adjudicated
2513 delinquent for such violation and has not previously been
2514 convicted of or adjudicated delinquent for any criminal offense,
2515 regardless of whether adjudication was withheld.

2516 (b) Probation as defined in s. 985.03, commitment to the
2517 Department of Juvenile Justice, probation as defined in chapter
2518 948, community control, or incarceration, if the person is
2519 convicted as an adult of such violation and has not previously
2520 been convicted of or adjudicated delinquent for any criminal
2521 offense, regardless of whether adjudication was withheld.

2522 (2)~~(3)~~ As used in this subsection, the term "department"
2523 means the Department of Highway Safety and Motor Vehicles. A
2524 court that revokes, suspends, or withholds issuance of a driver
2525 license under subsection (1) ~~(2)~~ shall:

2526 (a) If the person is eligible by reason of age for a
 2527 driver license or driving privilege, direct the department to
 2528 revoke or withhold issuance of the person's driver license or
 2529 driving privilege for not less than 6 months and not more than 1
 2530 year;

2531 (b) If the person's driver license is under suspension or
 2532 revocation for any reason, direct the department to extend the
 2533 period of suspension or revocation by not less than 6 months and
 2534 not more than 1 year; or

2535 (c) If the person is ineligible by reason of age for a
 2536 driver license or driving privilege, direct the department to
 2537 withhold issuance of the person's driver license or driving
 2538 privilege for not less than 6 months and not more than 1 year
 2539 after the date on which the person would otherwise become
 2540 eligible.

2541 (3)-(4) This section does ~~Subsections (2) and (3) do not~~
 2542 preclude the court from imposing any other ~~specified or~~
 2543 ~~not specified in subsection (2) or subsection (3).~~

2544 ~~(5) A court that suspends the driver license of a person~~
 2545 ~~pursuant to subsection (1) may direct the Department of Highway~~
 2546 ~~Safety and Motor Vehicles to issue the person a license for~~
 2547 ~~driving privilege restricted to business purposes only, as~~
 2548 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

2549 Section 39. Subsection (1) of section 815.03, Florida
 2550 Statutes, is amended to read:

2551 815.03 Definitions.—As used in this chapter, unless the
 2552 context clearly indicates otherwise:

2553 (1) "Access" means to approach, instruct, communicate
 2554 with, store data in, retrieve data from, or otherwise make use
 2555 of any resources of a computer, a computer system, a ~~or~~ computer
 2556 network, or an electronic device.

2557 Section 40. Subsection (2) of section 815.06, Florida
 2558 Statutes, is amended, and subsection (3) of that section is
 2559 republished, to read:

2560 815.06 Offenses against users of computers, computer
 2561 systems, computer networks, and electronic devices.—

2562 (2) A person commits an offense against users of
 2563 computers, computer systems, computer networks, or electronic
 2564 devices if he or she willfully, knowingly, and without
 2565 authorization or exceeding authorization:

2566 (a) Accesses or causes to be accessed any computer,
 2567 computer system, computer network, or electronic device with
 2568 knowledge that such access is unauthorized or the manner of use
 2569 exceeds authorization;

2570 (b) Disrupts or denies or causes the denial of the ability
 2571 to transmit data to or from an authorized user of a computer,
 2572 computer system, computer network, or electronic device, which,
 2573 in whole or in part, is owned by, under contract to, or operated
 2574 for, on behalf of, or in conjunction with another;

2575 (c) Destroys, takes, injures, or damages equipment or

2576 | supplies used or intended to be used in a computer, computer
 2577 | system, computer network, or electronic device;

2578 | (d) Destroys, injures, or damages any computer, computer
 2579 | system, computer network, or electronic device;

2580 | (e) Introduces any computer contaminant into any computer,
 2581 | computer system, computer network, or electronic device; or

2582 | (f) Engages in audio or video surveillance of an
 2583 | individual by accessing any inherent feature or component of a
 2584 | computer, computer system, computer network, or electronic
 2585 | device, including accessing the data or information of a
 2586 | computer, computer system, computer network, or electronic
 2587 | device that is stored by a third party.

2588 | (3) (a) Except as provided in paragraphs (b) and (c), a
 2589 | person who violates subsection (2) commits a felony of the third
 2590 | degree, punishable as provided in s. 775.082, s. 775.083, or s.
 2591 | 775.084.

2592 | (b) A person commits a felony of the second degree,
 2593 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 2594 | if he or she violates subsection (2) and:

2595 | 1. Damages a computer, computer equipment or supplies, a
 2596 | computer system, or a computer network and the damage or loss is
 2597 | at least \$5,000;

2598 | 2. Commits the offense for the purpose of devising or
 2599 | executing any scheme or artifice to defraud or obtain property;

2600 | 3. Interrupts or impairs a governmental operation or

2601 public communication, transportation, or supply of water, gas,
 2602 or other public service; or

2603 4. Intentionally interrupts the transmittal of data to or
 2604 from, or gains unauthorized access to, a computer, computer
 2605 system, computer network, or electronic device belonging to any
 2606 mode of public or private transit, as defined in s. 341.031.

2607 (c) A person who violates subsection (2) commits a felony
 2608 of the first degree, punishable as provided in s. 775.082, s.
 2609 775.083, or s. 775.084, if the violation:

2610 1. Endangers human life; or

2611 2. Disrupts a computer, computer system, computer network,
 2612 or electronic device that affects medical equipment used in the
 2613 direct administration of medical care or treatment to a person.

2614 Section 41. Section 817.413, Florida Statutes, is amended
 2615 to read:

2616 817.413 Sale of used motor vehicle goods as new; penalty.—

2617 (1) With respect to a transaction for which any charges
 2618 will be paid from the proceeds of a motor vehicle insurance
 2619 policy, ~~and in which the purchase price of motor vehicle goods~~
 2620 ~~exceeds \$100,~~ it is unlawful for the seller to knowingly
 2621 misrepresent orally, in writing, or by failure to speak, that
 2622 the goods are new or original when they are used or repossessed
 2623 or have been used for sales demonstration.

2624 (2) A person who violates ~~the provisions of~~ this section,
 2625 if the purchase price of the motor vehicle goods is \$1,000 or

2626 more, commits a felony of the third degree, punishable as
 2627 provided in s. 775.082, s. 775.083, or s. 775.084. If the
 2628 purchase price of the motor vehicle goods is less than \$1,000,
 2629 the person commits a misdemeanor of the first degree, punishable
 2630 as provided in s. 775.082 or s. 775.083.

2631 Section 42. Paragraph (a) of subsection (2) of section
 2632 831.28, Florida Statutes, is amended to read:

2633 831.28 Counterfeiting a payment instrument; possessing a
 2634 counterfeit payment instrument; penalties.—

2635 (2)(a) It is unlawful to counterfeit a payment instrument
 2636 with the intent to defraud a financial institution, account
 2637 holder, or any other person or organization or for a person to
 2638 have any counterfeit payment instrument in such person's
 2639 possession with the intent to defraud a financial institution,
 2640 an account holder, or any other person or organization. Any
 2641 person who violates this subsection commits a felony of the
 2642 third degree, punishable as provided in s. 775.082, s. 775.083,
 2643 or s. 775.084.

2644 Section 43. Section 849.01, Florida Statutes, is amended
 2645 to read:

2646 849.01 Keeping gambling houses, etc.—Whoever by herself or
 2647 himself, her or his servant, clerk or agent, or in any other
 2648 manner has, keeps, exercises or maintains a gaming table or
 2649 room, or gaming implements or apparatus, or house, booth, tent,
 2650 shelter or other place for the purpose of gaming or gambling or

2651 in any place of which she or he may directly or indirectly have
 2652 charge, control or management, either exclusively or with
 2653 others, procures, suffers or permits any person to play for
 2654 money or other valuable thing at any game whatever, whether
 2655 heretofore prohibited or not, commits ~~shall be guilty of a~~
 2656 misdemeanor ~~felony~~ of the second ~~third~~ degree, punishable as
 2657 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

2658 Section 44. Subsections (6) and (7) and paragraphs (c) and
 2659 (d) of subsection (8) of section 877.112, Florida Statutes, are
 2660 amended to read:

2661 877.112 Nicotine products and nicotine dispensing devices;
 2662 prohibitions for minors; penalties; civil fines; signage
 2663 requirements; preemption.—

2664 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR
 2665 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any
 2666 person under 18 years of age to knowingly possess any nicotine
 2667 product or a nicotine dispensing device. Any person under 18
 2668 years of age who violates this subsection commits a noncriminal
 2669 violation as defined in s. 775.08(3), punishable by:

2670 (a) For a first violation, 16 hours of community service
 2671 or, instead of community service, a \$25 fine. In addition, the
 2672 person must attend a school-approved anti-tobacco and nicotine
 2673 program, if locally available; or

2674 (b) For a second or subsequent violation within 12 weeks
 2675 after ~~of~~ the first violation, a \$25 fine. ~~;~~ ~~or~~

2676 ~~(c) For a third or subsequent violation within 12 weeks of~~
2677 ~~the first violation, the court must direct the Department of~~
2678 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
2679 ~~suspend or revoke the person's driver license or driving~~
2680 ~~privilege, as provided in s. 322.056.~~

2681
2682 Any second or subsequent violation not within the 12-week time
2683 period after the first violation is punishable as provided for a
2684 first violation.

2685 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for
2686 any person under 18 years of age to misrepresent his or her age
2687 or military service for the purpose of inducing a retailer of
2688 nicotine products or nicotine dispensing devices or an agent or
2689 employee of such retailer to sell, give, barter, furnish, or
2690 deliver any nicotine product or nicotine dispensing device, or
2691 to purchase, or attempt to purchase, any nicotine product or
2692 nicotine dispensing device from a person or a vending machine.
2693 Any person under 18 years of age who violates this subsection
2694 commits a noncriminal violation as defined in s. 775.08(3),
2695 punishable by:

2696 (a) For a first violation, 16 hours of community service
2697 or, instead of community service, a \$25 fine and, in addition,
2698 the person must attend a school-approved anti-tobacco and
2699 nicotine program, if available; or

2700 (b) For a second violation within 12 weeks after ~~of~~ the

2701 first violation, a \$25 fine.~~;~~ ~~or~~
 2702 ~~(c) For a third or subsequent violation within 12 weeks of~~
 2703 ~~the first violation, the court must direct the Department of~~
 2704 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~
 2705 ~~suspend or revoke the person's driver license or driving~~
 2706 ~~privilege, as provided in s. 322.056.~~

2707
 2708 Any second or subsequent violation not within the 12-week time
 2709 period after the first violation is punishable as provided for a
 2710 first violation.

2711 (8) PENALTIES FOR MINORS.-

2712 (c) If a person under 18 years of age is found by the
 2713 court to have committed a noncriminal violation under this
 2714 section and that person has failed to complete community
 2715 service, pay the fine as required by paragraph (6) (a) or
 2716 paragraph (7) (a), or attend a school-approved anti-tobacco and
 2717 nicotine program, if locally available, the court may ~~must~~
 2718 direct the Department of Highway Safety and Motor Vehicles to
 2719 withhold issuance of or suspend the driver license or driving
 2720 privilege of that person for 30 consecutive days.

2721 (d) If a person under 18 years of age is found by the
 2722 court to have committed a noncriminal violation under this
 2723 section and that person has failed to pay the applicable fine as
 2724 required by paragraph (6) (b) or paragraph (7) (b), the court may
 2725 ~~must~~ direct the Department of Highway Safety and Motor Vehicles

2726 to withhold issuance of or suspend the driver license or driving
 2727 privilege of that person for 45 consecutive days.

2728 Section 45. Paragraph (c) of subsection (1) of section
 2729 893.135, Florida Statutes, is amended to read:

2730 893.135 Trafficking; mandatory sentences; suspension or
 2731 reduction of sentences; conspiracy to engage in trafficking.—

2732 (1) Except as authorized in this chapter or in chapter 499
 2733 and notwithstanding the provisions of s. 893.13:

2734 (c)1. A person who knowingly sells, purchases,
 2735 manufactures, delivers, or brings into this state, or who is
 2736 knowingly in actual or constructive possession of, 4 grams or
 2737 more of any morphine, opium, hydromorphone, or any salt,
 2738 derivative, isomer, or salt of an isomer thereof, including
 2739 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
 2740 (3)(c)4., or 4 grams or more of any mixture containing any such
 2741 substance, but less than 30 kilograms of such substance or
 2742 mixture, commits a felony of the first degree, which felony
 2743 shall be known as "trafficking in illegal drugs," punishable as
 2744 provided in s. 775.082, s. 775.083, or s. 775.084. If the
 2745 quantity involved:

2746 a. Is 4 grams or more, but less than 14 grams, such person
 2747 shall be sentenced to a mandatory minimum term of imprisonment
 2748 of 3 years and shall be ordered to pay a fine of \$50,000.

2749 b. Is 14 grams or more, but less than 28 grams, such
 2750 person shall be sentenced to a mandatory minimum term of

2751 imprisonment of 15 years and shall be ordered to pay a fine of
 2752 \$100,000.

2753 c. Is 28 grams or more, but less than 30 kilograms, such
 2754 person shall be sentenced to a mandatory minimum term of
 2755 imprisonment of 25 years and shall be ordered to pay a fine of
 2756 \$500,000.

2757 2. A person who knowingly sells, purchases, manufactures,
 2758 delivers, or brings into this state, or who is knowingly in
 2759 actual or constructive possession of, 28 ~~14~~ grams or more of
 2760 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
 2761 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28 ~~14~~
 2762 grams or more of any mixture containing any such substance,
 2763 commits a felony of the first degree, which felony shall be
 2764 known as "trafficking in hydrocodone," punishable as provided in
 2765 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

2766 a. Is 28 ~~14~~ grams or more, but less than 50 ~~28~~ grams, such
 2767 person shall be sentenced to a mandatory minimum term of
 2768 imprisonment of 3 years and shall be ordered to pay a fine of
 2769 \$50,000.

2770 b. Is 50 ~~28~~ grams or more, but less than 100 ~~50~~ grams,
 2771 such person shall be sentenced to a mandatory minimum term of
 2772 imprisonment of 7 years and shall be ordered to pay a fine of
 2773 \$100,000.

2774 c. Is 100 ~~50~~ grams or more, but less than 300 ~~200~~ grams,
 2775 such person shall be sentenced to a mandatory minimum term of

2776 imprisonment of 15 years and shall be ordered to pay a fine of
 2777 \$500,000.

2778 d. Is 300 ~~200~~ grams or more, but less than 30 kilograms,
 2779 such person shall be sentenced to a mandatory minimum term of
 2780 imprisonment of 25 years and shall be ordered to pay a fine of
 2781 \$750,000.

2782 3. A person who knowingly sells, purchases, manufactures,
 2783 delivers, or brings into this state, or who is knowingly in
 2784 actual or constructive possession of, 7 grams or more of
 2785 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
 2786 thereof, or 7 grams or more of any mixture containing any such
 2787 substance, commits a felony of the first degree, which felony
 2788 shall be known as "trafficking in oxycodone," punishable as
 2789 provided in s. 775.082, s. 775.083, or s. 775.084. If the
 2790 quantity involved:

2791 a. Is 7 grams or more, but less than 14 grams, such person
 2792 shall be sentenced to a mandatory minimum term of imprisonment
 2793 of 3 years and shall be ordered to pay a fine of \$50,000.

2794 b. Is 14 grams or more, but less than 25 grams, such
 2795 person shall be sentenced to a mandatory minimum term of
 2796 imprisonment of 7 years and shall be ordered to pay a fine of
 2797 \$100,000.

2798 c. Is 25 grams or more, but less than 100 grams, such
 2799 person shall be sentenced to a mandatory minimum term of
 2800 imprisonment of 15 years and shall be ordered to pay a fine of

2801 \$500,000.

2802 d. Is 100 grams or more, but less than 30 kilograms, such
 2803 person shall be sentenced to a mandatory minimum term of
 2804 imprisonment of 25 years and shall be ordered to pay a fine of
 2805 \$750,000.

2806 4.a. A person who knowingly sells, purchases,
 2807 manufactures, delivers, or brings into this state, or who is
 2808 knowingly in actual or constructive possession of, 4 grams or
 2809 more of:

2810 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2811 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2812 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2813 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

2814 (V) A fentanyl derivative, as described in s.

2815 893.03(1)(a)62.;

2816 (VI) A controlled substance analog, as described in s.

2817 893.0356, of any substance described in sub-sub-subparagraphs

2818 (I)-(V); or

2819 (VII) A mixture containing any substance described in sub-

2820 sub-subparagraphs (I)-(VI), commits a felony of the first

2821 degree, which felony shall be known as "trafficking in

2822 fentanyl," punishable as provided in s. 775.082, s. 775.083, or

2823 s. 775.084.

2824 b. If the quantity involved under sub-subparagraph a.:

2825 (I) Is 4 grams or more, but less than 14 grams, such

2826 person shall be sentenced to a mandatory minimum term of
 2827 imprisonment of 3 years, and shall be ordered to pay a fine of
 2828 \$50,000.

2829 (II) Is 14 grams or more, but less than 28 grams, such
 2830 person shall be sentenced to a mandatory minimum term of
 2831 imprisonment of 15 years, and shall be ordered to pay a fine of
 2832 \$100,000.

2833 (III) Is 28 grams or more, such person shall be sentenced
 2834 to a mandatory minimum term of imprisonment of 25 years, and
 2835 shall be ordered to pay a fine of \$500,000.

2836 5. A person who knowingly sells, purchases, manufactures,
 2837 delivers, or brings into this state, or who is knowingly in
 2838 actual or constructive possession of, 30 kilograms or more of
 2839 any morphine, opium, oxycodone, hydrocodone, codeine,
 2840 hydromorphone, or any salt, derivative, isomer, or salt of an
 2841 isomer thereof, including heroin, as described in s.
 2842 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 2843 more of any mixture containing any such substance, commits the
 2844 first degree felony of trafficking in illegal drugs. A person
 2845 who has been convicted of the first degree felony of trafficking
 2846 in illegal drugs under this subparagraph shall be punished by
 2847 life imprisonment and is ineligible for any form of
 2848 discretionary early release except pardon or executive clemency
 2849 or conditional medical release under s. 947.149. However, if the
 2850 court determines that, in addition to committing any act

2851 specified in this paragraph:

2852 a. The person intentionally killed an individual or
2853 counseled, commanded, induced, procured, or caused the
2854 intentional killing of an individual and such killing was the
2855 result; or

2856 b. The person's conduct in committing that act led to a
2857 natural, though not inevitable, lethal result, such person
2858 commits the capital felony of trafficking in illegal drugs,
2859 punishable as provided in ss. 775.082 and 921.142. A person
2860 sentenced for a capital felony under this paragraph shall also
2861 be sentenced to pay the maximum fine provided under subparagraph
2862 1.

2863 6. A person who knowingly brings into this state 60
2864 kilograms or more of any morphine, opium, oxycodone,
2865 hydrocodone, codeine, hydromorphone, or any salt, derivative,
2866 isomer, or salt of an isomer thereof, including heroin, as
2867 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
2868 60 kilograms or more of any mixture containing any such
2869 substance, and who knows that the probable result of such
2870 importation would be the death of a person, commits capital
2871 importation of illegal drugs, a capital felony punishable as
2872 provided in ss. 775.082 and 921.142. A person sentenced for a
2873 capital felony under this paragraph shall also be sentenced to
2874 pay the maximum fine provided under subparagraph 1.

2875 Section 46. Effective upon this act becoming a law,

2876 section 900.05, Florida Statutes, is amended to read:

2877 900.05 Criminal justice data collection.—

2878 (1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of
 2879 the Legislature to create a model of uniform criminal justice
 2880 data collection by requiring local and state criminal justice
 2881 agencies to report complete, accurate, and timely data, and
 2882 making such data available to the public. The Legislature finds
 2883 that it is an important state interest to implement a uniform
 2884 data collection process and promote criminal justice data
 2885 transparency.

2886 (2) DEFINITIONS.—As used in this section, the term:

2887 (a) "Annual felony caseload" means the yearly caseload of
 2888 each full-time state attorney and assistant state attorney, ~~or~~
 2889 public defender and assistant public defender, or regional
 2890 conflict counsel and assistant regional conflict counsel for
 2891 cases assigned to the circuit criminal division, based on the
 2892 number of felony cases reported to the Supreme Court under s.
 2893 25.075. The term does not include the appellate caseload of a
 2894 public defender, ~~or~~ assistant public defender, regional conflict
 2895 counsel, or assistant regional conflict counsel. Cases reported
 2896 pursuant to this term must be associated with a case number, and
 2897 each case number must only be reported once regardless of the
 2898 number of attorney assignments that occur during the course of
 2899 litigation. The caseload shall be calculated on June 30 and
 2900 reported once at the beginning of the reporting agency's fiscal

2901 year.

2902 (b) "Annual felony conflict caseload" means the total
 2903 number of felony cases the office of the public defender or
 2904 office of regional conflict counsel has declined or withdrawn
 2905 from in the previous calendar year due to lack of qualified
 2906 counsel or due to excessive caseload. The caseload shall be
 2907 calculated on June 30 and reported once at the beginning of the
 2908 reporting agency's fiscal year.

2909 (c) ~~(b)~~ "Annual misdemeanor caseload" means the yearly
 2910 caseload of each full-time state attorney and assistant state
 2911 attorney, ~~or~~ public defender and assistant public defender, or
 2912 regional conflict counsel and assistant regional conflict
 2913 counsel for cases assigned to the county criminal division,
 2914 based on the number of misdemeanor cases reported to the Supreme
 2915 Court under s. 25.075. The term does not include the appellate
 2916 caseload of a public defender, ~~or~~ assistant public defender,
 2917 regional conflict counsel, or assistant regional conflict
 2918 counsel. Cases reported pursuant to this term must be associated
 2919 with a case number, and each case number must only be reported
 2920 once regardless of the number of attorney assignments that occur
 2921 during the course of litigation. The caseload shall be
 2922 calculated on June 30 and reported once at the beginning of the
 2923 reporting agency's fiscal year.

2924 (d) "Annual misdemeanor conflict caseload" means the total
 2925 number of misdemeanor cases the office of the public defender or

2926 office of regional conflict counsel has declined or withdrawn
2927 from in the previous calendar year due to lack of qualified
2928 counsel or due to excessive caseload. The caseload shall be
2929 calculated on June 30 and reported once at the beginning of the
2930 reporting agency's fiscal year.

2931 (e)~~(e)~~ "Attorney assignment date" means the date a court-
2932 appointed attorney is assigned to the case or, if privately
2933 retained, the date an attorney files a notice of appearance with
2934 the clerk of court.

2935 (f)~~(d)~~ "Attorney withdrawal date" means the date the court
2936 removes court-appointed counsel from a case or, for a privately
2937 retained attorney, the date a motion to withdraw is granted by
2938 the court.

2939 (g)~~(e)~~ "Case number" means the uniform case identification
2940 number assigned by the clerk of court to a criminal case.

2941 (h)~~(f)~~ "Case status" means whether a case is open, active,
2942 inactive, closed, reclosed, or reopened due to a violation of
2943 probation or community control.

2944 (i)~~(g)~~ "Charge description" means the statement of the
2945 conduct that is alleged to have been violated, the associated
2946 statutory section establishing such conduct as criminal, and the
2947 misdemeanor or felony classification that is provided for in the
2948 statutory section alleged to have been violated.

2949 (j) "Charge disposition" means the final adjudication for
2950 each charged crime, including, but not limited to, dismissal by

2951 state attorney, dismissal by judge, acquittal, no contest plea,
 2952 guilty plea, or guilty finding at trial.

2953 (k)~~(h)~~ "Charge modifier" means an aggravating circumstance
 2954 of an alleged crime that enhances or reclassifies a charge to a
 2955 more serious misdemeanor or felony offense level.

2956 (l)~~(i)~~ "Concurrent or consecutive sentence flag" means an
 2957 indication that a defendant is serving another sentence
 2958 concurrently or consecutively in addition to the sentence for
 2959 which data is being reported.

2960 (m)~~(j)~~ "Daily number of correctional officers" means the
 2961 number of full-time, part-time, and auxiliary correctional
 2962 officers who are actively providing supervision, protection,
 2963 care, custody, and control of inmates in a county detention
 2964 facility or state correctional institution or facility each day.

2965 (n)~~(k)~~ "Defense attorney type" means whether the attorney
 2966 is a public defender, regional conflict counsel, or other
 2967 counsel court-appointed for the defendant; the attorney is
 2968 privately retained by the defendant; or the defendant is
 2969 represented pro se.

2970 (o)~~(l)~~ "Deferred prosecution or pretrial diversion
 2971 agreement date" means the date an agreement ~~a contract~~ is signed
 2972 by the parties regarding a defendant's admission into a deferred
 2973 prosecution or pretrial diversion program.

2974 (p)~~(m)~~ "Deferred prosecution or pretrial diversion hearing
 2975 date" means each date that a hearing, including a status

2976 hearing, is held on a case that is in a deferred prosecution or
2977 pretrial diversion program, if applicable.

2978 (q)~~(n)~~ "Disciplinary violation and action" means any
2979 conduct performed by an inmate in violation of the rules of a
2980 county detention facility or state correctional institution or
2981 facility that results in the initiation of disciplinary
2982 proceedings by the custodial entity and the consequences of such
2983 disciplinary proceedings.

2984 (r)~~(o)~~ "Disposition date" means the date of final
2985 judgment, adjudication, adjudication withheld, dismissal, or
2986 nolle prosequi for the case and if different dates apply, the
2987 disposition dates of each charge.

2988 (s) "Disposition type" means the manner in which the
2989 charge was closed, including final judgment, adjudication,
2990 adjudication withheld, dismissal, or nolle prosequi.

2991 (t)~~(p)~~ "Domestic violence flag" means an indication that a
2992 filed charge involves domestic violence as defined in s. 741.28.

2993 (u)~~(q)~~ "Gang affiliation flag" means an indication that a
2994 defendant is involved in or associated with a criminal gang as
2995 defined in s. 874.03 at the time of the current offense.

2996 (v)~~(r)~~ "Gain-time credit earned" means a credit of time
2997 awarded to an inmate in a county detention facility in
2998 accordance with s. 951.22 or a state correctional institution or
2999 facility in accordance with s. 944.275.

3000 (w)~~(s)~~ "Habitual offender flag" means an indication that a

3001 defendant is a habitual felony offender as defined in s. 775.084
 3002 or a habitual misdemeanor offender as defined in s. 775.0837.

3003 (x) "Habitual violent felony offender flag" means an
 3004 indication that a defendant is a habitual violent felony
 3005 offender as defined in s. 775.084.

3006 ~~(t) "Judicial transfer date" means a date on which a~~
 3007 ~~defendant's case is transferred to another court or presiding~~
 3008 ~~judge.~~

3009 (y)~~(u)~~ "Number of contract attorneys representing indigent
 3010 defendants for the office of the public defender" means the
 3011 number of attorneys hired on a temporary basis, by contract, to
 3012 represent indigent clients who were appointed a public defender,
 3013 whereby the public defender withdraws from the case due to a
 3014 conflict of interest.

3015 (z)~~(v)~~ "Pretrial release violation flag" means an
 3016 indication that the defendant has violated the terms of his or
 3017 her pretrial release.

3018 (aa)~~(w)~~ "Prior incarceration within the state" means any
 3019 prior history of a defendant's incarceration ~~defendant being~~
 3020 ~~incarcerated in a county detention facility or state~~
 3021 ~~correctional institution or facility.~~

3022 (bb) "Prison releasee reoffender flag" means an indication
 3023 that the defendant is a prison releasee reoffender as defined in
 3024 s. 775.082 or any other statute.

3025 (dd)~~(x)~~ "Tentative release date" means the anticipated

3026 date that an inmate will be released from incarceration after
 3027 the application of adjustments for any gain-time earned or
 3028 credit for time served.

3029 (cc)~~(y)~~ "Sexual offender flag" means an indication that a
 3030 defendant was ~~is~~ required to register as a sexual predator as
 3031 defined in s. 775.21 or as a sexual offender as defined in s.
 3032 943.0435.

3033 (ee) "Three-time violent felony offender flag" means an
 3034 indication that the defendant is a three-time violent felony
 3035 offender as defined in s. 775.084 or any other statute.

3036 (ff) "Violent career criminal flag" means an indication
 3037 that the defendant is a violent career criminal as defined in s.
 3038 775.084 or any other statute.

3039 (3) DATA COLLECTION AND REPORTING. ~~Beginning January 1,~~
 3040 ~~2019,~~ An entity required to collect data in accordance with this
 3041 subsection shall collect the specified data and ~~required of the~~
 3042 ~~entity on a biweekly basis. Each entity shall report them the~~
 3043 ~~data collected~~ in accordance with this subsection to the
 3044 Department of Law Enforcement on a monthly basis.

3045 (a) *Clerk of the court.*—Each clerk of court shall collect
 3046 the following data for each criminal case:

- 3047 1. Case number.
- 3048 2. Date that the alleged offense occurred.
- 3049 3. ~~County in which the offense is alleged to have~~
 3050 ~~occurred.~~

3051 3.4. Date the defendant is taken into physical custody by
3052 a law enforcement agency or is issued a notice to appear on a
3053 criminal charge, ~~if such date is different from the date the~~
3054 ~~offense is alleged to have occurred.~~

3055 4. Whether the case originated by notice to appear.

3056 5. Date that the criminal prosecution of a defendant is
3057 formally initiated ~~through the filing, with the clerk of the~~
3058 ~~court, of an information by the state attorney or an indictment~~
3059 ~~issued by a grand jury.~~

3060 6. Arraignment date.

3061 7. Attorney appointment ~~assignment~~ date.

3062 8. Attorney withdrawal date.

3063 9. Case status.

3064 10. Charge disposition.

3065 ~~11.10.~~ Disposition date and disposition type.

3066 ~~12.11.~~ Information related to each defendant, including:

3067 a. Identifying information, including name, known aliases,
3068 date of birth, ~~age,~~ race, ~~or~~ ethnicity, and gender.

3069 b. Zip code of last known address ~~primary residence.~~

3070 c. Primary language.

3071 d. Citizenship.

3072 e. Immigration status, if applicable.

3073 f. Whether the defendant has been found ~~by a court~~ to be
3074 indigent under ~~pursuant to~~ s. 27.52.

3075 ~~13.12.~~ Information related to the ~~formal~~ charges filed

- 3076 against the defendant, including:
- 3077 a. Charge description.
- 3078 b. Charge modifier description and statute, if applicable.
- 3079 c. Drug type for each drug charge, if known.
- 3080 d. Qualification for a flag designation as defined in this
- 3081 section, including a domestic violence flag, gang affiliation
- 3082 flag, sexual offender flag, habitual offender flag, habitual
- 3083 violent felony offender flag, ~~or~~ pretrial release violation
- 3084 flag, prison releasee reoffender flag, three-time violent felony
- 3085 offender flag, or violent career criminal flag.
- 3086 ~~14.13.~~ Information related to bail or bond and pretrial
- 3087 release determinations, including the dates of any such
- 3088 determinations:
- 3089 a. Pretrial release determination made at a first
- 3090 appearance hearing that occurs within 24 hours of arrest,
- 3091 including any ~~all~~ monetary and nonmonetary conditions of
- 3092 release.
- 3093 b. Modification of bail or bond conditions made by a court
- 3094 having jurisdiction to try the defendant or, in the absence of
- 3095 the judge of the trial court, by the circuit court, including
- 3096 modifications to any monetary and nonmonetary conditions of
- 3097 release.
- 3098 c. Cash bail or bond payment, including whether the
- 3099 defendant utilized a bond agent to post a surety bond.
- 3100 d. Date defendant is released on bail, bond, or pretrial

3101 | release for the current case.

3102 | e. Bail or bond revocation due to a new offense, a failure

3103 | to appear, or a violation of the terms of bail or bond, if

3104 | applicable.

3105 | ~~15.14.~~ Information related to court dates and dates of

3106 | motions and appearances, including:

3107 | a. Date of any court appearance and the type of proceeding

3108 | scheduled for each date reported.

3109 | b. Date of any failure to appear in court, if applicable.

3110 | c. Deferred prosecution or pretrial diversion hearing, if

3111 | applicable ~~Judicial transfer date, if applicable.~~

3112 | d. Each scheduled trial date.

3113 | e. Date that a defendant files a notice to participate in

3114 | discovery.

3115 | f. Speedy trial motion date and each hearing date ~~dates~~,

3116 | if applicable.

3117 | g. Dismissal motion date and each hearing date ~~dates~~, if

3118 | applicable.

3119 | ~~16.15.~~ Defense attorney type.

3120 | ~~17.16.~~ Information related to sentencing, including:

3121 | a. Date that a court enters a sentence against a

3122 | defendant.

3123 | b. Charge sentenced to, including charge sequence number,

3124 | and charge description, ~~statute, type, and charge class~~

3125 | ~~severity.~~

3126 c. Sentence type and length imposed by the court in the
3127 current case, reported in years, months, and days, including,
3128 but not limited to, the total duration of incarceration
3129 ~~imprisonment~~ in a county detention facility or state
3130 correctional institution or facility, and conditions of
3131 probation or community control supervision.

3132 d. Amount of time served in custody by the defendant
3133 related to each charge ~~the reported criminal case~~ that is
3134 credited at the time of disposition of the charge ~~case~~ to reduce
3135 the imposed ~~actual~~ length of time the defendant will serve on
3136 the term of incarceration ~~imprisonment~~ that is ordered by the
3137 court at disposition.

3138 e. Total amount of court costs ~~fees~~ imposed by the court
3139 at the disposition of the case.

3140 ~~f. Outstanding balance of the defendant's court fees~~
3141 ~~imposed by the court at disposition of the case.~~

3142 ~~f.g.~~ Total amount of fines imposed by the court at the
3143 disposition of the case.

3144 ~~h. Outstanding balance of the defendant's fines imposed by~~
3145 ~~the court at disposition of the case.~~

3146 ~~g.i.~~ Restitution amount ordered at sentencing, ~~including~~
3147 ~~the amount collected by the court and the amount paid to the~~
3148 ~~victim, if applicable.~~

3149 ~~j. Digitized sentencing scoresheet prepared in accordance~~
3150 ~~with s. 921.0024.~~

3151 18.17. The sentencing judge or magistrate, or their
3152 equivalent number of judges or magistrates, or their
3153 equivalents, hearing cases in circuit or county criminal
3154 divisions of the circuit court. Judges or magistrates, or their
3155 equivalents, who solely hear appellate cases from the county
3156 criminal division are not to be reported under this
3157 subparagraph.

3158 (b) *State attorney.*—Each state attorney shall collect the
3159 following data:

3160 1. Information related to a human victim of a criminal
3161 offense, including:

3162 a. Identifying information of the victim, including race,
3163 ~~or~~ ethnicity, gender, and age at the time of the offense.

3164 b. Relationship to the offender, if any.

3165 2. Number of full-time prosecutors.

3166 3. Number of part-time prosecutors.

3167 4. Annual felony caseload.

3168 5. Annual misdemeanor caseload.

3169 6. Disposition of each referred charge, such as filed,
3170 declined, or diverted ~~Any charge referred to the state attorney~~
3171 ~~by a law enforcement agency related to an episode of criminal~~
3172 ~~activity.~~

3173 7. Number of cases in which a no-information was filed.

3174 8. Information related to each defendant, including:

3175 a. Each charge referred to the state attorney by a law

3176 enforcement agency or sworn complainant related to an episode of
 3177 criminal activity.

3178 b. Case number, name, and date of birth.

3179 ~~c.b.~~ Drug type for each drug charge, if applicable.

3180 d. Deferred prosecution or pretrial diversion agreement
 3181 date, if applicable.

3182 (c) *Public defender.*—Each public defender shall collect
 3183 the following data ~~for each criminal case~~:

3184 1. Number of full-time public defenders.

3185 2. Number of part-time public defenders.

3186 3. Number of contract attorneys representing indigent
 3187 defendants for the office of the public defender.

3188 4. Annual felony caseload.

3189 5. Annual felony conflict caseload.

3190 ~~6.5.~~ Annual misdemeanor caseload.

3191 7. Annual misdemeanor conflict caseload.

3192 (d) *County detention facility.*—The administrator of each
 3193 county detention facility shall collect the following data:

3194 1. Maximum capacity for the county detention facility.

3195 2. Weekly admissions to the county detention facility for
 3196 a revocation of probation or community control.

3197 3. Weekly admissions to the county detention facility for
 3198 a revocation of pretrial release.

3199 ~~4.3.~~ Daily population of the county detention facility,
 3200 including the specific number of inmates in the custody of the

3201 county that:

3202 a. Are awaiting case disposition.

3203 b. Have been sentenced by a court to a term of

3204 incarceration ~~imprisonment~~ in the county detention facility.

3205 c. Have been sentenced by a court to a term of

3206 imprisonment with the Department of Corrections and who are

3207 awaiting transportation to the department.

3208 d. Have a federal detainer, ~~or~~ are awaiting disposition of

3209 a case in federal court, or are awaiting other federal

3210 disposition.

3211 5.4. Information related to each inmate, including:

3212 a. Identifying information, including name, date of birth,

3213 race, ethnicity, gender, case number, and identification number

3214 assigned by the county detention facility.

3215 b.a. Date when an inmate ~~a defendant~~ is processed and

3216 booked into the county detention facility subsequent to an

3217 arrest for a new violation of law, ~~or~~ for a violation of

3218 probation or community control, or for a violation of pretrial

3219 release.

3220 c.b. Reason why an inmate ~~a defendant~~ is processed and

3221 booked into the county detention facility, including if it is

3222 ~~for~~ a new law violation, ~~or~~ a violation of probation or

3223 community control, or a violation of pretrial release.

3224 d.e. Qualification for a flag designation as defined in

3225 this section, including domestic violence flag, gang affiliation

3226 flag, habitual offender flag, habitual violent felony offender
 3227 flag, pretrial release violation flag, ~~or~~ sexual offender flag,
 3228 prison releasee reoffender flag, three-time violent felony
 3229 offender flag, or violent career criminal flag.

3230 ~~6.5.~~ Total population of the county detention facility at
 3231 year-end. This data must include the same specified
 3232 classifications as subparagraph 3.

3233 ~~7.6.~~ Per diem rate for a county detention facility bed.

3234 ~~8.7.~~ Daily number of correctional officers for the county
 3235 detention facility.

3236 ~~9.8.~~ Annual county detention facility budget. This
 3237 information only needs to be reported once annually at the
 3238 beginning of the county's fiscal year.

3239 ~~10.9.~~ Annual revenue generated for the county from the
 3240 temporary incarceration of federal defendants or inmates.

3241 (e) *Department of Corrections.*—The Department of
 3242 Corrections shall collect the following data:

3243 1. Information related to each inmate, including:

3244 a. Identifying information, including name, date of birth,
 3245 race, ~~or~~ ethnicity, gender, case number, and identification
 3246 number assigned by the department.

3247 b. ~~Number of children.~~

3248 e. Highest education level, ~~including any vocational~~
 3249 ~~training.~~

3250 ~~c.d.~~ Date the inmate was admitted to the custody of the

3251 department for his or her current incarceration.

3252 ~~d.e.~~ Current institution placement and the security level
3253 assigned to the institution.

3254 ~~e.f.~~ Custody level assignment.

3255 ~~f.g.~~ Qualification for a flag designation as defined in
3256 this section, including sexual offender flag, habitual offender
3257 flag, habitual violent felony offender flag, prison releasee
3258 reoffender flag, three-time violent felony offender flag,
3259 violent career criminal flag, gang affiliation flag, or
3260 concurrent or consecutive sentence flag.

3261 ~~g.h.~~ County that committed the prisoner to the custody of
3262 the department.

3263 ~~h.i.~~ Whether the reason for admission to the department is
3264 for a new conviction or a violation of probation, community
3265 control, or parole. For an admission for a probation, community
3266 control, or parole violation, the department shall report
3267 whether the violation was technical or based on a new violation
3268 of law.

3269 ~~i.j.~~ Specific statutory citation for which the inmate was
3270 committed to the department, including, for an inmate convicted
3271 of drug trafficking under s. 893.135, the statutory citation for
3272 each specific drug trafficked.

3273 j. Length of sentence served.

3274 k. Length of ~~sentence or~~ concurrent or consecutive
3275 sentences served.

- 3276 | 1. Tentative release date.
- 3277 | m. Gain time earned in accordance with s. 944.275.
- 3278 | n. Prior incarceration within the state.
- 3279 | o. Disciplinary violation and action.
- 3280 | p. Participation in rehabilitative or educational programs
- 3281 | while in the custody of the department.
- 3282 | q. Digitized sentencing scoresheet prepared in accordance
- 3283 | with s. 921.0024.
- 3284 | 2. Information about each state correctional institution
- 3285 | or facility, including:
- 3286 | a. Budget for each state correctional institution or
- 3287 | facility.
- 3288 | b. Daily prison population of all inmates incarcerated in
- 3289 | a state correctional institution or facility.
- 3290 | c. Daily number of correctional officers for each state
- 3291 | correctional institution or facility.
- 3292 | 3. Information related to persons supervised by the
- 3293 | department on probation or community control, including:
- 3294 | a. Identifying information for each person supervised by
- 3295 | the department on probation or community control, including his
- 3296 | or her name, date of birth, race, ~~or~~ ethnicity, gender, case
- 3297 | number ~~sex~~, and department-assigned case number.
- 3298 | b. Length of probation or community control sentence
- 3299 | imposed and amount of time that has been served on such
- 3300 | sentence.

3301 c. Projected termination date for probation or community
3302 control.

3303 d. Revocation of probation or community control due to a
3304 violation, including whether the revocation is due to a
3305 technical violation of the conditions of supervision or from the
3306 commission of a new law violation.

3307 4. Per diem rates for:

3308 a. Prison bed.

3309 b. Probation.

3310 c. Community control.

3311

3312 This information only needs to be reported once annually at the
3313 time the most recent per diem rate is published.

3314 (f) Justice Administrative Commission.—The Justice
3315 Administrative Commission shall collect the following data:

3316 1. Number of private registry attorneys representing
3317 indigent adult defendants.

3318 2. Annual felony caseload assigned to private registry
3319 contract attorneys.

3320 3. Annual misdemeanor caseload assigned to private
3321 registry contract attorneys.

3322 (g) Criminal regional conflict counsel.—Each office of
3323 criminal regional conflict counsel shall report the following
3324 data:

3325 1. Number of full-time assistant regional conflict counsel

3326 handling criminal cases.
 3327 2. Number of part-time assistant regional conflict counsel
 3328 handling criminal cases.
 3329 3. Number of contract attorneys representing indigent
 3330 adult defendants.
 3331 4. Annual felony caseload.
 3332 5. Annual felony caseload assigned to contract attorneys.
 3333 6. Annual felony conflict caseload.
 3334 7. Annual misdemeanor caseload.
 3335 8. Annual misdemeanor caseload assigned to contract
 3336 attorneys.
 3337 9. Annual misdemeanor conflict caseload.
 3338 (4) DATA PUBLICLY AVAILABLE. ~~Beginning January 1, 2019,~~
 3339 The Department of Law Enforcement shall publish datasets in its
 3340 possession in a modern, open, electronic format that is machine-
 3341 readable and readily accessible by the public on the
 3342 department's website. The published data must be searchable, at
 3343 a minimum, by ~~each~~ data elements element, county, circuit, and
 3344 unique identifier. Beginning March 1, 2019, the department shall
 3345 publish ~~begin publishing~~ the data received under subsection (3)
 3346 ~~(2)~~ in the same modern, open, electronic format that is machine-
 3347 readable and readily accessible to the public on the
 3348 department's website. The department shall publish all data
 3349 received under subsection (3) ~~(2)~~ no later than January 1, 2020,
 3350 and monthly thereafter ~~July 1, 2019.~~

3351 (5) NONCOMPLIANCE.—Notwithstanding any other ~~provision of~~
 3352 law, an entity required to collect and transmit data under
 3353 subsection (3) ~~paragraph (3)(a) or paragraph (3)(d)~~ which does
 3354 not comply with the requirements of this section is ineligible
 3355 to receive funding from the General Appropriations Act, any
 3356 state grant program administered by the Department of Law
 3357 Enforcement, or any other state agency for 5 years after the
 3358 date of noncompliance.

3359 (6) CONFIDENTIALITY.—Information collected by any
 3360 reporting agency which is confidential and exempt upon
 3361 collection remains confidential and exempt when reported to the
 3362 Department of Law Enforcement under this section.

3363 Section 47. Section 943.0578, Florida Statutes, is created
 3364 to read:

3365 943.0578 Lawful self-defense expunction.—

3366 (1) Notwithstanding the eligibility requirements defined
 3367 in s. 943.0585(1) and (2), the department shall issue a
 3368 certificate of eligibility for expunction under this section to
 3369 a person who is the subject of a criminal history record if that
 3370 person has obtained, and submitted to the department, on a form
 3371 provided by the department, a written, certified statement from
 3372 the appropriate state attorney or statewide prosecutor which
 3373 states whether an information, indictment, or other charging
 3374 document was not filed or was dismissed by the state attorney,
 3375 or dismissed by the court, because it was found that the person

3376 acted in lawful self-defense pursuant to chapter 776.

3377 (2) Each petition to expunge a criminal history record
 3378 pursuant to this section must be accompanied by:

3379 (a) A valid certificate of eligibility for expunction
 3380 issued by the department pursuant to this section; and

3381 (b) The petitioner's sworn statement attesting that the
 3382 petitioner is eligible for such an expunction to the best of his
 3383 or her knowledge or belief.

3384
 3385 Any person who knowingly provides false information on such
 3386 sworn statement to the court commits a felony of the third
 3387 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 3388 775.084.

3389 (3) This section does not confer any right to the
 3390 expunction of a criminal history record, and any request for
 3391 expunction of a criminal history record may be denied at the
 3392 discretion of the court.

3393 (4) Sections 943.0585(5) and (6) apply to an expunction
 3394 ordered under this section.

3395 (5) The department shall adopt rules to establish
 3396 procedures for applying for and issuing a certificate of
 3397 eligibility for expunction under this section.

3398 Section 48. Section 943.0581, Florida Statutes, is amended
 3399 to read:

3400 943.0581 Administrative expunction for arrests made

3401 contrary to law or by mistake.—

3402 (1) Notwithstanding any law dealing generally with the
 3403 preservation and destruction of public records, the department
 3404 may adopt a rule pursuant to chapter 120 for the administrative
 3405 expunction of any nonjudicial record of an arrest of a minor or
 3406 an adult made contrary to law or by mistake.

3407 (2) A law enforcement agency shall apply to the department
 3408 in the manner prescribed by rule for the administrative
 3409 expunction of any nonjudicial record of any arrest of a minor or
 3410 an adult who is subsequently determined by the agency, at its
 3411 discretion, or by the final order of a court of competent
 3412 jurisdiction, to have been arrested contrary to law or by
 3413 mistake.

3414 (3) An adult or, in the case of a minor child, the parent
 3415 or legal guardian of the minor child, may apply to the
 3416 department in the manner prescribed by rule for the
 3417 administrative expunction of any nonjudicial record of an arrest
 3418 alleged to have been made contrary to law or by mistake,
 3419 provided that the application is supported by the endorsement of
 3420 the head of the arresting agency or his or her designee or the
 3421 state attorney of the judicial circuit in which the arrest
 3422 occurred or his or her designee.

3423 (4) An application for administrative expunction shall
 3424 include the date and time of the arrest, the name of the person
 3425 arrested, the offender-based tracking system (OBTS) number, and

3426 the crime or crimes charged. The application shall be on the
 3427 submitting agency's letterhead and shall be signed by the head
 3428 of the submitting agency or his or her designee.

3429 (5) If the person was arrested on a warrant, *capias*, or
 3430 pickup order, a request for an administrative expunction may be
 3431 made by the sheriff of the county in which the warrant, *capias*,
 3432 or pickup order was issued or his or her designee or by the
 3433 state attorney of the judicial circuit in which the warrant,
 3434 *capias*, or pickup order was issued or his or her designee.

3435 (6) An application or endorsement under this section is
 3436 not admissible as evidence in any judicial or administrative
 3437 proceeding and may not be construed in any way as an admission
 3438 of liability in connection with an arrest.

3439 Section 49. Section 943.0584, Florida Statutes, is created
 3440 to read:

3441 943.0584 Criminal history records ineligible for court-
 3442 ordered expunction or court-ordered sealing.-

3443 (1) As used in this section, the term "conviction" means a
 3444 determination of guilt which is the result of a trial or the
 3445 entry of a plea of guilty or nolo contendere, regardless of
 3446 whether adjudication is withheld, or if the defendant was a
 3447 minor, a finding that the defendant committed or pled guilty or
 3448 nolo contendere to committing a delinquent act, regardless of
 3449 whether adjudication of delinquency is withheld.

3450 (2) A criminal history record is ineligible for a

3451 certificate of eligibility for expunction or a court-ordered
3452 expunction pursuant to s. 943.0585 or a certificate of
3453 eligibility for sealing or a court-ordered sealing pursuant to
3454 s. 943.059 if the record is a conviction for any of the
3455 following offenses:

3456 (a) Sexual misconduct, as defined in s. 393.135, s.
3457 394.4593, or s. 916.1075;

3458 (b) Illegal use of explosives, as defined in chapter 552;

3459 (c) Terrorism, as defined in s. 775.30;

3460 (d) Murder, as defined in s. 782.04, s. 782.065, or s.
3461 782.09;

3462 (e) Manslaughter or homicide, as defined in s. 782.07, s.
3463 782.071, or s. 782.072;

3464 (f) Assault or battery, as defined in ss. 784.011 and
3465 784.03, respectively, of one family or household member by
3466 another family or household member, as defined in s. 741.28(3);

3467 (g) Aggravated assault, as defined in s. 784.021;

3468 (h) Felony battery, domestic battery by strangulation, or
3469 aggravated battery, as defined in s. 784.03, s. 784.041, and s.
3470 784.045, respectively;

3471 (i) Stalking or aggravated stalking, as defined in s.
3472 784.048;

3473 (j) Luring or enticing a child, as defined in s. 787.025;

3474 (k) Human trafficking, as defined in s. 787.06;

3475 (l) Kidnapping or false imprisonment, as defined in s.

3476 | 787.01 or s. 787.02;
3477 | (m) Any offense defined in chapter 794;
3478 | (n) Procuring a person less than 18 years of age for
3479 | prostitution, as defined in former s. 796.03;
3480 | (o) Lewd or lascivious offenses committed upon or in the
3481 | presence of persons less than 16 years of age, as defined in s.
3482 | 800.04;
3483 | (p) Arson, as defined in s. 806.01;
3484 | (q) Burglary of a dwelling, as defined in s. 810.02;
3485 | (r) Voyeurism or video voyeurism, as defined in s. 810.14
3486 | and s. 810.145, respectively;
3487 | (s) Robbery or robbery by sudden snatching, as defined in
3488 | s. 812.13 and s. 812.131, respectively;
3489 | (t) Carjacking, as defined in s. 812.133;
3490 | (u) Home-invasion robbery, as defined in s. 812.135;
3491 | (v) A violation of the Florida Communications Fraud Act,
3492 | as provided in s. 817.034;
3493 | (w) Abuse of an elderly person or disabled adult, or
3494 | aggravated abuse of an elderly person or disabled adult, as
3495 | defined in s. 825.102;
3496 | (x) Lewd or lascivious offenses committed upon or in the
3497 | presence of an elderly person or disabled person, as defined in
3498 | s. 825.1025;
3499 | (y) Child abuse or aggravated child abuse, as defined in
3500 | s. 827.03;

3501 (z) Sexual performance by a child, as defined in s.
 3502 827.071;
 3503 (aa) Any offense defined in chapter 839;
 3504 (bb) Certain acts in connection with obscenity, as defined
 3505 in s. 847.0133;
 3506 (cc) Any offense defined in s. 847.0135;
 3507 (dd) Selling or buying of minors, as defined in s.
 3508 847.0145;
 3509 (ee) Aircraft piracy, as defined in s. 860.16;
 3510 (ff) Manufacturing a controlled substance in violation of
 3511 chapter 893;
 3512 (gg) Drug trafficking, as defined in s. 893.135; or
 3513 (hh) Any violation specified as a predicate offense for
 3514 registration as a sexual predator pursuant to s. 775.21, or
 3515 sexual offender pursuant to s. 943.0435, without regard to
 3516 whether that offense alone is sufficient to require such
 3517 registration.
 3518 Section 50. Section 943.0585, Florida Statutes, is amended
 3519 to read:
 3520 (Substantial rewording of section. See
 3521 s. 943.0585, F.S., for present text.)
 3522 943.0585 Court-ordered expunction of criminal history
 3523 records.—
 3524 (1) ELIGIBILITY.—A person is eligible to petition a court
 3525 to expunge a criminal history record if:

3526 (a) An indictment, information, or other charging document
3527 was not filed or issued in the case giving rise to the criminal
3528 history record.

3529 (b) An indictment, information, or other charging document
3530 was filed or issued in the case giving rise to the criminal
3531 history record, was dismissed or nolle prosequi by the state
3532 attorney or statewide prosecutor, or was dismissed by a court of
3533 competent jurisdiction or a judgment of acquittal was rendered
3534 by a judge, or a verdict of not guilty was rendered by a judge
3535 or jury.

3536 (c) The person is not seeking to expunge a criminal
3537 history record that is ineligible for court-ordered expunction
3538 under s. 943.0584.

3539 (d) The person has never, as of the date the application
3540 for a certificate of expunction is filed, been adjudicated
3541 guilty in this state of a criminal offense or been adjudicated
3542 delinquent in this state for committing any felony or any of the
3543 following misdemeanors, unless the record of such adjudication
3544 of delinquency has been expunged pursuant to s. 943.0515:

- 3545 1. Assault, as defined in s. 784.011;
3546 2. Battery, as defined in s. 784.03;
3547 3. Assault on a law enforcement officer, a firefighter, or
3548 other specified officers, as defined in s. 784.07(2)(a);
3549 4. Carrying a concealed weapon, as defined in s.
3550 790.01(1);

- 3551 5. Open carrying of a weapon, as defined in s. 790.053;
3552 6. Unlawful possession or discharge of a weapon or firearm
3553 at a school-sponsored event or on school property, as defined in
3554 s. 790.115;
3555 7. Unlawful use of destructive devices or bombs, as
3556 defined in s. 790.1615(1);
3557 8. Unlawful possession of a firearm, as defined in s.
3558 790.22(5);
3559 9. Exposure of sexual organs, as defined in s. 800.03;
3560 10. Arson, as defined in s. 806.031(1);
3561 11. Petit theft, as defined in s. 812.014(3);
3562 12. Neglect of a child, as defined in s. 827.03(1)(e); or
3563 13. Cruelty to animals, as defined in s. 828.12(1).
3564 (e) The person has not been adjudicated guilty of, or
3565 adjudicated delinquent for committing, any of the acts stemming
3566 from the arrest or alleged criminal activity to which the
3567 petition pertains.
3568 (f) The person is no longer under court supervision
3569 applicable to the disposition of arrest or alleged criminal
3570 activity to which the petition to expunge pertains.
3571 (g) The person has never secured a prior sealing or
3572 expunction of a criminal history record under this section, s.
3573 943.059, former s. 893.14, former s. 901.33, or former s.
3574 943.058, unless expunction is sought of a criminal history
3575 record previously sealed for 10 years pursuant to paragraph (h)

3576 and the record is otherwise eligible for expunction.

3577 (h) The person has previously obtained a court-ordered
3578 sealing the criminal history record under s. 943.059, former s.
3579 893.14, former s. 901.33, or former s. 943.058 for a minimum of
3580 10 years because adjudication was withheld or because all
3581 charges related to the arrest or alleged criminal activity to
3582 which the petition to expunge pertains were not dismissed before
3583 trial, without regard to whether the outcome of the trial was
3584 other than an adjudication of guilt. The requirement for the
3585 record to have previously been sealed for a minimum of 10 years
3586 does not apply if a plea was not entered or all charges related
3587 to the arrest or alleged criminal activity to which the petition
3588 to expunge pertains were dismissed before trial or a judgment of
3589 acquittal was rendered by a judge or a verdict of not guilty was
3590 rendered by a judge or jury.

3591 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
3592 to expunge a criminal history record, a person seeking to
3593 expunge a criminal history record must apply to the department
3594 for a certificate of eligibility for expunction. The department
3595 shall adopt rules to establish procedures for applying for and
3596 issuing a certificate of eligibility for expunction.

3597 (a) The department shall issue a certificate of
3598 eligibility for expunction to a person who is the subject of a
3599 criminal history record if that person:

3600 1. Satisfies the eligibility criteria in paragraphs

3601 (1) (a)-(h) and is not ineligible under s. 943.0584.

3602 2. Has submitted to the department a written certified
3603 statement from the appropriate state attorney or statewide
3604 prosecutor which confirms the criminal history record complies
3605 with the criteria in paragraph (1) (a) or paragraphs (1) (b) and
3606 (c).

3607 3. Has submitted to the department a certified copy of the
3608 disposition of the charge to which the petition to expunge
3609 pertains.

3610 4. Remits a \$75 processing fee to the department for
3611 placement in the Department of Law Enforcement Operating Trust
3612 Fund, unless the executive director waives such fee.

3613 (b) A certificate of eligibility for expunction is valid
3614 for 12 months after the date stamped on the certificate when
3615 issued by the department. After that time, the petitioner must
3616 reapply to the department for a new certificate of eligibility.
3617 The petitioner's status and the law in effect at the time of the
3618 renewal application determine the petitioner's eligibility.

3619 (3) PETITION.—Each petition to expunge a criminal history
3620 record must be accompanied by:

3621 (a) A valid certificate of eligibility issued by the
3622 department.

3623 (b) The petitioner's sworn statement that he or she:

3624 1. Satisfies the eligibility requirements for expunction
3625 in subsection (1).

3626 2. Is eligible for expunction to the best of his or her
3627 knowledge and does not have any other petition to seal or
3628 expunge a criminal history record pending before any court.

3629
3630 A person who knowingly provides false information on such sworn
3631 statement commits a felony of the third degree, punishable as
3632 provided in s. 775.082, s. 775.083, or s. 775.084.

3633 (4) COURT AUTHORITY.—

3634 (a) The courts of this state have jurisdiction over their
3635 own procedures, including the maintenance, expunction, and
3636 correction of judicial records containing criminal history
3637 information to the extent that such procedures are not
3638 inconsistent with the conditions, responsibilities, and duties
3639 established by this section.

3640 (b) A court of competent jurisdiction may order a criminal
3641 justice agency to expunge the criminal history record of a minor
3642 or an adult who complies with the requirements of this section.
3643 The court may not order a criminal justice agency to expunge a
3644 criminal history record until the person seeking to expunge a
3645 criminal history record has applied for and received a
3646 certificate of eligibility under subsection (2).

3647 (c) The court may order expunction of a criminal history
3648 record pertaining to one arrest or one incident of alleged
3649 criminal activity only, except that the court may order the
3650 expunction of a criminal history record pertaining to more than

3651 one arrest if the additional arrests directly relate to the
3652 original arrest. If the court intends to order the expunction of
3653 records pertaining to such additional arrests, such intent must
3654 be specified in the order. A criminal justice agency may not
3655 expunge any record pertaining to such additional arrests if the
3656 order to expunge does not articulate the intention of the court
3657 to expunge a record pertaining to more than one arrest. This
3658 section does not prevent the court from ordering the expunction
3659 of only a portion of a criminal history record pertaining to one
3660 arrest or one incident of alleged criminal activity.

3661 (d) Notwithstanding any law to the contrary, a criminal
3662 justice agency may comply with laws, court orders, and official
3663 requests of other jurisdictions relating to expunction,
3664 correction, or confidential handling of criminal history records
3665 or information derived therefrom.

3666 (e) This section does not confer any right to expunction
3667 of any criminal history record, and any request for expunction
3668 of a criminal history record may be denied at the sole
3669 discretion of the court.

3670 (5) PROCESSING OF A PETITION OR AN ORDER.—

3671 (a) In judicial proceedings under this section, a copy of
3672 the completed petition to expunge shall be served upon the
3673 appropriate state attorney or the statewide prosecutor and upon
3674 the arresting agency; however, it is not necessary to make any
3675 agency other than the state a party. The appropriate state

3676 attorney or the statewide prosecutor and the arresting agency
3677 may respond to the court regarding the completed petition to
3678 expunge.

3679 (b) If relief is granted by the court, the clerk of the
3680 court shall certify copies of the order to the appropriate state
3681 attorney or the statewide prosecutor and the arresting agency.
3682 The arresting agency shall forward the order to any other agency
3683 to which the arresting agency disseminated the criminal history
3684 record information to which the order pertains. The department
3685 shall forward the order to expunge to the Federal Bureau of
3686 Investigation. The clerk of the court shall certify a copy of
3687 the order to any other agency which the records of the court
3688 reflect has received the criminal history record from the court.

3689 (c) The department or any other criminal justice agency is
3690 not required to act on an order to expunge entered by a court
3691 when such order does not comply with the requirements of this
3692 section. Upon receipt of such an order, the department must
3693 notify the issuing court, the appropriate state attorney or
3694 statewide prosecutor, the petitioner or the petitioner's
3695 attorney, and the arresting agency of the reason for
3696 noncompliance. The appropriate state attorney or statewide
3697 prosecutor shall take action within 60 days to correct the
3698 record and petition the court to void the order. No cause of
3699 action, including contempt of court, shall arise against any
3700 criminal justice agency for failure to comply with an order to

3701 expunge when the petitioner for such order failed to obtain the
3702 certificate of eligibility as required by this section or such
3703 order does not otherwise comply with the requirements of this
3704 section.

3705 (6) EFFECT OF EXPUNCTION ORDER.—

3706 (a) Any criminal history record of a minor or an adult
3707 which is ordered expunged by a court of competent jurisdiction
3708 pursuant to this section must be physically destroyed or
3709 obliterated by any criminal justice agency having custody of
3710 such record, except that any criminal history record in the
3711 custody of the department must be retained in all cases. A
3712 criminal history record ordered expunged which is retained by
3713 the department is confidential and exempt from s. 119.07(1) and
3714 s. 24(a), Art. I of the State Constitution and not available to
3715 any person or entity except upon order of a court of competent
3716 jurisdiction. A criminal justice agency may retain a notation
3717 indicating compliance with an order to expunge.

3718 (b) The person who is the subject of a criminal history
3719 record that is expunged under this section or under other
3720 provisions of law, including former s. 893.14, former s. 901.33,
3721 and former s. 943.058, may lawfully deny or fail to acknowledge
3722 the arrests covered by the expunged record, except when the
3723 subject of the record:

3724 1. Is a candidate for employment with a criminal justice
3725 agency;

- 3726 2. Is a defendant in a criminal prosecution;
- 3727 3. Concurrently or subsequently petitions for relief under
3728 this section, s. 943.0583, or s. 943.059;
- 3729 4. Is a candidate for admission to The Florida Bar;
- 3730 5. Is seeking to be employed or licensed by or to contract
3731 with the Department of Children and Families, the Division of
3732 Vocational Rehabilitation within the Department of Education,
3733 the Agency for Health Care Administration, the Agency for
3734 Persons with Disabilities, the Department of Health, the
3735 Department of Elderly Affairs, or the Department of Juvenile
3736 Justice or to be employed or used by such contractor or licensee
3737 in a sensitive position having direct contact with children, the
3738 disabled, or the elderly;
- 3739 6. Is seeking to be employed or licensed by the Department
3740 of Education, any district school board, any university
3741 laboratory school, any charter school, any private or parochial
3742 school, or any local governmental entity that licenses child
3743 care facilities;
- 3744 7. Is seeking to be licensed by the Division of Insurance
3745 Agent and Agency Services within the Department of Financial
3746 Services; or
- 3747 8. Is seeking to be appointed as a guardian pursuant to s.
3748 744.3125.
- 3749 (c) Subject to the exceptions in paragraph (b), a person
3750 who has been granted an expunction under this section, former s.

3751 893.14, former s. 901.33, or former s. 943.058 may not be held
3752 under any provision of law of this state to commit perjury or to
3753 be otherwise liable for giving a false statement by reason of
3754 such person's failure to recite or acknowledge an expunged
3755 criminal history record.

3756 (d) Information relating to the existence of an expunged
3757 criminal history record which is provided in accordance with
3758 paragraph (a) is confidential and exempt from s. 119.07(1) and
3759 s. 24(a), Art. I of the State Constitution, except that the
3760 department shall disclose the existence of a criminal history
3761 record ordered expunged to the entities set forth in
3762 subparagraphs (b)1., 4., 5., 6., 7., and 8. for their respective
3763 licensing, access authorization, and employment purposes and to
3764 criminal justice agencies for their respective criminal justice
3765 purposes. It is unlawful for any employee of an entity set forth
3766 in subparagraph (b)1., 4., 5., 6., 7., or 8. to disclose
3767 information relating to the existence of an expunged criminal
3768 history record of a person seeking employment, access
3769 authorization, or licensure with such entity or contractor,
3770 except to the person to whom the criminal history record relates
3771 or to persons having direct responsibility for employment,
3772 access authorization, or licensure decisions. A person who
3773 violates this paragraph commits a misdemeanor of the first
3774 degree, punishable as provided in s. 775.082 or s. 775.083.

3775 Section 51. Section 943.059, Florida Statutes, is amended

3776 to read:

3777 (Substantial rewording of section. See

3778 s. 943.059, F.S., for present text.)

3779 943.059 Court-ordered sealing of criminal history

3780 records.—

3781 (1) ELIGIBILITY.—A person is eligible to petition a court

3782 to seal a criminal history record when:

3783 (a) The criminal history record is not ineligible for

3784 court-ordered sealing under s. 943.0584.

3785 (b) The person has never, before the date the application

3786 for a certificate of eligibility is filed, been adjudicated

3787 guilty in this state of a criminal offense, or been adjudicated

3788 delinquent in this state for committing any felony or any of the

3789 following misdemeanor offenses, unless the record of such

3790 adjudication of delinquency has been expunged pursuant to s.

3791 943.0515:

3792 1. Assault, as defined in s. 784.011;

3793 2. Battery, as defined in s. 784.03;

3794 3. Assault on a law enforcement officer, a firefighter, or

3795 other specified officers, as defined in s. 784.07(2)(a);

3796 4. Carrying a concealed weapon, as defined in s.

3797 790.01(1);

3798 5. Open carrying of a weapon, as defined in s. 790.053;

3799 6. Unlawful possession or discharge of a weapon or firearm

3800 at a school-sponsored event or on school property, as defined in

3801 s. 790.115;
3802 7. Unlawful use of destructive devices or bombs, as
3803 defined in s. 790.1615(1);
3804 8. Unlawful possession of a firearm by a minor, as defined
3805 in s. 790.22(5);
3806 9. Exposure of sexual organs, as defined in s. 800.03;
3807 10. Arson, as defined in s. 806.031(1);
3808 11. Petit theft, as defined in s. 812.014(3);
3809 12. Neglect of a child, as defined in s. 827.03(1)(e); or
3810 13. Cruelty to animals, as defined in s. 828.12(10).
3811 (c) The person has not been adjudicated guilty of, or
3812 adjudicated delinquent for committing, any of the acts stemming
3813 from the arrest or alleged criminal activity to which the
3814 petition to seal pertains.
3815 (d) The person is no longer under court supervision
3816 applicable to the disposition of arrest or alleged criminal
3817 activity to which the petition to seal pertains.
3818 (e) The person has never secured a prior sealing or
3819 expunction of a criminal history record under this section, s.
3820 943.0585, former s. 893.14, former s. 901.33, or former s.
3821 943.058.
3822 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the
3823 court to seal a criminal history record, a person seeking to
3824 seal a criminal history record must apply to the department for
3825 a certificate of eligibility for sealing. The department shall

3826 adopt rules relating to the application for and issuance of
3827 certificates of eligibility for sealing.

3828 (a) The department shall issue a certificate of
3829 eligibility for sealing to a person who is the subject of a
3830 criminal history record if that person:

3831 1. Satisfies the eligibility criteria in paragraphs
3832 (1)(a)-(e) and is not ineligible for court-ordered sealing under
3833 s. 943.0584.

3834 2. Has submitted to the department a certified copy of the
3835 disposition of charge to which the petition pertains.

3836 3. Remits a \$75 processing fee to the department for
3837 placement in the Department of Law Enforcement Operating Trust
3838 Fund, unless the executive director waives such fee.

3839 (b) A certificate of eligibility for sealing is valid for
3840 12 months after the date stamped on the certificate when issued
3841 by the department. After that time, the petitioner must reapply
3842 to the department for a new certificate of eligibility. The
3843 status of the applicant and the law in effect at the time of the
3844 renewal application determine the petitioner's eligibility.

3845 (3) PETITION.—Each petition to a court to seal a criminal
3846 history record is complete only when accompanied by:

3847 (a) A valid certificate of eligibility issued by the
3848 department pursuant to this section.

3849 (b) The petitioner's sworn statement that the petitioner:
3850 1. Satisfies the eligibility requirements for sealing in

3851 subsection (1).

3852 2. Is eligible for sealing to the best of his or her
3853 knowledge and does not have any other petition to seal or
3854 expunge a criminal history record pending before any court.

3855

3856 Any person who knowingly provides false information on such
3857 sworn statement to the court commits a felony of the third
3858 degree, punishable as provided in s. 775.082, s. 775.083, or s.
3859 775.084.

3860 (4) COURT AUTHORITY.—

3861 (a) The courts of this state have jurisdiction over their
3862 own procedures, including the maintenance, sealing, and
3863 correction of judicial records containing criminal history
3864 information to the extent that such procedures are not
3865 inconsistent with the conditions, responsibilities, and duties
3866 established by this section.

3867 (b) Any court of competent jurisdiction may order a
3868 criminal justice agency to seal the criminal history record of a
3869 minor or an adult who complies with the requirements of this
3870 section. The court may not order a criminal justice agency to
3871 seal a criminal history record until the person seeking to seal
3872 a criminal history record has applied for and received a
3873 certificate of eligibility pursuant to subsection (2).

3874 (c) The court may order the sealing of a criminal history
3875 record pertaining to one arrest or one incident of alleged

3876 criminal activity only, except the court may order the sealing
3877 of a criminal history record pertaining to more than one arrest
3878 if the additional arrests directly relate to the original
3879 arrest. If the court intends to order the sealing of records
3880 pertaining to such additional arrests, such intent must be
3881 specified in the order. A criminal justice agency may not seal
3882 any record pertaining to such additional arrests if the order to
3883 seal does not articulate the intention of the court to seal a
3884 record pertaining to more than one arrest. This section does not
3885 prevent the court from ordering the sealing of only a portion of
3886 a criminal history record pertaining to one arrest or one
3887 incident of alleged criminal activity.

3888 (d) Notwithstanding any law to the contrary, a criminal
3889 justice agency may comply with laws, court orders, and official
3890 requests of other jurisdictions relating to sealing, correction,
3891 or confidential handling of criminal history records or
3892 information derived therefrom.

3893 (e) This section does not confer any right to the sealing
3894 of any criminal history record, and any request for sealing of a
3895 criminal history record may be denied at the sole discretion of
3896 the court.

3897 (5) PROCESSING OF A PETITION OR ORDER.—

3898 (a) In judicial proceedings under this section, a copy of
3899 the completed petition to seal shall be served upon the
3900 appropriate state attorney or the statewide prosecutor and upon

3901 the arresting agency; however, it is not necessary to make any
3902 agency other than the state a party. The appropriate state
3903 attorney or the statewide prosecutor and the arresting agency
3904 may respond to the court regarding the completed petition to
3905 seal.

3906 (b) If relief is granted by the court, the clerk of the
3907 court shall certify copies of the order to the appropriate state
3908 attorney or the statewide prosecutor and the arresting agency.
3909 The arresting agency is responsible for forwarding the order to
3910 any other agency to which the arresting agency disseminated the
3911 criminal history record information to which the order pertains.
3912 The department shall forward the order to seal to the Federal
3913 Bureau of Investigation. The clerk of the court shall certify a
3914 copy of the order to any other agency that the records of the
3915 court reflect has received the criminal history record from the
3916 court.

3917 (c) The department or any other criminal justice agency is
3918 not required to act on an order to seal entered by a court when
3919 such order does not comply with the requirements of this
3920 section. Upon receipt of such an order, the department must
3921 notify the issuing court, the appropriate state attorney or
3922 statewide prosecutor, the petitioner or the petitioner's
3923 attorney, and the arresting agency of the reason for
3924 noncompliance. The appropriate state attorney or statewide
3925 prosecutor shall take action within 60 days to correct the

3926 record and petition the court to void the order. No cause of
3927 action, including contempt of court, shall arise against any
3928 criminal justice agency for failure to comply with an order to
3929 seal when the petitioner for such order failed to obtain the
3930 certificate of eligibility as required by this section or such
3931 order does not otherwise comply with the requirements of this
3932 section.

3933 (6) EFFECT OF ORDER.—

3934 (a) A criminal history record of a minor or an adult which
3935 is ordered sealed by a court pursuant to this section is
3936 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
3937 of the State Constitution and is available only to the following
3938 persons:

3939 1. The subject of the record;

3940 2. The subject's attorney;

3941 3. Criminal justice agencies for their respective criminal
3942 justice purposes, which include conducting a criminal history
3943 background check for approval of firearms purchases or transfers
3944 as authorized by state or federal law;

3945 4. Judges in the state courts system for the purpose of
3946 assisting them in their case-related decisionmaking
3947 responsibilities, as set forth in s. 943.053(5); or

3948 5. To those entities set forth in subparagraphs (b)1., 4.,
3949 5., 6., 8., 9., and 10. for their respective licensing access
3950 authorization and employment purposes.

3951 (b) The subject of the criminal history record sealed
3952 under this section or under other provisions of law, including
3953 former s. 893.14, former s. 901.33, and former s. 943.058, may
3954 lawfully deny or fail to acknowledge the arrests covered by the
3955 sealed record, except when the subject of the record:

3956 1. Is a candidate for employment with a criminal justice
3957 agency;

3958 2. Is a defendant in a criminal prosecution;

3959 3. Concurrently or subsequently petitions for relief under
3960 this section, s. 943.0583, or s. 943.0585;

3961 4. Is a candidate for admission to The Florida Bar;

3962 5. Is seeking to be employed or licensed by or to contract
3963 with the Department of Children and Families, the Division of
3964 Vocational Rehabilitation within the Department of Education,
3965 the Agency for Health Care Administration, the Agency for
3966 Persons with Disabilities, the Department of Health, the
3967 Department of Elderly Affairs, or the Department of Juvenile
3968 Justice or to be employed or used by such contractor or licensee
3969 in a sensitive position having direct contact with children, the
3970 disabled, or the elderly;

3971 6. Is seeking to be employed or licensed by the Department
3972 of Education, a district school board, a university laboratory
3973 school, a charter school, a private or parochial school, or a
3974 local governmental entity that licenses child care facilities;

3975 7. Is attempting to purchase a firearm from a licensed

3976 importer, licensed manufacturer, or licensed dealer and is
 3977 subject to a criminal history check under state or federal law;
 3978 8. Is seeking to be licensed by the Division of Insurance
 3979 Agent and Agency Services within the Department of Financial
 3980 Services;
 3981 9. Is seeking to be appointed as a guardian pursuant to s.
 3982 744.3125; or
 3983 10. Is seeking to be licensed by the Bureau of License
 3984 Issuance of the Division of Licensing within the Department of
 3985 Agriculture and Consumer Services to carry a concealed weapon or
 3986 concealed firearm. This subparagraph applies only in the
 3987 determination of an applicant's eligibility under s. 790.06.
 3988 (c) Subject to the exceptions in paragraph (b), a person
 3989 who has been granted a sealing under this section, former s.
 3990 893.14, former s. 901.33, or former s. 943.058 may not be held
 3991 under any provision of law of this state to commit perjury or to
 3992 be otherwise liable for giving a false statement by reason of
 3993 such person's failure to recite or acknowledge a sealed criminal
 3994 history record.
 3995 (d) Information relating to the existence of a sealed
 3996 criminal history record provided in accordance with paragraph
 3997 (b) is confidential and exempt from s. 119.07(1) and s. 24(a),
 3998 Art. I of the State Constitution, except that the department
 3999 shall disclose the sealed criminal history record to the
 4000 entities set forth in subparagraphs (b)1., 4., 5., 6., 8., 9.,

4001 and 10. for their respective licensing, access authorization,
4002 and employment purposes. An employee of an entity set forth in
4003 subparagraph (b)1., (b)4., (b)5., (b)6., (b)8., (b)9., or (b)10.
4004 may not disclose information relating to the existence of a
4005 sealed criminal history record of a person seeking employment,
4006 access authorization, or licensure with such entity or
4007 contractor, except to the person to whom the criminal history
4008 record relates or to persons having direct responsibility for
4009 employment, access authorization, or licensure decisions. A
4010 person who violates this paragraph commits a misdemeanor of the
4011 first degree, punishable as provided in s. 775.082 or s.
4012 775.083.

4013 Section 52. Section 943.0595, Florida Statutes, is created
4014 to read:

4015 943.0595 Automatic sealing of criminal history records.—

4016 (1) RULEMAKING.—Notwithstanding any law dealing generally
4017 with the preservation and destruction of public records, the
4018 department shall adopt rules addressing the automatic sealing of
4019 any criminal history record of a minor or adult described in
4020 this section.

4021 (2) ELIGIBILITY.—

4022 (a) The department shall automatically seal a criminal
4023 history record that does not result from an indictment,
4024 information, or other charging document for a forcible felony as
4025 defined in s. 776.08 or for an offense enumerated in s.

4026 943.0435(1)(h)1.a.(I), if:

4027 1. An indictment, information, or other charging document
4028 was not filed or issued in the case giving rise to the criminal
4029 history record.

4030 2. An indictment, information, or other charging document
4031 was filed in the case giving rise to the criminal history
4032 record, but was dismissed or nolle prosequi by the state
4033 attorney or statewide prosecutor or was dismissed by a court of
4034 competent jurisdiction. However, a person is not eligible for
4035 automatic sealing under this section if the dismissal was
4036 pursuant to s. 916.145 or s. 985.19.

4037 3. A not guilty verdict was rendered by a judge or jury.
4038 However, a person is not eligible for automatic sealing under
4039 this section if the defendant was found not guilty by reason of
4040 insanity.

4041 4. A judgment of acquittal was rendered by a judge.

4042 (b) There is no limitation on the number of times a person
4043 may obtain an automatic sealing for a criminal history record
4044 described in paragraph (a).

4045 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

4046 (a) Upon the disposition of a criminal case resulting in a
4047 criminal history record eligible for automatic sealing under
4048 paragraph (2)(a), the clerk of the court shall transmit a
4049 certified copy of the disposition of the criminal history record
4050 to the department, which shall seal the criminal history record

4051 upon receipt of the certified copy.

4052 (b) Automatic sealing of a criminal history record does
4053 not require sealing by the court or other criminal justice
4054 agencies, or that such record be surrendered to the court, and
4055 such record shall continue to be maintained by the department
4056 and other criminal justice agencies.

4057 (c) Except as provided in this section, automatic sealing
4058 of a criminal history record shall have the same effect, and the
4059 department may disclose such a record in the same manner, as a
4060 record sealed under s. 943.059.

4061 Section 53. Effective upon this act becoming a law,
4062 subsections (9) and (10) are added to section 943.6871, Florida
4063 Statutes, to read:

4064 943.6871 Criminal justice data transparency.—In order to
4065 facilitate the availability of comparable and uniform criminal
4066 justice data, the department shall:

4067 (9) Keep all information received by the department under
4068 s. 900.05 which is confidential and exempt when collected by the
4069 reporting agency confidential and exempt for purposes of this
4070 section and s. 900.05.

4071 (10) (a) By October 1, 2019, assist the Criminal and
4072 Juvenile Justice Information Systems Council in developing
4073 specifications for a uniform arrest affidavit to be used by each
4074 state, county, and municipal law enforcement agency to
4075 facilitate complete, accurate, and timely collection and

- 4076 reporting of data from each criminal offense arrest. The uniform
 4077 arrest affidavit must at a minimum include all of the following:
 4078 1. Identification of the arrestee.
 4079 2. Details of the arrest, including each charge.
 4080 3. Details of each vehicle and item seized at the time of
 4081 arrest.
 4082 4. Juvenile arrestee information.
 4083 5. Release information.

4084
 4085 The uniform arrest affidavit specifications must also include
 4086 guidelines for developing a uniform criminal charge and
 4087 disposition statute crosswalk table to be used by each law
 4088 enforcement agency, state attorney, and jail administrator; and
 4089 guidelines for developing a uniform criminal disposition and
 4090 sentencing statute crosswalk table to be used by each clerk of
 4091 the court.

4092 (b) By January 1, 2020, subject to appropriation, the
 4093 department shall procure a uniform arrest affidavit, a uniform
 4094 criminal charge and disposition statute crosswalk table, and a
 4095 uniform criminal disposition and sentencing statute crosswalk
 4096 table following the specifications developed under paragraph
 4097 (a). The department shall provide training on use of the
 4098 affidavit and crosswalk tables to each state, county, and
 4099 municipal law enforcement agency, clerk of the court, state
 4100 attorney, and jail administrator, as appropriate.

4101 (c) By July 1, 2020, each state, county, and municipal law
4102 enforcement agency must use the uniform arrest affidavit, each
4103 state attorney and jail administrator must use the uniform
4104 criminal charge and statute crosswalk table, and each clerk of
4105 the court must use the uniform criminal disposition and
4106 sentencing statute crosswalk table.

4107 Section 54. Section 944.40, Florida Statutes, is amended
4108 to read:

4109 944.40 Escapes; penalty.—Any prisoner confined in, or
4110 released on furlough from, any prison, jail, private
4111 correctional facility, road camp, or other penal institution,
4112 whether operated by the state, a county, or a municipality, or
4113 operated under a contract with the state, a county, or a
4114 municipality, working upon the public roads, or being
4115 transported to or from a place of confinement who escapes or
4116 attempts to escape from such confinement commits a felony of the
4117 second degree, punishable as provided in s. 775.082, s. 775.083,
4118 or s. 775.084. The punishment of imprisonment imposed under this
4119 section shall run consecutive to any former sentence imposed
4120 upon any prisoner.

4121 Section 55. Subsection (2) of section 944.47, Florida
4122 Statutes, is amended to read:

4123 944.47 Introduction, removal, or possession of contraband
4124 ~~certain articles unlawful~~; penalty.—

4125 (2) (a) A person who violates ~~any provision of~~ this section

4126 as it pertains to an article of contraband described in
4127 subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph
4128 (1)(a)6. commits a felony of the third degree, punishable as
4129 provided in s. 775.082, s. 775.083, or s. 775.084. Otherwise ~~In~~
4130 ~~all other cases,~~ a violation of ~~a provision of this section~~ is
4131 ~~constitutes~~ a felony of the second degree, punishable as
4132 provided in s. 775.082, s. 775.083, or s. 775.084.

4133 (b) A violation of this section by an employee, as defined
4134 in s. 944.115(2)(b), who uses or attempts to use the powers,
4135 rights, privileges, duties, or position of his or her employment
4136 in the commission of the violation is ranked one level above the
4137 ranking specified in s. 921.0022 or s. 921.0023 for the offense
4138 committed.

4139 Section 56. Section 944.704, Florida Statutes, is amended
4140 to read:

4141 944.704 Staff who provide transition assistance; duties.—

4142 (1) The department shall provide a transition assistance
4143 specialist at each of the major institutions.

4144 (2) The department may increase the number of transition
4145 assistance specialists in proportion to the number of inmates
4146 served at each of the major institutions and may increase the
4147 number of employment specialists per judicial circuit based on
4148 the number of released inmates served under community
4149 supervision in that circuit, subject to appropriations.

4150 (3) The transition assistance specialists' whose duties

4151 include, but are not limited to:

4152 (a)~~(1)~~ Coordinating delivery of transition assistance
4153 program services at the institution and at the community
4154 correctional centers authorized pursuant to s. 945.091(1)(b).

4155 (b)~~(2)~~ Assisting in the development of each inmate's
4156 postrelease plan.

4157 (c)~~(3)~~ Obtaining job placement information. Such
4158 information must include identifying any job assignment
4159 credentialing or industry certifications for which the inmate is
4160 eligible.

4161 (d)~~(4)~~ Providing a written medical discharge plan and
4162 referral to a county health department.

4163 (e)~~(5)~~ For an inmate who is known to be HIV positive,
4164 providing a 30-day supply of all HIV/AIDS-related medication
4165 that the inmate is taking before ~~prior to~~ release, if required
4166 under protocols of the Department of Corrections and treatment
4167 guidelines of the United States Department of Health and Human
4168 Services.

4169 (f)~~(6)~~ Facilitating placement in a private transition
4170 housing program, if requested by any eligible inmate. If an
4171 inmate who is nearing his or her date of release requests
4172 placement in a contracted substance abuse transition housing
4173 program, the transition assistance specialist shall inform the
4174 inmate of program availability and assess the inmate's need and
4175 suitability for transition housing assistance. If an inmate is

4176 approved for placement, the specialist shall assist the inmate
4177 and coordinate the release of the inmate with the selected
4178 program. If an inmate requests and is approved for placement in
4179 a contracted faith-based substance abuse transition housing
4180 program, the specialist must consult with the chaplain before
4181 ~~prior to~~ such placement. In selecting inmates who are nearing
4182 their date of release for placement in a faith-based program,
4183 the department shall ensure that an inmate's faith orientation,
4184 or lack thereof, will not be considered in determining admission
4185 to the program and that the program does not attempt to convert
4186 an inmate toward a particular faith or religious preference.

4187 (g) ~~(7)~~ Providing a photo identification card to all
4188 inmates before ~~prior to~~ their release.

4189 (4) ~~The~~ transition assistance specialist may not be a
4190 correctional officer or correctional probation officer as
4191 defined in s. 943.10.

4192 Section 57. Present subsections (3) through (6) of section
4193 944.705, Florida Statutes, are redesignated as subsections (4)
4194 through (7), respectively, and a new subsection (3) and
4195 subsections (8) through (12) are added to that section, to read:

4196 944.705 Release orientation program.—

4197 (3) (a) The department shall establish a toll-free hotline
4198 for the benefit of released inmates. The hotline shall provide
4199 information to released inmates seeking to obtain post-release
4200 referrals for community-based reentry services.

4201 (b) Before an inmate's release, the department shall
4202 provide the inmate with a comprehensive community reentry
4203 resource directory organized by county and which must include
4204 the name, address, and a description of the services offered by
4205 each reentry service provider. The directory must also include
4206 the name, address, and telephone number of existing portals of
4207 entry and the toll-free hotline number required by paragraph
4208 (a).

4209 (c) The department shall expand the use of a department-
4210 approved risk and needs assessment system to provide inmates and
4211 offenders with community-specific reentry service provider
4212 referrals.

4213 (8) A nonprofit faith-based or professional business, or a
4214 civic or community organization, may apply for registration with
4215 the department to provide inmate reentry services. Reentry
4216 services include, but are not limited to, counseling; providing
4217 information on housing and job placement; money management
4218 assistance; and programs that address substance abuse, mental
4219 health, or co-occurring conditions.

4220 (9) The department shall adopt policies and procedures for
4221 screening, approving, and registering an organization that
4222 applies under subsection (8). The department may deny approval
4223 and registration of an organization or a representative from an
4224 organization if it determines that the organization or
4225 representative does not meet the department's policies and

4226 procedures.

4227 (10) The department may contract with a public or private
 4228 educational institution's veteran advocacy clinic or veteran
 4229 legal clinic to assist qualified veteran inmates in applying for
 4230 veterans' benefits upon release.

4231 (11) The department may contract with public or private
 4232 organizations to establish transitional employment programs that
 4233 provide employment opportunities for released inmates.

4234 (12) The department shall adopt rules to implement this
 4235 section.

4236 Section 58. Present subsections (4), (5), and (6) of
 4237 section 944.801, Florida Statutes, are redesignated as
 4238 subsections (7), (8), and (9), respectively, and new subsections
 4239 (4), (5), and (6) are added to that section, to read:

4240 944.801 Education for state prisoners.—

4241 (4) The department may expand the use of job assignment
 4242 credentialing and industry certifications.

4243 (5) The Correctional Education Program may establish a
 4244 prison entrepreneurship program and adopt procedures for
 4245 admitting student inmates. If the department elects to develop
 4246 the program, it must include at least 180 days of in-prison
 4247 education. The program curriculum must include a component on
 4248 developing a business plan, procedures for graduation and
 4249 certification of successful student inmates, and at least 90
 4250 days of transitional and postrelease continuing educational

4251 services. Transitional and postrelease continuing educational
4252 services may be offered to graduate student inmates on a
4253 voluntary basis and are not a requirement for completion of the
4254 program. The department shall enter into agreements with public
4255 or private colleges or universities, other nonprofit entities,
4256 or other authorized provider under s. 1002.45(1)(a)1. to
4257 implement the program. The program must be funded with existing
4258 resources.

4259 (6) The Correctional Education Program may work in
4260 cooperation with the Department of Agriculture and Consumer
4261 Services, Florida Forestry Service Division, and the Florida
4262 Department of Financial Services, Division of State Fire Marshal
4263 to develop a program for implementation within state
4264 correctional institutions or correctional facilities to train
4265 and certify inmates as firefighters. The program should include,
4266 but not be limited to, certification of inmates as state forest
4267 staff trained to help protect homes, forestland, and natural
4268 resources from the effects of wildfires throughout the state.

4269 Section 59. Subsection (1) of section 948.001, Florida
4270 Statutes, is amended to read:

4271 948.001 Definitions.—As used in this chapter, the term:

4272 (1) "Administrative probation" means a form of no contact,
4273 nonreporting supervision. A court may order administrative
4274 probation, or the Department of Corrections may transfer an
4275 offender to administrative probation, as provided in s. 948.013

4276 ~~in which an offender who presents a low risk of harm to the~~
4277 ~~community may, upon satisfactory completion of half the term of~~
4278 ~~probation, be transferred by the Department of Corrections to~~
4279 ~~this type of reduced level of supervision, as provided in s.~~
4280 ~~948.013.~~

4281 Section 60. Subsection (1) of section 948.013, Florida
4282 Statutes, is amended to read:

4283 948.013 Administrative probation.—

4284 (1) The Department of Corrections may transfer an offender
4285 to administrative probation if he or she presents a low risk of
4286 harm to the community and has satisfactorily completed at least
4287 half of his or her probation term. The department ~~of Corrections~~
4288 may establish procedures for transferring an offender to
4289 administrative probation. The department may collect an initial
4290 processing fee of up to \$50 for each probationer transferred to
4291 administrative probation. The offender is exempt from further
4292 payment for the cost of supervision as required in s. 948.09.

4293 Section 61. Subsections (4), (5), and (6) are added to
4294 section 948.04, Florida Statutes, to read:

4295 948.04 Period of probation; duty of probationer; early
4296 termination; conversion of term.—

4297 (4) Except as provided in subsection (5), for defendants
4298 sentenced to probation on or after October 1, 2019, the court,
4299 upon motion by the probationer or the probation officer, shall
4300 either early terminate the probationer's supervision or convert

4301 the supervisory term to administrative probation if all of the
4302 following requirements are met:

4303 (a) The probationer has completed at least half of the
4304 term of probation to which he or she was sentenced.

4305 (b) The probationer has successfully completed all other
4306 conditions of probation.

4307 (c) The court has not found the probationer in violation
4308 of probation pursuant to a filed affidavit of violation of
4309 probation at any point during the current supervisory term.

4310 (d) The parties did not specifically exclude the
4311 possibility of early termination or conversion to administrative
4312 probation as part of a negotiated sentence.

4313 (e) The probationer does not qualify as a violent felony
4314 offender of special concern under s. 948.06(8)(b).

4315 (5) Upon making written findings that continued reporting
4316 probation is necessary to protect the community or the interests
4317 of justice, the court may decline to early terminate the
4318 probationary term or convert the term to administrative
4319 probation for a probationer who is otherwise eligible under
4320 subsection (4).

4321 (6) Subsections (4) and (5) do not apply to an offender on
4322 community control. If an offender on community control is
4323 subsequently placed on probation, he or she must complete half
4324 of the probationary term to which he or she was sentenced,
4325 without receiving credit for time served on community control,

4326 before being eligible for mandatory early termination or
4327 conversion to administrative probation under this section.

4328 Section 62. Section 948.05, Florida Statutes, is amended
4329 to read:

4330 948.05 Court to admonish or commend probationer or
4331 offender in community control; graduated incentives.—

4332 (1) A court may at any time cause a probationer or
4333 offender in community control to appear before it to be
4334 admonished or commended, and, when satisfied that its action
4335 will be for the best interests of justice and the welfare of
4336 society, it may discharge the probationer or offender in
4337 community control from further supervision.

4338 (2) The department shall implement a system of graduated
4339 incentives to promote compliance with the terms of supervision
4340 and prioritize the highest levels of supervision for
4341 probationers or offenders presenting the greatest risk of
4342 recidivism.

4343 (a) As part of the graduated incentives system, the
4344 department may, without leave of court, offer the following
4345 incentives to a compliant probationer or offender in community
4346 control:

4347 1. Up to 25 percent reduction of required community
4348 service hours;

4349 2. Waiver of supervision fees;

4350 3. Reduction in frequency of reporting;

- 4351 4. Permission to report by mail or telephone; or
 4352 5. Transfer of an eligible offender to administrative
 4353 probation as authorized under s. 948.013.

4354 (b) The department may also incentivize positive behavior
 4355 and compliance with recommendations to the court to modify the
 4356 terms of supervision, including recommending:

- 4357 1. Permission to travel;
 4358 2. Reduction of supervision type;
 4359 3. Modification or cessation of curfew;
 4360 4. Reduction or cessation of substance abuse testing; or
 4361 5. Early termination of supervision.

4362 (c) A probationer or offender who commits a subsequent
 4363 violation of probation may forfeit any previously earned
 4364 probation incentive, as determined appropriate by his or her
 4365 probation officer.

4366 Section 63. Present paragraphs (c) through (g) of
 4367 subsection (1) of section 948.06, Florida Statutes, are
 4368 redesignated as paragraphs (d) through (h), respectively, a new
 4369 paragraph (c) is added to that subsection, and present paragraph
 4370 (h) of that subsection is amended, present paragraphs (f)
 4371 through (j) of subsection (2) are redesignated as paragraphs (g)
 4372 through (k), respectively, and a new paragraph (f) is added to
 4373 that subsection, and subsection (9) is added to that section, to
 4374 read:

4375 948.06 Violation of probation or community control;

4376 revocation; modification; continuance; failure to pay
4377 restitution or cost of supervision.—

4378 (1)

4379 (c) If a probationer or offender on community control
4380 commits a technical violation, the probation officer shall
4381 determine whether the probationer or offender on community
4382 control is eligible for the alternative sanctioning program
4383 under subsection (9). If the probation officer determines that
4384 the probationer or offender on community control is eligible,
4385 the probation officer may proceed with the alternative
4386 sanctioning program in lieu of filing an affidavit of violation
4387 with the court. For purposes of this section, the term
4388 "technical violation" means an alleged violation of supervision
4389 that is not a new felony offense, misdemeanor offense, or
4390 criminal traffic offense.

4391 ~~(h)1. The chief judge of each judicial circuit, in~~
4392 ~~consultation with the state attorney, the public defender, and~~
4393 ~~the department, may establish an alternative sanctioning program~~
4394 ~~in which the department, after receiving court approval, may~~
4395 ~~enforce specified sanctions for certain technical violations of~~
4396 ~~supervision. For purposes of this paragraph, the term "technical~~
4397 ~~violation" means any alleged violation of supervision that is~~
4398 ~~not a new felony offense, misdemeanor offense, or criminal~~
4399 ~~traffic offense.~~

4400 ~~2. To establish an alternative sanctioning program, the~~

4401 ~~chief judge must issue an administrative order specifying:~~
4402 ~~a. Eligibility criteria.~~
4403 ~~b. The technical violations that are eligible for the~~
4404 ~~program.~~
4405 ~~c. The sanctions that may be recommended by a probation~~
4406 ~~officer for each technical violation.~~
4407 ~~d. The process for reporting technical violations through~~
4408 ~~the alternative sanctioning program, including approved forms.~~
4409 ~~3. If an offender is alleged to have committed a technical~~
4410 ~~violation of supervision that is eligible for the program, the~~
4411 ~~offender may:~~
4412 ~~a. Waive participation in the alternative sanctioning~~
4413 ~~program, in which case the probation officer may submit a~~
4414 ~~violation report, affidavit, and warrant to the court in~~
4415 ~~accordance with this section; or~~
4416 ~~b. Elect to participate in the alternative sanctioning~~
4417 ~~program after receiving written notice of an alleged technical~~
4418 ~~violation and a disclosure of the evidence against the offender,~~
4419 ~~admit to the technical violation, agree to comply with the~~
4420 ~~probation officer's recommended sanction if subsequently ordered~~
4421 ~~by the court, and agree to waive the right to:~~
4422 ~~(I) Be represented by legal counsel.~~
4423 ~~(II) Require the state to prove his or her guilt before a~~
4424 ~~neutral and detached hearing body.~~
4425 ~~(III) Subpoena witnesses and present to a judge evidence~~

4426 ~~in his or her defense.~~

4427 ~~(IV) Confront and cross-examine adverse witnesses.~~

4428 ~~(V) Receive a written statement from a factfinder as to~~
4429 ~~the evidence relied on and the reasons for the sanction imposed.~~

4430 ~~4. If the offender admits to committing the technical~~
4431 ~~violation and agrees with the probation officer's recommended~~
4432 ~~sanction, the probation officer must, before imposing the~~
4433 ~~sanction, submit the recommended sanction to the court as well~~
4434 ~~as documentation reflecting the offender's admission to the~~
4435 ~~technical violation and agreement with the recommended sanction.~~

4436 ~~5. The court may impose the recommended sanction or may~~
4437 ~~direct the department to submit a violation report, affidavit,~~
4438 ~~and warrant to the court in accordance with this section.~~

4439 ~~6. An offender's participation in an alternative~~
4440 ~~sanctioning program is voluntary. The offender may elect to~~
4441 ~~waive or discontinue participation in an alternative sanctioning~~
4442 ~~program at any time before the issuance of a court order~~
4443 ~~imposing the recommended sanction.~~

4444 ~~7. If an offender waives or discontinues participation in~~
4445 ~~an alternative sanctioning program, the probation officer may~~
4446 ~~submit a violation report, affidavit, and warrant to the court~~
4447 ~~in accordance with this section. The offender's prior admission~~
4448 ~~to the technical violation may not be used as evidence in~~
4449 ~~subsequent proceedings.~~

4450 (2)

4451 (f)1. Except as provided in subparagraph 3. or upon waiver
4452 by the probationer, the court shall modify or continue a
4453 probationary term upon finding a probationer in violation when
4454 any of the following applies:

4455 a. The term of supervision is probation.

4456 b. The probationer does not qualify as a violent felony
4457 offender of special concern, as defined in paragraph (8)(b).

4458 c. The violation is a low-risk technical violation, as
4459 defined in paragraph (9)(b).

4460 d. The court has not previously found the probationer in
4461 violation of his or her probation pursuant to a filed violation
4462 of probation affidavit during the current term of supervision. A
4463 probationer who has successfully completed sanctions through the
4464 alternative sanctioning program is eligible for mandatory
4465 modification or continuation of his or her probation.

4466 2. Upon modifying probation under subparagraph 1., the
4467 court may include in the sentence a maximum of 90 days in county
4468 jail as a special condition of probation.

4469 3. Notwithstanding s. 921.0024, if a probationer has less
4470 than 90 days of supervision remaining on his or her term of
4471 probation and meets the criteria for mandatory modification or
4472 continuation in subparagraph 1., the court may revoke probation
4473 and sentence the probationer to a maximum of 90 days in county
4474 jail.

4475 4. For purposes of imposing a jail sentence under this

4476 paragraph only, the court may grant credit only for time served
4477 in the county jail since the probationer's most recent arrest
4478 for the violation. However, the court may not order the
4479 probationer to a total term of incarceration greater than the
4480 maximum provided by s. 775.082.

4481 (9) (a) Each judicial circuit shall establish an
4482 alternative sanctioning program as provided in this subsection.
4483 The chief judge of each judicial circuit may, by administrative
4484 order, define additional sanctions or eligibility criteria and
4485 specify the process for reporting technical violations through
4486 the alternative sanctioning program. Any sanctions recommended
4487 for imposition through an alternative sanctions program must be
4488 submitted to the court by the probation officer for approval
4489 before imposing the sanction.

4490 (b) As used in this subsection, the term "low-risk
4491 violation," when committed by a probationer, means any of the
4492 following:

- 4493 1. A positive drug or alcohol test result.
- 4494 2. Failure to report to the probation office.
- 4495 3. Failure to report a change in address or other required
4496 information.
- 4497 4. Failure to attend a required class, treatment or
4498 counseling session, or meeting.
- 4499 5. Failure to submit to a drug or alcohol test.
- 4500 6. A violation of curfew.

4501 7. Failure to meet a monthly quota on any required
4502 probation condition, including, but not limited to, making
4503 restitution payments, paying court costs, or completing
4504 community service hours.

4505 8. Leaving the county without permission.

4506 9. Failure to report a change in employment.

4507 10. Associating with a person engaged in criminal
4508 activity.

4509 11. Any other violation as determined by administrative
4510 order of the chief judge of the circuit.

4511 (c) As used in this subsection, the term "moderate-risk
4512 violation" means any of the following:

4513 1. A violation identified in paragraph (b), when committed
4514 by an offender on community control.

4515 2. Failure to remain at an approved residence by an
4516 offender on community control.

4517 3. A third violation identified in paragraph (b) by a
4518 probationer within the current term of supervision.

4519 4. Any other violation as determined by administrative
4520 order of the chief judge of the circuit.

4521 (d) A probationer or offender on community control is not
4522 eligible for an alternative sanction if:

4523 1. He or she is a violent felony offender of special
4524 concern as defined in paragraph (8) (b);

4525 2. The violation is a felony, misdemeanor, or criminal

4526 | traffic offense;
 4527 | 3. The violation is absconding;
 4528 | 4. The violation is of a stay-away order or no-contact
 4529 | order;
 4530 | 5. The violation is not identified as low-risk or
 4531 | moderate-risk under this subsection or by administrative order;
 4532 | 6. He or she has a prior moderate-risk level violation
 4533 | during the current term of supervision;
 4534 | 7. He or she has three prior low-risk level violations
 4535 | during the same term of supervision;
 4536 | 8. The term of supervision is scheduled to terminate in
 4537 | less than 90 days; or
 4538 | 9. The terms of the sentence prohibit alternative
 4539 | sanctioning.
 4540 | (e) For a first or second low-risk violation, as defined
 4541 | in paragraph (b), within the current term of supervision, a
 4542 | probation officer may offer an eligible probationer one or more
 4543 | of the following as an alternative sanction:
 4544 | 1. Up to 5 days in the county jail.
 4545 | 2. Up to 50 additional community service hours.
 4546 | 3. Counseling or treatment.
 4547 | 4. Support group attendance.
 4548 | 5. Drug testing.
 4549 | 6. Loss of travel or other privileges.
 4550 | 7. Curfew for up to 30 days.

4551 8. House arrest for up to 30 days.

4552 9.a. Any other sanction as determined by administrative
4553 order of the chief judge of the circuit.

4554 b. However, in no circumstance shall participation in an
4555 alternative sanctioning program convert a withheld adjudication
4556 to an adjudication of guilt.

4557 (f) For a first moderate-risk violation, as defined in
4558 paragraph (c), within the current term of supervision, a
4559 probation officer, with a supervisor's approval, may offer an
4560 eligible probationer or offender on community control one or
4561 more of the following as an alternative sanction:

4562 1. Up to 21 days in the county jail.

4563 2. Curfew for up to 90 days.

4564 3. House arrest for up to 90 days.

4565 4. Electronic monitoring for up to 90 days.

4566 5. Residential treatment for up to 90 days.

4567 6. Any other sanction available for a low-risk violation.

4568 7.a. Any other sanction as determined by administrative
4569 order of the chief judge of the circuit.

4570 b. However, in no circumstance shall participation in an
4571 alternative sanctioning program convert a withheld adjudication
4572 to an adjudication of guilt.

4573 (g) The participation of a probationer or an offender on
4574 community control in the program is voluntary. The probationer
4575 or offender on community control may waive or discontinue

4576 participation in the program at any time before the court
4577 imposes a recommended sanction.

4578 (h)1. If a probationer or offender on community control is
4579 eligible for the alternative sanctioning program under this
4580 subsection, he or she may:

4581 a. Waive participation in the program, in which case the
4582 probation officer may submit a violation report, affidavit, and
4583 warrant to the court; or

4584 b. Elect to participate in the program after receiving
4585 written notice of an alleged technical violation and disclosure
4586 of the evidence against him or her, and admit the technical
4587 violation, agree to comply with the probation officer's
4588 recommended sanction if subsequently ordered by the court, and
4589 agree to waive the right to:

4590 (I) Be represented by legal counsel.

4591 (II) Require the state to prove his or her guilt before a
4592 neutral and detached hearing body.

4593 (III) Subpoena witnesses and present to a judge evidence
4594 in his or her defense.

4595 (IV) Confront and cross-examine adverse witnesses.

4596 (V) Receive a written statement from a judge as to the
4597 evidence relied on and the reasons for the sanction imposed.

4598 2. If the probationer or offender on community control
4599 admits to committing the technical violation and agrees with the
4600 probation officer's recommended sanction, the probation officer

4601 must, before imposing the sanction, submit the recommended
4602 sanction to the court with documentation reflecting the
4603 probationer's admission to the technical violation and agreement
4604 with the recommended sanction.

4605 (i) The court may impose the recommended sanction or
4606 direct the department to submit a violation report, affidavit,
4607 and warrant to the court.

4608 (j) If a probationer or offender on community control
4609 waives or discontinues participation in the program or fails to
4610 successfully complete all alternative sanctions within 90 days
4611 after imposition or within the timeframe specified in the
4612 agreed-upon sanction, the probation officer may submit a
4613 violation report, affidavit, and warrant to the court. A prior
4614 admission by the probationer or offender on community control to
4615 a technical violation may not be used as evidence in subsequent
4616 proceedings.

4617 Section 64. Subsection (6) of section 948.08, Florida
4618 Statutes, is amended to read:

4619 948.08 Pretrial intervention program.—

4620 (6) (a) For purposes of this subsection, the term
4621 "nonviolent felony" means a third degree felony violation of
4622 chapter 810 or any other felony offense that is not a forcible
4623 felony as defined in s. 776.08.

4624 (b) Notwithstanding any provision of this section, a
4625 person ~~who is charged with a nonviolent felony and is identified~~

4626 ~~as having a substance abuse problem or is charged with a felony~~
4627 ~~of the second or third degree for purchase or possession of a~~
4628 ~~controlled substance under chapter 893, prostitution, tampering~~
4629 ~~with evidence, solicitation for purchase of a controlled~~
4630 ~~substance, or obtaining a prescription by fraud; who has not~~
4631 ~~been charged with a crime involving violence, including, but not~~
4632 ~~limited to, murder, sexual battery, robbery, carjacking, home-~~
4633 ~~invasion robbery, or any other crime involving violence; and who~~
4634 ~~has not previously been convicted of a felony~~ is eligible for
4635 voluntary admission into a pretrial substance abuse education
4636 and treatment intervention program, including a treatment-based
4637 drug court program established pursuant to s. 397.334, approved
4638 by the chief judge of the circuit, for a period of not less than
4639 1 year in duration, if he or she:

4640 1. Is identified as having a substance abuse problem and
4641 is amenable to treatment.

4642 2. Is charged with a nonviolent felony.

4643 3. Has never been charged with a crime involving violence,
4644 including, but not limited to, murder, sexual battery, robbery,
4645 carjacking, home-invasion robbery, or any other crime involving
4646 violence.

4647 4. Has two or fewer felony convictions, provided that the
4648 prior convictions are for nonviolent felonies.

4649 (c) Upon motion of either party or the court's own motion,
4650 and with the agreement of the defendant, the court shall admit

4651 an eligible person into a pretrial substance abuse education and
4652 treatment intervention program, except:

4653 1. If a defendant was previously offered admission to a
4654 pretrial substance abuse education and treatment intervention
4655 program at any time before ~~prior to~~ trial and the defendant
4656 rejected that offer on the record, ~~then~~ the court or the state
4657 attorney may deny the defendant's admission to such a program.

4658 2. If the state attorney believes that the facts and
4659 circumstances of the case suggest the defendant's involvement in
4660 the dealing and selling of controlled substances, the court
4661 shall hold a preadmission hearing. If the state attorney
4662 establishes, by a preponderance of the evidence at such hearing,
4663 that the defendant was involved in the dealing or selling of
4664 controlled substances, the court shall deny the defendant's
4665 admission into a pretrial intervention program.

4666 3. If the defendant has two or fewer prior felony
4667 convictions as provided in subparagraph (b)4., the court, in its
4668 discretion, may deny admission to such a program.

4669 (d) ~~(b)~~ While enrolled in a pretrial intervention program
4670 authorized by this subsection, the participant is subject to a
4671 coordinated strategy developed by a drug court team under s.
4672 397.334(4). The coordinated strategy may include a protocol of
4673 sanctions that may be imposed upon the participant for
4674 noncompliance with program rules. The protocol of sanctions may
4675 include, but is not limited to, placement in a substance abuse

4676 treatment program offered by a licensed service provider as
4677 defined in s. 397.311 or in a jail-based treatment program or
4678 serving a period of incarceration within the time limits
4679 established for contempt of court. The coordinated strategy must
4680 be provided in writing to the participant before the participant
4681 agrees to enter into a pretrial treatment-based drug court
4682 program or other pretrial intervention program. Any person whose
4683 charges are dismissed after successful completion of the
4684 treatment-based drug court program, if otherwise eligible, may
4685 have his or her arrest record and plea of nolo contendere to the
4686 dismissed charges expunged under s. 943.0585.

4687 (e)~~(e)~~ At the end of the pretrial intervention period, the
4688 court shall consider the recommendation of the administrator
4689 pursuant to subsection (5) and the recommendation of the state
4690 attorney as to disposition of the pending charges. The court
4691 shall determine, by written finding, whether the defendant has
4692 successfully completed the pretrial intervention program.
4693 Notwithstanding the coordinated strategy developed by a drug
4694 court team pursuant to s. 397.334(4), if the court finds that
4695 the defendant has not successfully completed the pretrial
4696 intervention program, the court may order the person to continue
4697 in education and treatment, which may include substance abuse
4698 treatment programs offered by licensed service providers as
4699 defined in s. 397.311 or jail-based treatment programs, or order
4700 that the charges revert to normal channels for prosecution. The

4701 court shall dismiss the charges upon a finding that the
4702 defendant has successfully completed the pretrial intervention
4703 program.

4704 (f)~~(d)~~ Any entity, whether public or private, providing a
4705 pretrial substance abuse education and treatment intervention
4706 program under this subsection must contract with the county or
4707 appropriate governmental entity, and the terms of the contract
4708 must include, but need not be limited to, the requirements
4709 established for private entities under s. 948.15(3).

4710 Section 65. Section 948.081, Florida Statutes, is created
4711 to read:

4712 948.081 Community court programs.—

4713 (1) Each judicial circuit may establish a community court
4714 program for defendants charged with certain misdemeanor
4715 offenses. Each community court shall, at a minimum:

4716 (a) Adopt a nonadversarial approach.

4717 (b) Establish an advisory committee to recommend solutions
4718 and sanctions in each case.

4719 (c) Provide for judicial leadership and interaction.

4720 (d) In each particular case, consider the needs of the
4721 victim, consider individualized treatment services for the
4722 defendant, and monitor the defendant's compliance.

4723 (2) The chief judge of the judicial circuit, by
4724 administrative order, shall specify each misdemeanor offense
4725 eligible for the community court program. In making such

4726 determination, the chief judge shall consider the particular
4727 needs and concerns of the communities within the judicial
4728 circuit.

4729 (3) A defendant's entry into any community court program
4730 must be voluntary.

4731 (4) The chief judge shall appoint a community court
4732 resource coordinator, who shall:

4733 (a) Coordinate the responsibilities of the participating
4734 agencies and service providers.

4735 (b) Provide case management services.

4736 (c) Monitor compliance by defendants with court
4737 requirements.

4738 (d) Manage the collection of data for program evaluation
4739 and accountability.

4740 (5) The chief judge of the judicial circuit shall appoint
4741 members to an advisory committee for each community court. The
4742 members of the advisory committee must include, at a minimum:

4743 (a) The chief judge or a community court judge designated
4744 by the chief judge, who shall serve as chair.

4745 (b) The state attorney or his or her designee.

4746 (c) The public defender or his or her designee.

4747 (d) The community court resource coordinator.

4748
4749 The committee may also include community stakeholders, treatment
4750 representatives, and other persons the chair deems appropriate.

4751 (6) The advisory committee shall review each defendant's
4752 case. Each committee member may make recommendations to the
4753 judge, including appropriate sanctions and treatment solutions
4754 for the defendant. The judge shall consider such recommendations
4755 and make the final decision concerning sanctions and treatment
4756 with respect to each defendant.

4757 (7) Each judicial circuit shall report client-level and
4758 programmatic data to the Office of the State Courts
4759 Administrator annually for program evaluation. Client-level data
4760 include primary offenses resulting in the community court
4761 referral or sentence, treatment compliance, completion status,
4762 reasons for failing to complete the program, offenses committed
4763 during treatment and sanctions imposed, frequency of court
4764 appearances, and units of service. Programmatic data include
4765 referral and screening procedures, eligibility criteria, type
4766 and duration of treatment offered, and residential treatment
4767 resources.

4768 (8) The Department of Corrections, the Department of
4769 Juvenile Justice, the Department of Health, the Department of
4770 Law Enforcement, the Department of Education, law enforcement
4771 agencies, and other governmental entities involved in the
4772 criminal justice system shall support such community court
4773 programs.

4774 (9) Community court program funding must be secured from
4775 sources other than the state for costs not assumed by the state

4776 | under s. 29.004. However, this subsection does not preclude the
 4777 | use of funds provided for treatment and other services through
 4778 | state executive branch agencies.

4779 | Section 66. Section 951.22, Florida Statutes, is amended
 4780 | to read:

4781 | 951.22 County detention facilities; contraband articles.-

4782 | (1) It is unlawful, except through regular channels as
 4783 | duly authorized by the sheriff or officer in charge, to
 4784 | introduce into or possess upon the grounds of any county
 4785 | detention facility as defined in s. 951.23 or to give to or
 4786 | receive from any inmate of any such facility wherever said
 4787 | inmate is located at the time or to take or to attempt to take
 4788 | or send therefrom any of the following articles, which are
 4789 | ~~hereby declared to be~~ contraband:

4790 | (a) ~~for the purposes of this act, to wit:~~ Any written or
 4791 | recorded communication. This paragraph does not apply to any
 4792 | document or correspondence exchanged between a lawyer,
 4793 | paralegal, or other legal staff and an inmate at a detention
 4794 | facility if the document or correspondence is otherwise lawfully
 4795 | possessed and disseminated and relates to the legal
 4796 | representation of the inmate.†

4797 | (b) Any currency or coin.†

4798 | (c) Any article of food or clothing.†

4799 | (d) Any tobacco products as defined in s. 210.25(12).†

4800 | (e) Any cigarette as defined in s. 210.01(1).†

4801 (f) Any cigar.~~†~~

4802 (g) Any intoxicating beverage or beverage that ~~which~~

4803 causes or may cause an intoxicating effect.~~†~~

4804 (h) Any narcotic, hypnotic, or excitative drug or drug of

4805 any kind or nature, including nasal inhalators, sleeping pills,

4806 barbiturates, and controlled substances as defined in s.

4807 893.02(4).~~†~~

4808 (i) Any firearm or any instrumentality customarily used or

4809 which is intended to be used as a dangerous weapon.~~†~~ ~~and~~

4810 (j) Any instrumentality of any nature which ~~that~~ may be or

4811 is intended to be used as an aid in effecting or attempting to

4812 effect an escape from a county facility.

4813 (k) Any cellular telephone or other portable communication

4814 device as described in s. 944.47(1)(a)6. The term does not

4815 include any device that has communication capabilities which has

4816 been approved or issued by the sheriff or officer in charge for

4817 investigative or institutional security purposes or for

4818 conducting other official business.

4819 (2) A person who ~~Whoever~~ violates paragraph (1)(a),

4820 paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph

4821 (1)(e), paragraph (1)(f), or paragraph (1)(g) commits a

4822 misdemeanor of the first degree, punishable as provided in s.

4823 775.082 or s. 775.083. A person who violates paragraph (1)(h),

4824 paragraph (1)(i), paragraph (1)(j), or paragraph (1)(k) commits

4825 subsection (1) shall be guilty of a felony of the third degree,

4826 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4827 Section 67. Subsection (1) of section 958.04, Florida
 4828 Statutes, is amended to read:

4829 958.04 Judicial disposition of youthful offenders.—

4830 (1) The court may sentence as a youthful offender any
 4831 person:

4832 (a) Who is at least 18 years of age or who has been
 4833 transferred for prosecution to the criminal division of the
 4834 circuit court pursuant to chapter 985;

4835 (b) Who is found guilty of or who has tendered, and the
 4836 court has accepted, a plea of nolo contendere or guilty to a
 4837 crime that is, under the laws of this state, a felony if such
 4838 crime was committed before the defendant turned 21 years of age
 4839 ~~the offender is younger than 21 years of age at the time~~
 4840 ~~sentence is imposed; and~~

4841 (c) Who has not previously been classified as a youthful
 4842 offender under ~~the provisions of~~ this act; however, a person who
 4843 has been found guilty of a capital or life felony may not be
 4844 sentenced as a youthful offender under this act.

4845 Section 68. Section 960.07, Florida Statutes, is amended
 4846 to read:

4847 960.07 Filing of claims for compensation.—

4848 (1) A claim for compensation may be filed by a person
 4849 eligible for compensation as provided in s. 960.065 or, if such
 4850 person is a minor, by his or her parent or guardian or, if the

4851 person entitled to make a claim is mentally incompetent, by the
 4852 person's guardian or such other individual authorized to
 4853 administer his or her estate.

4854 (2) Except as provided in subsections ~~subsection~~ (3) and
 4855 (4), a claim must be filed in accordance with this subsection.
 4856 ~~not later than 1 year after:~~

4857 (a)1. A claim arising from a crime occurring before
 4858 October 1, 2019, must be filed within 1 year after:

4859 a. The occurrence of the crime upon which the claim is
 4860 based.

4861 b.~~(b)~~ The death of the victim or intervenor.

4862 c.~~(c)~~ The death of the victim or intervenor is determined
 4863 to be the result of a crime, and the crime occurred after June
 4864 30, 1994.

4865 2. ~~However,~~ For good cause the department may extend the
 4866 time for filing a claim under subparagraph 1. for a period not
 4867 exceeding 2 years after such occurrence.

4868 (b)1. A claim arising from a crime occurring on or after
 4869 October 1, 2019, must be filed within 3 years after the later
 4870 of:

4871 a. The occurrence of the crime upon which the claim is
 4872 based;

4873 b. The death of the victim or intervenor; or

4874 c. The death of the victim or intervenor is determined to
 4875 be the result of the crime.

4876 2. For good cause the department may extend the time for
4877 filing a claim under subparagraph 1. for a period not to exceed
4878 5 years after such occurrence.

4879 (3) Notwithstanding the provisions of subsection (2) ~~and~~
4880 ~~regardless of when the crime occurred,~~ if the victim or
4881 intervenor was under the age of 18 at the time the crime upon
4882 which the claim is based occurred, a claim may be filed in
4883 accordance with this subsection.

4884 (a) The victim's or intervenor's parent or guardian may
4885 file a claim on behalf of the victim or intervenor while the
4886 victim or intervenor is less than 18 years of age; ~~or~~

4887 (b) For a claim arising from a crime that occurred before
4888 October 1, 2019, when a victim or intervenor who was under the
4889 age of 18 at the time the crime occurred reaches the age of 18,
4890 the victim or intervenor has 1 year ~~within which~~ to file a
4891 claim; or

4892 (c) For a claim arising from a crime occurring on or after
4893 October 1, 2019, when a victim or intervenor who was under the
4894 age of 18 at the time the crime occurred reaches the age of 18,
4895 the victim or intervenor has 3 years to file a claim.

4896
4897 For good cause, the department may extend the time period
4898 allowed for filing a claim under paragraph (b) for an additional
4899 period not to exceed 1 year or under paragraph (c) for an
4900 additional period not to exceed 2 years.

4901 (4) The provisions of subsection (2) notwithstanding, ~~and~~
 4902 ~~regardless of when the crime occurred,~~ a victim of a sexually
 4903 violent offense as defined in s. 394.912, may file a claim for
 4904 compensation for counseling or other mental health services
 4905 within:

4906 (a) One ± year after the filing of a petition under s.
 4907 394.914, to involuntarily civilly commit the individual who
 4908 perpetrated the sexually violent offense, if the claim arises
 4909 from a crime committed before October 1, 2019; or

4910 (b) Three years after the filing of petition under s.
 4911 394.914, to involuntarily civilly commit the individual who
 4912 perpetrated the sexually violent offense, if the claim arises
 4913 from a crime committed on or after October 1, 2019.

4914 Section 69. Paragraph (b) of subsection (1) of section
 4915 960.13, Florida Statutes, is amended to read:

4916 960.13 Awards.—

4917 (1)

4918 (b) In no case may an award be made when the record shows
 4919 that such report was made more than:

4920 1. Seventy-two 72 hours after the occurrence of such
 4921 crime, if the crime occurred before October 1, 2019; or

4922 2. Five days after the occurrence of such crime, if the
 4923 crime occurred on or after October 1, 2019,

4924
 4925 unless the department, for good cause shown, finds the delay to

4926 | have been justified. The department, upon finding that any
 4927 | claimant or award recipient has not duly cooperated with the
 4928 | state attorney, all law enforcement agencies, and the
 4929 | department, may deny, reduce, or withdraw any award, as the case
 4930 | may be.

4931 | Section 70. Subsection (1) of section 960.195, Florida
 4932 | Statutes, is amended to read:

4933 | 960.195 Awards to elderly persons or disabled adults for
 4934 | property loss.—

4935 | (1) Notwithstanding the criteria in s. 960.13, for crime
 4936 | victim compensation awards, the department may award a maximum
 4937 | of \$500 on any one claim and a lifetime maximum of \$1,000 on all
 4938 | claims to elderly persons or disabled adults who suffer a
 4939 | property loss that causes a substantial diminution in their
 4940 | quality of life when:

4941 | (a) There is proof that a criminal or delinquent act was
 4942 | committed;

4943 | (b) The criminal or delinquent act is reported to law
 4944 | enforcement authorities within:

4945 | 1. Seventy-two ~~72~~ hours, if such crime or act occurred
 4946 | before October 1, 2019; or

4947 | 2. Five days, if such crime or act occurred on or after
 4948 | October 1, 2019,

4949 |
 4950 | unless the department, for good cause shown, finds the delay to

4951 have been justified;

4952 (c) There is proof that the tangible personal property in
4953 question belonged to the claimant;

4954 (d) The claimant did not contribute to the criminal or
4955 delinquent act;

4956 (e) There is no other source of reimbursement or
4957 indemnification available to the claimant; and

4958 (f) The claimant would not be able to replace the tangible
4959 personal property in question without incurring a serious
4960 financial hardship.

4961 Section 71. Section 960.196, Florida Statutes, is amended
4962 to read:

4963 960.196 Relocation assistance for victims of human
4964 trafficking.—

4965 (1) Notwithstanding the criteria specified in ss.
4966 960.07(2) and 960.13 for crime victim compensation awards, the
4967 department may award a one-time payment of up to \$1,500 for any
4968 one claim and a lifetime maximum of \$3,000 to a victim of human
4969 trafficking who needs urgent assistance to escape from an unsafe
4970 environment directly related to the human trafficking offense.

4971 (2) In order for an award to be granted to a victim for
4972 relocation assistance:

4973 (a) There must be proof that a human trafficking offense,
4974 as described in s. 787.06(3)(b), (d), (f), or (g), was
4975 committed.

4976 (b)1. For a crime occurring before October 1, 2019, the
4977 crime must be reported to the proper authorities and the claim
4978 must be filed within 1 year, or 2 years with good cause, after
4979 the date of the last human trafficking offense, as described in
4980 s. 787.06(3) (b), (d), (f), or (g).

4981 2. For a crime occurring on or after October 1, 2019, the
4982 crime must be reported to the proper authorities and the claim
4983 must be filed within 3 years, or 5 years with good cause, after
4984 the date of the last human trafficking offense, as described in
4985 s. 787.06(3) (b), (d), (f), or (g).

4986 3. In a case that exceeds the reporting and filing ~~2-year~~
4987 requirement due to an active and ongoing investigation, a state
4988 attorney, statewide prosecutor, or federal prosecutor may
4989 certify in writing a human trafficking victim's need to relocate
4990 from an unsafe environment due to the threat of future violence
4991 which is directly related to the human trafficking offense.

4992 (c) The victim's need must be certified by a certified
4993 domestic violence or rape crisis center in this state, except as
4994 provided in paragraph (b). The center's certification must
4995 assert that the victim is cooperating with the proper
4996 authorities and must include documentation that the victim has
4997 developed a safety plan.

4998 (3) Relocation payments for a human trafficking claim
4999 shall be denied if the department has previously approved or
5000 paid out a domestic violence or sexual battery relocation claim

5001 | under s. 960.198 or s. 960.199 to the same victim regarding the
 5002 | same incident.

5003 | Section 72. Subsection (2) of section 960.28, Florida
 5004 | Statutes, is amended to read:

5005 | 960.28 Payment for victims' initial forensic physical
 5006 | examinations.—

5007 | (2) The Crime Victims' Services Office of the department
 5008 | shall pay for medical expenses connected with an initial
 5009 | forensic physical examination of a victim of sexual battery as
 5010 | defined in chapter 794 or a lewd or lascivious offense as
 5011 | defined in chapter 800. Such payment shall be made regardless of
 5012 | whether the victim is covered by health or disability insurance
 5013 | and whether the victim participates in the criminal justice
 5014 | system or cooperates with law enforcement. The payment shall be
 5015 | made only out of moneys allocated to the Crime Victims' Services
 5016 | Office for the purposes of this section, and the payment may not
 5017 | exceed \$1,000 ~~\$500~~ with respect to any violation. The department
 5018 | shall develop and maintain separate protocols for the initial
 5019 | forensic physical examination of adults and children. Payment
 5020 | under this section is limited to medical expenses connected with
 5021 | the initial forensic physical examination, and payment may be
 5022 | made to a medical provider using an examiner qualified under
 5023 | part I of chapter 464, excluding s. 464.003(14); chapter 458; or
 5024 | chapter 459. Payment made to the medical provider by the
 5025 | department shall be considered by the provider as payment in

5026 full for the initial forensic physical examination associated
5027 with the collection of evidence. The victim may not be required
5028 to pay, directly or indirectly, the cost of an initial forensic
5029 physical examination performed in accordance with this section.

5030 Section 73. Effective upon this act becoming a law,
5031 paragraphs (c), (d), and (f) of subsection (2) of section
5032 985.12, Florida Statutes, are amended to read:

5033 985.12 Civil citation or similar prearrest diversion
5034 programs.—

5035 (2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST
5036 DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

5037 (c) The state attorney of each circuit shall operate a
5038 civil citation or similar prearrest diversion program in each
5039 circuit. A sheriff, police department, county, municipality,
5040 locally authorized entity, or public or private educational
5041 institution may continue to operate an independent civil
5042 citation or similar prearrest diversion program that is in
5043 operation as of October 1, 2018, if the independent program is
5044 reviewed by the state attorney of the applicable circuit and he
5045 or she determines that the independent program is substantially
5046 similar to the civil citation or similar prearrest diversion
5047 program developed by the circuit. If the state attorney
5048 determines that the independent program is not substantially
5049 similar to the civil citation or similar prearrest diversion
5050 program developed by the circuit, the operator of the

5051 independent diversion program may revise the program and the
5052 state attorney may conduct an additional review of the
5053 independent program.

5054 (d) A judicial circuit may model an existing sheriff's,
5055 police department's, county's, municipality's, locally
5056 authorized entity's, or public or private educational
5057 institution's independent civil citation or similar prearrest
5058 diversion program in developing the civil citation or similar
5059 prearrest diversion program for the circuit.

5060 (f) Each civil citation or similar prearrest diversion
5061 program shall enter the appropriate youth data into the Juvenile
5062 Justice Information System Prevention Web within 7 days after
5063 the admission of the youth into the program ~~A copy of each civil~~
5064 ~~citation or similar prearrest diversion program notice issued~~
5065 ~~under this section shall be provided to the department, and the~~
5066 ~~department shall enter appropriate information into the juvenile~~
5067 ~~offender information system.~~

5068 Section 74. Effective upon this act becoming a law,
5069 subsection (2) and paragraph (c) of subsection (3) of section
5070 985.126, Florida Statutes, are amended to read:

5071 985.126 Diversion programs; data collection; denial of
5072 participation or expunged record.—

5073 (2) Upon issuance of documentation requiring a minor to
5074 participate in a diversion program, before or without an arrest,
5075 the issuing law enforcement officer shall send a copy of such

5076 documentation to the entity designated to operate the diversion
5077 program ~~and to the department~~, which shall enter such
5078 information into the Juvenile Justice Information System
5079 Prevention Web within 7 days after the youth's admission into
5080 the program.

5081 (3)

5082 (c) The data required pursuant to paragraph (a) shall be
5083 entered into the Juvenile Justice Information System Prevention
5084 Web within 7 days after the youth's admission into the program
5085 ~~submitted to the department quarterly.~~

5086 Section 75. Effective upon this act becoming a law,
5087 paragraph (f) of subsection (1) of section 985.145, Florida
5088 Statutes, is amended to read:

5089 985.145 Responsibilities of the department during intake;
5090 screenings and assessments.—

5091 (1) The department shall serve as the primary case manager
5092 for the purpose of managing, coordinating, and monitoring the
5093 services provided to the child. Each program administrator
5094 within the Department of Children and Families shall cooperate
5095 with the primary case manager in carrying out the duties and
5096 responsibilities described in this section. In addition to
5097 duties specified in other sections and through departmental
5098 rules, the department shall be responsible for the following:

5099 ~~(f) Prevention web. For a child with a first-time~~
5100 ~~misdemeanor offense, the department shall enter all related~~

5101 ~~information into the Juvenile Justice Information System~~
5102 ~~Prevention Web until such time as formal charges are filed. If~~
5103 ~~formal charges are not filed, the information shall remain in~~
5104 ~~the Juvenile Justice Information System Prevention Web until~~
5105 ~~removed pursuant to department policies.~~

5106 Section 76. Subsection (2) of section 985.557, Florida
5107 Statutes, is amended to read:

5108 985.557 Direct filing of an information; discretionary and
5109 mandatory criteria.—

5110 ~~(2) MANDATORY DIRECT FILE.—~~

5111 ~~(a) With respect to any child who was 16 or 17 years of~~
5112 ~~age at the time the alleged offense was committed, the state~~
5113 ~~attorney shall file an information if the child has been~~
5114 ~~previously adjudicated delinquent for an act classified as a~~
5115 ~~felony, which adjudication was for the commission of, attempt to~~
5116 ~~commit, or conspiracy to commit murder, sexual battery, armed or~~
5117 ~~strong-armed robbery, carjacking, home-invasion robbery,~~
5118 ~~aggravated battery, or aggravated assault, and the child is~~
5119 ~~currently charged with a second or subsequent violent crime~~
5120 ~~against a person.~~

5121 ~~(b) With respect to any child 16 or 17 years of age at the~~
5122 ~~time an offense classified as a forcible felony, as defined in~~
5123 ~~s. 776.08, was committed, the state attorney shall file an~~
5124 ~~information if the child has previously been adjudicated~~
5125 ~~delinquent or had adjudication withheld for three acts~~

5126 ~~classified as felonies each of which occurred at least 45 days~~
5127 ~~apart from each other. This paragraph does not apply when the~~
5128 ~~state attorney has good cause to believe that exceptional~~
5129 ~~circumstances exist which preclude the just prosecution of the~~
5130 ~~juvenile in adult court.~~

5131 ~~(c) The state attorney must file an information if a~~
5132 ~~child, regardless of the child's age at the time the alleged~~
5133 ~~offense was committed, is alleged to have committed an act that~~
5134 ~~would be a violation of law if the child were an adult, that~~
5135 ~~involves stealing a motor vehicle, including, but not limited~~
5136 ~~to, a violation of s. 812.133, relating to carjacking, or s.~~
5137 ~~812.014(2)(c)6., relating to grand theft of a motor vehicle, and~~
5138 ~~while the child was in possession of the stolen motor vehicle~~
5139 ~~the child caused serious bodily injury to or the death of a~~
5140 ~~person who was not involved in the underlying offense. For~~
5141 ~~purposes of this section, the driver and all willing passengers~~
5142 ~~in the stolen motor vehicle at the time such serious bodily~~
5143 ~~injury or death is inflicted shall also be subject to mandatory~~
5144 ~~transfer to adult court. "Stolen motor vehicle," for the~~
5145 ~~purposes of this section, means a motor vehicle that has been~~
5146 ~~the subject of any criminal wrongful taking. For purposes of~~
5147 ~~this section, "willing passengers" means all willing passengers~~
5148 ~~who have participated in the underlying offense.~~

5149 ~~(d)1. With respect to any child who was 16 or 17 years of~~
5150 ~~age at the time the alleged offense was committed, the state~~

5151 ~~attorney shall file an information if the child has been charged~~
5152 ~~with committing or attempting to commit an offense listed in s.~~
5153 ~~775.087(2)(a)1.a.-p., and, during the commission of or attempt~~
5154 ~~to commit the offense, the child:~~

5155 ~~a. Actually possessed a firearm or destructive device, as~~
5156 ~~those terms are defined in s. 790.001.~~

5157 ~~b. Discharged a firearm or destructive device, as~~
5158 ~~described in s. 775.087(2)(a)2.~~

5159 ~~e. Discharged a firearm or destructive device, as~~
5160 ~~described in s. 775.087(2)(a)3., and, as a result of the~~
5161 ~~discharge, death or great bodily harm was inflicted upon any~~
5162 ~~person.~~

5163 ~~2. Upon transfer, any child who is:~~

5164 ~~a. Charged under sub-subparagraph 1.a. and who has been~~
5165 ~~previously adjudicated or had adjudication withheld for a~~
5166 ~~forcible felony offense or any offense involving a firearm, or~~
5167 ~~who has been previously placed in a residential commitment~~
5168 ~~program, shall be subject to sentencing under s. 775.087(2)(a),~~
5169 ~~notwithstanding s. 985.565.~~

5170 ~~b. Charged under sub-subparagraph 1.b. or sub-subparagraph~~
5171 ~~1.c., shall be subject to sentencing under s. 775.087(2)(a),~~
5172 ~~notwithstanding s. 985.565.~~

5173 ~~3. Upon transfer, any child who is charged under this~~
5174 ~~paragraph, but who does not meet the requirements specified in~~
5175 ~~subparagraph 2., shall be sentenced under s. 985.565; however,~~

5176 ~~if the court imposes a juvenile sanction, the court must commit~~
5177 ~~the child to a high risk or maximum risk juvenile facility.~~

5178 ~~4. This paragraph shall not apply if the state attorney~~
5179 ~~has good cause to believe that exceptional circumstances exist~~
5180 ~~that preclude the just prosecution of the child in adult court.~~

5181 ~~5. The Department of Corrections shall make every~~
5182 ~~reasonable effort to ensure that any child 16 or 17 years of age~~
5183 ~~who is convicted and sentenced under this paragraph be~~
5184 ~~completely separated such that there is no physical contact with~~
5185 ~~adult offenders in the facility, to the extent that it is~~
5186 ~~consistent with chapter 958.~~

5187 Section 77. Subsection (3) of section 776.09, Florida
5188 Statutes, is amended to read:

5189 776.09 Retention of records pertaining to persons found to
5190 be acting in lawful self-defense; expunction of criminal history
5191 records.—

5192 (3) Under either condition described in subsection (1) or
5193 subsection (2), the person accused may apply for a certificate
5194 of eligibility to expunge the associated criminal history
5195 record, pursuant to s. 943.0578 ~~s. 943.0585(5)~~, notwithstanding
5196 the eligibility requirements prescribed in s. 943.0585(1) ~~s.~~
5197 ~~943.0585(1)(b)~~ or (2).

5198 Section 78. Paragraph (c) of subsection (3) of section
5199 943.053, Florida Statutes, is amended to read:

5200 943.053 Dissemination of criminal justice information;

5201 fees.—

5202 (3)

5203 (c)1. Criminal history information relating to juveniles,

5204 including criminal history information consisting in whole or in

5205 part of information that is confidential and exempt under

5206 paragraph (b), shall be available to:

5207 a. A criminal justice agency for criminal justice purposes

5208 on a priority basis and free of charge;

5209 b. The person to whom the record relates, or his or her

5210 attorney;

5211 c. The parent, guardian, or legal custodian of the person

5212 to whom the record relates, provided such person has not reached

5213 the age of majority, been emancipated by a court, or been

5214 legally married; or

5215 d. An agency or entity specified in s. 943.0585(6) ~~s.~~

5216 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~, for the purposes

5217 specified therein, and to any person within such agency or

5218 entity who has direct responsibility for employment, access

5219 authorization, or licensure decisions.

5220 2. After providing the program with all known personal

5221 identifying information, the criminal history information

5222 relating to a juvenile which is not confidential and exempt

5223 under this subsection may be released to the private sector and

5224 noncriminal justice agencies not specified in s. 943.0585(6) ~~s.~~

5225 ~~943.0585(4)~~ or s. 943.059(6) ~~s. 943.059(4)~~ in the same manner as

5226 provided in paragraph (a). Criminal history information relating
 5227 to a juvenile which is not confidential and exempt under this
 5228 subsection is the entire criminal history information relating
 5229 to a juvenile who satisfies any of the criteria listed in sub-
 5230 subparagraphs (b)1.a.-d., except for any portion of such
 5231 juvenile's criminal history record which has been expunged or
 5232 sealed under any law applicable to such record.

5233 3. All criminal history information relating to juveniles,
 5234 other than that provided to criminal justice agencies for
 5235 criminal justice purposes, shall be provided upon tender of fees
 5236 as established in this subsection and in the manner prescribed
 5237 by rule of the Department of Law Enforcement.

5238 Section 79. Paragraph (b) of subsection (2) of section
 5239 943.0582, Florida Statutes, is amended to read:

5240 943.0582 Diversion program expunction.—

5241 (2) As used in this section, the term:

5242 (b) "Expunction" has the same meaning ascribed in and
 5243 effect as s. 943.0585, except that:

5244 1. Section 943.0585(6) (b) does ~~The provisions of s.~~
 5245 ~~943.0585(4) (a) do~~ not apply, except that the criminal history
 5246 record of a person whose record is expunged pursuant to this
 5247 section shall be made available only to criminal justice
 5248 agencies for the purpose of:

5249 a. Determining eligibility for diversion programs;

5250 b. A criminal investigation; or

5251 c. Making a prosecutorial decision under s. 985.15.
 5252 2. Records maintained by local criminal justice agencies
 5253 in the county in which the arrest occurred that are eligible for
 5254 expunction pursuant to this section shall be sealed as the term
 5255 is used in s. 943.059.

5256 Section 80. Paragraphs (a) and (b) of subsection (4) of
 5257 section 985.565, Florida Statutes, are amended to read:

5258 985.565 Sentencing powers; procedures; alternatives for
 5259 juveniles prosecuted as adults.—

5260 (4) SENTENCING ALTERNATIVES.—

5261 (a) *Adult sanctions*.—

5262 1. Cases prosecuted on indictment.—If the child is found
 5263 to have committed the offense punishable by death or life
 5264 imprisonment, the child shall be sentenced as an adult. If the
 5265 juvenile is not found to have committed the indictable offense
 5266 but is found to have committed a lesser included offense or any
 5267 other offense for which he or she was indicted as a part of the
 5268 criminal episode, the court may sentence as follows:

5269 a. As an adult;

5270 b. Under chapter 958; or

5271 c. As a juvenile under this section.

5272 2. Other cases.—If a child who has been transferred for
 5273 criminal prosecution pursuant to information or waiver of
 5274 juvenile court jurisdiction is found to have committed a
 5275 violation of state law or a lesser included offense for which he

5276 or she was charged as a part of the criminal episode, the court
5277 may sentence as follows:

5278 a. As an adult;

5279 b. Under chapter 958; or

5280 c. As a juvenile under this section.

5281 3. Notwithstanding any other provision to the contrary, if
5282 the state attorney is required to file a motion to transfer and
5283 certify the juvenile for prosecution as an adult under s.

5284 985.556(3) and that motion is granted, ~~or if the state attorney~~
5285 ~~is required to file an information under s. 985.557(2)(a) or~~
5286 ~~(b)~~, the court must impose adult sanctions.

5287 4. Any sentence imposing adult sanctions is presumed
5288 appropriate, and the court is not required to set forth specific
5289 findings or enumerate the criteria in this subsection as any
5290 basis for its decision to impose adult sanctions.

5291 5. When a child has been transferred for criminal
5292 prosecution as an adult and has been found to have committed a
5293 violation of state law, the disposition of the case may include
5294 the enforcement of any restitution ordered in any juvenile
5295 proceeding.

5296 (b) *Juvenile sanctions.*—For juveniles transferred to adult
5297 court but who do not qualify for such transfer under s.

5298 985.556(3) ~~or s. 985.557(2)(a) or (b)~~, the court may impose
5299 juvenile sanctions under this paragraph. If juvenile sentences
5300 are imposed, the court shall, under this paragraph, adjudge the

5301 child to have committed a delinquent act. Adjudication of
5302 delinquency may ~~shall~~ not be deemed a conviction, nor shall it
5303 operate to impose any of the civil disabilities ordinarily
5304 resulting from a conviction. The court shall impose an adult
5305 sanction or a juvenile sanction and may not sentence the child
5306 to a combination of adult and juvenile punishments. An adult
5307 sanction or a juvenile sanction may include enforcement of an
5308 order of restitution or probation previously ordered in any
5309 juvenile proceeding. However, if the court imposes a juvenile
5310 sanction and the department determines that the sanction is
5311 unsuitable for the child, the department shall return custody of
5312 the child to the sentencing court for further proceedings,
5313 including the imposition of adult sanctions. Upon adjudicating a
5314 child delinquent under subsection (1), the court may:

5315 1. Place the child in a probation program under the
5316 supervision of the department for an indeterminate period of
5317 time until the child reaches the age of 19 years or sooner if
5318 discharged by order of the court.

5319 2. Commit the child to the department for treatment in an
5320 appropriate program for children for an indeterminate period of
5321 time until the child is 21 or sooner if discharged by the
5322 department. The department shall notify the court of its intent
5323 to discharge no later than 14 days before ~~prior to~~ discharge.
5324 Failure of the court to timely respond to the department's
5325 notice shall be considered approval for discharge.

5326 3. Order disposition under ss. 985.435, 985.437, 985.439,
 5327 985.441, 985.45, and 985.455 as an alternative to youthful
 5328 offender or adult sentencing if the court determines not to
 5329 impose youthful offender or adult sanctions.

5330
 5331 It is the intent of the Legislature that the criteria and
 5332 guidelines in this subsection are mandatory and that a
 5333 determination of disposition under this subsection is subject to
 5334 the right of the child to appellate review under s. 985.534.

5335 Section 81. Subsection (3) of section 921.0022, Florida
 5336 Statutes, is amended to read:

5337 921.0022 Criminal Punishment Code; offense severity
 5338 ranking chart.—

5339 (3) OFFENSE SEVERITY RANKING CHART

5340 (a) LEVEL 1

Florida	Felony	
Statute	Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.

5343

5344	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.
5345	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
5346	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
5347	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
5348	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
5349	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.

5350	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
5351	322.212 (5) (a)	3rd	False application for driver license or identification card.
5352	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
5353	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
5354	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value <u>\$1,000 or more</u> greater than \$300.
5355	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.

5356	562.27(1)	3rd	Possess still or still apparatus.
5357	713.69	3rd	Tenant removes property upon which lien has accrued, value <u>\$1,000 or more</u> than \$50.
5358	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
5359	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
5360	815.04(5)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
5361	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
	817.569(2)	3rd	Use of public record or public records information or providing false information to

			facilitate commission of a felony.
5362			
	826.01	3rd	Bigamy.
5363			
	828.122 (3)	3rd	Fighting or baiting animals.
5364			
	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
5365			
	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
5366			
	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
5367			
	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.

5368	838.15 (2)	3rd	Commercial bribe receiving.
5369	838.16	3rd	Commercial bribery.
5370	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
5371	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
5372	849.01	3rd	Keeping gambling house.
5373	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.
5374	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
5375	849.25 (2)	3rd	Engaging in bookmaking.

5376	860.08	3rd	Interfere with a railroad signal.
5377	860.13(1)(a)	3rd	Operate aircraft while under the influence.
5378	893.13(2)(a)2.	3rd	Purchase of cannabis.
5379	893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
5380	934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
5381			
5382			
5383	(b) LEVEL 2		
	Florida	Felony	
	Statute	Degree	Description
5384	379.2431	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
	(1)(e)3.		

5385	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
5386	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.
5387	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
5388	590.28 (1)	3rd	Intentional burning of lands.
5389	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
5390	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.

5391	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
5392	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
5393	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
5394	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; <u>\$750</u> \$300 or more but less than \$5,000.
5395	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than <u>\$750</u> \$300 , taken from unenclosed curtilage of dwelling.
5396	812.015(7)	3rd	Possession, use, or attempted

			use of an antishoplifting or inventory control device countermeasure.
5397	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
5398	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
5399	817.52(3)	3rd	Failure to redeliver hired vehicle.
5400	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
5401	817.60(5)	3rd	Dealing in credit cards of another.
5402	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
5403			

5404	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
5405	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
5406	831.01	3rd	Forgery.
5407	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
5408	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
5409	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
5410	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.

5411	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
5412	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
5413	843.08	3rd	False personation.
5414	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.
5415	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
5416	(c) LEVEL 3		
5417	Florida Statute	Felony Degree	Description
5418	119.10 (2) (b)	3rd	Unlawful use of confidential

			information from police reports.
5419	316.066	3rd	Unlawfully obtaining or using confidential crash reports.
	(3) (b) - (d)		
5420	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
5421	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
5422	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
5423	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
5424	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
5425	319.33 (4)	3rd	With intent to defraud,

5426	327.35 (2) (b)	3rd	possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
5427	328.05 (2)	3rd	Felony BUI. Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
5428	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
5429	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
5430	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or

5431	379.2431 (1) (e) 6.	3rd	<p>marine turtle nests in violation of the Marine Turtle Protection Act.</p> <p>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.</p>
5432	379.2431 (1) (e) 7.	3rd	<p>Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.</p>
5433	400.9935 (4) (a) or (b)	3rd	<p>Operating a clinic, or offering services requiring licensure, without a license.</p>
5434	400.9935 (4) (e)	3rd	<p>Filing a false license application or other required information or failing to report information.</p>
5435			

5436	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
5437	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
5438	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
5439	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
5440	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
5441	697.08	3rd	Equity skimming.
	790.15 (3)	3rd	Person directs another to discharge firearm from a

5442			vehicle.
	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
5443			
	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
5444			
	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
5445			
	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
5446			
	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
5447			
	<u>812.015(8)(b)</u>	<u>3rd</u>	<u>Retail theft with intent to sell; conspires with others.</u>
5448			

5449	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
5450	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
5451	817.233	3rd	Burning to defraud insurer.
5452	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
5453	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
5454	817.236	3rd	Filing a false motor vehicle insurance application.
5455	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

5456	817.413 (2)	3rd	Sale of used goods <u>of \$1,000 or more</u> as new.
5457	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>
5458	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
5459	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
5460	843.19	3rd	Injure, disable, or kill police dog or horse.
5461	860.15 (3)	3rd	Overcharging for repairs and parts.
5462	870.01 (2)	3rd	Riot; inciting or encouraging.
	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver

5463	893.13(1)(d)2.	2nd	<p>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).</p> <p>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.</p>
5464	893.13(1)(f)2.	2nd	<p>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.</p>
5465	893.13(4)(c)	3rd	<p>Use or hire of minor; deliver to minor other controlled substances.</p>

5466	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
5467	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
5468	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
5469	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
5470	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
5471	893.13 (8) (a) 1.	3rd	Knowingly assist a patient,

other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

5472

893.13(8)(a)2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

5473

893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

5474

893.13(8)(a)4. 3rd 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

5475			practitioner.
	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
5476			
	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
5477			
	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
5478			
	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
5479			
5480			
5481	(d) LEVEL 4		
	Florida Statute	Felony Degree	Description
5482			
	316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to

5483	499.0051(1)	3rd	elude law enforcement officer who is in a patrol vehicle with siren and lights activated. Failure to maintain or deliver transaction history, transaction information, or transaction statements.
5484	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
5485	517.07(1)	3rd	Failure to register securities.
5486	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
5487	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
5488	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
5489			

5490	784.075	3rd	Battery on detention or commitment facility staff.
5491	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
5492	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
5493	784.081 (3)	3rd	Battery on specified official or employee.
5494	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
5495	784.083 (3)	3rd	Battery on code inspector.
5496	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
	787.03 (1)	3rd	Interference with custody; wrongly takes minor from

			appointed guardian.
5497	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
5498	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
5499	787.07	3rd	Human smuggling.
5500	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
5501	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
5502	790.115 (2) (c)	3rd	Possessing firearm on school property.

5503	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
5504	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
5505	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
5506	810.06	3rd	Burglary; possession of tools.
5507	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
5508	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
5509	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; <u>specified items</u> , a will,

			firearm, motor vehicle, livestock, etc.
5510	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
5511	817.505(4)(a)	3rd	Patient brokering.
5512	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
5513	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
5514	817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
5515	817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
5516	828.125(1)	2nd	Kill, maim, or cause great

			bodily harm or permanent breeding disability to any registered horse or cattle.
5517	837.02 (1)	3rd	Perjury in official proceedings.
5518	837.021 (1)	3rd	Make contradictory statements in official proceedings.
5519	838.022	3rd	Official misconduct.
5520	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
5521	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
5522	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
5523	843.025	3rd	Deprive law enforcement,

			correctional, or correctional probation officer of means of protection or communication.
5524	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
5525	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
5526	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
5527	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
5528	914.14(2)	3rd	Witnesses accepting bribes.
5529	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.

5530	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
5531	918.12	3rd	Tampering with jurors.
5532	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
5533	<u>944.47 (1) (a) 6.</u>	<u>3rd</u>	<u>Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.</u>
5534	<u>951.22 (1) (h) , (j) , & (k)</u>	<u>3rd</u>	<u>Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.</u>
5535			
5536			
5537	(e) LEVEL 5		

	Florida Statute	Felony Degree	Description
5538	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
5539	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
5540	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
5541	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
5542	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
5543	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, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

5544

379.367 (4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

5545

379.407 (5) (b) 3.

3rd

Possession of 100 or more undersized spiny lobsters.

5546

381.0041 (11) (b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

5547

5548	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
5549	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
5550	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
5551	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
5552	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
5553	790.01 (2)	3rd	Carrying a concealed firearm.
	790.162	2nd	Threat to throw or discharge destructive device.

5554	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
5555	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
5556	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
5557	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
5558	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
5559	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
5560	806.111 (1)	3rd	Possess, manufacture, or

5561	812.0145(2)(b)	2nd	dispense fire bomb with intent to damage any structure or property.
5562	<u>812.015(8)(a),</u> <u>(c),</u> <u>(d), & (e)</u>	3rd	Retail theft; property stolen is valued at <u>\$750</u> \$300 or more and one or more specified acts.
5563	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
5564	812.131(2)(b)	3rd	Robbery by sudden snatching.
5565	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
5566	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
5567	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than

5568	817.2341 (1), (2) (a) & (3) (a)	3rd	\$100,000. Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
5569	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.
5570	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
5571	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device,

5572			skimming device, or reencoder.
	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
5573			
	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
5574			
	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
5575			
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
5576			
	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and

			custody of a state agency involving great bodily harm or death.
5577	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
5578	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
5579	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
5580	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
5581	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
5582	874.05 (2) (a)	2nd	Encouraging or recruiting

5583	893.13(1)(a)1.	2nd	<p>person under 13 years of age to join a criminal gang.</p> <p>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).</p>
5584	893.13(1)(c)2.	2nd	<p>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.</p>
5585	893.13(1)(d)1.	1st	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d),</p>

5586	893.13(1)(e)2.	2nd	<p>(2) (a), (2) (b), or (2) (c) 5. drugs) within 1,000 feet of university.</p> <p>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.</p>
5587	893.13(1)(f)1.	1st	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.</p>
5588	893.13(4)(b)	2nd	<p>Use or hire of minor; deliver to minor other controlled substance.</p>

5589	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
5590			
5591			
5592	(f) LEVEL 6		
	Florida Statute	Felony Degree	Description
5593	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
5594	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
5595	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
5596	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.

5597	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
5598	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
5599	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
5600	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
5601	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
5602	784.041	3rd	Felony battery; domestic battery by strangulation.
5603	784.048 (3)	3rd	Aggravated stalking; credible threat.
5604	784.048 (5)	3rd	Aggravated stalking of person

			under 16.
5605	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
5606	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
5607	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
5608	784.081 (2)	2nd	Aggravated assault on specified official or employee.
5609	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
5610	784.083 (2)	2nd	Aggravated assault on code inspector.
5611	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.

5612	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
5613	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
5614	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.
5615	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
5616	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
5617	794.05 (1)	2nd	Unlawful sexual activity with

			specified minor.
5618	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.
5619	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
5620	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
5621	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
5622	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
5623	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

5624	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
5625	812.015 (9) (a)	2nd	Retail theft; property stolen <u>\$750</u> \$300 or more; second or subsequent conviction.
5626	812.015 (9) (b)	2nd	Retail theft; <u>aggregated</u> property stolen <u>within 30 days</u> <u>is</u> \$3,000 or more; coordination of others.
5627	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
5628	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
5629	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
5630	825.102 (1)	3rd	Abuse of an elderly person or

5631			disabled adult.
	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
5632			
	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
5633			
	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
5634			
	827.03 (2) (c)	3rd	Abuse of a child.
5635			
	827.03 (2) (d)	3rd	Neglect of a child.
5636			
	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
5637			
	836.05	2nd	Threats; extortion.
5638			
	836.10	2nd	Written threats to kill, do bodily injury, or conduct a

			mass shooting or an act of terrorism.
5639	843.12	3rd	Aids or assists person to escape.
5640	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
5641	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
5642	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
5643	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
5644	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.
5645	944.40	2nd	Escapes.
5646	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
5647	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
5648	<u>951.22 (1) (i)</u> 951.22 (1)	3rd	Intoxicating drug, <u>Firearm,</u> or weapon introduced into county <u>detention</u> facility.
5649			
5650			
5651	(g) LEVEL 7		
	Florida	Felony	
	Statute	Degree	Description
5652	316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.

5653	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
5654	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.
5655	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
5656	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
5657	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
5658			

5659	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
5660	456.065 (2)	3rd	Practicing a health care profession without a license.
5661	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
5662	458.327 (1)	3rd	Practicing medicine without a license.
5663	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
5664	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
5665	461.012 (1)	3rd	Practicing podiatric medicine without a license.
	462.17	3rd	Practicing naturopathy without

			a license.
5666	463.015 (1)	3rd	Practicing optometry without a license.
5667	464.016 (1)	3rd	Practicing nursing without a license.
5668	465.015 (2)	3rd	Practicing pharmacy without a license.
5669	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
5670	467.201	3rd	Practicing midwifery without a license.
5671	468.366	3rd	Delivering respiratory care services without a license.
5672	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
5673	483.901 (7)	3rd	Practicing medical physics

			without a license.
5674	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
5675	484.053	3rd	Dispensing hearing aids without a license.
5676	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.
5677	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
5678	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

5679	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
5680	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
5681	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
5682	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
5683	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

5684	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
5685	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
5686	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
5687	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
5688	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
5689	784.045(1)(b)	2nd	Aggravated battery; perpetrator

5690			aware victim pregnant.
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
5691			
	784.048 (7)	3rd	Aggravated stalking; violation of court order.
5692			
	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
5693			
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
5694			
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
5695			
	784.081 (1)	1st	Aggravated battery on specified official or employee.
5696			
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
5697			

5698	784.083 (1)	1st	Aggravated battery on code inspector.
5699	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
5700	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.
5701	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
5702	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
5703	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
	790.165 (3)	2nd	Possessing, displaying, or

5704	790.166(3)	2nd	threatening to use any hoax bomb while committing or attempting to commit a felony.
5705	790.166(4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
5706	790.23	1st,PBL	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
5707	794.08(4)	3rd	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
5708			Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

5709	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
5710	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
5711	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
5712	800.04 (5) (c) 2.	2nd	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.
5713	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.

5714	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
5715	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
5716	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
5717	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
5718	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
5719	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

5720	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
5721	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
5722	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
5723	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
5724	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
5725	812.131 (2) (a)	2nd	Robbery by sudden snatching.
5726	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.

5727	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
5728	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
5729	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
5730	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
5731	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 insolvency of that entity.
5732	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.

5733	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
5734	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
5735	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.
5736	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
5737	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.

5738	838.015	2nd	Bribery.
5739	838.016	2nd	Unlawful compensation or reward for official behavior.
5740	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
5741	838.22	2nd	Bid tampering.
5742	843.0855 (2)	3rd	Impersonation of a public officer or employee.
5743	843.0855 (3)	3rd	Unlawful simulation of legal process.
5744	843.0855 (4)	3rd	Intimidation of a public officer or employee.
5745	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
5746	847.0135 (4)	2nd	Traveling to meet a minor to

5747			commit an unlawful sex act.
5748	872.06	2nd	Abuse of a dead human body.
5749	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
5750	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

5751	893.13(1)(e)1.	1st	<p>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.</p>
5752	893.13(4)(a)	1st	<p>Use or hire of minor; deliver to minor other controlled substance.</p>
5753	893.135(1)(a)1.	1st	<p>Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.</p>
5754	893.135 (1)(b)1.a.	1st	<p>Trafficking in cocaine, more than 28 grams, less than 200 grams.</p>
5755	893.135 (1)(c)1.a.	1st	<p>Trafficking in illegal drugs, more than 4 grams, less than 14 grams.</p>

5756	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, <u>28</u> 14 grams or more, less than <u>50</u> 28 grams.
5757	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, <u>50</u> 28 grams or more, less than <u>100</u> 50 grams.
5758	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
5759	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
5760	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
5761	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.

5763	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
5764	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
5765	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
5766	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
5767	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
5768	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

5769	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
5770	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
5771	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
5772	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
5773	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

5774	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
5775	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
5776	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
5777	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
5778	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

5779	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
5780	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
5781	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
5782	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
5783	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
5784	985.4815(12)	3rd	Failure to report or providing

5785			false 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.
5786			
5787			
5788	(h) LEVEL 8		
	Florida Statute	Felony Degree	Description
5789	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
5790	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
5791	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
5792	499.0051 (6)	1st	Knowing trafficking in

5793			contraband prescription drugs.
	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
5794			
	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.
5795			
	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.
5796			
	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
5797			
	777.03 (2) (a)	1st	Accessory after the fact,

5798	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.
5799	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
5800	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
5801	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
5802			

5803	787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.
5804	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
5805	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
5806	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.
5807	787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
	790.161(3)	1st	Discharging a destructive

5808	794.011 (5) (a)	1st	device which results in bodily harm or property damage.
5809	794.011 (5) (b)	2nd	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.
5810	794.011 (5) (c)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
5811	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause injury.

5812	794.08 (3)	2nd	to cause serious injury; prior conviction for specified sex offense.
5813	800.04 (4) (b)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
5814	800.04 (4) (c)	1st	Lewd or lascivious battery.
5815	806.01 (1)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
5816	810.02 (2) (a)	1st, PBL	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
5817	810.02 (2) (b)	1st, PBL	Burglary with assault or battery.
			Burglary; armed with explosives or dangerous weapon.

5818	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
5819	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
5820	812.13 (2) (b)	1st	Robbery with a weapon.
5821	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
5822	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
5823	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
5824	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property

5825	817.535 (4) (a) 1.	2nd	owner is a public officer or employee.
5826	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
5827	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.
5828	817.611 (2) (c)	1st	Fraudulent use of personal identification information of an individual under the age of 18.
5829	825.102 (2)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
			Aggravated abuse of an elderly person or disabled adult.

5830	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
5831	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
5832	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
5833	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
5834	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
5835	860.16	1st	Aircraft piracy.
5836			

5837	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).
5838	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
5839	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
5840	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
5841	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
5842	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

5843	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, <u>100</u> 50 grams or more, less than <u>300</u> 200 grams.
5844	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
5845	893.135 (1) (c) 4.b. (II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
5846	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
5847	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
5848	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
	893.135	1st	Trafficking in flunitrazepam,

5849	(1) (g) 1.b.		14 grams or more, less than 28 grams.
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
5850			
	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.b.		5 kilograms or more, less than 10 kilograms.
5851			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.b.		200 grams or more, less than 400 grams.
5852			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.c.		cannabinoids, 1,000 grams or more, less than 30 kilograms.
5853			
	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.b.		phenethylamines, 100 grams or more, less than 200 grams.
5854			
	893.1351 (3)	1st	Possession of a place used to

5855	895.03(1)	1st	manufacture controlled substance when minor is present or resides there.
5856	895.03(2)	1st	Use or invest proceeds derived from pattern of racketeering activity.
5857	895.03(3)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
5858	896.101(5)(b)	2nd	Conduct or participate in any enterprise through pattern of racketeering activity.
5859	896.104(4)(a)2.	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
			Structuring transactions to evade reporting or registration requirements, financial

			transactions totaling or exceeding \$20,000 but less than \$100,000.
5860			
5861			
5862	(i) LEVEL 9		
	Florida	Felony	
	Statute	Degree	Description
5863			
	316.193	1st	DUI manslaughter; failing to render aid or give information.
	(3) (c) 3.b.		
5864			
	327.35	1st	BUI manslaughter; failing to render aid or give information.
	(3) (c) 3.b.		
5865			
	409.920	1st	Medicaid provider fraud; \$50,000 or more.
	(2) (b) 1.c.		
5866			
	499.0051 (8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
5867			
	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money

5868			transmitter.
	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
5869			
	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
5870			
	775.0844	1st	Aggravated white collar crime.
5871			
	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
5872			
	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.
5873			

5874	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
5875	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
5876	787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
5877	787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
5878	787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
	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.
5879	787.06(3)(c)1.	1st	Human trafficking for labor and services of an unauthorized alien child.
5880	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
5881	787.06(3)(f)1.	1st, PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
5882	790.161	1st	Attempted capital destructive device offense.
5883	790.166(2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of

5884	794.011 (2)	1st	mass destruction.
5885	794.011 (2)	Life	Attempted sexual battery; victim less than 12 years of age.
5886	794.011 (4) (a)	1st, PBL	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
5887	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
5888	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
			Sexual battery, certain circumstances; victim 12 years of age or older; offender

5889	794.011 (4) (d)	1st, PBL	younger than 18 years. Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
5890	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.
5891	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
5892	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
5893	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
5894	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other

5895	812.135 (2) (b)	1st	deadly weapon. Home-invasion robbery with weapon.
5896	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
5897	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
5898	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.
5899	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of

5900			an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
5901	827.03 (2) (a)	1st	Aggravated child abuse.
5902	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
5903	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
5904	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
	893.135	1st	Attempted capital trafficking offense.

5905	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
5906	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
5907	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
5908	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, <u>300</u> 200 grams or more, less than 30 kilograms.
5909	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
5910	893.135 1) (c) 4.b. (III)	1st	Trafficking in fentanyl, 28 grams or more.
5911	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.

5912	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.
5913	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, 200 grams or more.
5914	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
5915	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
5916	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
5917	893.135 (1) (m) 2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.
5918	893.135 (1) (n) 2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
5919			

5920	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
5921			
5922			
5923	(j) LEVEL 10		
	Florida	Felony	
	Statute	Degree	Description
5924			
	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
5925			
	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
5926			
	782.07 (3)	1st	Aggravated manslaughter of a child.
5927			

5928	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
5929	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.
5930	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.
5931	787.06 (4) (a)	Life	Selling or buying of minors into human trafficking.
5932	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.

812.135 (2) (a) 1st,PBL Home-invasion robbery with
firearm or other deadly weapon.

5933

876.32 1st Treason against the state.

5934

5935

5936 Section 82. For the purpose of incorporating the amendment
5937 made by this act to section 322.056, Florida Statutes, in a
5938 reference thereto, subsection (11) of section 322.05, Florida
5939 Statutes, is reenacted to read:

5940 322.05 Persons not to be licensed.—The department may not
5941 issue a license:

5942 (11) To any person who is ineligible under s. 322.056.

5943 Section 83. For the purpose of incorporating the amendment
5944 made by this act to section 322.34, Florida Statutes, in a
5945 reference thereto, paragraph (c) of subsection (2) of section
5946 316.027, Florida Statutes, is reenacted to read:

5947 316.027 Crash involving death or personal injuries.—

5948 (2)

5949 (c) The driver of a vehicle involved in a crash occurring
5950 on public or private property which results in the death of a
5951 person shall immediately stop the vehicle at the scene of the
5952 crash, or as close thereto as possible, and shall remain at the
5953 scene of the crash until he or she has fulfilled the
5954 requirements of s. 316.062. A person who is arrested for a

5955 violation of this paragraph and who has previously been
 5956 convicted of a violation of this section, s. 316.061, s.
 5957 316.191, or s. 316.193, or a felony violation of s. 322.34,
 5958 shall be held in custody until brought before the court for
 5959 admittance to bail in accordance with chapter 903. A person who
 5960 willfully violates this paragraph commits a felony of the first
 5961 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 5962 775.084, and shall be sentenced to a mandatory minimum term of
 5963 imprisonment of 4 years. A person who willfully commits such a
 5964 violation while driving under the influence as set forth in s.
 5965 316.193(1) shall be sentenced to a mandatory minimum term of
 5966 imprisonment of 4 years.

5967 Section 84. For the purpose of incorporating the amendment
 5968 made by this act to section 322.34, Florida Statutes, in a
 5969 reference thereto, paragraph (c) of subsection (4) of section
 5970 907.041, Florida Statutes, is reenacted to read:

5971 907.041 Pretrial detention and release.—

5972 (4) PRETRIAL DETENTION.—

5973 (c) The court may order pretrial detention if it finds a
 5974 substantial probability, based on a defendant's past and present
 5975 patterns of behavior, the criteria in s. 903.046, and any other
 5976 relevant facts, that any of the following circumstances exist:

5977 1. The defendant has previously violated conditions of
 5978 release and that no further conditions of release are reasonably
 5979 likely to assure the defendant's appearance at subsequent

5980 | proceedings;

5981 | 2. The defendant, with the intent to obstruct the judicial
5982 | process, has threatened, intimidated, or injured any victim,
5983 | potential witness, juror, or judicial officer, or has attempted
5984 | or conspired to do so, and that no condition of release will
5985 | reasonably prevent the obstruction of the judicial process;

5986 | 3. The defendant is charged with trafficking in controlled
5987 | substances as defined by s. 893.135, that there is a substantial
5988 | probability that the defendant has committed the offense, and
5989 | that no conditions of release will reasonably assure the
5990 | defendant's appearance at subsequent criminal proceedings;

5991 | 4. The defendant is charged with DUI manslaughter, as
5992 | defined by s. 316.193, and that there is a substantial
5993 | probability that the defendant committed the crime and that the
5994 | defendant poses a threat of harm to the community; conditions
5995 | that would support a finding by the court pursuant to this
5996 | subparagraph that the defendant poses a threat of harm to the
5997 | community include, but are not limited to, any of the following:

5998 | a. The defendant has previously been convicted of any
5999 | crime under s. 316.193, or of any crime in any other state or
6000 | territory of the United States that is substantially similar to
6001 | any crime under s. 316.193;

6002 | b. The defendant was driving with a suspended driver
6003 | license when the charged crime was committed; or

6004 | c. The defendant has previously been found guilty of, or

6005 | has had adjudication of guilt withheld for, driving while the
6006 | defendant's driver license was suspended or revoked in violation
6007 | of s. 322.34;

6008 | 5. The defendant poses the threat of harm to the
6009 | community. The court may so conclude, if it finds that the
6010 | defendant is presently charged with a dangerous crime, that
6011 | there is a substantial probability that the defendant committed
6012 | such crime, that the factual circumstances of the crime indicate
6013 | a disregard for the safety of the community, and that there are
6014 | no conditions of release reasonably sufficient to protect the
6015 | community from the risk of physical harm to persons;

6016 | 6. The defendant was on probation, parole, or other
6017 | release pending completion of sentence or on pretrial release
6018 | for a dangerous crime at the time the current offense was
6019 | committed;

6020 | 7. The defendant has violated one or more conditions of
6021 | pretrial release or bond for the offense currently before the
6022 | court and the violation, in the discretion of the court,
6023 | supports a finding that no conditions of release can reasonably
6024 | protect the community from risk of physical harm to persons or
6025 | assure the presence of the accused at trial; or

6026 | 8.a. The defendant has ever been sentenced pursuant to s.
6027 | 775.082(9) or s. 775.084 as a prison releasee reoffender,
6028 | habitual violent felony offender, three-time violent felony
6029 | offender, or violent career criminal, or the state attorney

6030 files a notice seeking that the defendant be sentenced pursuant
6031 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
6032 habitual violent felony offender, three-time violent felony
6033 offender, or violent career criminal;

6034 b. There is a substantial probability that the defendant
6035 committed the offense; and

6036 c. There are no conditions of release that can reasonably
6037 protect the community from risk of physical harm or ensure the
6038 presence of the accused at trial.

6039 Section 85. For the purpose of incorporating the amendment
6040 made by this act to section 509.151, Florida Statutes, in a
6041 reference thereto, section 509.161, Florida Statutes, is
6042 reenacted to read:

6043 509.161 Rules of evidence in prosecutions.—In prosecutions
6044 under s. 509.151, proof that lodging, food, or other
6045 accommodations were obtained by false pretense; by false or
6046 fictitious show of baggage or other property; by absconding
6047 without paying or offering to pay for such food, lodging, or
6048 accommodations; or by surreptitiously removing or attempting to
6049 remove baggage shall constitute prima facie evidence of
6050 fraudulent intent. If the operator of the establishment has
6051 probable cause to believe, and does believe, that any person has
6052 obtained food, lodging, or other accommodations at such
6053 establishment with intent to defraud the operator thereof, the
6054 failure to make payment upon demand therefor, there being no

6055 | dispute as to the amount owed, shall constitute prima facie
 6056 | evidence of fraudulent intent in such prosecutions.

6057 | Section 86. For the purpose of incorporating the amendment
 6058 | made by this act to section 784.048, Florida Statutes, in a
 6059 | reference thereto, paragraph (c) of subsection (2) of section
 6060 | 790.065, Florida Statutes, is reenacted to read:

6061 | 790.065 Sale and delivery of firearms.—

6062 | (2) Upon receipt of a request for a criminal history
 6063 | record check, the Department of Law Enforcement shall, during
 6064 | the licensee's call or by return call, forthwith:

6065 | (c)1. Review any records available to it to determine
 6066 | whether the potential buyer or transferee has been indicted or
 6067 | has had an information filed against her or him for an offense
 6068 | that is a felony under either state or federal law, or, as
 6069 | mandated by federal law, has had an injunction for protection
 6070 | against domestic violence entered against the potential buyer or
 6071 | transferee under s. 741.30, has had an injunction for protection
 6072 | against repeat violence entered against the potential buyer or
 6073 | transferee under s. 784.046, or has been arrested for a
 6074 | dangerous crime as specified in s. 907.041(4) (a) or for any of
 6075 | the following enumerated offenses:

- 6076 | a. Criminal anarchy under ss. 876.01 and 876.02.
- 6077 | b. Extortion under s. 836.05.
- 6078 | c. Explosives violations under s. 552.22(1) and (2).
- 6079 | d. Controlled substances violations under chapter 893.

- 6080 e. Resisting an officer with violence under s. 843.01.
- 6081 f. Weapons and firearms violations under this chapter.
- 6082 g. Treason under s. 876.32.
- 6083 h. Assisting self-murder under s. 782.08.
- 6084 i. Sabotage under s. 876.38.
- 6085 j. Stalking or aggravated stalking under s. 784.048.

6086
 6087 If the review indicates any such indictment, information, or
 6088 arrest, the department shall provide to the licensee a
 6089 conditional nonapproval number.

6090 2. Within 24 working hours, the department shall determine
 6091 the disposition of the indictment, information, or arrest and
 6092 inform the licensee as to whether the potential buyer is
 6093 prohibited from receiving or possessing a firearm. For purposes
 6094 of this paragraph, "working hours" means the hours from 8 a.m.
 6095 to 5 p.m. Monday through Friday, excluding legal holidays.

6096 3. The office of the clerk of court, at no charge to the
 6097 department, shall respond to any department request for data on
 6098 the disposition of the indictment, information, or arrest as
 6099 soon as possible, but in no event later than 8 working hours.

6100 4. The department shall determine as quickly as possible
 6101 within the allotted time period whether the potential buyer is
 6102 prohibited from receiving or possessing a firearm.

6103 5. If the potential buyer is not so prohibited, or if the
 6104 department cannot determine the disposition information within

6105 | the allotted time period, the department shall provide the
 6106 | licensee with a conditional approval number.

6107 | 6. If the buyer is so prohibited, the conditional
 6108 | nonapproval number shall become a nonapproval number.

6109 | 7. The department shall continue its attempts to obtain
 6110 | the disposition information and may retain a record of all
 6111 | approval numbers granted without sufficient disposition
 6112 | information. If the department later obtains disposition
 6113 | information which indicates:

6114 | a. That the potential buyer is not prohibited from owning
 6115 | a firearm, it shall treat the record of the transaction in
 6116 | accordance with this section; or

6117 | b. That the potential buyer is prohibited from owning a
 6118 | firearm, it shall immediately revoke the conditional approval
 6119 | number and notify local law enforcement.

6120 | 8. During the time that disposition of the indictment,
 6121 | information, or arrest is pending and until the department is
 6122 | notified by the potential buyer that there has been a final
 6123 | disposition of the indictment, information, or arrest, the
 6124 | conditional nonapproval number shall remain in effect.

6125 | Section 87. For the purpose of incorporating the amendment
 6126 | made by this act to section 784.048, Florida Statutes, in a
 6127 | reference thereto, subsection (1) of section 794.056, Florida
 6128 | Statutes, is reenacted to read:

6129 | 794.056 Rape Crisis Program Trust Fund.—

6130 (1) The Rape Crisis Program Trust Fund is created within
 6131 the Department of Health for the purpose of providing funds for
 6132 rape crisis centers in this state. Trust fund moneys shall be
 6133 used exclusively for the purpose of providing services for
 6134 victims of sexual assault. Funds credited to the trust fund
 6135 consist of those funds collected as an additional court
 6136 assessment in each case in which a defendant pleads guilty or
 6137 nolo contendere to, or is found guilty of, regardless of
 6138 adjudication, an offense provided in s. 775.21(6) and (10)(a),
 6139 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.
 6140 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.
 6141 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.
 6142 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;
 6143 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.
 6144 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.
 6145 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.
 6146 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.
 6147 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),
 6148 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust
 6149 fund also shall include revenues provided by law, moneys
 6150 appropriated by the Legislature, and grants from public or
 6151 private entities.

6152 Section 88. For the purpose of incorporating the amendment
 6153 made by this act to section 784.048, Florida Statutes, in a
 6154 reference thereto, subsection (4) of section 847.0141, Florida

6155 Statutes, is reenacted to read:

6156 847.0141 Sexting; prohibited acts; penalties.—

6157 (4) This section does not prohibit the prosecution of a
 6158 minor for a violation of any law of this state if the photograph
 6159 or video that depicts nudity also includes the depiction of
 6160 sexual conduct or sexual excitement, and does not prohibit the
 6161 prosecution of a minor for stalking under s. 784.048.

6162 Section 89. For the purpose of incorporating the amendment
 6163 made by this act to section 784.048, Florida Statutes, in a
 6164 reference thereto, subsection (5) of section 901.41, Florida
 6165 Statutes, is reenacted to read:

6166 901.41 Prearrest diversion programs.—

6167 (5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor
 6168 crime of domestic violence, as defined in s. 741.28, or a
 6169 misdemeanor under s. 741.29, s. 741.31, s. 784.046, s. 784.047,
 6170 s. 784.048, s. 784.0487, or s. 784.049 does not qualify for a
 6171 civil citation or prearrest diversion program.

6172 Section 90. For the purpose of incorporating the amendment
 6173 made by this act to section 784.048, Florida Statutes, in a
 6174 reference thereto, section 938.08, Florida Statutes, is
 6175 reenacted to read:

6176 938.08 Additional cost to fund programs in domestic
 6177 violence.—In addition to any sanction imposed for a violation of
 6178 s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s.
 6179 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s.

6180 784.083, s. 784.085, s. 794.011, or for any offense of domestic
 6181 violence described in s. 741.28, the court shall impose a
 6182 surcharge of \$201. Payment of the surcharge shall be a condition
 6183 of probation, community control, or any other court-ordered
 6184 supervision. The sum of \$85 of the surcharge shall be deposited
 6185 into the Domestic Violence Trust Fund established in s. 741.01.
 6186 The clerk of the court shall retain \$1 of each surcharge that
 6187 the clerk of the court collects as a service charge of the
 6188 clerk's office. The remainder of the surcharge shall be provided
 6189 to the governing board of the county and must be used only to
 6190 defray the costs of incarcerating persons sentenced under s.
 6191 741.283 and provide additional training to law enforcement
 6192 personnel in combating domestic violence.

6193 Section 91. For the purpose of incorporating the amendment
 6194 made by this act to section 784.048, Florida Statutes, in a
 6195 reference thereto, section 938.085, Florida Statutes, is
 6196 reenacted to read:

6197 938.085 Additional cost to fund rape crisis centers.—In
 6198 addition to any sanction imposed when a person pleads guilty or
 6199 nolo contendere to, or is found guilty of, regardless of
 6200 adjudication, a violation of s. 775.21(6) and (10) (a), (b), and
 6201 (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;
 6202 s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.
 6203 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.
 6204 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.

6205 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.
 6206 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.
 6207 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.
 6208 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.
 6209 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and
 6210 (14)(c); or s. 985.701(1), the court shall impose a surcharge of
 6211 \$151. Payment of the surcharge shall be a condition of
 6212 probation, community control, or any other court-ordered
 6213 supervision. The sum of \$150 of the surcharge shall be deposited
 6214 into the Rape Crisis Program Trust Fund established within the
 6215 Department of Health by chapter 2003-140, Laws of Florida. The
 6216 clerk of the court shall retain \$1 of each surcharge that the
 6217 clerk of the court collects as a service charge of the clerk's
 6218 office.

6219 Section 92. For the purpose of incorporating the amendment
 6220 made by this act to section 784.048, Florida Statutes, in a
 6221 reference thereto, paragraph (c) of subsection (8) of section
 6222 948.06, Florida Statutes, is reenacted to read:

6223 948.06 Violation of probation or community control;
 6224 revocation; modification; continuance; failure to pay
 6225 restitution or cost of supervision.—

6226 (8)

6227 (c) For purposes of this section, the term "qualifying
 6228 offense" means any of the following:

6229 1. Kidnapping or attempted kidnapping under s. 787.01,

6230 false imprisonment of a child under the age of 13 under s.
 6231 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
 6232 or (c).

6233 2. Murder or attempted murder under s. 782.04, attempted
 6234 felony murder under s. 782.051, or manslaughter under s. 782.07.

6235 3. Aggravated battery or attempted aggravated battery
 6236 under s. 784.045.

6237 4. Sexual battery or attempted sexual battery under s.
 6238 794.011(2), (3), (4), or (8)(b) or (c).

6239 5. Lewd or lascivious battery or attempted lewd or
 6240 lascivious battery under s. 800.04(4), lewd or lascivious
 6241 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
 6242 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
 6243 under s. 800.04(7)(b), or lewd or lascivious exhibition on
 6244 computer under s. 847.0135(5)(b).

6245 6. Robbery or attempted robbery under s. 812.13,
 6246 carjacking or attempted carjacking under s. 812.133, or home
 6247 invasion robbery or attempted home invasion robbery under s.
 6248 812.135.

6249 7. Lewd or lascivious offense upon or in the presence of
 6250 an elderly or disabled person or attempted lewd or lascivious
 6251 offense upon or in the presence of an elderly or disabled person
 6252 under s. 825.1025.

6253 8. Sexual performance by a child or attempted sexual
 6254 performance by a child under s. 827.071.

- 6255 9. Computer pornography under s. 847.0135(2) or (3),
 6256 transmission of child pornography under s. 847.0137, or selling
 6257 or buying of minors under s. 847.0145.
- 6258 10. Poisoning food or water under s. 859.01.
- 6259 11. Abuse of a dead human body under s. 872.06.
- 6260 12. Any burglary offense or attempted burglary offense
 6261 that is either a first degree felony or second degree felony
 6262 under s. 810.02(2) or (3).
- 6263 13. Arson or attempted arson under s. 806.01(1).
- 6264 14. Aggravated assault under s. 784.021.
- 6265 15. Aggravated stalking under s. 784.048(3), (4), (5), or
 6266 (7).
- 6267 16. Aircraft piracy under s. 860.16.
- 6268 17. Unlawful throwing, placing, or discharging of a
 6269 destructive device or bomb under s. 790.161(2), (3), or (4).
- 6270 18. Treason under s. 876.32.
- 6271 19. Any offense committed in another jurisdiction which
 6272 would be an offense listed in this paragraph if that offense had
 6273 been committed in this state.
- 6274 Section 93. For the purpose of incorporating the amendment
 6275 made by this act to section 784.048, Florida Statutes, in a
 6276 reference thereto, subsection (1) of section 948.062, Florida
 6277 Statutes, is reenacted to read:
- 6278 948.062 Reviewing and reporting serious offenses committed
 6279 by offenders placed on probation or community control.—

6280 (1) The department shall review the circumstances related
 6281 to an offender placed on probation or community control who has
 6282 been arrested while on supervision for the following offenses:
 6283 (a) Any murder as provided in s. 782.04;
 6284 (b) Any sexual battery as provided in s. 794.011 or s.
 6285 794.023;
 6286 (c) Any sexual performance by a child as provided in s.
 6287 827.071;
 6288 (d) Any kidnapping, false imprisonment, or luring of a
 6289 child as provided in s. 787.01, s. 787.02, or s. 787.025;
 6290 (e) Any lewd and lascivious battery or lewd and lascivious
 6291 molestation as provided in s. 800.04(4) or (5);
 6292 (f) Any aggravated child abuse as provided in s.
 6293 827.03(2) (a);
 6294 (g) Any robbery with a firearm or other deadly weapon,
 6295 home invasion robbery, or carjacking as provided in s.
 6296 812.13(2) (a), s. 812.135, or s. 812.133;
 6297 (h) Any aggravated stalking as provided in s. 784.048(3),
 6298 (4), or (5);
 6299 (i) Any forcible felony as provided in s. 776.08,
 6300 committed by a person on probation or community control who is
 6301 designated as a sexual predator; or
 6302 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),
 6303 or vehicular or vessel homicide as provided in s. 782.071 or s.
 6304 782.072, committed by a person who is on probation or community

6305 control for an offense involving death or injury resulting from
 6306 a driving incident.

6307 Section 94. For the purpose of incorporating the amendment
 6308 made by this act to section 784.048, Florida Statutes, in a
 6309 reference thereto, paragraph (b) of subsection (1) of section
 6310 960.001, Florida Statutes, is reenacted to read:

6311 960.001 Guidelines for fair treatment of victims and
 6312 witnesses in the criminal justice and juvenile justice systems.—

6313 (1) The Department of Legal Affairs, the state attorneys,
 6314 the Department of Corrections, the Department of Juvenile
 6315 Justice, the Florida Commission on Offender Review, the State
 6316 Courts Administrator and circuit court administrators, the
 6317 Department of Law Enforcement, and every sheriff's department,
 6318 police department, or other law enforcement agency as defined in
 6319 s. 943.10(4) shall develop and implement guidelines for the use
 6320 of their respective agencies, which guidelines are consistent
 6321 with the purposes of this act and s. 16(b), Art. I of the State
 6322 Constitution and are designed to implement s. 16(b), Art. I of
 6323 the State Constitution and to achieve the following objectives:

6324 (b) *Information for purposes of notifying victim or*
 6325 *appropriate next of kin of victim or other designated contact of*
 6326 *victim.—In the case of a homicide, pursuant to chapter 782; or a*
 6327 *sexual offense, pursuant to chapter 794; or an attempted murder*
 6328 *or sexual offense, pursuant to chapter 777; or stalking,*
 6329 *pursuant to s. 784.048; or domestic violence, pursuant to s.*

6330 25.385:

6331 1. The arresting law enforcement officer or personnel of
 6332 an organization that provides assistance to a victim or to the
 6333 appropriate next of kin of the victim or other designated
 6334 contact must request that the victim or appropriate next of kin
 6335 of the victim or other designated contact complete a victim
 6336 notification card. However, the victim or appropriate next of
 6337 kin of the victim or other designated contact may choose not to
 6338 complete the victim notification card.

6339 2. Unless the victim or the appropriate next of kin of the
 6340 victim or other designated contact waives the option to complete
 6341 the victim notification card, a copy of the victim notification
 6342 card must be filed with the incident report or warrant in the
 6343 sheriff's office of the jurisdiction in which the incident
 6344 report or warrant originated. The notification card shall, at a
 6345 minimum, consist of:

- 6346 a. The name, address, and phone number of the victim; or
- 6347 b. The name, address, and phone number of the appropriate
 6348 next of kin of the victim; or
- 6349 c. The name, address, and telephone number of a designated
 6350 contact other than the victim or appropriate next of kin of the
 6351 victim; and
- 6352 d. Any relevant identification or case numbers assigned to
 6353 the case.

6354 3. The chief administrator, or a person designated by the

6355 chief administrator, of a county jail, municipal jail, juvenile
6356 detention facility, or residential commitment facility shall
6357 make a reasonable attempt to notify the alleged victim or
6358 appropriate next of kin of the alleged victim or other
6359 designated contact within 4 hours following the release of the
6360 defendant on bail or, in the case of a juvenile offender, upon
6361 the release from residential detention or commitment. If the
6362 chief administrator, or designee, is unable to contact the
6363 alleged victim or appropriate next of kin of the alleged victim
6364 or other designated contact by telephone, the chief
6365 administrator, or designee, must send to the alleged victim or
6366 appropriate next of kin of the alleged victim or other
6367 designated contact a written notification of the defendant's
6368 release.

6369 4. Unless otherwise requested by the victim or the
6370 appropriate next of kin of the victim or other designated
6371 contact, the information contained on the victim notification
6372 card must be sent by the chief administrator, or designee, of
6373 the appropriate facility to the subsequent correctional or
6374 residential commitment facility following the sentencing and
6375 incarceration of the defendant, and unless otherwise requested
6376 by the victim or the appropriate next of kin of the victim or
6377 other designated contact, he or she must be notified of the
6378 release of the defendant from incarceration as provided by law.

6379 5. If the defendant was arrested pursuant to a warrant

6380 issued or taken into custody pursuant to s. 985.101 in a
 6381 jurisdiction other than the jurisdiction in which the defendant
 6382 is being released, and the alleged victim or appropriate next of
 6383 kin of the alleged victim or other designated contact does not
 6384 waive the option for notification of release, the chief
 6385 correctional officer or chief administrator of the facility
 6386 releasing the defendant shall make a reasonable attempt to
 6387 immediately notify the chief correctional officer of the
 6388 jurisdiction in which the warrant was issued or the juvenile was
 6389 taken into custody pursuant to s. 985.101, and the chief
 6390 correctional officer of that jurisdiction shall make a
 6391 reasonable attempt to notify the alleged victim or appropriate
 6392 next of kin of the alleged victim or other designated contact,
 6393 as provided in this paragraph, that the defendant has been or
 6394 will be released.

6395 Section 95. For the purpose of incorporating the amendment
 6396 made by this act to section 784.048, Florida Statutes, in a
 6397 reference thereto, paragraph (b) of subsection (3) of section
 6398 985.265, Florida Statutes, is reenacted to read:

6399 985.265 Detention transfer and release; education; adult
 6400 jails.—

6401 (3)

6402 (b) When a juvenile is released from secure detention or
 6403 transferred to nonsecure detention, detention staff shall
 6404 immediately notify the appropriate law enforcement agency,

6405 school personnel, and victim if the juvenile is charged with
 6406 committing any of the following offenses or attempting to commit
 6407 any of the following offenses:

- 6408 1. Murder, under s. 782.04;
- 6409 2. Sexual battery, under chapter 794;
- 6410 3. Stalking, under s. 784.048; or
- 6411 4. Domestic violence, as defined in s. 741.28.

6412 Section 96. For the purpose of incorporating the amendment
 6413 made by this act to section 784.048, Florida Statutes, in a
 6414 reference thereto, paragraph (e) of subsection (3) of section
 6415 1006.147, Florida Statutes, is reenacted to read:

6416 1006.147 Bullying and harassment prohibited.—

6417 (3) For purposes of this section:

6418 (e) Definitions in s. 815.03 and the definition in s.
 6419 784.048(1)(d) relating to stalking are applicable to this
 6420 section.

6421 Section 97. For the purpose of incorporating the amendment
 6422 made by this act to section 806.13, Florida Statutes, in a
 6423 reference thereto, subsection (1) of section 316.0775, Florida
 6424 Statutes, is reenacted to read:

6425 316.0775 Interference with official traffic control
 6426 devices or railroad signs or signals.—

6427 (1) A person may not, without lawful authority, attempt to
 6428 or in fact alter, deface, injure, knock down, or remove any
 6429 official traffic control device or any railroad sign or signal

6430 or any inscription, shield, or insignia thereon, or any other
6431 part thereof. A violation of this subsection is a criminal
6432 violation pursuant to s. 318.17 and shall be punishable as set
6433 forth in s. 806.13 related to criminal mischief and graffiti,
6434 beginning on or after July 1, 2000.

6435 Section 98. For the purpose of incorporating the amendment
6436 made by this act to section 812.014, Florida Statutes, in a
6437 reference thereto, subsection (10) of section 95.18, Florida
6438 Statutes, is reenacted to read:

6439 95.18 Real property actions; adverse possession without
6440 color of title.—

6441 (10) A person who occupies or attempts to occupy a
6442 residential structure solely by claim of adverse possession
6443 under this section and offers the property for lease to another
6444 commits theft under s. 812.014.

6445 Section 99. For the purpose of incorporating the amendment
6446 made by this act to section 812.014, Florida Statutes, in a
6447 reference thereto, paragraph (c) of subsection (3) of section
6448 373.6055, Florida Statutes, is reenacted to read:

6449 373.6055 Criminal history checks for certain water
6450 management district employees and others.—

6451 (3)

6452 (c) In addition to other requirements for employment or
6453 access established by any water management district pursuant to
6454 its water management district's security plan for buildings,

6455 facilities, and structures, each water management district's
6456 security plan shall provide that:

6457 1. Any person who has within the past 7 years been
6458 convicted, regardless of whether adjudication was withheld, for
6459 a forcible felony as defined in s. 776.08; an act of terrorism
6460 as defined in s. 775.30; planting of a hoax bomb as provided in
6461 s. 790.165; any violation involving the manufacture, possession,
6462 sale, delivery, display, use, or attempted or threatened use of
6463 a weapon of mass destruction or hoax weapon of mass destruction
6464 as provided in s. 790.166; dealing in stolen property; any
6465 violation of s. 893.135; any violation involving the sale,
6466 manufacturing, delivery, or possession with intent to sell,
6467 manufacture, or deliver a controlled substance; burglary;
6468 robbery; any felony violation of s. 812.014; any violation of s.
6469 790.07; any crime an element of which includes use or possession
6470 of a firearm; any conviction for any similar offenses under the
6471 laws of another jurisdiction; or conviction for conspiracy to
6472 commit any of the listed offenses may not be qualified for
6473 initial employment within or authorized regular access to
6474 buildings, facilities, or structures defined in the water
6475 management district's security plan as restricted access areas.

6476 2. Any person who has at any time been convicted of any of
6477 the offenses listed in subparagraph 1. may not be qualified for
6478 initial employment within or authorized regular access to
6479 buildings, facilities, or structures defined in the water

6480 management district's security plan as restricted access areas
6481 unless, after release from incarceration and any supervision
6482 imposed as a sentence, the person remained free from a
6483 subsequent conviction, regardless of whether adjudication was
6484 withheld, for any of the listed offenses for a period of at
6485 least 7 years prior to the employment or access date under
6486 consideration.

6487 Section 100. For the purpose of incorporating the
6488 amendment made by this act to section 812.014, Florida Statutes,
6489 in a reference thereto, subsection (3) of section 400.9935,
6490 Florida Statutes, is reenacted to read:

6491 400.9935 Clinic responsibilities.—

6492 (3) A charge or reimbursement claim made by or on behalf
6493 of a clinic that is required to be licensed under this part but
6494 that is not so licensed, or that is otherwise operating in
6495 violation of this part, regardless of whether a service is
6496 rendered or whether the charge or reimbursement claim is paid,
6497 is an unlawful charge and is noncompensable and unenforceable. A
6498 person who knowingly makes or causes to be made an unlawful
6499 charge commits theft within the meaning of and punishable as
6500 provided in s. 812.014.

6501 Section 101. For the purpose of incorporating the
6502 amendment made by this act to section 812.014, Florida Statutes,
6503 in a reference thereto, subsection (10) of section 550.6305,
6504 Florida Statutes, is reenacted to read:

6505 | 550.6305 Intertrack wagering; guest track payments;
6506 | accounting rules.—

6507 | (10) All races or games conducted at a permitholder's
6508 | facility, all broadcasts of such races or games, and all
6509 | broadcast rights relating thereto are owned by the permitholder
6510 | at whose facility such races or games are conducted and
6511 | constitute the permitholder's property as defined in s.
6512 | 812.012(4). Transmission, reception of a transmission,
6513 | exhibition, use, or other appropriation of such races or games,
6514 | broadcasts of such races or games, or broadcast rights relating
6515 | thereto without the written consent of the permitholder
6516 | constitutes a theft of such property under s. 812.014; and in
6517 | addition to the penal sanctions contained in s. 812.014, the
6518 | permitholder has the right to avail itself of the civil remedies
6519 | specified in ss. 772.104, 772.11, and 812.035 in addition to any
6520 | other remedies available under applicable state or federal law.

6521 | Section 102. For the purpose of incorporating the
6522 | amendment made by this act to section 812.014, Florida Statutes,
6523 | in a reference thereto, subsection (2) of section 627.743,
6524 | Florida Statutes, is reenacted to read:

6525 | 627.743 Payment of third-party claims.—

6526 | (2) When making any payment on a third party claim for
6527 | damage to an automobile for a partial loss, the insurer shall
6528 | have printed on the loss estimate, if prepared by the insurer,
6529 | the following: "Failure to use the insurance proceeds in

6530 accordance with the security agreement, if any, could be a
 6531 violation of s. 812.014, Florida Statutes. If you have any
 6532 questions, contact your lending institution." However, this
 6533 subsection does not apply if the insurer does not prepare the
 6534 loss estimate.

6535 Section 103. For the purpose of incorporating the
 6536 amendment made by this act to section 812.014, Florida Statutes,
 6537 in a reference thereto, subsection (2) of section 634.421,
 6538 Florida Statutes, is reenacted to read:

6539 634.421 Reporting and accounting for funds.—

6540 (2) Any sales representative who, not being entitled
 6541 thereto, diverts or appropriates funds or any portion thereof to
 6542 her or his own use commits theft as provided in s. 812.014.

6543 Section 104. For the purpose of incorporating the
 6544 amendment made by this act to section 812.014, Florida Statutes,
 6545 in a reference thereto, subsection (2) of section 642.038,
 6546 Florida Statutes, is reenacted to read:

6547 642.038 Reporting and accounting for funds.—

6548 (2) Any sales representative who, not being entitled
 6549 thereto, diverts or appropriates such funds or any portion
 6550 thereof to his or her own use commits theft as provided in s.
 6551 812.014.

6552 Section 105. For the purpose of incorporating the
 6553 amendment made by this act to section 812.014, Florida Statutes,
 6554 in a reference thereto, subsection (4) of section 705.102,

6555 Florida Statutes, is reenacted to read:

6556 705.102 Reporting lost or abandoned property.—

6557 (4) Any person who unlawfully appropriates such lost or
 6558 abandoned property to his or her own use or refuses to deliver
 6559 such property when required commits theft as defined in s.
 6560 812.014, punishable as provided in s. 775.082, s. 775.083, or s.
 6561 775.084.

6562 Section 106. For the purpose of incorporating the
 6563 amendment made by this act to section 812.014, Florida Statutes,
 6564 in a reference thereto, subsection (7) of section 812.14,
 6565 Florida Statutes, is reenacted to read:

6566 812.14 Trespass and larceny with relation to utility
 6567 fixtures; theft of utility services.—

6568 (7) An owner, lessor, or sublessor who willfully violates
 6569 subsection (5) commits a misdemeanor of the first degree,
 6570 punishable as provided in s. 775.082 or s. 775.083. Prosecution
 6571 for a violation of subsection (5) does not preclude prosecution
 6572 for theft pursuant to subsection (8) or s. 812.014.

6573 Section 107. For the purpose of incorporating the
 6574 amendment made by this act to section 812.014, Florida Statutes,
 6575 in a reference thereto, subsection (3) of section 893.138,
 6576 Florida Statutes, is reenacted to read:

6577 893.138 Local administrative action to abate drug-related,
 6578 prostitution-related, or stolen-property-related public
 6579 nuisances and criminal gang activity.—

6580 (3) Any pain-management clinic, as described in s.
 6581 458.3265 or s. 459.0137, which has been used on more than two
 6582 occasions within a 6-month period as the site of a violation of:

6583 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
 6584 relating to assault and battery;

6585 (b) Section 810.02, relating to burglary;

6586 (c) Section 812.014, relating to theft;

6587 (d) Section 812.131, relating to robbery by sudden
 6588 snatching; or

6589 (e) Section 893.13, relating to the unlawful distribution
 6590 of controlled substances,

6591
 6592 may be declared to be a public nuisance, and such nuisance may
 6593 be abated pursuant to the procedures provided in this section.

6594 Section 108. For the purpose of incorporating the
 6595 amendment made by this act to section 812.015, Florida Statutes,
 6596 in a reference thereto, subsection (5) of section 538.09,
 6597 Florida Statutes, is reenacted to read:

6598 538.09 Registration.—

6599 (5) In addition to the fine provided in subsection (4),
 6600 registration under this section may be denied or any
 6601 registration granted may be revoked, restricted, or suspended by
 6602 the department if the department determines that the applicant
 6603 or registrant:

6604 (a) Has violated any provision of this chapter or any rule

6605 or order made pursuant to this chapter;

6606 (b) Has made a material false statement in the application
6607 for registration;

6608 (c) Has been guilty of a fraudulent act in connection with
6609 any purchase or sale or has been or is engaged in or is about to
6610 engage in any practice, purchase, or sale which is fraudulent or
6611 in violation of the law;

6612 (d) Has made a misrepresentation or false statement to, or
6613 concealed any essential or material fact from, any person in
6614 making any purchase or sale;

6615 (e) Is making purchases or sales through any business
6616 associate not registered in compliance with the provisions of
6617 this chapter;

6618 (f) Has, within the preceding 10-year period for new
6619 registrants who apply for registration on or after October 1,
6620 2006, been convicted of, or has entered a plea of guilty or nolo
6621 contendere to, or had adjudication withheld for, a crime against
6622 the laws of this state or any other state or of the United
6623 States which relates to registration as a secondhand dealer or
6624 which involves theft, larceny, dealing in stolen property,
6625 receiving stolen property, burglary, embezzlement, obtaining
6626 property by false pretenses, possession of altered property, any
6627 felony drug offense, any violation of s. 812.015, or any
6628 fraudulent dealing;

6629 (g) Has had a final judgment entered against her or him in

6630 a civil action upon grounds of fraud, embezzlement,
6631 misrepresentation, or deceit; or

6632 (h) Has failed to pay any sales tax owed to the Department
6633 of Revenue.

6634
6635 In the event the department determines to deny an application or
6636 revoke a registration, it shall enter a final order with its
6637 findings on the register of secondhand dealers and their
6638 business associates, if any; and denial, suspension, or
6639 revocation of the registration of a secondhand dealer shall also
6640 deny, suspend, or revoke the registration of such secondhand
6641 dealer's business associates.

6642 Section 109. For the purpose of incorporating the
6643 amendment made by this act to section 812.015, Florida Statutes,
6644 in a reference thereto, subsection (2) of section 538.23,
6645 Florida Statutes, is reenacted to read:

6646 538.23 Violations and penalties.—

6647 (2) A secondary metals recycler is presumed to know upon
6648 receipt of stolen regulated metals property in a purchase
6649 transaction that the regulated metals property has been stolen
6650 from another if the secondary metals recycler knowingly and
6651 intentionally fails to maintain the information required in s.
6652 538.19 and shall, upon conviction of a violation of s. 812.015,
6653 be punished as provided in s. 812.014(2) or (3).

6654 Section 110. For the purpose of incorporating the

6655 amendment made by this act to section 815.03, Florida Statutes,
 6656 in a reference thereto, paragraph (e) of subsection (3) of
 6657 section 1006.147, Florida Statutes, is reenacted to read:

6658 1006.147 Bullying and harassment prohibited.—

6659 (3) For purposes of this section:

6660 (e) Definitions in s. 815.03 and the definition in s.
 6661 784.048(1)(d) relating to stalking are applicable to this
 6662 section.

6663 Section 111. For the purpose of incorporating the
 6664 amendment made by this act to section 815.06, Florida Statutes,
 6665 in a reference thereto, subsection (2) of section 316.80,
 6666 Florida Statutes, is reenacted to read:

6667 316.80 Unlawful conveyance of fuel; obtaining fuel
 6668 fraudulently.—

6669 (2) A person who violates subsection (1) commits a felony
 6670 of the second degree, punishable as provided in s. 775.082, s.
 6671 775.083, or s. 775.084, if he or she has attempted to or has
 6672 fraudulently obtained motor or diesel fuel by:

6673 (a) Presenting a credit card or a credit card account
 6674 number in violation of ss. 817.57-817.685;

6675 (b) Using unauthorized access to any computer network in
 6676 violation of s. 815.06; or

6677 (c) Using a fraudulently scanned or lost or stolen payment
 6678 access device, whether credit card or contactless device.

6679 Section 112. For the purpose of incorporating the

6680 amendment made by this act to section 815.06, Florida Statutes,
 6681 in references thereto, subsections (1) and (2) of section
 6682 775.30, Florida Statutes, are reenacted to read:
 6683 775.30 Terrorism; defined; penalties.—
 6684 (1) As used in this chapter and the Florida Criminal Code,
 6685 the terms "terrorism" or "terrorist activity" mean an activity
 6686 that:
 6687 (a) Involves:
 6688 1. A violent act or an act dangerous to human life which
 6689 is a violation of the criminal laws of this state or of the
 6690 United States; or
 6691 2. A violation of s. 815.06; and
 6692 (b) Is intended to:
 6693 1. Intimidate, injure, or coerce a civilian population;
 6694 2. Influence the policy of a government by intimidation or
 6695 coercion; or
 6696 3. Affect the conduct of government through destruction of
 6697 property, assassination, murder, kidnapping, or aircraft piracy.
 6698 (2) A person who violates s. 782.04(1)(a)1. or (2), s.
 6699 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.
 6700 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16,
 6701 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.
 6702 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.
 6703 859.01, or s. 876.34, in furtherance of intimidating or coercing
 6704 the policy of a government, or in furtherance of affecting the

6705 | conduct of a government by mass destruction, assassination, or
 6706 | kidnapping, commits the crime of terrorism, a felony of the
 6707 | first degree, punishable as provided in s. 775.082, s. 775.083,
 6708 | or s. 775.084.

6709 | Section 113. For the purpose of incorporating the
 6710 | amendment made by this act to section 815.06, Florida Statutes,
 6711 | in a reference thereto, subsection (2) of section 775.33,
 6712 | Florida Statutes, is reenacted to read:

6713 | 775.33 Providing material support or resources for
 6714 | terrorism or to terrorist organizations.—

6715 | (2) A person commits a felony of the first degree,
 6716 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 6717 | if the person:

6718 | (a) Provides material support or resources or conceals or
 6719 | disguises the nature, location, source, or ownership of the
 6720 | material support or resources, knowing or intending that the
 6721 | support or resources are to be used in preparation for or in
 6722 | carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s.
 6723 | 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s.
 6724 | 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32,
 6725 | s. 876.34, or s. 876.36;

6726 | (b) Conceals an escape from the commission of a violation
 6727 | of paragraph (a); or

6728 | (c) Attempts or conspires to commit a violation of
 6729 | paragraph (a).

6730 Section 114. For the purpose of incorporating the
 6731 amendment made by this act to section 815.06, Florida Statutes,
 6732 in a reference thereto, subsection (5) of section 782.04,
 6733 Florida Statutes, is reenacted to read:

6734 782.04 Murder.—

6735 (5) As used in this section, the term "terrorism" means an
 6736 activity that:

6737 (a)1. Involves a violent act or an act dangerous to human
 6738 life which is a violation of the criminal laws of this state or
 6739 of the United States; or

6740 2. Involves a violation of s. 815.06; and

6741 (b) Is intended to:

6742 1. Intimidate, injure, or coerce a civilian population;

6743 2. Influence the policy of a government by intimidation or
 6744 coercion; or

6745 3. Affect the conduct of government through destruction of
 6746 property, assassination, murder, kidnapping, or aircraft piracy.

6747 Section 115. For the purpose of incorporating the
 6748 amendment made by this act to section 815.06, Florida Statutes,
 6749 in a reference thereto, subsection (3) of section 934.07,
 6750 Florida Statutes, is reenacted to read:

6751 934.07 Authorization for interception of wire, oral, or
 6752 electronic communications.—

6753 (3) As used in this section, the term "terrorism" means an
 6754 activity that:

6755 (a)1. Involves a violent act or an act dangerous to human
 6756 life which is a violation of the criminal laws of this state or
 6757 of the United States; or
 6758 2. Involves a violation of s. 815.06; and
 6759 (b) Is intended to:
 6760 1. Intimidate, injure, or coerce a civilian population;
 6761 2. Influence the policy of a government by intimidation or
 6762 coercion; or
 6763 3. Affect the conduct of government through destruction of
 6764 property, assassination, murder, kidnapping, or aircraft piracy.
 6765 Section 116. For the purpose of incorporating the
 6766 amendment made by this act to section 849.01, Florida Statutes,
 6767 in a reference thereto, section 849.02, Florida Statutes, is
 6768 reenacted to read:
 6769 849.02 Agents or employees of keeper of gambling house.—
 6770 Whoever acts as servant, clerk, agent, or employee of any person
 6771 in the violation of s. 849.01 shall be punished in the manner
 6772 and to the extent therein mentioned.
 6773 Section 117. For the purpose of incorporating the
 6774 amendment made by this act to section 893.135, Florida Statutes,
 6775 in a reference thereto, paragraph (c) of subsection (3) of
 6776 section 373.6055, Florida Statutes, is reenacted to read:
 6777 373.6055 Criminal history checks for certain water
 6778 management district employees and others.—
 6779 (3)

6780 (c) In addition to other requirements for employment or
6781 access established by any water management district pursuant to
6782 its water management district's security plan for buildings,
6783 facilities, and structures, each water management district's
6784 security plan shall provide that:

6785 1. Any person who has within the past 7 years been
6786 convicted, regardless of whether adjudication was withheld, for
6787 a forcible felony as defined in s. 776.08; an act of terrorism
6788 as defined in s. 775.30; planting of a hoax bomb as provided in
6789 s. 790.165; any violation involving the manufacture, possession,
6790 sale, delivery, display, use, or attempted or threatened use of
6791 a weapon of mass destruction or hoax weapon of mass destruction
6792 as provided in s. 790.166; dealing in stolen property; any
6793 violation of s. 893.135; any violation involving the sale,
6794 manufacturing, delivery, or possession with intent to sell,
6795 manufacture, or deliver a controlled substance; burglary;
6796 robbery; any felony violation of s. 812.014; any violation of s.
6797 790.07; any crime an element of which includes use or possession
6798 of a firearm; any conviction for any similar offenses under the
6799 laws of another jurisdiction; or conviction for conspiracy to
6800 commit any of the listed offenses may not be qualified for
6801 initial employment within or authorized regular access to
6802 buildings, facilities, or structures defined in the water
6803 management district's security plan as restricted access areas.

6804 2. Any person who has at any time been convicted of any of

6805 | the offenses listed in subparagraph 1. may not be qualified for
6806 | initial employment within or authorized regular access to
6807 | buildings, facilities, or structures defined in the water
6808 | management district's security plan as restricted access areas
6809 | unless, after release from incarceration and any supervision
6810 | imposed as a sentence, the person remained free from a
6811 | subsequent conviction, regardless of whether adjudication was
6812 | withheld, for any of the listed offenses for a period of at
6813 | least 7 years prior to the employment or access date under
6814 | consideration.

6815 | Section 118. For the purpose of incorporating the
6816 | amendment made by this act to section 893.135, Florida Statutes,
6817 | in a reference thereto, subsection (6) of section 397.4073,
6818 | Florida Statutes, is reenacted to read:

6819 | 397.4073 Background checks of service provider personnel.—

6820 | (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State
6821 | funds may not be disseminated to any service provider owned or
6822 | operated by an owner, director, or chief financial officer who
6823 | has been convicted of, has entered a plea of guilty or nolo
6824 | contendere to, or has had adjudication withheld for, a violation
6825 | of s. 893.135 pertaining to trafficking in controlled
6826 | substances, or a violation of the law of another state, the
6827 | District of Columbia, the United States or any possession or
6828 | territory thereof, or any foreign jurisdiction which is
6829 | substantially similar in elements and penalties to a trafficking

6830 offense in this state, unless the owner's or director's civil
6831 rights have been restored.

6832 Section 119. For the purpose of incorporating the
6833 amendment made by this act to section 893.135, Florida Statutes,
6834 in a reference thereto, subsection (1) of section 414.095,
6835 Florida Statutes, is reenacted to read:

6836 414.095 Determining eligibility for temporary cash
6837 assistance.—

6838 (1) ELIGIBILITY.—An applicant must meet eligibility
6839 requirements of this section before receiving services or
6840 temporary cash assistance under this chapter, except that an
6841 applicant shall be required to register for work and engage in
6842 work activities in accordance with s. 445.024, as designated by
6843 the local workforce development board, and may receive support
6844 services or child care assistance in conjunction with such
6845 requirement. The department shall make a determination of
6846 eligibility based on the criteria listed in this chapter. The
6847 department shall monitor continued eligibility for temporary
6848 cash assistance through periodic reviews consistent with the
6849 food assistance eligibility process. Benefits may not be denied
6850 to an individual solely based on a felony drug conviction,
6851 unless the conviction is for trafficking pursuant to s. 893.135.
6852 To be eligible under this section, an individual convicted of a
6853 drug felony must be satisfactorily meeting the requirements of
6854 the temporary cash assistance program, including all substance

6855 | abuse treatment requirements. Within the limits specified in
 6856 | this chapter, the state opts out of the provision of Pub. L. No.
 6857 | 104-193, s. 115, that eliminates eligibility for temporary cash
 6858 | assistance and food assistance for any individual convicted of a
 6859 | controlled substance felony.

6860 | Section 120. For the purpose of incorporating the
 6861 | amendment made by this act to section 893.135, Florida Statutes,
 6862 | in a reference thereto, subsection (2) of section 772.12,
 6863 | Florida Statutes, is reenacted to read:

6864 | 772.12 Drug Dealer Liability Act.—

6865 | (2) A person, including any governmental entity, has a
 6866 | cause of action for threefold the actual damages sustained and
 6867 | is entitled to minimum damages in the amount of \$1,000 and
 6868 | reasonable attorney's fees and court costs in the trial and
 6869 | appellate courts, if the person proves by the greater weight of
 6870 | the evidence that:

6871 | (a) The person was injured because of the defendant's
 6872 | actions that resulted in the defendant's conviction for:

6873 | 1. A violation of s. 893.13, except for a violation of s.
 6874 | 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

6875 | 2. A violation of s. 893.135; and

6876 | (b) The person was not injured by reason of his or her
 6877 | participation in the same act or transaction that resulted in
 6878 | the defendant's conviction for any offense described in
 6879 | subparagraph (a)1.

6880 Section 121. For the purpose of incorporating the
 6881 amendment made by this act to section 893.135, Florida Statutes,
 6882 in references thereto, paragraph (a) of subsection (2) and
 6883 paragraph (a) of subsection (3) of section 775.087, Florida
 6884 Statutes, are reenacted to read:

6885 775.087 Possession or use of weapon; aggravated battery;
 6886 felony reclassification; minimum sentence.—

6887 (2)(a)1. Any person who is convicted of a felony or an
 6888 attempt to commit a felony, regardless of whether the use of a
 6889 weapon is an element of the felony, and the conviction was for:

- 6890 a. Murder;
- 6891 b. Sexual battery;
- 6892 c. Robbery;
- 6893 d. Burglary;
- 6894 e. Arson;
- 6895 f. Aggravated battery;
- 6896 g. Kidnapping;
- 6897 h. Escape;
- 6898 i. Aircraft piracy;
- 6899 j. Aggravated child abuse;
- 6900 k. Aggravated abuse of an elderly person or disabled
 6901 adult;
- 6902 l. Unlawful throwing, placing, or discharging of a
 6903 destructive device or bomb;
- 6904 m. Carjacking;

6905 | n. Home-invasion robbery;
 6906 | o. Aggravated stalking;
 6907 | p. Trafficking in cannabis, trafficking in cocaine,
 6908 | capital importation of cocaine, trafficking in illegal drugs,
 6909 | capital importation of illegal drugs, trafficking in
 6910 | phencyclidine, capital importation of phencyclidine, trafficking
 6911 | in methaqualone, capital importation of methaqualone,
 6912 | trafficking in amphetamine, capital importation of amphetamine,
 6913 | trafficking in flunitrazepam, trafficking in gamma-
 6914 | hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
 6915 | trafficking in Phenethylamines, or other violation of s.
 6916 | 893.135(1); or
 6917 | q. Possession of a firearm by a felon
 6918 |
 6919 | and during the commission of the offense, such person actually
 6920 | possessed a "firearm" or "destructive device" as those terms are
 6921 | defined in s. 790.001, shall be sentenced to a minimum term of
 6922 | imprisonment of 10 years, except that a person who is convicted
 6923 | for possession of a firearm by a felon or burglary of a
 6924 | conveyance shall be sentenced to a minimum term of imprisonment
 6925 | of 3 years if such person possessed a "firearm" or "destructive
 6926 | device" during the commission of the offense. However, if an
 6927 | offender who is convicted of the offense of possession of a
 6928 | firearm by a felon has a previous conviction of committing or
 6929 | attempting to commit a felony listed in s. 775.084(1)(b)1. and

6930 actually possessed a firearm or destructive device during the
6931 commission of the prior felony, the offender shall be sentenced
6932 to a minimum term of imprisonment of 10 years.

6933 2. Any person who is convicted of a felony or an attempt
6934 to commit a felony listed in sub-subparagraphs (a)1.a.-p.,
6935 regardless of whether the use of a weapon is an element of the
6936 felony, and during the course of the commission of the felony
6937 such person discharged a "firearm" or "destructive device" as
6938 defined in s. 790.001 shall be sentenced to a minimum term of
6939 imprisonment of 20 years.

6940 3. Any person who is convicted of a felony or an attempt
6941 to commit a felony listed in sub-subparagraphs (a)1.a.-p.,
6942 regardless of whether the use of a weapon is an element of the
6943 felony, and during the course of the commission of the felony
6944 such person discharged a "firearm" or "destructive device" as
6945 defined in s. 790.001 and, as the result of the discharge, death
6946 or great bodily harm was inflicted upon any person, the
6947 convicted person shall be sentenced to a minimum term of
6948 imprisonment of not less than 25 years and not more than a term
6949 of imprisonment of life in prison.

6950 (3)(a)1. Any person who is convicted of a felony or an
6951 attempt to commit a felony, regardless of whether the use of a
6952 firearm is an element of the felony, and the conviction was for:

- 6953 a. Murder;
6954 b. Sexual battery;

- 6955 | c. Robbery;
- 6956 | d. Burglary;
- 6957 | e. Arson;
- 6958 | f. Aggravated battery;
- 6959 | g. Kidnapping;
- 6960 | h. Escape;
- 6961 | i. Sale, manufacture, delivery, or intent to sell,
- 6962 | manufacture, or deliver any controlled substance;
- 6963 | j. Aircraft piracy;
- 6964 | k. Aggravated child abuse;
- 6965 | l. Aggravated abuse of an elderly person or disabled
- 6966 | adult;
- 6967 | m. Unlawful throwing, placing, or discharging of a
- 6968 | destructive device or bomb;
- 6969 | n. Carjacking;
- 6970 | o. Home-invasion robbery;
- 6971 | p. Aggravated stalking; or
- 6972 | q. Trafficking in cannabis, trafficking in cocaine,
- 6973 | capital importation of cocaine, trafficking in illegal drugs,
- 6974 | capital importation of illegal drugs, trafficking in
- 6975 | phencyclidine, capital importation of phencyclidine, trafficking
- 6976 | in methaqualone, capital importation of methaqualone,
- 6977 | trafficking in amphetamine, capital importation of amphetamine,
- 6978 | trafficking in flunitrazepam, trafficking in gamma-
- 6979 | hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,

6980 trafficking in Phenethylamines, or other violation of s.
 6981 893.135(1);

6982
 6983 and during the commission of the offense, such person possessed
 6984 a semiautomatic firearm and its high-capacity detachable box
 6985 magazine or a machine gun as defined in s. 790.001, shall be
 6986 sentenced to a minimum term of imprisonment of 15 years.

6987 2. Any person who is convicted of a felony or an attempt
 6988 to commit a felony listed in subparagraph (a)1., regardless of
 6989 whether the use of a weapon is an element of the felony, and
 6990 during the course of the commission of the felony such person
 6991 discharged a semiautomatic firearm and its high-capacity box
 6992 magazine or a "machine gun" as defined in s. 790.001 shall be
 6993 sentenced to a minimum term of imprisonment of 20 years.

6994 3. Any person who is convicted of a felony or an attempt
 6995 to commit a felony listed in subparagraph (a)1., regardless of
 6996 whether the use of a weapon is an element of the felony, and
 6997 during the course of the commission of the felony such person
 6998 discharged a semiautomatic firearm and its high-capacity box
 6999 magazine or a "machine gun" as defined in s. 790.001 and, as the
 7000 result of the discharge, death or great bodily harm was
 7001 inflicted upon any person, the convicted person shall be
 7002 sentenced to a minimum term of imprisonment of not less than 25
 7003 years and not more than a term of imprisonment of life in
 7004 prison.

7005 Section 122. For the purpose of incorporating the
 7006 amendment made by this act to section 893.135, Florida Statutes,
 7007 in references thereto, paragraph (a) of subsection (1) and
 7008 subsections (3) and (4) of section 782.04, Florida Statutes, are
 7009 reenacted to read:

7010 782.04 Murder.—

7011 (1) (a) The unlawful killing of a human being:

7012 1. When perpetrated from a premeditated design to effect
 7013 the death of the person killed or any human being;

7014 2. When committed by a person engaged in the perpetration
 7015 of, or in the attempt to perpetrate, any:

7016 a. Trafficking offense prohibited by s. 893.135(1),

7017 b. Arson,

7018 c. Sexual battery,

7019 d. Robbery,

7020 e. Burglary,

7021 f. Kidnapping,

7022 g. Escape,

7023 h. Aggravated child abuse,

7024 i. Aggravated abuse of an elderly person or disabled
 7025 adult,

7026 j. Aircraft piracy,

7027 k. Unlawful throwing, placing, or discharging of a
 7028 destructive device or bomb,

7029 l. Carjacking,

- 7030 m. Home-invasion robbery,
- 7031 n. Aggravated stalking,
- 7032 o. Murder of another human being,
- 7033 p. Resisting an officer with violence to his or her
- 7034 person,
- 7035 q. Aggravated fleeing or eluding with serious bodily
- 7036 injury or death,
- 7037 r. Felony that is an act of terrorism or is in furtherance
- 7038 of an act of terrorism, including a felony under s. 775.30, s.
- 7039 775.32, s. 775.33, s. 775.34, or s. 775.35, or
- 7040 s. Human trafficking; or
- 7041 3. Which resulted from the unlawful distribution by a
- 7042 person 18 years of age or older of any of the following
- 7043 substances, or mixture containing any of the following
- 7044 substances, when such substance or mixture is proven to be the
- 7045 proximate cause of the death of the user:
 - 7046 a. A substance controlled under s. 893.03(1);
 - 7047 b. Cocaine, as described in s. 893.03(2)(a)4.;
 - 7048 c. Opium or any synthetic or natural salt, compound,
 - 7049 derivative, or preparation of opium;
 - 7050 d. Methadone;
 - 7051 e. Alfentanil, as described in s. 893.03(2)(b)1.;
 - 7052 f. Carfentanil, as described in s. 893.03(2)(b)6.;
 - 7053 g. Fentanyl, as described in s. 893.03(2)(b)9.;
 - 7054 h. Sufentanil, as described in s. 893.03(2)(b)30.; or

7055 i. A controlled substance analog, as described in s.
 7056 893.0356, of any substance specified in sub-subparagraphs a.-h.,
 7057
 7058 is murder in the first degree and constitutes a capital felony,
 7059 punishable as provided in s. 775.082.

7060 (3) When a human being is killed during the perpetration
 7061 of, or during the attempt to perpetrate, any:

7062 (a) Trafficking offense prohibited by s. 893.135(1),
 7063 (b) Arson,
 7064 (c) Sexual battery,
 7065 (d) Robbery,
 7066 (e) Burglary,
 7067 (f) Kidnapping,
 7068 (g) Escape,
 7069 (h) Aggravated child abuse,
 7070 (i) Aggravated abuse of an elderly person or disabled
 7071 adult,
 7072 (j) Aircraft piracy,
 7073 (k) Unlawful throwing, placing, or discharging of a
 7074 destructive device or bomb,
 7075 (l) Carjacking,
 7076 (m) Home-invasion robbery,
 7077 (n) Aggravated stalking,
 7078 (o) Murder of another human being,
 7079 (p) Aggravated fleeing or eluding with serious bodily

7080 injury or death,
 7081 (q) Resisting an officer with violence to his or her
 7082 person, or
 7083 (r) Felony that is an act of terrorism or is in
 7084 furtherance of an act of terrorism, including a felony under s.
 7085 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,
 7086
 7087 by a person other than the person engaged in the perpetration of
 7088 or in the attempt to perpetrate such felony, the person
 7089 perpetrating or attempting to perpetrate such felony commits
 7090 murder in the second degree, which constitutes a felony of the
 7091 first degree, punishable by imprisonment for a term of years not
 7092 exceeding life or as provided in s. 775.082, s. 775.083, or s.
 7093 775.084.
 7094 (4) The unlawful killing of a human being, when
 7095 perpetrated without any design to effect death, by a person
 7096 engaged in the perpetration of, or in the attempt to perpetrate,
 7097 any felony other than any:
 7098 (a) Trafficking offense prohibited by s. 893.135(1),
 7099 (b) Arson,
 7100 (c) Sexual battery,
 7101 (d) Robbery,
 7102 (e) Burglary,
 7103 (f) Kidnapping,
 7104 (g) Escape,

- 7105 (h) Aggravated child abuse,
- 7106 (i) Aggravated abuse of an elderly person or disabled
- 7107 adult,
- 7108 (j) Aircraft piracy,
- 7109 (k) Unlawful throwing, placing, or discharging of a
- 7110 destructive device or bomb,
- 7111 (l) Unlawful distribution of any substance controlled
- 7112 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
- 7113 or opium or any synthetic or natural salt, compound, derivative,
- 7114 or preparation of opium by a person 18 years of age or older,
- 7115 when such drug is proven to be the proximate cause of the death
- 7116 of the user,
- 7117 (m) Carjacking,
- 7118 (n) Home-invasion robbery,
- 7119 (o) Aggravated stalking,
- 7120 (p) Murder of another human being,
- 7121 (q) Aggravated fleeing or eluding with serious bodily
- 7122 injury or death,
- 7123 (r) Resisting an officer with violence to his or her
- 7124 person, or
- 7125 (s) Felony that is an act of terrorism or is in
- 7126 furtherance of an act of terrorism, including a felony under s.
- 7127 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,
- 7128
- 7129 is murder in the third degree and constitutes a felony of the

7130 second degree, punishable as provided in s. 775.082, s. 775.083,
 7131 or s. 775.084.

7132 Section 123. For the purpose of incorporating the
 7133 amendment made by this act to section 893.135, Florida Statutes,
 7134 in a reference thereto, subsection (3) of section 810.02,
 7135 Florida Statutes, is reenacted to read:

7136 810.02 Burglary.—

7137 (3) Burglary is a felony of the second degree, punishable
 7138 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
 7139 course of committing the offense, the offender does not make an
 7140 assault or battery and is not and does not become armed with a
 7141 dangerous weapon or explosive, and the offender enters or
 7142 remains in a:

7143 (a) Dwelling, and there is another person in the dwelling
 7144 at the time the offender enters or remains;

7145 (b) Dwelling, and there is not another person in the
 7146 dwelling at the time the offender enters or remains;

7147 (c) Structure, and there is another person in the
 7148 structure at the time the offender enters or remains;

7149 (d) Conveyance, and there is another person in the
 7150 conveyance at the time the offender enters or remains;

7151 (e) Authorized emergency vehicle, as defined in s.
 7152 316.003; or

7153 (f) Structure or conveyance when the offense intended to
 7154 be committed therein is theft of a controlled substance as

7155 defined in s. 893.02. Notwithstanding any other law, separate
7156 judgments and sentences for burglary with the intent to commit
7157 theft of a controlled substance under this paragraph and for any
7158 applicable possession of controlled substance offense under s.
7159 893.13 or trafficking in controlled substance offense under s.
7160 893.135 may be imposed when all such offenses involve the same
7161 amount or amounts of a controlled substance.

7162

7163 However, if the burglary is committed within a county that is
7164 subject to a state of emergency declared by the Governor under
7165 chapter 252 after the declaration of emergency is made and the
7166 perpetration of the burglary is facilitated by conditions
7167 arising from the emergency, the burglary is a felony of the
7168 first degree, punishable as provided in s. 775.082, s. 775.083,
7169 or s. 775.084. As used in this subsection, the term "conditions
7170 arising from the emergency" means civil unrest, power outages,
7171 curfews, voluntary or mandatory evacuations, or a reduction in
7172 the presence of or response time for first responders or
7173 homeland security personnel. A person arrested for committing a
7174 burglary within a county that is subject to such a state of
7175 emergency may not be released until the person appears before a
7176 committing magistrate at a first appearance hearing. For
7177 purposes of sentencing under chapter 921, a felony offense that
7178 is reclassified under this subsection is ranked one level above
7179 the ranking under s. 921.0022 or s. 921.0023 of the offense

7180 committed.

7181 Section 124. For the purpose of incorporating the
 7182 amendment made by this act to section 893.135, Florida Statutes,
 7183 in a reference thereto, paragraph (d) of subsection (8) of
 7184 section 893.13, Florida Statutes, is reenacted to read:

7185 893.13 Prohibited acts; penalties.—

7186 (8)

7187 (d) Notwithstanding paragraph (c), if a prescribing
 7188 practitioner has violated paragraph (a) and received \$1,000 or
 7189 more in payment for writing one or more prescriptions or, in the
 7190 case of a prescription written for a controlled substance
 7191 described in s. 893.135, has written one or more prescriptions
 7192 for a quantity of a controlled substance which, individually or
 7193 in the aggregate, meets the threshold for the offense of
 7194 trafficking in a controlled substance under s. 893.135, the
 7195 violation is reclassified as a felony of the second degree and
 7196 ranked in level 4 of the Criminal Punishment Code.

7197 Section 125. For the purpose of incorporating the
 7198 amendment made by this act to section 893.135, Florida Statutes,
 7199 in references thereto, subsections (1) and (2) of section
 7200 893.1351, Florida Statutes, are reenacted to read:

7201 893.1351 Ownership, lease, rental, or possession for
 7202 trafficking in or manufacturing a controlled substance.—

7203 (1) A person may not own, lease, or rent any place,
 7204 structure, or part thereof, trailer, or other conveyance with

7205 | the knowledge that the place, structure, trailer, or conveyance
 7206 | will be used for the purpose of trafficking in a controlled
 7207 | substance, as provided in s. 893.135; for the sale of a
 7208 | controlled substance, as provided in s. 893.13; or for the
 7209 | manufacture of a controlled substance intended for sale or
 7210 | distribution to another. A person who violates this subsection
 7211 | commits a felony of the third degree, punishable as provided in
 7212 | s. 775.082, s. 775.083, or s. 775.084.

7213 | (2) A person may not knowingly be in actual or
 7214 | constructive possession of any place, structure, or part
 7215 | thereof, trailer, or other conveyance with the knowledge that
 7216 | the place, structure, or part thereof, trailer, or conveyance
 7217 | will be used for the purpose of trafficking in a controlled
 7218 | substance, as provided in s. 893.135; for the sale of a
 7219 | controlled substance, as provided in s. 893.13; or for the
 7220 | manufacture of a controlled substance intended for sale or
 7221 | distribution to another. A person who violates this subsection
 7222 | commits a felony of the second degree, punishable as provided in
 7223 | s. 775.082, s. 775.083, or s. 775.084.

7224 | Section 126. For the purpose of incorporating the
 7225 | amendment made by this act to section 893.135, Florida Statutes,
 7226 | in a reference thereto, paragraph (e) of subsection (3) of
 7227 | section 900.05, Florida Statutes, is reenacted to read:

7228 | 900.05 Criminal justice data collection.—

7229 | (3) DATA COLLECTION AND REPORTING.—Beginning January 1,

7230 2019, an entity required to collect data in accordance with this
7231 subsection shall collect the specified data required of the
7232 entity on a biweekly basis. Each entity shall report the data
7233 collected in accordance with this subsection to the Department
7234 of Law Enforcement on a monthly basis.

7235 (e) *Department of Corrections.*—The Department of
7236 Corrections shall collect the following data:

7237 1. Information related to each inmate, including:

7238 a. Identifying information, including name, date of birth,
7239 race or ethnicity, and identification number assigned by the
7240 department.

7241 b. Number of children.

7242 c. Education level, including any vocational training.

7243 d. Date the inmate was admitted to the custody of the
7244 department.

7245 e. Current institution placement and the security level
7246 assigned to the institution.

7247 f. Custody level assignment.

7248 g. Qualification for a flag designation as defined in this
7249 section, including sexual offender flag, habitual offender flag,
7250 gang affiliation flag, or concurrent or consecutive sentence
7251 flag.

7252 h. County that committed the prisoner to the custody of
7253 the department.

7254 i. Whether the reason for admission to the department is

7255 | for a new conviction or a violation of probation, community
 7256 | control, or parole. For an admission for a probation, community
 7257 | control, or parole violation, the department shall report
 7258 | whether the violation was technical or based on a new violation
 7259 | of law.

7260 | j. Specific statutory citation for which the inmate was
 7261 | committed to the department, including, for an inmate convicted
 7262 | of drug trafficking under s. 893.135, the statutory citation for
 7263 | each specific drug trafficked.

7264 | k. Length of sentence or concurrent or consecutive
 7265 | sentences served.

7266 | 1. Tentative release date.

7267 | m. Gain time earned in accordance with s. 944.275.

7268 | n. Prior incarceration within the state.

7269 | o. Disciplinary violation and action.

7270 | p. Participation in rehabilitative or educational programs
 7271 | while in the custody of the department.

7272 | 2. Information about each state correctional institution
 7273 | or facility, including:

7274 | a. Budget for each state correctional institution or
 7275 | facility.

7276 | b. Daily prison population of all inmates incarcerated in
 7277 | a state correctional institution or facility.

7278 | c. Daily number of correctional officers for each state
 7279 | correctional institution or facility.

7280 3. Information related to persons supervised by the
 7281 department on probation or community control, including:
 7282 a. Identifying information for each person supervised by
 7283 the department on probation or community control, including his
 7284 or her name, date of birth, race or ethnicity, sex, and
 7285 department-assigned case number.
 7286 b. Length of probation or community control sentence
 7287 imposed and amount of time that has been served on such
 7288 sentence.
 7289 c. Projected termination date for probation or community
 7290 control.
 7291 d. Revocation of probation or community control due to a
 7292 violation, including whether the revocation is due to a
 7293 technical violation of the conditions of supervision or from the
 7294 commission of a new law violation.
 7295 4. Per diem rates for:
 7296 a. Prison bed.
 7297 b. Probation.
 7298 c. Community control.
 7299
 7300 This information only needs to be reported once annually at the
 7301 time the most recent per diem rate is published.
 7302 Section 127. For the purpose of incorporating the
 7303 amendment made by this act to section 893.135, Florida Statutes,
 7304 in a reference thereto, section 903.133, Florida Statutes, is

7305 reenacted to read:

7306 903.133 Bail on appeal; prohibited for certain felony
7307 convictions.—Notwithstanding the provisions of s. 903.132, no
7308 person adjudged guilty of a felony of the first degree for a
7309 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
7310 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
7311 violation of s. 794.011(2) or (3), shall be admitted to bail
7312 pending review either by posttrial motion or appeal.

7313 Section 128. For the purpose of incorporating the
7314 amendment made by this act to section 893.135, Florida Statutes,
7315 in a reference thereto, paragraph (c) of subsection (4) of
7316 section 907.041, Florida Statutes, is reenacted to read:

7317 907.041 Pretrial detention and release.—

7318 (4) PRETRIAL DETENTION.—

7319 (c) The court may order pretrial detention if it finds a
7320 substantial probability, based on a defendant's past and present
7321 patterns of behavior, the criteria in s. 903.046, and any other
7322 relevant facts, that any of the following circumstances exist:

7323 1. The defendant has previously violated conditions of
7324 release and that no further conditions of release are reasonably
7325 likely to assure the defendant's appearance at subsequent
7326 proceedings;

7327 2. The defendant, with the intent to obstruct the judicial
7328 process, has threatened, intimidated, or injured any victim,
7329 potential witness, juror, or judicial officer, or has attempted

7330 or conspired to do so, and that no condition of release will
7331 reasonably prevent the obstruction of the judicial process;

7332 3. The defendant is charged with trafficking in controlled
7333 substances as defined by s. 893.135, that there is a substantial
7334 probability that the defendant has committed the offense, and
7335 that no conditions of release will reasonably assure the
7336 defendant's appearance at subsequent criminal proceedings;

7337 4. The defendant is charged with DUI manslaughter, as
7338 defined by s. 316.193, and that there is a substantial
7339 probability that the defendant committed the crime and that the
7340 defendant poses a threat of harm to the community; conditions
7341 that would support a finding by the court pursuant to this
7342 subparagraph that the defendant poses a threat of harm to the
7343 community include, but are not limited to, any of the following:

7344 a. The defendant has previously been convicted of any
7345 crime under s. 316.193, or of any crime in any other state or
7346 territory of the United States that is substantially similar to
7347 any crime under s. 316.193;

7348 b. The defendant was driving with a suspended driver
7349 license when the charged crime was committed; or

7350 c. The defendant has previously been found guilty of, or
7351 has had adjudication of guilt withheld for, driving while the
7352 defendant's driver license was suspended or revoked in violation
7353 of s. 322.34;

7354 5. The defendant poses the threat of harm to the

7355 community. The court may so conclude, if it finds that the
7356 defendant is presently charged with a dangerous crime, that
7357 there is a substantial probability that the defendant committed
7358 such crime, that the factual circumstances of the crime indicate
7359 a disregard for the safety of the community, and that there are
7360 no conditions of release reasonably sufficient to protect the
7361 community from the risk of physical harm to persons;

7362 6. The defendant was on probation, parole, or other
7363 release pending completion of sentence or on pretrial release
7364 for a dangerous crime at the time the current offense was
7365 committed;

7366 7. The defendant has violated one or more conditions of
7367 pretrial release or bond for the offense currently before the
7368 court and the violation, in the discretion of the court,
7369 supports a finding that no conditions of release can reasonably
7370 protect the community from risk of physical harm to persons or
7371 assure the presence of the accused at trial; or

7372 8.a. The defendant has ever been sentenced pursuant to s.
7373 775.082(9) or s. 775.084 as a prison releasee reoffender,
7374 habitual violent felony offender, three-time violent felony
7375 offender, or violent career criminal, or the state attorney
7376 files a notice seeking that the defendant be sentenced pursuant
7377 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
7378 habitual violent felony offender, three-time violent felony
7379 offender, or violent career criminal;

7380 b. There is a substantial probability that the defendant
7381 committed the offense; and

7382 c. There are no conditions of release that can reasonably
7383 protect the community from risk of physical harm or ensure the
7384 presence of the accused at trial.

7385 Section 129. For the purpose of incorporating the
7386 amendment made by this act to section 893.135, Florida Statutes,
7387 in a reference thereto, subsection (9) of section 921.141,
7388 Florida Statutes, is reenacted to read:

7389 921.141 Sentence of death or life imprisonment for capital
7390 felonies; further proceedings to determine sentence.—

7391 (9) APPLICABILITY.—This section does not apply to a person
7392 convicted or adjudicated guilty of a capital drug trafficking
7393 felony under s. 893.135.

7394 Section 130. For the purpose of incorporating the
7395 amendment made by this act to section 893.135, Florida Statutes,
7396 in a reference thereto, subsection (2) of section 921.142,
7397 Florida Statutes, is reenacted to read:

7398 921.142 Sentence of death or life imprisonment for capital
7399 drug trafficking felonies; further proceedings to determine
7400 sentence.—

7401 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon
7402 conviction or adjudication of guilt of a defendant of a capital
7403 felony under s. 893.135, the court shall conduct a separate
7404 sentencing proceeding to determine whether the defendant should

7405 | be sentenced to death or life imprisonment as authorized by s.
7406 | 775.082. The proceeding shall be conducted by the trial judge
7407 | before the trial jury as soon as practicable. If, through
7408 | impossibility or inability, the trial jury is unable to
7409 | reconvene for a hearing on the issue of penalty, having
7410 | determined the guilt of the accused, the trial judge may summon
7411 | a special juror or jurors as provided in chapter 913 to
7412 | determine the issue of the imposition of the penalty. If the
7413 | trial jury has been waived, or if the defendant pleaded guilty,
7414 | the sentencing proceeding shall be conducted before a jury
7415 | impaneled for that purpose, unless waived by the defendant. In
7416 | the proceeding, evidence may be presented as to any matter that
7417 | the court deems relevant to the nature of the crime and the
7418 | character of the defendant and shall include matters relating to
7419 | any of the aggravating factors enumerated in subsection (7) and
7420 | for which notice has been provided pursuant to s. 782.04(1)(b)
7421 | or mitigating circumstances enumerated in subsection (8). Any
7422 | such evidence that the court deems to have probative value may
7423 | be received, regardless of its admissibility under the
7424 | exclusionary rules of evidence, provided the defendant is
7425 | accorded a fair opportunity to rebut any hearsay statements.
7426 | However, this subsection shall not be construed to authorize the
7427 | introduction of any evidence secured in violation of the
7428 | Constitution of the United States or the Constitution of the
7429 | State of Florida. The state and the defendant or the defendant's

7430 counsel shall be permitted to present argument for or against
 7431 sentence of death.

7432 Section 131. For the purpose of incorporating the
 7433 amendment made by this act to section 944.704, Florida Statutes,
 7434 in a reference thereto, paragraph (a) of subsection (3) of
 7435 section 944.026, Florida Statutes, is reenacted to read:

7436 944.026 Community-based facilities and programs.—

7437 (3) (a) The department shall develop and implement
 7438 procedures to diagnose offenders prior to sentencing, for the
 7439 purpose of recommending to the sentencing court suitable
 7440 candidates for placement in a community-based residential drug
 7441 treatment facility or probation and restitution center as
 7442 provided in this section. The department shall also develop and
 7443 implement procedures to properly identify inmates prior to
 7444 release who demonstrate the need for or interest in and
 7445 suitability for placement in a community-based substance abuse
 7446 transition housing program as provided in this section and
 7447 pursuant to ss. 944.4731 and 944.704.

7448 Section 132. For the purpose of incorporating the
 7449 amendment made by this act to section 944.705, Florida Statutes,
 7450 in a reference thereto, subsection (6) of section 944.4731,
 7451 Florida Statutes, is reenacted to read:

7452 944.4731 Addiction-Recovery Supervision Program.—

7453 (6) Six months before an offender is released, the
 7454 chaplain and transition assistance specialist at the institution

7455 | where the offender is incarcerated shall initiate the prerelease
7456 | screening process in addition to the basic release orientation
7457 | required under s. 944.705.

7458 | (a) The transition assistance specialist and the chaplain
7459 | shall provide a list of contracted private providers, including
7460 | faith-based providers, to the offender and facilitate the
7461 | application process. The transition assistance specialist shall
7462 | inform the offender of program availability and assess the
7463 | offender's need and suitability for substance abuse transition
7464 | housing assistance. If an offender is approved for placement,
7465 | the specialist shall assist the offender and coordinate the
7466 | release of the offender with the selected program. If an
7467 | offender requests and is approved for placement in a contracted
7468 | faith-based substance abuse transition housing program, the
7469 | specialist must consult with the chaplain prior to such
7470 | placement. A right to substance abuse program services is not
7471 | stated, intended, or otherwise implied by this section.

7472 | (b) If an offender has participated in a faith-based
7473 | program while incarcerated or housed at a community correctional
7474 | center and the same or a similar faith-based provider offers a
7475 | contracted substance abuse transition housing program, the
7476 | department shall make every attempt to maintain this continuum
7477 | of care.

7478 | Section 133. For the purpose of incorporating the
7479 | amendment made by this act to section 944.801, Florida Statutes,

7480 in a reference thereto, subsection (2) of section 447.203,
7481 Florida Statutes, is reenacted to read:
7482 447.203 Definitions.—As used in this part:
7483 (2) "Public employer" or "employer" means the state or any
7484 county, municipality, or special district or any subdivision or
7485 agency thereof which the commission determines has sufficient
7486 legal distinctiveness properly to carry out the functions of a
7487 public employer. With respect to all public employees determined
7488 by the commission as properly belonging to a statewide
7489 bargaining unit composed of State Career Service System
7490 employees or Selected Professional Service employees, the
7491 Governor shall be deemed to be the public employer; and the
7492 Board of Governors of the State University System, or the
7493 board's designee, shall be deemed to be the public employer with
7494 respect to all public employees of each constituent state
7495 university. The board of trustees of a community college shall
7496 be deemed to be the public employer with respect to all
7497 employees of the community college. The district school board
7498 shall be deemed to be the public employer with respect to all
7499 employees of the school district. The Board of Trustees of the
7500 Florida School for the Deaf and the Blind shall be deemed to be
7501 the public employer with respect to the academic and academic
7502 administrative personnel of the Florida School for the Deaf and
7503 the Blind. The Governor shall be deemed to be the public
7504 employer with respect to all employees in the Correctional

7505 Education Program of the Department of Corrections established
 7506 pursuant to s. 944.801.

7507 Section 134. For the purpose of incorporating the
 7508 amendment made by this act to section 948.013, Florida Statutes,
 7509 in a reference thereto, paragraph (n) of subsection (1) of
 7510 section 921.187, Florida Statutes, is reenacted to read:

7511 921.187 Disposition and sentencing; alternatives;
 7512 restitution.—

7513 (1) The alternatives provided in this section for the
 7514 disposition of criminal cases shall be used in a manner that
 7515 will best serve the needs of society, punish criminal offenders,
 7516 and provide the opportunity for rehabilitation. If the offender
 7517 does not receive a state prison sentence, the court may:

7518 (n) Impose split probation whereby upon satisfactory
 7519 completion of half the term of probation, the Department of
 7520 Corrections may place the offender on administrative probation
 7521 pursuant to s. 948.013 for the remainder of the term of
 7522 supervision.

7523 Section 135. For the purpose of incorporating the
 7524 amendment made by this act to section 948.06, Florida Statutes,
 7525 in a reference thereto, paragraph (b) of subsection (2) of
 7526 section 948.012, Florida Statutes, is reenacted to read:

7527 948.012 Split sentence of probation or community control
 7528 and imprisonment.—

7529 (2) The court may also impose a split sentence whereby the

7530 defendant is sentenced to a term of probation which may be
7531 followed by a period of incarceration or, with respect to a
7532 felony, into community control, as follows:

7533 (b) If the offender does not meet the terms and conditions
7534 of probation or community control, the court may revoke, modify,
7535 or continue the probation or community control as provided in s.
7536 948.06. If the probation or community control is revoked, the
7537 court may impose any sentence that it could have imposed at the
7538 time the offender was placed on probation or community control.
7539 The court may not provide credit for time served for any portion
7540 of a probation or community control term toward a subsequent
7541 term of probation or community control. However, the court may
7542 not impose a subsequent term of probation or community control
7543 which, when combined with any amount of time served on preceding
7544 terms of probation or community control for offenses pending
7545 before the court for sentencing, would exceed the maximum
7546 penalty allowable as provided in s. 775.082. Such term of
7547 incarceration shall be served under applicable law or county
7548 ordinance governing service of sentences in state or county
7549 jurisdiction. This paragraph does not prohibit any other
7550 sanction provided by law.

7551 Section 136. For the purpose of incorporating the
7552 amendment made by this act to section 948.06, Florida Statutes,
7553 in a reference thereto, subsection (3) of section 948.10,
7554 Florida Statutes, is reenacted to read:

7555 | 948.10 Community control programs; home confinement.—

7556 | (3) Procedures governing violations of community control
7557 | are the same as those described in s. 948.06 with respect to
7558 | probation.

7559 | Section 137. For the purpose of incorporating the
7560 | amendment made by this act to section 948.06, Florida Statutes,
7561 | in a reference thereto, subsection (3) of section 948.20,
7562 | Florida Statutes, is reenacted to read:

7563 | 948.20 Drug offender probation.—

7564 | (3) Offenders placed on drug offender probation are
7565 | subject to revocation of probation as provided in s. 948.06.

7566 | Section 138. For the purpose of incorporating the
7567 | amendment made by this act to section 948.06, Florida Statutes,
7568 | in a reference thereto, section 958.14, Florida Statutes, is
7569 | reenacted to read:

7570 | 958.14 Violation of probation or community control
7571 | program.—A violation or alleged violation of probation or the
7572 | terms of a community control program shall subject the youthful
7573 | offender to the provisions of s. 948.06. However, no youthful
7574 | offender shall be committed to the custody of the department for
7575 | a substantive violation for a period longer than the maximum
7576 | sentence for the offense for which he or she was found guilty,
7577 | with credit for time served while incarcerated, or for a
7578 | technical or nonsubstantive violation for a period longer than 6
7579 | years or for a period longer than the maximum sentence for the

7580 offense for which he or she was found guilty, whichever is less,
 7581 with credit for time served while incarcerated.

7582 Section 139. For the purpose of incorporating the
 7583 amendment made by this act to section 948.08, Florida Statutes,
 7584 in a reference thereto, paragraph (b) of subsection (4) of
 7585 section 796.07, Florida Statutes, is reenacted to read:

7586 796.07 Prohibiting prostitution and related acts.—

7587 (4)

7588 (b) A person who is charged with a third or subsequent
 7589 violation of this section, other than paragraph (2)(f), shall be
 7590 offered admission to a pretrial intervention program or a
 7591 substance abuse treatment program as provided in s. 948.08.

7592 Section 140. For the purpose of incorporating the
 7593 amendment made by this act to section 948.08, Florida Statutes,
 7594 in a reference thereto, paragraph (b) of subsection (3) of
 7595 section 944.026, Florida Statutes, is reenacted to read:

7596 944.026 Community-based facilities and programs.—

7597 (3)

7598 (b) Pretrial intervention programs in appropriate counties
 7599 to provide early counseling and supervision services to
 7600 specified offenders as provided in s. 948.08.

7601 Section 141. For the purpose of incorporating the
 7602 amendment made by this act to section 948.08, Florida Statutes,
 7603 in a reference thereto, subsection (1) of section 948.036,
 7604 Florida Statutes, is reenacted to read:

7605 948.036 Work programs as a condition of probation,
 7606 community control, or other court-ordered community
 7607 supervision.—

7608 (1) Whenever an offender is required by the court to
 7609 participate in any work program under the provisions of this
 7610 chapter, enters into the pretrial intervention program pursuant
 7611 to s. 948.08, or volunteers to work in a supervised work program
 7612 conducted by a specified state, county, municipal, or community
 7613 service organization or to work for the victim, either as an
 7614 alternative to monetary restitution or as a part of the
 7615 rehabilitative or community control program, the offender shall
 7616 be considered an employee of the state for the purposes of
 7617 chapter 440.

7618 Section 142. For the purpose of incorporating the
 7619 amendments made by this act to section 948.08, Florida Statutes,
 7620 in a reference thereto, subsection (2) of section 394.47892,
 7621 Florida Statutes, is reenacted to read:

7622 394.47892 Mental health court programs.—

7623 (2) Mental health court programs may include pretrial
 7624 intervention programs as provided in ss. 948.08, 948.16, and
 7625 985.345, postadjudicatory mental health court programs as
 7626 provided in ss. 948.01 and 948.06, and review of the status of
 7627 compliance or noncompliance of sentenced defendants through a
 7628 mental health court program.

7629 Section 143. For the purpose of incorporating the

7630 amendments made by this act to section 948.08, Florida Statutes,
7631 in a reference thereto, subsection (5) of section 397.334,
7632 Florida Statutes, is reenacted to read:

7633 397.334 Treatment-based drug court programs.—

7634 (5) Treatment-based drug court programs may include
7635 pretrial intervention programs as provided in ss. 948.08,
7636 948.16, and 985.345, treatment-based drug court programs
7637 authorized in chapter 39, postadjudicatory programs as provided
7638 in ss. 948.01, 948.06, and 948.20, and review of the status of
7639 compliance or noncompliance of sentenced offenders through a
7640 treatment-based drug court program. While enrolled in a
7641 treatment-based drug court program, the participant is subject
7642 to a coordinated strategy developed by a drug court team under
7643 subsection (4). The coordinated strategy may include a protocol
7644 of sanctions that may be imposed upon the participant for
7645 noncompliance with program rules. The protocol of sanctions may
7646 include, but is not limited to, placement in a substance abuse
7647 treatment program offered by a licensed service provider as
7648 defined in s. 397.311 or in a jail-based treatment program or
7649 serving a period of secure detention under chapter 985 if a
7650 child or a period of incarceration within the time limits
7651 established for contempt of court if an adult. The coordinated
7652 strategy must be provided in writing to the participant before
7653 the participant agrees to enter into a treatment-based drug
7654 court program.

7655 Section 144. For the purpose of incorporating the
 7656 amendments made by this act to section 948.08, Florida Statutes,
 7657 in a reference thereto, paragraph (a) of subsection (5) of
 7658 section 910.035, Florida Statutes, is reenacted to read:

7659 910.035 Transfer from county for plea, sentence, or
 7660 participation in a problem-solving court.—

7661 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING
 7662 COURT.—

7663 (a) For purposes of this subsection, the term "problem-
 7664 solving court" means a drug court pursuant to s. 948.01, s.
 7665 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans'
 7666 and servicemembers' court pursuant to s. 394.47891, s. 948.08,
 7667 s. 948.16, or s. 948.21; a mental health court program pursuant
 7668 to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16;
 7669 or a delinquency pretrial intervention court program pursuant to
 7670 s. 985.345.

7671 Section 145. For the purpose of incorporating the
 7672 amendment made by this act to section 958.04, Florida Statutes,
 7673 in a reference thereto, subsection (5) of section 958.03,
 7674 Florida Statutes, is reenacted to read:

7675 958.03 Definitions.—As used in this act:

7676 (5) "Youthful offender" means any person who is sentenced
 7677 as such by the court or is classified as such by the department
 7678 pursuant to s. 958.04.

7679 Section 146. For the purpose of incorporating the

7680 amendment made by this act to section 958.04, Florida Statutes,
7681 in a reference thereto, paragraph (a) of subsection (8) of
7682 section 958.045, Florida Statutes, is reenacted to read:

7683 958.045 Youthful offender basic training program.—

7684 (8)(a) The Assistant Secretary for Youthful Offenders
7685 shall continuously screen all institutions, facilities, and
7686 programs for any inmate who meets the eligibility requirements
7687 for youthful offender designation specified in s. 958.04, whose
7688 age does not exceed 24 years. The department may classify and
7689 assign as a youthful offender any inmate who meets the criteria
7690 of s. 958.04.

7691 Section 147. For the purpose of incorporating the
7692 amendment made by this act to section 958.04, Florida Statutes,
7693 in a reference thereto, section 958.046, Florida Statutes, is
7694 reenacted to read:

7695 958.046 Placement in county-operated boot camp programs
7696 for youthful offenders.—In counties where there are county-
7697 operated youthful offender boot camp programs, other than boot
7698 camps described in s. 958.04, the court may sentence a youthful
7699 offender to such a boot camp. In county-operated youthful
7700 offender boot camp programs, juvenile offenders shall not be
7701 commingled with youthful offenders.

7702 Section 148. For the purpose of incorporating the
7703 amendment made by this act to section 958.04, Florida Statutes,
7704 in a reference thereto, paragraph (c) of subsection (4) of

7705 | section 985.565, Florida Statutes, is reenacted to read:
7706 | 985.565 Sentencing powers; procedures; alternatives for
7707 | juveniles prosecuted as adults.—
7708 | (4) SENTENCING ALTERNATIVES.—
7709 | (c) *Adult sanctions upon failure of juvenile sanctions.*—If
7710 | a child proves not to be suitable to a commitment program,
7711 | juvenile probation program, or treatment program under paragraph
7712 | (b), the department shall provide the sentencing court with a
7713 | written report outlining the basis for its objections to the
7714 | juvenile sanction and shall simultaneously provide a copy of the
7715 | report to the state attorney and the defense counsel. The
7716 | department shall schedule a hearing within 30 days. Upon
7717 | hearing, the court may revoke the previous adjudication, impose
7718 | an adjudication of guilt, and impose any sentence which it may
7719 | lawfully impose, giving credit for all time spent by the child
7720 | in the department. The court may also classify the child as a
7721 | youthful offender under s. 958.04, if appropriate. For purposes
7722 | of this paragraph, a child may be found not suitable to a
7723 | commitment program, community control program, or treatment
7724 | program under paragraph (b) if the child commits a new violation
7725 | of law while under juvenile sanctions, if the child commits any
7726 | other violation of the conditions of juvenile sanctions, or if
7727 | the child's actions are otherwise determined by the court to
7728 | demonstrate a failure of juvenile sanctions.
7729 |

7730 It is the intent of the Legislature that the criteria and
 7731 guidelines in this subsection are mandatory and that a
 7732 determination of disposition under this subsection is subject to
 7733 the right of the child to appellate review under s. 985.534.

7734 Section 149. For the purpose of incorporating the
 7735 amendment made by this act to section 985.557, Florida Statutes,
 7736 in a reference thereto, subsection (3) of section 985.556,
 7737 Florida Statutes, is reenacted to read:

7738 985.556 Waiver of juvenile court jurisdiction; hearing.—

7739 (3) INVOLUNTARY MANDATORY WAIVER.—

7740 (a) If the child was 14 years of age or older, and if the
 7741 child has been previously adjudicated delinquent for an act
 7742 classified as a felony, which adjudication was for the
 7743 commission of, attempt to commit, or conspiracy to commit
 7744 murder, sexual battery, armed or strong-armed robbery,
 7745 carjacking, home-invasion robbery, aggravated battery,
 7746 aggravated assault, or burglary with an assault or battery, and
 7747 the child is currently charged with a second or subsequent
 7748 violent crime against a person; or

7749 (b) If the child was 14 years of age or older at the time
 7750 of commission of a fourth or subsequent alleged felony offense
 7751 and the child was previously adjudicated delinquent or had
 7752 adjudication withheld for or was found to have committed, or to
 7753 have attempted or conspired to commit, three offenses that are
 7754 felony offenses if committed by an adult, and one or more of

7755 | such felony offenses involved the use or possession of a firearm
7756 | or violence against a person;

7757 |

7758 | the state attorney shall request the court to transfer and
7759 | certify the child for prosecution as an adult or shall provide
7760 | written reasons to the court for not making such request, or
7761 | proceed under s. 985.557(1). Upon the state attorney's request,
7762 | the court shall either enter an order transferring the case and
7763 | certifying the case for trial as if the child were an adult or
7764 | provide written reasons for not issuing such an order.

7765 | Section 150. For the purpose of incorporating the
7766 | amendment made by this act to section 985.557, Florida Statutes,
7767 | in a reference thereto, subsection (1) of section 985.15,
7768 | Florida Statutes, is reenacted to read:

7769 | 985.15 Filing decisions.—

7770 | (1) The state attorney may in all cases take action
7771 | independent of the action or lack of action of the juvenile
7772 | probation officer and shall determine the action that is in the
7773 | best interest of the public and the child. If the child meets
7774 | the criteria requiring prosecution as an adult under s. 985.556,
7775 | the state attorney shall request the court to transfer and
7776 | certify the child for prosecution as an adult or shall provide
7777 | written reasons to the court for not making such a request. In
7778 | all other cases, the state attorney may:

7779 | (a) File a petition for dependency;

7780 (b) File a petition under chapter 984;
 7781 (c) File a petition for delinquency;
 7782 (d) File a petition for delinquency with a motion to
 7783 transfer and certify the child for prosecution as an adult;
 7784 (e) File an information under s. 985.557;
 7785 (f) Refer the case to a grand jury;
 7786 (g) Refer the child to a diversionary, pretrial
 7787 intervention, arbitration, or mediation program, or to some
 7788 other treatment or care program if such program commitment is
 7789 voluntarily accepted by the child or the child's parents or
 7790 legal guardian; or
 7791 (h) Decline to file.
 7792 Section 151. For the purpose of incorporating the
 7793 amendment made by this act to section 985.557, Florida Statutes,
 7794 in a reference thereto, paragraph (c) of subsection (2) of
 7795 section 985.26, Florida Statutes, is reenacted to read:
 7796 985.26 Length of detention.—
 7797 (2)
 7798 (c) A prolific juvenile offender under s. 985.255(1)(j)
 7799 shall be placed on nonsecure detention care with electronic
 7800 monitoring or in secure detention care under a special detention
 7801 order until disposition. If secure detention care is ordered by
 7802 the court, it must be authorized under this part and may not
 7803 exceed:
 7804 1. Twenty-one days unless an adjudicatory hearing for the

7805 case has been commenced in good faith by the court or the period
7806 is extended by the court pursuant to paragraph (b); or
7807 2. Fifteen days after the entry of an order of
7808 adjudication.

7809
7810 As used in this paragraph, the term "disposition" means a
7811 declination to file under s. 985.15(1)(h), the entry of nolle
7812 prosequi for the charges, the filing of an indictment under s.
7813 985.56 or an information under s. 985.557, a dismissal of the
7814 case, or an order of final disposition by the court.

7815 Section 152. Criminal Punishment Code Task Force.—

7816 (1) The Task Force on the Criminal Punishment Code, a task
7817 force as defined in s. 20.03(8), Florida Statutes, is created
7818 adjunct to the Department of Legal Affairs for the purpose of
7819 reviewing, evaluating, and making recommendations regarding
7820 sentencing for and ranking of noncapital felony offenses under
7821 the Criminal Punishment Code. The task force shall include an
7822 analysis of best practices in its review.

7823 (2) The task force is composed of the following members:

7824 (a) The Attorney General, or a designee of the Attorney
7825 General, who shall serve as chair of the task force.

7826 (b) The Secretary of the Department of Corrections, or a
7827 designee of the secretary.

7828 (c) The Secretary of the Department of Juvenile Justice,
7829 or a designee of the secretary.

7830 (d) Two members appointed by the President of the Senate,
7831 one of whom must be a public defender.

7832 (e) Two members appointed by the Speaker of the House of
7833 Representatives, one of whom must be a state attorney.

7834 (f) Two members appointed by the Chief Justice of the
7835 Supreme Court, one of whom must be a circuit judge currently
7836 assigned to a felony division.

7837 (g) Six members appointed by the Governor, two of whom
7838 must be professors at a Florida College System institution or
7839 state university.

7840

7841 Any vacancies on the task force shall be filled in the same
7842 manner as the original appointments. Appointments to the task
7843 force shall be made no later than July 15, 2019.

7844 (3) The task force shall meet throughout its duration and
7845 is encouraged to take input from all stakeholders involved in
7846 the criminal justice system. The first meeting of the task force
7847 shall occur no later than August 15, 2019. The Attorney General
7848 shall designate staff of the Department of Legal Affairs to
7849 provide support to the task force.

7850 (4) Upon the Attorney General's request, the Department of
7851 Corrections and the Office of the State Courts Administrator
7852 may, when resources permit, provide reasonable data collection
7853 and analysis, research, and support services to the task force.

7854 (5) Members of the task force may not receive compensation

7855 other than their usual salaries received from their employers,
7856 but are entitled to reimbursement for per diem and travel
7857 expenses from their employers in accordance with s. 112.061,
7858 Florida Statutes.

7859 (6) The task force shall submit a report to the Governor,
7860 the President of the Senate, the Speaker of the House of
7861 Representatives, and the Chief Justice of the Supreme Court no
7862 later than June 30, 2020, which must include, at a minimum, the
7863 issues considered by the task force, any recommendations for
7864 legislative changes, and an analysis of the expected impact of
7865 such recommendations if enacted by the Legislature. The task
7866 force is dissolved upon submission of the report.

7867 (7) This section expires July 1, 2020.

7868 Section 153. Section 1009.02, Florida Statutes, is created
7869 to read:

7870 1009.02 Eligibility for educational scholarships upon
7871 completion of all terms of sentence.—Notwithstanding any other
7872 provision of this chapter, upon the completion of all terms of a
7873 sentence for a criminal conviction a person is eligible to be
7874 awarded any scholarship, grant, or other aid for higher
7875 education or vocational training under this chapter so long as
7876 he or she meets all other requirements to be awarded the
7877 scholarship, grant, or other aid.

7878 Section 154. The creation of s. 1009.02 by this act shall
7879 take effect on the same date that HB 7089 or similar legislation

7880 takes effect, if such legislation is adopted in the same
7881 legislative session or an extension thereof and becomes a law.

7882 Section 155. For the 2019-2020 fiscal year, the sum of
7883 \$250,000 in nonrecurring funds is appropriated from the General
7884 Revenue Fund to the Department of Legal Affairs for the purpose
7885 of implementing the Criminal Punishment Code Task Force.

7886 Section 156. Except as otherwise expressly provided in
7887 this act, and except for this section, which shall take effect
7888 upon this act becoming a law, this act shall take effect October
7889 1, 2019.