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LEGISLATIVE ACTION

Senate

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House

Appropriations Subcommittee on Criminal and Civil Justice
(Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 322.3401, Florida Statutes, is created
to read:

322.3401 Retroactive application relating to s. 322.34;
legislative intent; prohibiting certain sentences for specified
offenses; resentencing procedures.—

(1) It is the intent of the Legislature to retroactively



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11 apply section 12 of chapter 2019-167, Laws of Florida, only as
12 provided in this section, to persons who committed the offense
13 of driving while license suspended, revoked, canceled, or
14 disqualified before October 1, 2019, the effective date of
15 section 12 of chapter 2019-167, Laws of Florida, which amended
16 s. 322.34 to modify criminal penalties and collateral
17 consequences for offenses under that section.

18 (2) As used in this section, the term:

19 (a) "Former s. 322.34" is a reference to s. 322.34 as it
20 existed at any time before its amendment by chapter 2019-167,
21 Laws of Florida.

22 (b) "New s. 322.34" is a reference to s. 322.34 as it
23 exists after the amendments made by chapter 2019-167, Laws of
24 Florida, became effective.

25 (3) (a) A person who committed the offense of driving while
26 license suspended, revoked, canceled, or disqualified before
27 October 1, 2019, but who was not sentenced under former s.
28 322.34 before October 1, 2020, must be sentenced in accordance
29 with s. 775.082, s. 775.083, or s. 775.084 for the degree of
30 offense as provided for in the new s. 322.34.

31 (b) A person who committed the offense of driving while
32 license suspended, revoked, canceled, or disqualified before
33 October 1, 2019, who was sentenced before October 1, 2019, to a
34 term of imprisonment or supervision pursuant to former s.
35 322.34, and who is serving such penalty on or after October 1,
36 2020, may be resentenced in accordance with paragraph (c).

37 (c) Resentencing under this section must occur in the
38 following manner:

39 1. A person described in paragraph (b) who is eligible to



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40 request a sentence review hearing pursuant to this section shall
41 be notified of such eligibility by the facility in which the
42 person is imprisoned or the entity who is supervising the
43 person.

44 2. A person seeking a sentence review hearing under this
45 section must submit an application to the court of original
46 jurisdiction requesting that such a hearing be conducted. Such
47 request by the person serves to initiate the procedures provided
48 for in this section. The sentencing court shall retain original
49 jurisdiction for the duration of the sentence for this purpose.

50 3. A person who is eligible for a sentence review hearing
51 under this section is entitled to be represented by counsel, and
52 the court shall appoint a public defender to represent the
53 person if he or she cannot afford an attorney.

54 4. Upon receiving an application from the eligible person,
55 the court of original jurisdiction shall hold a sentence review
56 hearing to determine if the eligible person meets the criteria
57 for resentencing under this section.

58 5. If the court determines at the sentence review hearing
59 that the eligible person meets the criteria in this section for
60 resentencing, the court may resentence the person in accordance
61 with s. 775.082, s. 775.083, or s. 775.084 for the degree of
62 offense as provided for in the new s. 322.34. However, the new
63 sentence may not exceed the person's original sentence with
64 credit for time served. If the court does not resentence the
65 person under this subsection, the court must provide written
66 findings why resentencing is not appropriate.

67 (4) Notwithstanding any other law, a person who has been
68 convicted of a felony under former s. 322.34 and whose offense



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69 would not be classified as a felony under the new s. 322.34 must
70 have all outstanding fines, fees, and costs related to such
71 felony conviction waived. In addition, such person must be
72 treated as if he or she had been convicted of a misdemeanor for
73 purposes of any right, privilege, benefit, remedy, or collateral
74 consequence that the person might be entitled to but for such
75 felony conviction. This provision does not serve to remove the
76 designation of the person as a convicted felon. However, the
77 consequences of such felony conviction which are solely
78 statutory in nature and are imposed as a result of such
79 conviction shall no longer apply.

80 Section 2. Subsections (5) and (7) of section 379.407,
81 Florida Statutes, are amended to read:

82 379.407 Administration; rules, publications, records;
83 penalties; injunctions.—

84 (5) PENALTIES FOR POSSESSION OF SPINY LOBSTER; CLOSED
85 SEASON AND WRUNG TAILS.—

86 (a) It is a major violation under this section for any
87 person, firm, or corporation to be in possession of spiny
88 lobster during the closed season or, while on the water, to be
89 in possession of spiny lobster tails that have been wrung or
90 separated from the body, unless such possession is allowed by
91 commission rule. A person, firm, or corporation that violates
92 this paragraph is subject to the following penalties:

93 1. A first violation is a misdemeanor of the second degree,
94 punishable as provided in s. 775.082 or s. 775.083. If the
95 violation involves 25 or more lobster, the violation is a
96 misdemeanor of the first degree, punishable as provided in s.
97 775.082 or s. 775.083.



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98 2. A second violation is a misdemeanor of the first degree,
99 punishable as provided in s. 775.082 or s. 775.083, and such
100 person is subject to a suspension of his or her license
101 privileges under this chapter for a period not to exceed 90
102 days.

103 3. A third violation is a misdemeanor of the first degree,
104 punishable as provided in s. 775.082 or s. 775.083, ~~with a~~
105 ~~mandatory minimum term of imprisonment of 6 months,~~ and such
106 person may be assessed a civil penalty of up to \$2,500 and is
107 subject to a suspension of all license privileges under this
108 chapter for a period not to exceed 6 months.

109 4. A third violation within 1 year after a second violation
110 is a felony of the third degree, punishable as provided in s.
111 775.082 or s. 775.083, ~~with a mandatory minimum term of~~
112 ~~imprisonment of 1 year,~~ and such person shall be assessed a
113 civil penalty of \$5,000 and all license privileges under this
114 chapter shall be permanently revoked.

115 5. A fourth or subsequent violation is a felony of the
116 third degree, punishable as provided in s. 775.082 or s.
117 775.083, ~~with a mandatory minimum term of imprisonment of 1~~
118 ~~year,~~ and such person shall be assessed a civil penalty of
119 \$5,000 and all license privileges under this chapter shall be
120 permanently revoked.

121 (b) It is a major violation under this section for a
122 recreational or commercial harvester to possess an undersized
123 spiny lobster, unless authorized by commission rule. For
124 violations of this paragraph involving fewer than 100 undersized
125 spiny lobsters, each undersized spiny lobster may be charged as
126 a separate offense under subparagraphs 1. and 2. However, the



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127 total penalties assessed under subparagraphs 1. and 2. for any
128 one scheme or course of conduct may not exceed 4 years'
129 imprisonment and a fine of \$4,000 under such subparagraphs. A
130 person who violates this paragraph is subject to the following
131 penalties:

132 1. A first violation is a misdemeanor of the second degree,
133 punishable as provided in s. 775.082 or s. 775.083.

134 2. A second or subsequent violation is a misdemeanor of the
135 first degree, punishable as provided in s. 775.082 or s.
136 775.083.

137 3. If a violation involves 100 or more undersized spiny
138 lobsters, the violation is a felony of the third degree,
139 punishable as provided in s. 775.082, s. 775.083, or s. 775.084
140 and a mandatory civil fine of at least \$500. In addition, the
141 commission shall assess the violator with an administrative
142 penalty of up to \$2,000 and may suspend the violator's license
143 privileges under this chapter for a period of up to 12 months.

144 (7) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR HARVEST.—It
145 is a major violation and punishable as provided in this
146 subsection for any unlicensed person, firm, or corporation who
147 is required to be licensed under this chapter as a commercial
148 harvester or a wholesale or retail dealer to sell or purchase
149 any saltwater product or to harvest or attempt to harvest any
150 saltwater product with intent to sell the saltwater product.

151 (a) Any person, firm, or corporation who sells or purchases
152 any saltwater product without having purchased the licenses
153 required by this chapter for such sale is subject to penalties
154 as follows:

155 1. A first violation is a misdemeanor of the second degree,



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156 punishable as provided in s. 775.082 or s. 775.083.

157 2. A second violation is a misdemeanor of the first degree,
158 punishable as provided in s. 775.082 or s. 775.083, and such
159 person may also be assessed a civil penalty of up to \$2,500 and
160 is subject to a suspension of all license privileges under this
161 chapter for a period not exceeding 90 days.

162 3. A third violation is a misdemeanor of the first degree,
163 punishable as provided in s. 775.082 or s. 775.083, ~~with a~~
164 ~~mandatory minimum term of imprisonment of 6 months,~~ and such
165 person may also be assessed a civil penalty of up to \$5,000 and
166 is subject to a suspension of all license privileges under this
167 chapter for a period not exceeding 6 months.

168 4. A third violation within 1 year after a second violation
169 is a felony of the third degree, punishable as provided in s.
170 775.082 or s. 775.083, ~~with a mandatory minimum term of~~
171 ~~imprisonment of 1 year,~~ and such person shall be assessed a
172 civil penalty of \$5,000 and all license privileges under this
173 chapter shall be permanently revoked.

174 5. A fourth or subsequent violation is a felony of the
175 third degree, punishable as provided in s. 775.082 or s.
176 775.083, ~~with a mandatory minimum term of imprisonment of 1~~
177 ~~year,~~ and such person shall be assessed a civil penalty of
178 \$5,000 and all license privileges under this chapter shall be
179 permanently revoked.

180 (b) Any person whose license privileges under this chapter
181 have been permanently revoked and who thereafter sells or
182 purchases or who attempts to sell or purchase any saltwater
183 product commits a felony of the third degree, punishable as
184 provided in s. 775.082 or s. 775.083, ~~with a mandatory minimum~~



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185 ~~term of imprisonment of 1 year,~~ and such person shall also be
186 assessed a civil penalty of \$5,000. All property involved in
187 such offense shall be forfeited pursuant to s. 379.337.

188 (c) Any commercial harvester or wholesale or retail dealer
189 whose license privileges under this chapter are under suspension
190 and who during such period of suspension sells or purchases or
191 attempts to sell or purchase any saltwater product shall be
192 assessed the following penalties:

193 1. A first violation, or a second violation occurring more
194 than 12 months after a first violation, is a first degree
195 misdemeanor, punishable as provided in ss. 775.082 and 775.083,
196 and such commercial harvester or wholesale or retail dealer may
197 be assessed a civil penalty of up to \$2,500 and an additional
198 suspension of all license privileges under this chapter for a
199 period not exceeding 90 days.

200 2. A second violation occurring within 12 months of a first
201 violation is a third degree felony, punishable as provided in
202 ss. 775.082 and 775.083, ~~with a mandatory minimum term of~~
203 ~~imprisonment of 1 year,~~ and such commercial harvester or
204 wholesale or retail dealer may be assessed a civil penalty of up
205 to \$5,000 and an additional suspension of all license privileges
206 under this chapter for a period not exceeding 180 days. All
207 property involved in such offense shall be forfeited pursuant to
208 s. 379.337.

209 3. A third violation within 24 months of the second
210 violation or subsequent violation is a third degree felony,
211 punishable as provided in ss. 775.082 and 775.083, ~~with a~~
212 ~~mandatory minimum term of imprisonment of 1 year,~~ and such
213 commercial harvester or wholesale or retail dealer shall be



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214 assessed a mandatory civil penalty of up to \$5,000 and an
215 additional suspension of all license privileges under this
216 chapter for a period not exceeding 24 months. All property
217 involved in such offense shall be forfeited pursuant to s.
218 379.337.

219 (d) Any commercial harvester who harvests or attempts to
220 harvest any saltwater product with intent to sell the saltwater
221 product without having purchased a saltwater products license
222 with the requisite endorsements is subject to penalties as
223 follows:

224 1. A first violation is a misdemeanor of the second degree,
225 punishable as provided in s. 775.082 or s. 775.083.

226 2. A second violation is a misdemeanor of the first degree,
227 punishable as provided in s. 775.082 or s. 775.083, and such
228 commercial harvester may also be assessed a civil penalty of up
229 to \$2,500 and is subject to a suspension of all license
230 privileges under this chapter for a period not exceeding 90
231 days.

232 3. A third violation is a misdemeanor of the first degree,
233 punishable as provided in s. 775.082 or s. 775.083, ~~with a~~
234 ~~mandatory minimum term of imprisonment of 6 months,~~ and such
235 commercial harvester may also be assessed a civil penalty of up
236 to \$5,000 and is subject to a suspension of all license
237 privileges under this chapter for a period not exceeding 6
238 months.

239 4. A third violation within 1 year after a second violation
240 is a felony of the third degree, punishable as provided in s.
241 775.082 or s. 775.083, ~~with a mandatory minimum term of~~
242 ~~imprisonment of 1 year,~~ and such commercial harvester shall also



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243 be assessed a civil penalty of \$5,000 and all license privileges
244 under this chapter shall be permanently revoked.

245 5. A fourth or subsequent violation is a felony of the
246 third degree, punishable as provided in s. 775.082 or s.
247 775.083, ~~with a mandatory minimum term of imprisonment of 1~~
248 ~~year,~~ and such commercial harvester shall also be assessed a
249 mandatory civil penalty of \$5,000 and all license privileges
250 under this chapter shall be permanently revoked.

251
252 For purposes of this subsection, a violation means any judicial
253 disposition other than acquittal or dismissal.

254 Section 3. Paragraphs (c) and (d) of subsection (2) of
255 section 403.4154, Florida Statutes, are amended to read:

256 403.4154 Phosphogypsum management program.—

257 (2) REGULATORY PROGRAM.—

258 (c) Whoever willfully, knowingly, or with reckless
259 indifference or gross carelessness misstates or misrepresents
260 the financial condition or closure costs of an entity engaged in
261 managing, owning, or operating a phosphogypsum stack or stack
262 system commits a felony of the third degree, punishable as
263 provided in s. 775.082 or s. 775.083, and by a fine of not more
264 than \$50,000 ~~and by imprisonment for 5 years for each offense.~~

265 (d) If an owner or operator of a phosphogypsum stack or
266 stack system fails to comply with department rules requiring
267 demonstration of closure financial responsibility, no
268 distribution may be made which would be prohibited under s.
269 607.06401(3) until the noncompliance is corrected. Whoever
270 willfully, knowingly, or with reckless indifference or gross
271 carelessness violates this prohibition commits a felony of the



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272 third degree, punishable as provided in s. 775.082 or s.
273 775.083, and by a fine of not more than \$50,000 ~~or by~~
274 ~~imprisonment for 5 years for each offense.~~

275 Section 4. Paragraph (d) of subsection (2) of section
276 456.065, Florida Statutes, is amended to read:

277 456.065 Unlicensed practice of a health care profession;
278 intent; cease and desist notice; penalties; enforcement;
279 citations; fees; allocation and disposition of moneys
280 collected.—

281 (2) The penalties for unlicensed practice of a health care
282 profession shall include the following:

283 (d) In addition to the administrative and civil remedies
284 under paragraphs (b) and (c) and in addition to the criminal
285 violations and penalties listed in the individual health care
286 practice acts:

287 1. It is a felony of the third degree, punishable as
288 provided in s. 775.082, s. 775.083, or s. 775.084, to practice,
289 attempt to practice, or offer to practice a health care
290 profession without an active, valid Florida license to practice
291 that profession. Practicing without an active, valid license
292 also includes practicing on a suspended, revoked, or void
293 license, but does not include practicing, attempting to
294 practice, or offering to practice with an inactive or delinquent
295 license for a period of up to 12 months ~~which is addressed in~~
296 ~~subparagraph 3.~~ Knowingly applying for employment for a position
297 that requires a license without notifying the employer that the
298 person does not currently possess a valid, active license to
299 practice that profession shall be deemed to be an attempt or
300 offer to practice that health care profession without a license.



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301 Holding oneself out, regardless of the means of communication,
302 as able to practice a health care profession or as able to
303 provide services that require a health care license shall be
304 deemed to be an attempt or offer to practice such profession
305 without a license. The minimum penalty for violating this
306 subparagraph shall be a fine of \$1,000 ~~and a minimum mandatory~~
307 ~~period of incarceration of 1 year.~~

308 2. It is a felony of the second degree, punishable as
309 provided in s. 775.082, s. 775.083, or s. 775.084, to practice a
310 health care profession without an active, valid Florida license
311 to practice that profession when such practice results in
312 serious bodily injury. For purposes of this section, "serious
313 bodily injury" means death; brain or spinal damage;
314 disfigurement; fracture or dislocation of bones or joints;
315 limitation of neurological, physical, or sensory function; or
316 any condition that required subsequent surgical repair. The
317 minimum penalty for violating this subparagraph shall be a fine
318 of \$1,000 ~~and a minimum mandatory period of incarceration of 1~~
319 ~~year.~~

320 3. It is a misdemeanor of the first degree, punishable as
321 provided in s. 775.082 or s. 775.083, to practice, attempt to
322 practice, or offer to practice a health care profession with an
323 inactive or delinquent license for any period of time up to 12
324 months. However, practicing, attempting to practice, or offering
325 to practice a health care profession when that person's license
326 has been inactive or delinquent for a period of time of 12
327 months or more shall be a felony of the third degree, punishable
328 as provided in s. 775.082, s. 775.083, or s. 775.084. The
329 minimum penalty for violating this subparagraph shall be ~~a term~~



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330 ~~of imprisonment of 30 days and a fine of \$500.~~

331 Section 5. Subsection (4) of section 624.401, Florida
332 Statutes, is amended to read:

333 624.401 Certificate of authority required.-

334 (4) (a) Any person who acts as an insurer, transacts
335 insurance, or otherwise engages in insurance activities in this
336 state without a certificate of authority in violation of this
337 section commits a felony of the third degree, punishable as
338 provided in s. 775.082, s. 775.083, or s. 775.084.

339 (b) However, any person acting as an insurer without a
340 valid certificate of authority who violates this section commits
341 insurance fraud, punishable as provided in this paragraph. If
342 the amount of any insurance premium collected with respect to
343 any violation of this section:

344 1. Is less than \$20,000, the offender commits a felony of
345 the third degree, punishable as provided in s. 775.082, s.
346 775.083, or s. 775.084, ~~and the offender shall be sentenced to a~~
347 ~~minimum term of imprisonment of 1 year.~~

348 2. Is \$20,000 or more, but less than \$100,000, the offender
349 commits a felony of the second degree, punishable as provided in
350 s. 775.082, s. 775.083, or s. 775.084, ~~and the offender shall be~~
351 ~~sentenced to a minimum term of imprisonment of 18 months.~~

352 3. Is \$100,000 or more, the offender commits a felony of
353 the first degree, punishable as provided in s. 775.082, s.
354 775.083, or s. 775.084, ~~and the offender shall be sentenced to a~~
355 ~~minimum term of imprisonment of 2 years.~~

356 Section 6. Paragraphs (d) and (e) of subsection (8) and
357 subsection (9) of section 775.082, Florida Statutes, are amended
358 to read:



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359 775.082 Penalties; applicability of sentencing structures;
360 mandatory minimum sentences for certain reoffenders previously
361 released from prison.—

362 (8)

363 (d) The Public Safety ~~Criminal Punishment~~ Code applies to
364 all felonies, except capital felonies, committed on or after
365 October 1, 1998. Any revision to the Public Safety ~~Criminal~~
366 ~~Punishment~~ Code applies to sentencing for all felonies, except
367 capital felonies, committed on or after the effective date of
368 the revision.

369 (e) Felonies, except capital felonies, with continuing
370 dates of enterprise shall be sentenced under the sentencing
371 guidelines or the Public Safety ~~Criminal Punishment~~ Code in
372 effect on the beginning date of the criminal activity.

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

- 375 a. Treason;
- 376 b. Murder;
- 377 c. Manslaughter;
- 378 d. Sexual battery;
- 379 e. Carjacking;
- 380 f. Home-invasion robbery;
- 381 g. Robbery;
- 382 h. Arson;
- 383 i. Kidnapping;
- 384 j. Aggravated assault with a deadly weapon;
- 385 k. Aggravated battery;
- 386 l. Aggravated stalking;
- 387 m. Aircraft piracy;



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388 n. Unlawful throwing, placing, or discharging of a
389 destructive device or bomb;
390 o. Any felony that involves the use or threat of physical
391 force or violence against an individual;
392 p. Armed burglary;
393 q. Burglary of a dwelling or burglary of an occupied
394 structure; or
395 r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,
396 s. 827.071, or s. 847.0135(5);
397
398 within 3 years after being released from a state correctional
399 facility operated by the Department of Corrections or a private
400 vendor, a county detention facility following incarceration for
401 an offense for which the sentence pronounced was a prison
402 sentence, or a correctional institution of another state, the
403 District of Columbia, the United States, any possession or
404 territory of the United States, or any foreign jurisdiction,
405 following incarceration for an offense for which the sentence is
406 punishable by more than 1 year in this state.
407 2. "Prison releasee reoffender" also means any defendant
408 who commits or attempts to commit any offense listed in sub-
409 subparagraphs ~~(a)~~1.a.-r. while the defendant was serving a
410 prison sentence or on escape status from a state correctional
411 facility operated by the Department of Corrections or a private
412 vendor or while the defendant was on escape status from a
413 correctional institution of another state, the District of
414 Columbia, the United States, any possession or territory of the
415 United States, or any foreign jurisdiction, following
416 incarceration for an offense for which the sentence is



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417 punishable by more than 1 year in this state.

418 3. If the state attorney determines that a defendant is a
419 prison releasee reoffender as defined in subparagraph 1., the
420 state attorney may seek to have the court sentence the defendant
421 as a prison releasee reoffender. Upon proof from the state
422 attorney which ~~that~~ establishes ~~by a preponderance of the~~
423 ~~evidence~~ that a defendant is a prison releasee reoffender as
424 defined in this section, such defendant ~~is not eligible for~~
425 ~~sentencing under the sentencing guidelines~~ and must be sentenced
426 as follows:

427 a. For a felony punishable by life, to at least ~~by~~ a term
428 of imprisonment of 25 years ~~imprisonment for life~~;

429 b. For a felony of the first degree, to at least ~~by~~ a term
430 of imprisonment of 20 ~~30~~ years;

431 c. For a felony of the second degree, to at least ~~by~~ a term
432 of imprisonment of 10 ~~15~~ years; and

433 d. For a felony of the third degree, to at least ~~by~~ a term
434 of imprisonment of 3 ~~5~~ years.

435 ~~(b) A person sentenced under paragraph (a) shall be~~
436 ~~released only by expiration of sentence and shall not be~~
437 ~~eligible for parole, control release, or any form of early~~
438 ~~release. Any person sentenced under paragraph (a) must serve 100~~
439 ~~percent of the court-imposed sentence.~~

440 ~~(c) Nothing in this subsection shall prevent a court from~~
441 ~~imposing a greater sentence of incarceration as authorized by~~
442 ~~law, pursuant to s. 775.084 or any other provision of law.~~

443 (b)-(d)1. It is the intent of the Legislature to
444 retroactively apply the amendments to this subsection which are
445 effective October 1, 2020.



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446 2. As used in this paragraph, the term "former s.
447 775.082(9)" means s. 775.082(9) as it existed before the
448 amendment of this subsection, which took effect October 1, 2020.

449 3. A person who qualified as a prison releasee reoffender
450 before October 1, 2020, and who was not sentenced as a prison
451 releasee reoffender before October 1, 2020, may not be sentenced
452 as such under former s. 775.082(9). Such person, if sentenced as
453 a prison releasee reoffender, must be sentenced as provided in
454 paragraph (a).

455 4. A person who qualified as a prison releasee reoffender
456 before October 1, 2020, who was sentenced as such before October
457 1, 2020, to a mandatory minimum term of imprisonment pursuant to
458 former s. 775.082(9), and who is serving such mandatory minimum
459 term of imprisonment on or after October 1, 2020, may be
460 resentenced in accordance with subparagraph 5. to a sentence as
461 provided in paragraph (a) and sub-subparagraph 5.d.

462 5. Resentencing must occur in the following manner:

463 a. The Department of Corrections shall notify a person
464 described in subparagraph 4. of his or her eligibility to
465 request a sentence review hearing.

466 b. The person seeking sentence review must submit an
467 application to the court of original jurisdiction requesting
468 that a sentence review hearing be held. The sentencing court
469 shall retain original jurisdiction for the duration of the
470 sentence for this purpose.

471 c. A person who is eligible for a sentence review hearing
472 under this paragraph is entitled to be represented by counsel,
473 and the court shall appoint a public defender to represent the
474 person if he or she cannot afford an attorney.



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475 d. Upon receiving an application from an eligible person,
476 the court of original jurisdiction shall hold a sentence review
477 hearing to determine if the eligible person meets the criteria
478 for resentencing under subparagraph 4. If the court determines
479 at the sentence review hearing that the eligible person meets
480 such criteria, the court may resentence the person as provided
481 in paragraph (a); however, the new sentence may not exceed the
482 person's original sentence with credit for time served. If the
483 court does not resentence the person under subparagraph 4., the
484 court must provide written findings why resentencing is not
485 appropriate.

486 6. A person resentenced pursuant to this subsection is
487 eligible to receive any gain-time pursuant to s. 944.275 which
488 he or she was previously ineligible to receive under former s.
489 775.082(9) It is the intent of the Legislature that offenders
490 previously released from prison or a county detention facility
491 following incarceration for an offense for which the sentence
492 pronounced was a prison sentence who meet the criteria in
493 paragraph (a) be punished to the fullest extent of the law and
494 as provided in this subsection, unless the state attorney
495 determines that extenuating circumstances exist which preclude
496 the just prosecution of the offender, including whether the
497 victim recommends that the offender not be sentenced as provided
498 in this subsection.

499 2. For every case in which the offender meets the criteria
500 in paragraph (a) and does not receive the mandatory minimum
501 prison sentence, the state attorney must explain the sentencing
502 deviation in writing and place such explanation in the case file
503 maintained by the state attorney.



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504 Section 7. Subsections (8) and (9) of section 817.234,
505 Florida Statutes, are amended to read:

506 817.234 False and fraudulent insurance claims.—

507 (8) (a) It is unlawful for any person intending to defraud
508 any other person to solicit or cause to be solicited any
509 business from a person involved in a motor vehicle accident for
510 the purpose of making, adjusting, or settling motor vehicle tort
511 claims or claims for personal injury protection benefits
512 required by s. 627.736. Any person who violates ~~the provisions~~
513 ~~of~~ this paragraph commits a felony of the second degree,
514 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
515 ~~A person who is convicted of a violation of this subsection~~
516 ~~shall be sentenced to a minimum term of imprisonment of 2 years.~~

517 (b) A person may not solicit or cause to be solicited any
518 business from a person involved in a motor vehicle accident by
519 any means of communication other than advertising directed to
520 the public for the purpose of making motor vehicle tort claims
521 or claims for personal injury protection benefits required by s.
522 627.736, within 60 days after the occurrence of the motor
523 vehicle accident. Any person who violates this paragraph commits
524 a felony of the third degree, punishable as provided in s.
525 775.082, s. 775.083, or s. 775.084.

526 (c) A lawyer, health care practitioner as defined in s.
527 456.001, or owner or medical director of a clinic required to be
528 licensed pursuant to s. 400.9905 may not, at any time after 60
529 days have elapsed from the occurrence of a motor vehicle
530 accident, solicit or cause to be solicited any business from a
531 person involved in a motor vehicle accident by means of in
532 person or telephone contact at the person's residence, for the



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533 purpose of making motor vehicle tort claims or claims for
534 personal injury protection benefits required by s. 627.736. Any
535 person who violates this paragraph commits a felony of the third
536 degree, punishable as provided in s. 775.082, s. 775.083, or s.
537 775.084.

538 (d) Charges for any services rendered by any person who
539 violates this subsection in regard to the person for whom such
540 services were rendered are noncompensable and unenforceable as a
541 matter of law.

542 (9) A person may not organize, plan, or knowingly
543 participate in an intentional motor vehicle crash or a scheme to
544 create documentation of a motor vehicle crash that did not occur
545 for the purpose of making motor vehicle tort claims or claims
546 for personal injury protection benefits as required by s.
547 627.736. Any person who violates this subsection commits a
548 felony of the second degree, punishable as provided in s.
549 775.082, s. 775.083, or s. 775.084. ~~A person who is convicted of~~
550 ~~a violation of this subsection shall be sentenced to a minimum~~
551 ~~term of imprisonment of 2 years.~~

552 Section 8. Present subsections (6) and (7) of section
553 893.135, Florida Statutes, are redesignated as subsections (7)
554 and (8), respectively, a new subsection (6) is added to that
555 section, and paragraphs (b), (c), and (g) of subsection (1) and
556 subsection (3) of that section are amended, to read:

557 893.135 Trafficking; mandatory sentences; suspension or
558 reduction of sentences; conspiracy to engage in trafficking.—

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

561 (b)1. Any person who knowingly sells, purchases,



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562 manufactures, delivers, or brings into this state, or who is
563 knowingly in actual or constructive possession of, 28 grams or
564 more of cocaine, as described in s. 893.03(2)(a)4., or of any
565 mixture containing cocaine, but less than 150 kilograms of
566 cocaine or any such mixture, commits a felony of the first
567 degree, which felony shall be known as "trafficking in cocaine,"
568 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

569 If the quantity involved:

570 a. Is 28 grams or more, but less than 200 grams, such
571 person shall be sentenced to a mandatory minimum term of
572 imprisonment of 3 years, and the defendant shall be ordered to
573 pay a fine of \$50,000.

574 b. Is 200 grams or more, but less than 400 grams, such
575 person shall be sentenced to a mandatory minimum term of
576 imprisonment of 7 years, and the defendant shall be ordered to
577 pay a fine of \$100,000.

578 c. Is 400 grams or more, but less than 150 kilograms, such
579 person shall be sentenced to a mandatory minimum term of
580 imprisonment of 15 calendar years and pay a fine of \$250,000.

581 2. Any person who knowingly sells, purchases, manufactures,
582 delivers, or brings into this state, or who is knowingly in
583 actual or constructive possession of, 150 kilograms or more of
584 cocaine, as described in s. 893.03(2)(a)4., commits the first
585 degree felony of trafficking in cocaine. A person who has been
586 convicted of the first degree felony of trafficking in cocaine
587 under this subparagraph shall be punished by life imprisonment
588 and is ineligible for any form of discretionary early release
589 except pardon or executive clemency, ~~or~~ conditional medical
590 release under s. 945.0911, or conditional aging inmate release



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591 under s. 945.0912 ~~s. 947.149~~. However, if the court determines
592 that, in addition to committing any act specified in this
593 paragraph:

594 a. The person intentionally killed an individual or
595 counseled, commanded, induced, procured, or caused the
596 intentional killing of an individual and such killing was the
597 result; or

598 b. The person's conduct in committing that act led to a
599 natural, though not inevitable, lethal result,

600
601 such person commits the capital felony of trafficking in
602 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
603 person sentenced for a capital felony under this paragraph shall
604 also be sentenced to pay the maximum fine provided under
605 subparagraph 1.

606 3. Any person who knowingly brings into this state 300
607 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
608 and who knows that the probable result of such importation would
609 be the death of any person, commits capital importation of
610 cocaine, a capital felony punishable as provided in ss. 775.082
611 and 921.142. Any person sentenced for a capital felony under
612 this paragraph shall also be sentenced to pay the maximum fine
613 provided under subparagraph 1.

614 (c)1. A person who knowingly sells, purchases,
615 manufactures, delivers, or brings into this state, or who is
616 knowingly in actual or constructive possession of, 4 grams or
617 more of any morphine, opium, hydromorphone, or any salt,
618 derivative, isomer, or salt of an isomer thereof, including
619 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or



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620 (3)(c)4., or 4 grams or more of any mixture containing any such
621 substance, but less than 30 kilograms of such substance or
622 mixture, commits a felony of the first degree, which felony
623 shall be known as "trafficking in illegal drugs," punishable as
624 provided in s. 775.082, s. 775.083, or s. 775.084. If the
625 quantity involved:

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

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

632 c. Is 28 grams or more, but less than 30 kilograms, such
633 person shall be sentenced to a mandatory minimum term of
634 imprisonment of 25 years and shall be ordered to pay a fine of
635 \$500,000.

636 2. A person who knowingly sells, purchases, manufactures,
637 delivers, or brings into this state, or who is knowingly in
638 actual or constructive possession of, 28 grams or more of
639 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
640 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
641 grams or more of any mixture containing any such substance,
642 commits a felony of the first degree, which felony shall be
643 known as "trafficking in hydrocodone," punishable as provided in
644 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

645 a. Is 28 grams or more, but less than 50 grams, such person
646 shall be sentenced to a mandatory minimum term of imprisonment
647 of 3 years and shall be ordered to pay a fine of \$50,000.

648 b. Is 50 grams or more, but less than 100 grams, such



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649 person shall be sentenced to a mandatory minimum term of
650 imprisonment of 7 years and shall be ordered to pay a fine of
651 \$100,000.

652 c. Is 100 grams or more, but less than 300 grams, such
653 person shall be sentenced to a mandatory minimum term of
654 imprisonment of 15 years and shall be ordered to pay a fine of
655 \$500,000.

656 d. Is 300 grams or more, but less than 30 kilograms, such
657 person shall be sentenced to a mandatory minimum term of
658 imprisonment of 25 years and shall be ordered to pay a fine of
659 \$750,000.

660 3. A person who knowingly sells, purchases, manufactures,
661 delivers, or brings into this state, or who is knowingly in
662 actual or constructive possession of, 7 grams or more of
663 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
664 thereof, or 7 grams or more of any mixture containing any such
665 substance, commits a felony of the first degree, which felony
666 shall be known as "trafficking in oxycodone," punishable as
667 provided in s. 775.082, s. 775.083, or s. 775.084. If the
668 quantity involved:

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

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

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



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678 \$500,000.

679 d. Is 100 grams or more, but less than 30 kilograms, such
680 person shall be sentenced to a mandatory minimum term of
681 imprisonment of 25 years and shall be ordered to pay a fine of
682 \$750,000.

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

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

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

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

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

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

691 893.03(1)(a)62.;

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

693 893.0356, of any substance described in sub-sub-subparagraphs

694 (I)-(V); or

695 (VII) A mixture containing any substance described in sub-
696 sub-subparagraphs (I)-(VI),

697

698 commits a felony of the first degree, which felony shall be
699 known as "trafficking in fentanyl," punishable as provided in s.
700 775.082, s. 775.083, or s. 775.084.

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

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

705 (II) Is 14 grams or more, but less than 28 grams, such
706 person shall be sentenced to a mandatory minimum term of



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707 imprisonment of 15 years, and shall be ordered to pay a fine of
708 \$100,000.

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

712 5. A person who knowingly sells, purchases, manufactures,
713 delivers, or brings into this state, or who is knowingly in
714 actual or constructive possession of, 30 kilograms or more of
715 any morphine, opium, oxycodone, hydrocodone, codeine,
716 hydromorphone, or any salt, derivative, isomer, or salt of an
717 isomer thereof, including heroin, as described in s.
718 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
719 more of any mixture containing any such substance, commits the
720 first degree felony of trafficking in illegal drugs. A person
721 who has been convicted of the first degree felony of trafficking
722 in illegal drugs under this subparagraph shall be punished by
723 life imprisonment and is ineligible for any form of
724 discretionary early release except pardon or executive clemency,
725 ~~or~~ conditional medical release under s. 945.0911, or conditional
726 aging inmate release under s. 945.0912 ~~s. 947.149~~. However, if
727 the court determines that, in addition to committing any act
728 specified in this paragraph:

729 a. The person intentionally killed an individual or
730 counseled, commanded, induced, procured, or caused the
731 intentional killing of an individual and such killing was the
732 result; or

733 b. The person's conduct in committing that act led to a
734 natural, though not inevitable, lethal result,

735



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736 such person commits the capital felony of trafficking in illegal
737 drugs, punishable as provided in ss. 775.082 and 921.142. A
738 person sentenced for a capital felony under this paragraph shall
739 also be sentenced to pay the maximum fine provided under
740 subparagraph 1.

741 6. A person who knowingly brings into this state 60
742 kilograms or more of any morphine, opium, oxycodone,
743 hydrocodone, codeine, hydromorphone, or any salt, derivative,
744 isomer, or salt of an isomer thereof, including heroin, as
745 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
746 60 kilograms or more of any mixture containing any such
747 substance, and who knows that the probable result of such
748 importation would be the death of a person, commits capital
749 importation of illegal drugs, a capital felony punishable as
750 provided in ss. 775.082 and 921.142. A person sentenced for a
751 capital felony under this paragraph shall also be sentenced to
752 pay the maximum fine provided under subparagraph 1.

753 (g)1. Any person who knowingly sells, purchases,
754 manufactures, delivers, or brings into this state, or who is
755 knowingly in actual or constructive possession of, 4 grams or
756 more of flunitrazepam or any mixture containing flunitrazepam as
757 described in s. 893.03(1)(a) commits a felony of the first
758 degree, which felony shall be known as "trafficking in
759 flunitrazepam," punishable as provided in s. 775.082, s.
760 775.083, or s. 775.084. If the quantity involved:

761 a. Is 4 grams or more but less than 14 grams, such person
762 shall be sentenced to a mandatory minimum term of imprisonment
763 of 3 years, and the defendant shall be ordered to pay a fine of
764 \$50,000.



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765 b. Is 14 grams or more but less than 28 grams, such person
766 shall be sentenced to a mandatory minimum term of imprisonment
767 of 7 years, and the defendant shall be ordered to pay a fine of
768 \$100,000.

769 c. Is 28 grams or more but less than 30 kilograms, such
770 person shall be sentenced to a mandatory minimum term of
771 imprisonment of 25 calendar years and pay a fine of \$500,000.

772 2. Any person who knowingly sells, purchases, manufactures,
773 delivers, or brings into this state or who is knowingly in
774 actual or constructive possession of 30 kilograms or more of
775 flunitrazepam or any mixture containing flunitrazepam as
776 described in s. 893.03(1)(a) commits the first degree felony of
777 trafficking in flunitrazepam. A person who has been convicted of
778 the first degree felony of trafficking in flunitrazepam under
779 this subparagraph shall be punished by life imprisonment and is
780 ineligible for any form of discretionary early release except
781 pardon or executive clemency, ~~or~~ conditional medical release
782 under s. 945.0911, or conditional aging inmate release under s.
783 945.0912 ~~s. 947.149~~. However, if the court determines that, in
784 addition to committing any act specified in this paragraph:

785 a. The person intentionally killed an individual or
786 counseled, commanded, induced, procured, or caused the
787 intentional killing of an individual and such killing was the
788 result; or

789 b. The person's conduct in committing that act led to a
790 natural, though not inevitable, lethal result,

791

792 such person commits the capital felony of trafficking in
793 flunitrazepam, punishable as provided in ss. 775.082 and



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794 921.142. Any person sentenced for a capital felony under this
795 paragraph shall also be sentenced to pay the maximum fine
796 provided under subparagraph 1.

797 (3) Notwithstanding ~~the provisions of~~ s. 948.01, with
798 respect to any person who is found to have violated this
799 section, adjudication of guilt or imposition of sentence may
800 ~~shall~~ not be suspended, deferred, or withheld, nor shall such
801 person be eligible for parole before ~~prior to~~ serving the
802 mandatory minimum term of imprisonment prescribed by this
803 section. A person sentenced to a mandatory minimum term of
804 imprisonment under this section is not eligible for any form of
805 discretionary early release, except pardon or executive
806 clemency, ~~or~~ conditional medical release under s. 945.0911 ~~s.~~
807 947.149, or conditional aging inmate release under s. 945.0912,
808 before ~~prior to~~ serving the mandatory minimum term of
809 imprisonment.

810 (6) Notwithstanding any provision of this section, a court
811 may impose a sentence for a violation of this section other than
812 the mandatory minimum term of imprisonment and mandatory fine if
813 the court finds on the record that all of the following
814 circumstances exist:

815 (a) The person did not engage in a continuing criminal
816 enterprise as defined in s. 893.20(1).

817 (b) The person did not use or threaten violence or use a
818 weapon during the commission of the crime.

819 (c) The person did not cause a death or serious bodily
820 injury.

821 Section 9. Section 921.002, Florida Statutes, is amended to
822 read:



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823 921.002 The Public Safety ~~Criminal Punishment~~ Code.—The
824 Public Safety Code applies ~~Criminal Punishment Code shall apply~~
825 to all felony offenses, except capital felonies, committed on or
826 after October 1, 1998.

827 (1) The provision of criminal penalties and of limitations
828 upon the application of such penalties is a matter of
829 predominantly substantive law and, as such, is a matter properly
830 addressed by the Legislature. The Legislature, in the exercise
831 of its authority and responsibility to establish sentencing
832 criteria, to provide for the imposition of criminal penalties,
833 and to make the best use of state prisons so that violent
834 criminal offenders are appropriately incarcerated, has
835 determined that it is in the best interest of the state to
836 develop, implement, and revise a sentencing policy. The Public
837 Safety ~~Criminal Punishment~~ Code embodies the principles that:

838 (a) Sentencing is neutral with respect to race, gender, and
839 social and economic status.

840 (b) The primary purpose of sentencing is public safety ~~to~~
841 ~~punish the offender~~. Rehabilitation is a desired goal of the
842 criminal justice system but is subordinate to the goal of public
843 safety ~~punishment~~.

844 (c) The penalty imposed is commensurate with the severity
845 of the primary offense and the circumstances surrounding the
846 primary offense.

847 (d) The severity of the sentence increases with the length
848 and nature of the offender's prior record.

849 (e) The sentence imposed by the sentencing judge reflects
850 the length of actual time to be served, shortened only by the
851 application of incentive and meritorious gain-time as provided



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852 by law, and may not be shortened if the defendant would
853 consequently serve less than 85 percent of his or her term of
854 imprisonment as provided in s. 944.275(4). ~~The provisions of~~
855 Chapter 947, relating to parole, does ~~shall~~ not apply to persons
856 sentenced under the Public Safety ~~Criminal Punishment~~ Code.

857 (f) Departures below the lowest permissible sentence
858 established by the code must be articulated in writing by the
859 trial court judge and made only when circumstances or factors
860 reasonably justify the mitigation of the sentence. The level of
861 proof necessary to establish facts that support a departure from
862 the lowest permissible sentence is a preponderance of the
863 evidence.

864 (g) The trial court judge may impose a sentence up to and
865 including the statutory maximum for any offense, including an
866 offense that is before the court due to a violation of probation
867 or community control.

868 (h) A sentence may be appealed on the basis that it departs
869 from the Public Safety ~~Criminal Punishment~~ Code only if the
870 sentence is below the lowest permissible sentence or as
871 enumerated in s. 924.06(1).

872 (i) Use of incarcerative sanctions is prioritized toward
873 offenders convicted of serious offenses and certain offenders
874 who have long prior records, in order to maximize the finite
875 capacities of state and local correctional facilities.

876 (2) When a defendant is before the court for sentencing for
877 more than one felony and the felonies were committed under more
878 than one version or revision of the former sentencing guidelines
879 or the code, each felony shall be sentenced under the guidelines
880 or the code in effect at the time the particular felony was



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881 committed. This subsection does not apply to sentencing for any
882 capital felony.

883 (3) A court may impose a departure below the lowest
884 permissible sentence based upon circumstances or factors that
885 reasonably justify the mitigation of the sentence in accordance
886 with s. 921.0026. The level of proof necessary to establish
887 facts supporting the mitigation of a sentence is a preponderance
888 of the evidence. When multiple reasons exist to support the
889 mitigation, the mitigation shall be upheld when at least one
890 circumstance or factor justifies the mitigation regardless of
891 the presence of other circumstances or factors found not to
892 justify mitigation. Any sentence imposed below the lowest
893 permissible sentence must be explained in writing by the trial
894 court judge.

895 (4) (a) The Department of Corrections shall report on trends
896 in sentencing practices and sentencing score thresholds and
897 provide an analysis on the sentencing factors considered by the
898 courts and shall submit this information to the Legislature by
899 October 1 of each year.

900 (b) The Criminal Justice Estimating Conference, with the
901 assistance of the Department of Corrections, shall estimate the
902 impact of any proposed change to the Public Safety Criminal
903 ~~Punishment~~ Code on future rates of incarceration and on the
904 prison population. The Criminal Justice Estimating Conference
905 shall base its projections on historical data concerning
906 sentencing practices which have been accumulated by the
907 Department of Corrections and other relevant data from other
908 state agencies and records of the Department of Corrections
909 which disclose the average time served for offenses covered by



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910 any proposed changes to the Public Safety ~~Criminal Punishment~~
911 Code.

912 (c) In order to produce projects that are either required
913 by law or requested by the Legislature to assist the Legislature
914 in making modifications to the Public Safety ~~Criminal Punishment~~
915 Code, the Department of Corrections is authorized to collect and
916 evaluate Public Safety ~~Criminal Punishment~~ Code scoresheets from
917 each of the judicial circuits after sentencing. Beginning in
918 1999, by October 1 of each year, the Department of Corrections
919 shall provide an annual report to the Legislature that shows the
920 rate of compliance of each judicial circuit in providing
921 scoresheets to the department.

922 Section 10. Paragraph (a) of subsection (2) of section
923 921.1402, Florida Statutes, is amended, and subsection (4) of
924 that section is reenacted, to read:

925 921.1402 Review of sentences for persons convicted of
926 specified offenses committed while under the age of 18 years.—

927 (2) (a) A juvenile offender sentenced under s.
928 775.082(1) (b)1. is entitled to a review of his or her sentence
929 after 25 years. However, a juvenile offender is not entitled to
930 review if he or she has previously been convicted of committing
931 ~~one of the following offenses~~, or of conspiracy to commit ~~one of~~
932 ~~the following offenses~~, murder if the murder offense for which
933 the person was previously convicted was part of a separate
934 criminal transaction or episode than the murder ~~that~~ which
935 resulted in the sentence under s. 775.082(1) (b)1.÷

- 936 1. ~~Murder;~~
937 2. ~~Manslaughter;~~
938 3. ~~Sexual battery;~~



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- 939 ~~4. Armed burglary;~~
940 ~~5. Armed robbery;~~
941 ~~6. Armed carjacking;~~
942 ~~7. Home-invasion robbery;~~
943 ~~8. Human trafficking for commercial sexual activity with a~~
944 ~~child under 18 years of age;~~
945 ~~9. False imprisonment under s. 787.02(3)(a); or~~
946 ~~10. Kidnapping.~~

947 (4) A juvenile offender seeking sentence review pursuant to
948 subsection (2) must submit an application to the court of
949 original jurisdiction requesting that a sentence review hearing
950 be held. The juvenile offender must submit a new application to
951 the court of original jurisdiction to request subsequent
952 sentence review hearings pursuant to paragraph (2)(d). The
953 sentencing court shall retain original jurisdiction for the
954 duration of the sentence for this purpose.

955 Section 11. Section 921.14021, Florida Statutes, is created
956 to read:

957 921.14021 Retroactive application relating to s. 921.1402;
958 legislative intent; review of sentence.—

959 (1) It is the intent of the Legislature to retroactively
960 apply the amendments made to s. 921.1402 which took effect
961 October 1, 2020, only as provided in this section, to juvenile
962 offenders convicted of a capital offense and sentenced under s.
963 775.082(1)(b)1. who have been ineligible for sentence review
964 hearings because of a previous conviction of an offense
965 enumerated in s. 921.1402(2)(a), thereby providing such juvenile
966 offenders with an opportunity for consideration by a court and
967 an opportunity for release if deemed appropriate under law.



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968 (2) A juvenile offender, as defined in s. 921.1402, who was
969 convicted of a capital offense and sentenced under s.
970 775.082(1)(b)1., and who was ineligible for a sentence review
971 hearing pursuant to s. 921.1402(2)(a)2.-10. as it existed before
972 October 1, 2020, is entitled to a review of his or her sentence
973 after 25 years or, if on October 1, 2020, 25 years have already
974 passed since the sentencing, immediately.

975 Section 12. Section 921.1403, Florida Statutes, is created
976 to read:

977 921.1403 Review of sentences for persons convicted of
978 specified offenses committed while under 25 years of age.-

979 (1) It is the intent of the Legislature to retroactively
980 apply the amendments to this section which took effect October
981 1, 2020.

982 (2) As used in this section, the term "young adult
983 offender" means a person who committed an offense before he or
984 she reached 25 years of age and for which he or she is sentenced
985 to a term of years in the custody of the Department of
986 Corrections, regardless of the date of sentencing.

987 (3) A young adult offender is not entitled to a sentence
988 review under this section if he or she has previously been
989 convicted of committing, or of conspiring to commit, murder if
990 the murder offense for which the person was previously convicted
991 was part of a separate criminal transaction or episode than that
992 which resulted in the sentence under s. 775.082(3)(a)1., 2., 3.,
993 4., or 6. or (b)1.

994 (4)(a)1. A young adult offender who is convicted of an
995 offense that is a life felony, that is punishable by a term of
996 years not exceeding life imprisonment, or that was reclassified



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997 as a life felony, which was committed after the person attained
998 18 years of age and he or she is sentenced to a term of more
999 than 20 years under s. 775.082(3)(a)1., 2., 3., 4., or 6., is
1000 entitled to a review of his or her sentence after 20 years.

1001 2. This paragraph does not apply to a person who is
1002 eligible for sentencing under s. 775.082(3)(a)5.

1003 (b) A young adult offender who is convicted of an offense
1004 that is a felony of the first degree or that was reclassified as
1005 a felony of the first degree and he or she is sentenced to a
1006 term of more than 15 years under s. 775.082(3)(b)1. is entitled
1007 to a review of his or her sentence after 15 years.

1008 (5) The Department of Corrections must notify a young adult
1009 offender in writing of his or her eligibility to request a
1010 sentence review hearing 18 months before the young adult
1011 offender is entitled to a sentence review hearing or notify him
1012 or her immediately in writing if the offender is eligible as of
1013 October 1, 2020.

1014 (6) A young adult offender seeking a sentence review
1015 hearing under this section must submit an application to the
1016 court of original jurisdiction requesting that a sentence review
1017 hearing be held. The young adult offender must submit a new
1018 application to the court of original jurisdiction to request a
1019 subsequent sentence review hearing pursuant to subsection (8).
1020 The sentencing court shall retain original jurisdiction for the
1021 duration of the sentence for this purpose.

1022 (7) A young adult offender who is eligible for a sentence
1023 review hearing under this section is entitled to be represented
1024 by counsel, and the court shall appoint a public defender to
1025 represent the young adult offender if he or she cannot afford an



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1026 attorney.

1027 (8) If the young adult offender seeking sentence review
1028 under paragraph (4) (a) or (4) (b) is not resentenced at the
1029 initial sentence review hearing, he or she is eligible for one
1030 subsequent review hearing 5 years after the initial review
1031 hearing.

1032 (9) Upon receiving an application from an eligible young
1033 adult offender, the original sentencing court must hold a
1034 sentence review hearing to determine whether to modify the young
1035 adult offender's sentence. When determining if it is appropriate
1036 to modify the young adult offender's sentence, the court must
1037 consider any factor it deems appropriate, including, but not
1038 limited to:

1039 (a) Whether the young adult offender demonstrates maturity
1040 and rehabilitation.

1041 (b) Whether the young adult offender remains at the same
1042 level of risk to society as he or she did at the time of the
1043 initial sentencing.

1044 (c) The opinion of the victim or the victim's next of kin.
1045 The absence of the victim or the victim's next of kin from the
1046 sentence review hearing may not be a factor in the determination
1047 of the court under this section. The court must allow the victim
1048 or victim's next of kin to be heard in person, in writing, or by
1049 electronic means. If the victim or the victim's next of kin
1050 chooses not to participate in the hearing, the court may
1051 consider previous statements made by the victim or the victim's
1052 next of kin during the trial, initial sentencing phase, or
1053 previous sentencing review hearings.

1054 (d) Whether the young adult offender was a relatively minor



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1055 participant in the criminal offense or whether he or she acted
1056 under extreme duress or under the domination of another person.

1057 (e) Whether the young adult offender has shown sincere and
1058 sustained remorse for the criminal offense.

1059 (f) Whether the young adult offender's age, maturity, or
1060 psychological development at the time of the offense affected
1061 his or her behavior.

1062 (g) Whether the young adult offender has successfully
1063 obtained a high school equivalency diploma or completed another
1064 educational, technical, work, vocational, or self-rehabilitation
1065 program, if such a program is available.

1066 (h) Whether the young adult offender was a victim of
1067 sexual, physical, or emotional abuse before he or she committed
1068 the offense.

1069 (i) The results of any mental health assessment, risk
1070 assessment, or evaluation of the young adult offender as to
1071 rehabilitation.

1072 (10) (a) If the court determines at a sentence review
1073 hearing that the young adult offender who is seeking sentence
1074 review under paragraph (4) (a) has been rehabilitated and is
1075 reasonably believed to be fit to reenter society, the court may
1076 modify the sentence and impose a term of probation of at least 5
1077 years.

1078 (b) If the court determines at a sentence review hearing
1079 that the young adult offender who is seeking sentence review
1080 under paragraph (4) (b) has been rehabilitated and is reasonably
1081 believed to be fit to reenter society, the court may modify the
1082 sentence and impose a term of probation of at least 3 years.

1083 (c) If the court determines that the young adult offender



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1084 seeking sentence review under paragraph (4) (a) or (4) (b) has not
1085 demonstrated rehabilitation or is not fit to reenter society,
1086 the court must issue a written order stating the reasons why the
1087 sentence is not being modified.

1088 Section 13. Effective July 1, 2020, section 925.11, Florida
1089 Statutes, is amended to read:

1090 925.11 Postsentencing forensic analysis ~~DNA testing.~~-

1091 (1) DEFINITIONS.-As used in this section, the term:

1092 (a) "Forensic analysis" means the process by which a
1093 forensic or scientific technique is applied to evidence or
1094 biological material to identify the perpetrator of, or an
1095 accomplice to, a crime. The term includes, but is not limited
1096 to, deoxyribonucleic acid (DNA) testing.

1097 (b) "Petitioner" means a defendant who has been convicted
1098 of and sentenced for a felony.

1099 (2)~~(1)~~ PETITION FOR EXAMINATION.-

1100 (a)~~1~~. A person who has entered a plea of guilty or nolo
1101 contendere to a felony before July 1, 2020, or who has been
1102 tried and found guilty of committing a felony and has been
1103 sentenced by a court established by the laws of this state may
1104 petition that court to order the forensic analysis ~~examination~~
1105 of physical evidence collected at the time of the investigation
1106 of the crime for which he or she has been sentenced which may
1107 result in evidence material to the identity of the perpetrator
1108 of, or an accomplice to, the crime that resulted in the person's
1109 conviction ~~that may contain DNA (deoxyribonucleic acid) and that~~
1110 would exonerate that person or mitigate the sentence that person
1111 received.

1112 2. A person who has entered a plea of guilty or nolo



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1113 ~~contendere to a felony prior to July 1, 2006, and has been~~
1114 ~~sentenced by a court established by the laws of this state may~~
1115 ~~petition that court to order the examination of physical~~
1116 ~~evidence collected at the time of the investigation of the crime~~
1117 ~~for which he or she has been sentenced that may contain DNA~~
1118 ~~(deoxyribonucleic acid) and that would exonerate that person.~~

1119 (b) A petition for postsentencing forensic analysis ~~DNA~~
1120 ~~testing~~ under paragraph (a) may be filed or considered at any
1121 time following the date that the judgment and sentence in the
1122 case becomes final.

1123 (3) ~~(2)~~ METHOD FOR SEEKING POSTSENTENCING FORENSIC ANALYSIS
1124 ~~DNA TESTING.~~

1125 (a) A ~~The~~ petition for postsentencing forensic analysis ~~DNA~~
1126 ~~testing must be made under oath by the sentenced defendant and~~
1127 must include all the following:

1128 1. A statement of the facts relied on in support of the
1129 petition, including a description of the physical evidence
1130 ~~containing DNA~~ to be tested and, if known, the present location
1131 or the last known location of the evidence and how it was
1132 originally obtained;

1133 2. A statement that the evidence was not previously
1134 subjected to forensic analysis ~~tested for DNA~~ or a statement
1135 that the results of any previous forensic analysis ~~DNA testing~~
1136 were inconclusive and that subsequent scientific developments in
1137 forensic analysis ~~DNA testing techniques~~ would likely produce
1138 evidence material to a definitive result establishing that the
1139 identity of the perpetrator of, or an accomplice to, petitioner
1140 ~~is not the person who committed the crime;~~

1141 3. A statement that the petitioner ~~sentenced defendant~~ is



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1142 innocent and how the forensic analysis ~~DNA testing~~ requested by
1143 the petitioner may result in evidence that is material to
1144 ~~petition will exonerate~~ the identity of the perpetrator of, or
1145 an accomplice to, the defendant of the crime for which the
1146 ~~defendant was sentenced or will mitigate the sentence received~~
1147 ~~by the defendant for that crime;~~

1148 4. A statement that identification of the petitioner
1149 ~~defendant~~ is a genuinely disputed issue in the case, and why it
1150 is an issue;

1151 5. A statement that the petitioner will comply with any
1152 court order to provide a biological sample for the purpose of
1153 conducting requested forensic analysis and acknowledging such
1154 analysis could produce exculpatory evidence or evidence
1155 confirming the petitioner's identity as the perpetrator of, or
1156 an accomplice to, the crime or a separate crime;

1157 ~~6.5.~~ Any other facts relevant to the petition; ~~and~~

1158 ~~7.6.~~ A certificate that a copy of the petition has been
1159 served on the prosecuting authority; and

1160 8. The petitioner's sworn statement attesting to the
1161 contents of the petition.

1162 (b) Upon receiving the petition, the clerk of the court
1163 shall file it and deliver the court file to the assigned judge.

1164 (c) The court shall review the petition and deny it if it
1165 is insufficient. If the petition is sufficient, the prosecuting
1166 authority shall be ordered to respond to the petition within 30
1167 days.

1168 (d) Upon receiving the response of the prosecuting
1169 authority, the court shall review the response and enter an
1170 order on the merits of the petition or set the petition for a a



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1171 hearing.

1172 (e) Counsel may be appointed to assist the petitioner
1173 ~~sentenced defendant~~ if the petition proceeds to a hearing and if
1174 the court determines that the assistance of counsel is necessary
1175 and makes the requisite finding of indigency.

1176 (f) The court shall make all the following findings when
1177 ruling on the petition:

1178 1. Whether the petitioner ~~sentenced defendant~~ has shown
1179 that ~~the~~ physical evidence that may be subjected to forensic
1180 analysis ~~contain DNA~~ still exists;

1181 2. Whether the results of forensic analysis ~~DNA testing~~ of
1182 that physical evidence would be admissible at trial and whether
1183 there exists reliable proof to establish that the evidence has
1184 not been materially altered and would be admissible at a future
1185 hearing; and

1186 3. Whether there is a reasonable probability the forensic
1187 analysis may result in evidence that is material to the identity
1188 of the perpetrator of, or an accomplice to, the crime ~~there is a~~
1189 ~~reasonable probability that the sentenced defendant would have~~
1190 ~~been acquitted or would have received a lesser sentence if the~~
1191 ~~DNA evidence had been admitted at trial.~~

1192 (g) If the court orders forensic analysis ~~DNA testing~~ of
1193 the physical evidence, the cost of such analysis ~~testing~~ may be
1194 assessed against the petitioner ~~sentenced defendant~~ unless he or
1195 she is indigent. If the petitioner ~~sentenced defendant~~ is
1196 indigent, the state shall bear the cost of the forensic analysis
1197 ~~DNA testing~~ ordered by the court, unless specified otherwise in
1198 accordance with paragraph (i).

1199 (h) Except as provided in paragraph (i), any forensic



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1200 analysis ~~DNA testing~~ ordered by the court shall be performed
1201 ~~carried out~~ by the Department of Law Enforcement or its
1202 designee, as provided in s. 943.3251.

1203 (i) The court may order forensic analysis to be performed
1204 by a private laboratory and may assess the cost of such analysis
1205 against the petitioner if:

1206 1. The prosecuting authority and the petitioner mutually
1207 select a private laboratory to perform the forensic analysis;

1208 2. The petitioner makes a sufficient showing that the
1209 forensic analysis ordered by the court is of such a nature that
1210 it cannot be performed by the Department of Law Enforcement or
1211 its designee; or

1212 3. The petitioner makes a sufficient showing that the
1213 forensic analysis will be significantly delayed because of a
1214 state laboratory backlog.

1215 (j) Before the court may order forensic analysis to be
1216 performed by a private laboratory, the petitioner shall certify
1217 to the court that the private laboratory is:

1218 1. Accredited by an accreditation body that is a signatory
1219 to the International Laboratory Accreditation Cooperation Mutual
1220 Recognition Agreement; and

1221 2. Designated by the Federal Bureau of Investigation as
1222 possessing an accreditation that includes DNA testing and the
1223 laboratory is compliant with Federal Bureau of Investigation
1224 quality assurance standards adopted in accordance with 34 U.S.C.
1225 s. 12591, if DNA testing is requested.

1226 (k) If the court orders forensic analysis in the form of
1227 DNA testing and the resulting DNA sample meets statewide DNA
1228 database submission standards established by the Department of



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1229 Law Enforcement, the department must perform a DNA database
1230 search. A private laboratory ordered to perform forensic
1231 analysis under paragraph (i) must cooperate with the prosecuting
1232 authority and the Department of Law Enforcement for the purpose
1233 of carrying out this requirement.

1234 1. The department shall compare any DNA profiles obtained
1235 from the testing to:

1236 a. DNA profiles of known offenders maintained in the
1237 statewide DNA database under s. 943.325;

1238 b. DNA profiles from unsolved crimes maintained in the
1239 statewide DNA database under s. 943.325; and

1240 c. Any local DNA databases maintained by a law enforcement
1241 agency in the judicial circuit in which the petitioner was
1242 convicted.

1243 2. If the testing complies with Federal Bureau of
1244 Investigation requirements and the data meets national DNA index
1245 system criteria, the department shall request the national DNA
1246 index system to search its database of DNA profiles using any
1247 profiles obtained from the testing.

1248 (1)~~(i)~~ The results of the forensic analysis and the results
1249 of any search of the combined DNA index system and statewide and
1250 local DNA databases ~~DNA testing~~ ordered by the court shall be
1251 provided to the court, the petitioner ~~sentenced defendant~~, and
1252 the prosecuting authority. The petitioner or the state may use
1253 the information for any lawful purpose.

1254 (4)~~(3)~~ RIGHT TO APPEAL; REHEARING.—

1255 (a) An appeal from the court's order on the petition for
1256 postsentencing forensic analysis ~~DNA testing~~ may be taken by any
1257 adversely affected party.



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1258 (b) An order denying relief shall include a statement that
1259 the petitioner ~~sentenced defendant~~ has the right to appeal
1260 within 30 days after the order denying relief is entered.

1261 (c) The petitioner ~~sentenced defendant~~ may file a motion
1262 for rehearing of any order denying relief within 15 days after
1263 service of the order denying relief. The time for filing an
1264 appeal shall be tolled until an order on the motion for
1265 rehearing has been entered.

1266 (d) The clerk of the court shall serve on all parties a
1267 copy of any order rendered with a certificate of service,
1268 including the date of service.

1269 (5) ~~(4)~~ PRESERVATION OF EVIDENCE.-

1270 (a) Governmental entities that may be in possession of any
1271 physical evidence in the case, including, but not limited to,
1272 any investigating law enforcement agency, the clerk of the
1273 court, the prosecuting authority, or the Department of Law
1274 Enforcement shall maintain any physical evidence collected at
1275 the time of the crime for which a postsentencing forensic
1276 analysis ~~testing of DNA~~ may be requested.

1277 (b) In a case in which the death penalty is imposed, the
1278 evidence shall be maintained for 60 days after execution of the
1279 sentence. In all other cases, a governmental entity may dispose
1280 of the physical evidence if the term of the sentence imposed in
1281 the case has expired and no other provision of law or rule
1282 requires that the physical evidence be preserved or retained.

1283 (c) If physical evidence requested for forensic analysis,
1284 last known to be in possession of a governmental entity, is
1285 reported to be missing or destroyed in violation of this
1286 section, the court may order the evidence custodian or other



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1287 relevant official to conduct a physical search for the evidence.
1288 If a search is ordered, the governmental entity must produce a
1289 report containing all of the following information and it must
1290 be provided to the court, the petitioner, and the prosecuting
1291 authority:

- 1292 1. The nature of the search conducted;
- 1293 2. The date the search was conducted;
- 1294 3. The results of the search;
- 1295 4. Any records showing the physical evidence was lost or
1296 destroyed; and
- 1297 5. The signature of the person who supervised the search,
1298 attesting to the accuracy of the contents of the report.

1299 Section 14. Effective July 1, 2020, section 925.12, Florida
1300 Statutes, is amended to read:

1301 925.12 Forensic analysis ~~DNA testing~~; defendants entering
1302 pleas.—

1303 (1) For defendants who have entered a plea of guilty or
1304 nolo contendere to a felony on or after July 1, 2006, but before
1305 July 1, 2020, a defendant may petition for postsentencing
1306 forensic analysis ~~DNA testing~~ under s. 925.11 under the
1307 following circumstances:

1308 (a) The facts on which the petition is predicated were
1309 unknown to the petitioner or the petitioner's attorney at the
1310 time the plea was entered and could not have been ascertained by
1311 the exercise of due diligence; or

1312 (b) The physical evidence for which forensic analysis ~~DNA~~
1313 ~~testing~~ is sought was not disclosed to the defense by the state
1314 before ~~prior to~~ the entry of the plea by the petitioner.

1315 (2) For defendants who have entered a plea of guilty or



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1316 nolo contendere to a felony on or after July 1, 2020, a
1317 defendant may petition for postsentencing forensic analysis
1318 under s. 925.11 under the following circumstances:

1319 (a) The facts on which the petition is predicated were
1320 unknown to the petitioner or the petitioner's attorney at the
1321 time the plea was entered and could not have been ascertained by
1322 the exercise of due diligence; or

1323 (b) The physical evidence for which forensic analysis is
1324 sought was not disclosed to the defense by the state before the
1325 entry of the plea by the petitioner.

1326 (3)~~(2)~~ For defendants seeking to enter a plea of guilty or
1327 nolo contendere to a felony on or after July 1, 2020 ~~July 1,~~
1328 ~~2006~~, the court shall inquire of the defendant and of counsel
1329 for the defendant and the state as to physical evidence
1330 ~~containing DNA~~ known to exist that, if subjected to forensic
1331 analysis, could produce evidence that is material to the
1332 identification of the perpetrator of, or an accomplice to, the
1333 crime before ~~could exonerate the defendant prior to~~ accepting a
1334 plea of guilty or nolo contendere. If no such physical evidence
1335 ~~containing DNA that could exonerate the defendant~~ is known to
1336 exist, the court may proceed with consideration of accepting the
1337 plea. If such physical evidence ~~containing DNA that could~~
1338 ~~exonerate the defendant~~ is known to exist, the court may
1339 postpone the proceeding on the defendant's behalf and order
1340 forensic analysis ~~DNA testing~~ upon motion of counsel specifying
1341 the physical evidence to be tested.

1342 (4)~~(3)~~ It is the intent of the Legislature that the Supreme
1343 Court adopt rules of procedure consistent with this section for
1344 a court, before ~~prior to~~ the acceptance of a plea, to make an



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1345 inquiry into all of the following matters:

1346 (a) Whether counsel for the defense has reviewed the
1347 discovery disclosed by the state and whether such discovery
1348 included a listing or description of physical items of evidence.

1349 (b) Whether the nature of the evidence against the
1350 defendant disclosed through discovery has been reviewed with the
1351 defendant.

1352 (c) Whether the defendant or counsel for the defendant is
1353 aware of any physical evidence disclosed by the state for which
1354 forensic analysis could produce a result material to the
1355 identification of the perpetrator of, or an accomplice to, the
1356 crime ~~DNA testing may exonerate the defendant.~~

1357 (d) Whether the state is aware of any physical evidence for
1358 which forensic analysis could produce a result material to the
1359 identification of the perpetrator of, or an accomplice to, the
1360 crime ~~DNA testing may exonerate the defendant.~~

1361 (5)~~(4)~~ It is the intent of the Legislature that the
1362 postponement of the proceedings by the court on the defendant's
1363 behalf under subsection (3) ~~(2)~~ constitute an extension
1364 attributable to the defendant for purposes of the defendant's
1365 right to a speedy trial.

1366 Section 15. Effective upon the same date that SB 1506 or
1367 similar legislation takes effect, only if such legislation is
1368 adopted in the same legislative session or an extension thereof
1369 and becomes a law, section 943.0587, Florida Statutes, is
1370 created to read:

1371 943.0587 Driving while license suspended, revoked,
1372 canceled, or disqualified expunction.-

1373 (1) DEFINITIONS.-As used in this section, the term:



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1374 (a) "Former s. 322.34" is a reference to s. 322.34 as it
1375 existed at any time before its amendment by chapter 2019-167,
1376 Laws of Florida.

1377 (b) "New s. 322.34" is a reference to s. 322.34 as it
1378 exists after the amendments made by chapter 2019-167, Laws of
1379 Florida, became effective.

1380 (c) "Expunction" has the same meaning and effect as in s.
1381 943.0585.

1382 (2) ELIGIBILITY.—Notwithstanding any other law, a person is
1383 eligible to petition a court to expunge a criminal history
1384 record for a conviction under former s. 322.34 if:

1385 (a) The person received a withholding of adjudication or
1386 adjudication of guilt for a violation of former s. 322.34 for
1387 driving while license suspended, revoked, canceled, or
1388 disqualified and whose conviction would not be classified as a
1389 felony under new s. 322.34; and

1390 (b) The person has never been convicted of a felony other
1391 than for the felony offenses of the former s. 322.34 for driving
1392 while license suspended, revoked, canceled, or disqualified.

1393 (3) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court
1394 to expunge a criminal history record under this section, a
1395 person seeking to expunge a criminal history record must apply
1396 to the department for a certificate of eligibility for
1397 expunction. The department shall adopt rules to establish
1398 procedures for applying for and issuing a certificate of
1399 eligibility for expunction.

1400 (a) The department shall issue a certificate of eligibility
1401 for expunction to a person who is the subject of a criminal
1402 history record under this section if that person:



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1403 1. Satisfies the eligibility criteria in subsection (2);
1404 2. Has submitted to the department a written certified
1405 statement from the appropriate state attorney or statewide
1406 prosecutor which confirms the criminal history record complies
1407 with the criteria in subsection (2);
1408 3. Has submitted to the department a certified copy of the
1409 disposition of the charge or charges to which the petition to
1410 expunge pertains; and
1411 4. Remits a \$75 processing fee to the department for
1412 placement in the Department of Law Enforcement Operating Trust
1413 Fund, unless the executive director waives such fee.
1414 (b) A certificate of eligibility for expunction is valid
1415 for 12 months after the date stamped on the certificate when
1416 issued by the department. After that time, the petitioner must
1417 reapply to the department for a new certificate of eligibility.
1418 The petitioner's status and the law in effect at the time of the
1419 renewal application determine the petitioner's eligibility.
1420 (4) PETITION.—Each petition to expunge a criminal history
1421 record must be accompanied by the following:
1422 (a) A valid certificate of eligibility issued by the
1423 department.
1424 (b) The petitioner's sworn statement that he or she:
1425 1. Satisfies the eligibility requirements for expunction in
1426 subsection (2); and
1427 2. Is eligible for expunction to the best of his or her
1428 knowledge.
1429 (5) PENALTIES.—A person who knowingly provides false
1430 information on such sworn statement commits a felony of the
1431 third degree, punishable as provided in s. 775.082, s. 775.083,



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1432 or s. 775.084.

1433 (6) COURT AUTHORITY.—

1434 (a) The courts of this state have jurisdiction over their
1435 own procedures, including the maintenance, expunction, and
1436 correction of judicial records containing criminal history
1437 information to the extent that such procedures are not
1438 inconsistent with the conditions, responsibilities, and duties
1439 established by this section.

1440 (b) A court of competent jurisdiction shall order a
1441 criminal justice agency to expunge the criminal history record
1442 of a person who complies with the requirements of this section.
1443 The court may not order a criminal justice agency to expunge a
1444 criminal history record under this section until the person
1445 seeking to expunge a criminal history record has applied for and
1446 received a certificate of eligibility under subsection (3).

1447 (c) Expunction granted under this section does not prevent
1448 the person who receives such relief from petitioning for the
1449 expunction or sealing of a later criminal history record, as
1450 provided for in ss. 943.0583, 943.0585, and 943.059, if the
1451 person is otherwise eligible under those sections.

1452 (7) PROCESSING OF A PETITION OR AN ORDER.—

1453 (a) In a judicial proceeding under this section, a copy of
1454 the completed petition to expunge shall be served upon the
1455 appropriate state attorney or the statewide prosecutor and upon
1456 the arresting agency; however, it is not necessary to make any
1457 agency other than the state a party. The appropriate state
1458 attorney or the statewide prosecutor and the arresting agency
1459 may respond to the court regarding the completed petition to
1460 expunge.



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1461 (b) If relief is granted by the court, the clerk of the
1462 court shall certify copies of the order to the appropriate state
1463 attorney or the statewide prosecutor and the arresting agency.
1464 The arresting agency shall forward the order to any other agency
1465 to which the arresting agency disseminated the criminal history
1466 record information to which the order pertains. The department
1467 shall forward the order to expunge to the Federal Bureau of
1468 Investigation. The clerk of the court shall certify a copy of
1469 the order to any other agency which the records of the court
1470 reflect has received the criminal history record from the court.

1471 (c) The department or any other criminal justice agency is
1472 not required to act on an order to expunge entered by a court
1473 when such order does not comply with the requirements of this
1474 section. Upon receipt of such an order, the department must
1475 notify the issuing court, the appropriate state attorney or
1476 statewide prosecutor, the petitioner or the petitioner's
1477 attorney, and the arresting agency of the reason for
1478 noncompliance. The appropriate state attorney or statewide
1479 prosecutor shall take action within 60 days to correct the
1480 record and petition the court to void the order. No cause of
1481 action, including contempt of court, shall arise against any
1482 criminal justice agency for failure to comply with an order to
1483 expunge when the petitioner for such order failed to obtain the
1484 certificate of eligibility as required by this section or such
1485 order does not otherwise comply with the requirements of this
1486 section.

1487 (8) EFFECT OF EXPUNCTION ORDER.—

1488 (a) The person who is the subject of a criminal history
1489 record that is expunged under this section may lawfully deny or



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1490 fail to acknowledge the arrests and convictions covered by the
1491 expunged record, except when the person who is the subject of
1492 the record:

1493 1. Is a candidate for employment with a criminal justice
1494 agency;

1495 2. Is a defendant in a criminal prosecution;

1496 3. Concurrently or subsequently petitions for relief under
1497 this section, s. 943.0583, s. 943.0585, or s. 943.059;

1498 4. Is a candidate for admission to The Florida Bar;

1499 5. Is seeking to be employed or licensed by or to contract
1500 with the Department of Children and Families, the Division of
1501 Vocational Rehabilitation of the Department of Education, the
1502 Agency for Health Care Administration, the Agency for Persons
1503 with Disabilities, the Department of Health, the Department of
1504 Elderly Affairs, or the Department of Juvenile Justice or to be
1505 employed or used by such contractor or licensee in a sensitive
1506 position having direct contact with children, the disabled, or
1507 the elderly;

1508 6. Is seeking to be employed or licensed by the Department
1509 of Education, any district school board, any university
1510 laboratory school, any charter school, any private or parochial
1511 school, or any local governmental entity that licenses child
1512 care facilities;

1513 7. Is seeking to be licensed by the Division of Insurance
1514 Agent and Agency Services within the Department of Financial
1515 Services; or

1516 8. Is seeking to be appointed as a guardian pursuant to s.
1517 744.3125.

1518 (b) Subject to the exceptions in paragraph (a), a person



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1519 who has been granted an expunction under this section may not be
1520 held under any law of this state to commit perjury or to be
1521 otherwise liable for giving a false statement by reason of such
1522 person's failure to recite or acknowledge an expunged criminal
1523 history record.

1524 Section 16. Effective July 1, 2020, subsections (6) and
1525 (14) of section 943.325, Florida Statutes, are amended to read:
1526 943.325 DNA database.—

1527 (6) SAMPLES.—The statewide DNA database may contain DNA
1528 data obtained from the following types of biological samples:

1529 (a) Crime scene samples.

1530 (b) Samples obtained from qualifying offenders required by
1531 this section to provide a biological sample for DNA analysis and
1532 inclusion in the statewide DNA database.

1533 (c) Samples lawfully obtained during the course of a
1534 criminal investigation.

1535 (d) Samples from deceased victims or suspects that were
1536 lawfully obtained during the course of a criminal investigation.

1537 (e) Samples from unidentified human remains.

1538 (f) Samples from persons reported missing.

1539 (g) Samples voluntarily contributed by relatives of missing
1540 persons.

1541 (h) Samples obtained from DNA analysis ordered under s.
1542 925.11 or s. 925.12.

1543 (i) ~~(h)~~ Other samples approved by the department.

1544 (14) RESULTS.—The results of a DNA analysis and the
1545 comparison of analytic results shall be released only to
1546 criminal justice agencies as defined in s. 943.045 at the
1547 request of the agency or as required by s. 925.11 or s. 925.12.



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1548 Otherwise, such information is confidential and exempt from s.
1549 119.07(1) and s. 24(a), Art. I of the State Constitution.

1550 Section 17. Effective July 1, 2020, section 943.3251,
1551 Florida Statutes, is amended to read:

1552 943.3251 Postsentencing forensic analysis and DNA database
1553 searches ~~DNA testing~~.—

1554 (1) When a court orders postsentencing forensic analysis
1555 ~~DNA testing~~ of physical evidence, pursuant to s. 925.11, the
1556 Florida Department of Law Enforcement, or its designee, or a
1557 private laboratory shall carry out the analysis. If the forensic
1558 analysis produces a DNA sample meeting statewide DNA database
1559 submission standards, the department shall conduct a DNA
1560 database search ~~testing~~.

1561 (2) The cost of forensic analysis and any database search
1562 ~~such testing~~ may be assessed against the petitioner sentenced
1563 ~~defendant~~, pursuant to s. 925.11, unless he or she is indigent.

1564 (3) The results of postsentencing forensic analysis and any
1565 database search ~~DNA testing~~ shall be provided to the court, the
1566 petitioner sentenced defendant, and the prosecuting authority.

1567 Section 18. Paragraph (a) of subsection (7) of section
1568 944.705, Florida Statutes, is amended to read:

1569 944.705 Release orientation program.—

1570 (7) (a) The department shall notify every inmate in the
1571 inmate's release documents:

1572 1. Of all outstanding terms of the inmate's sentence at the
1573 time of release to assist the inmate in determining his or her
1574 status with regard to the completion of all terms of sentence,
1575 as that term is defined in s. 98.0751. This subparagraph does
1576 not apply to inmates who are being released from the custody of



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1577 the department to any type of supervision monitored by the
1578 department;

1579 2. Of the dates of admission to and release from the
1580 custody of the department, including the total length of the
1581 term of imprisonment for which he or she is being released; and

1582 3.2- In not less than 18-point type, that the inmate may be
1583 sentenced pursuant to s. 775.082(9) if the inmate commits any
1584 felony offense described in s. 775.082(9) within 3 years after
1585 the inmate's release. This notice must be prefaced by the word
1586 "WARNING" in boldfaced type.

1587 Section 19. Section 945.0911, Florida Statutes, is created
1588 to read:

1589 945.0911 Conditional medical release.-

1590 (1) FINDINGS.-The Legislature finds that the number of
1591 inmates with terminal medical conditions or who are suffering
1592 from severe debilitating or incapacitating medical conditions
1593 who are incarcerated in the state's prisons has grown
1594 significantly in recent years. Further, the Legislature finds
1595 that the condition of inmates who are terminally ill or
1596 suffering from a debilitating or incapacitating condition may be
1597 exacerbated by imprisonment due to the stress linked to prison
1598 life. The Legislature also finds that recidivism rates are
1599 greatly reduced with inmates suffering from such medical
1600 conditions who are released into the community. Therefore, the
1601 Legislature finds that it is of great public importance to find
1602 a compassionate solution to the challenges presented by the
1603 imprisonment of inmates who are terminally ill or are suffering
1604 from a debilitating or incapacitating condition while also
1605 ensuring that the public safety of Florida's communities remains



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1606 protected.

1607 (2) CREATION.—There is established a conditional medical
1608 release program within the department for the purpose of
1609 determining whether release is appropriate for eligible inmates,
1610 supervising the released inmates, and conducting revocation
1611 hearings as provided for in this section. The establishment of
1612 the conditional medical release program must include a panel of
1613 at least three people appointed by the secretary or his or her
1614 designee for the purpose of determining the appropriateness of
1615 conditional medical release and conducting revocation hearings
1616 on the inmate releases.

1617 (3) DEFINITIONS.—As used in this section, the term:

1618 (a) "Inmate with a debilitating illness" means an inmate
1619 who is determined to be suffering from a significant terminal or
1620 nonterminal condition, disease, or syndrome that has rendered
1621 the inmate so physically or cognitively impaired, debilitated,
1622 or incapacitated as to create a reasonable probability that the
1623 inmate does not constitute a danger to himself or herself or to
1624 others.

1625 (b) "Permanently incapacitated inmate" means an inmate who
1626 has a condition caused by injury, disease, or illness which, to
1627 a reasonable degree of medical certainty, renders the inmate
1628 permanently and irreversibly physically incapacitated to the
1629 extent that the inmate does not constitute a danger to himself
1630 or herself or to others.

1631 (c) "Terminally ill inmate" means an inmate who has a
1632 condition caused by injury, disease, or illness which, to a
1633 reasonable degree of medical certainty, renders the inmate
1634 terminally ill to the extent that there can be no recovery,



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1635 death is expected within 12 months, and the inmate does not
1636 constitute a danger to himself or herself or to others.

1637 (4) ELIGIBILITY.—An inmate is eligible for consideration
1638 for release under the conditional medical release program when
1639 the inmate, because of an existing medical or physical
1640 condition, is determined by the department to be an inmate with
1641 a debilitating illness, a permanently incapacitated inmate, or a
1642 terminally ill inmate. Notwithstanding any other law, an inmate
1643 who meets this eligibility criteria may be released from the
1644 custody of the department pursuant to this section before
1645 satisfying 85 percent of his or her term of imprisonment.

1646 (5) REFERRAL FOR CONSIDERATION.—

1647 (a)1. Notwithstanding any provision to the contrary, any
1648 inmate in the custody of the department who meets one or more of
1649 the eligibility requirements under subsection (4) must be
1650 considered for conditional medical release.

1651 2. The authority to grant conditional medical release rests
1652 solely with the department. An inmate does not have a right to
1653 release or to a medical evaluation to determine eligibility for
1654 release pursuant to this section.

1655 (b) The department must identify inmates who may be
1656 eligible for conditional medical release based upon available
1657 medical information. In considering an inmate for conditional
1658 medical release, the department may require additional medical
1659 evidence, including examinations of the inmate, or any other
1660 additional investigations the department deems necessary for
1661 determining the appropriateness of the eligible inmate's
1662 release.

1663 (c) The department must refer an inmate to the panel



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1664 established under subsection (2) for review and determination of
1665 conditional medical release upon his or her identification as
1666 potentially eligible for release pursuant to this section.

1667 (d) If the case that resulted in the inmate's commitment to
1668 the department involved a victim, and the victim specifically
1669 requested notification pursuant to s. 16, Art. I of the State
1670 Constitution, the department must notify the victim of the
1671 inmate's referral to the panel immediately upon identification
1672 of the inmate as potentially eligible for release under this
1673 section. Additionally, the victim must be afforded the right to
1674 be heard regarding the release of the inmate.

1675 (6) DETERMINATION OF RELEASE.—

1676 (a) The panel established in subsection (2) must conduct a
1677 hearing to determine whether conditional medical release is
1678 appropriate for the inmate. Before the hearing, the director of
1679 inmate health services or his or her designee must review any
1680 relevant information, including, but not limited to, medical
1681 evidence, and provide the panel with a recommendation regarding
1682 the appropriateness of releasing the inmate pursuant to this
1683 section. The hearing must be conducted by the panel:

1684 1. By April 1, 2021, if the inmate is immediately eligible
1685 for consideration for the conditional medical release program
1686 when this section took effect on October 1, 2020.

1687 2. By July 1, 2021, if the inmate becomes eligible for
1688 consideration for the conditional medical release program after
1689 October 1, 2020, but before July 1, 2021.

1690 3. Within 45 days after receiving the referral if the
1691 inmate becomes eligible for conditional medical release any time
1692 on or after July 1, 2021.



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1693 (b) A majority of the panel members must agree that the
1694 inmate is appropriate for release pursuant to this section. If
1695 conditional medical release is approved, the inmate must be
1696 released by the department to the community within a reasonable
1697 amount of time with necessary release conditions imposed
1698 pursuant to subsection (7).

1699 (c)1. An inmate who is denied conditional medical release
1700 by the panel may have the decision reviewed by the department's
1701 general counsel and chief medical officer, who must make a
1702 recommendation to the secretary. The secretary must review all
1703 relevant information and make a final decision about the
1704 appropriateness of conditional medical release pursuant to this
1705 section. The decision of the secretary is a final administrative
1706 decision not subject to appeal.

1707 2. An inmate who requests to have the decision reviewed in
1708 accordance with this paragraph must do so in a manner prescribed
1709 by rule. An inmate who is denied conditional medical release may
1710 be subsequently reconsidered for such release in a manner
1711 prescribed by department rule.

1712 (7) RELEASE CONDITIONS.—

1713 (a) An inmate granted release pursuant to this section is
1714 released for a period equal to the length of time remaining on
1715 his or her term of imprisonment on the date the release is
1716 granted. Such inmate is considered a medical releasee upon
1717 release from the department into the community. The medical
1718 releasee must comply with all reasonable conditions of release
1719 the department imposes, which must include, at a minimum:

1720 1. Periodic medical evaluations at intervals determined by
1721 the department at the time of release.



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1722 2. Supervision by an officer trained to handle special
1723 offender caseloads.

1724 3. Active electronic monitoring, if such monitoring is
1725 determined to be necessary to ensure the safety of the public
1726 and the medical releasee's compliance with release conditions.

1727 4. Any conditions of community control provided for in s.
1728 948.101.

1729 5. Any other conditions the department deems appropriate to
1730 ensure the safety of the community and compliance by the medical
1731 releasee.

1732 (b) A medical releasee is considered to be in the custody,
1733 supervision, and control of the department, which, for purposes
1734 of this section, does not create a duty for the department to
1735 provide the medical releasee with medical care upon release into
1736 the community. The medical releasee remains eligible to earn or
1737 lose gain-time in accordance with s. 944.275 and department
1738 rule. The medical releasee may not be counted in the prison
1739 system population, and the medical releasee's approved
1740 community-based housing location may not be counted in the
1741 capacity figures for the prison system.

1742 (8) REVOCATION HEARING AND RECOMMITMENT.—

1743 (a)1. If the medical releasee's supervision officer or a
1744 duly authorized representative of the department discovers that
1745 the medical or physical condition of the medical releasee has
1746 improved to the extent that she or he would no longer be
1747 eligible for release under this section, the conditional medical
1748 release may be revoked. The department may order, as prescribed
1749 by department rule, that the medical releasee be returned to the
1750 custody of the department for a conditional medical release



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1751 revocation hearing or may allow the medical releasee to remain
1752 in the community pending the revocation hearing. If the
1753 department elects to order the medical releasee to be returned
1754 to custody pending the revocation hearing, the officer or duly
1755 authorized representative may cause a warrant to be issued for
1756 the arrest of the medical releasee.

1757 2. A medical releasee may admit to the allegation of
1758 improved medical or physical condition or may elect to proceed
1759 to a revocation hearing. The revocation hearing must be
1760 conducted by the panel established in subsection (2). Before a
1761 revocation hearing pursuant to this paragraph, the director of
1762 inmate health services or his or her designee must review any
1763 medical evidence pertaining to the medical releasee and provide
1764 the panel with a recommendation regarding the medical releasee's
1765 improvement and current medical or physical condition.

1766 3. A majority of the panel members must agree that
1767 revocation is appropriate for the medical releasee's conditional
1768 medical release to be revoked. If conditional medical release is
1769 revoked due to improvement in his or her medical or physical
1770 condition, the medical releasee must be recommitted to the
1771 department to serve the balance of his or her sentence in an
1772 institution designated by the department with credit for the
1773 time served on conditional medical release and without
1774 forfeiture of any gain-time accrued before recommitment. If the
1775 medical releasee whose conditional medical release is revoked
1776 due to an improvement in his or her medical or physical
1777 condition would otherwise be eligible for parole or any other
1778 release program, he or she may be considered for such release
1779 program pursuant to law.



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1780 4. A medical releasee whose conditional medical release is
1781 revoked pursuant to this paragraph may have the decision
1782 reviewed by the department's general counsel and chief medical
1783 officer, who must make a recommendation to the secretary. The
1784 secretary must review all relevant information and make a final
1785 decision about the appropriateness of the revocation of
1786 conditional medical release pursuant to this paragraph. The
1787 decision of the secretary is a final administrative decision not
1788 subject to appeal.

1789 (b)1. The medical releasee's conditional medical release
1790 may also be revoked for violation of any release conditions the
1791 department establishes, including, but not limited to, a new
1792 violation of law. The department may terminate the medical
1793 releasee's conditional medical release and return him or her to
1794 the same or another institution designated by the department.

1795 2. If a duly authorized representative of the department
1796 has reasonable grounds to believe that a medical releasee has
1797 violated the conditions of his or her release in a material
1798 respect, such representative may cause a warrant to be issued
1799 for the arrest of the medical releasee. A law enforcement
1800 officer or a probation officer may arrest the medical releasee
1801 without a warrant in accordance with s. 948.06 if there are
1802 reasonable grounds to believe he or she has violated the terms
1803 and conditions of his or her conditional medical release. The
1804 law enforcement officer must report the medical releasee's
1805 alleged violations to the supervising probation office or the
1806 department's emergency action center for initiation of
1807 revocation proceedings as prescribed by the department by rule.

1808 3. If the basis of the violation of release conditions is



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1809 related to a new violation of law, the medical releasee must be
1810 detained without bond until his or her initial appearance, at
1811 which a judicial determination of probable cause is made. If the
1812 judge determines that there was no probable cause for the
1813 arrest, the medical releasee may be released. If the judge
1814 determines that there was probable cause for the arrest, the
1815 judge's determination also constitutes reasonable grounds to
1816 believe that the medical releasee violated the conditions of the
1817 conditional medical release.

1818 4. The department must order that the medical releasee
1819 subject to revocation under this paragraph be returned to
1820 department custody for a conditional medical release revocation
1821 hearing. A medical releasee may admit to the alleged violation
1822 of the conditions of conditional medical release or may elect to
1823 proceed to a revocation hearing. The revocation hearing must be
1824 conducted by the panel established in subsection (2).

1825 5. A majority of the panel members must agree that
1826 revocation is appropriate for the medical releasee's conditional
1827 medical release to be revoked. If conditional medical release is
1828 revoked pursuant to this paragraph, the medical releasee must
1829 serve the balance of his or her sentence in an institution
1830 designated by the department with credit for the actual time
1831 served on conditional medical release. The releasee's gain-time
1832 accrued before recommitment may be forfeited pursuant to s.
1833 944.28(1). If the medical releasee whose conditional medical
1834 release is revoked subject to this paragraph would otherwise be
1835 eligible for parole or any other release program, he or she may
1836 be considered for such release program pursuant to law.

1837 6. A medical releasee whose conditional medical release has



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1838 been revoked pursuant to this paragraph may have the revocation
1839 reviewed by the department's general counsel, who must make a
1840 recommendation to the secretary. The secretary must review all
1841 relevant information and make a final decision about the
1842 appropriateness of the revocation of conditional medical release
1843 pursuant to this paragraph. The decision of the secretary is a
1844 final administrative decision not subject to appeal.

1845 (c)1. If the medical releasee subject to revocation under
1846 paragraph (a) or paragraph (b) elects to proceed with a hearing,
1847 the medical releasee must be informed orally and in writing of
1848 the following:

1849 a. The alleged basis for the pending revocation proceeding
1850 against the releasee.

1851 b. The releasee's right to be represented by counsel.
1852 However, this sub-subparagraph does not create a right to
1853 publicly funded legal counsel.

1854 c. The releasee's right to be heard in person.

1855 d. The releasee's right to secure, present, and compel the
1856 attendance of witnesses relevant to the proceeding.

1857 e. The releasee's right to produce documents on his or her
1858 own behalf.

1859 f. The releasee's right of access to all evidence used to
1860 support the revocation proceeding against the releasee and to
1861 confront and cross-examine adverse witnesses.

1862 g. The releasee's right to waive the hearing.

1863 2. If the panel approves the revocation of the medical
1864 releasee's conditional medical release under paragraph (a) or
1865 paragraph (b), the panel must provide a written statement as to
1866 evidence relied on and reasons for revocation.



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1867 (d) A medical releasee whose conditional medical release is
1868 revoked and who is recommitted to the department under this
1869 subsection must comply with the 85 percent requirement in
1870 accordance with ss. 921.002 and 944.275 upon recommitment.

1871 (9) SPECIAL REQUIREMENTS UPON AN INMATE'S DIAGNOSIS OF A
1872 TERMINAL CONDITION.—

1873 (a) If an inmate is diagnosed with a terminal medical
1874 condition that makes him or her eligible for consideration for
1875 release under paragraph (3)(c) while in the custody of the
1876 department, subject to confidentiality requirements, the
1877 department must:

1878 1. Notify the inmate's family or next of kin and attorney,
1879 if applicable, of such diagnosis within 72 hours after the
1880 diagnosis.

1881 2. Provide the inmate's family, including extended family,
1882 with an opportunity to visit the inmate in person within 7 days
1883 after the diagnosis.

1884 3. Initiate a review for conditional medical release as
1885 provided for in this section immediately upon the diagnosis.

1886 (b) If the inmate has mental and physical capacity, he or
1887 she must consent to release of confidential information for the
1888 department to comply with the notification requirements required
1889 in this subsection.

1890 (10) SOVEREIGN IMMUNITY.—Unless otherwise provided by law
1891 and in accordance with s. 13, Art. X of the State Constitution,
1892 members of the panel established in subsection (2) who are
1893 involved with decisions that grant or revoke conditional medical
1894 release are provided immunity from liability for actions that
1895 directly relate to such decisions.



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1896 (11) RULEMAKING AUTHORITY.—The department may adopt rules
1897 as necessary to implement this section.

1898 Section 20. Section 945.0912, Florida Statutes, is created
1899 to read:

1900 945.0912 Conditional aging inmate release.—

1901 (1) FINDINGS.—The Legislature finds that the number of
1902 aging inmates incarcerated in the state’s prisons has grown
1903 significantly in recent years. Further, the Legislature finds
1904 that imprisonment tends to exacerbate the effects of aging due
1905 to histories of substance abuse and inadequate preventive care
1906 before imprisonment and stress linked to prison life. The
1907 Legislature also finds that recidivism rates are greatly reduced
1908 with older inmates who are released into the community.
1909 Therefore, the Legislature finds that it is of great public
1910 importance to find a compassionate solution to the challenges
1911 presented by the imprisonment of aging inmates while also
1912 ensuring that the public safety of Florida’s communities remains
1913 protected.

1914 (2) CREATION.—There is established a conditional aging
1915 inmate release program within the department for the purpose of
1916 determining eligible inmates who are appropriate for such
1917 release, supervising the released inmates, and conducting
1918 revocation hearings as provided for in this section. The program
1919 must include a panel of at least three people appointed by the
1920 secretary or his or her designee for the purpose of determining
1921 the appropriateness of conditional aging inmate release and
1922 conducting revocation hearings on the inmate releases.

1923 (3) ELIGIBILITY.—

1924 (a) An inmate is eligible for consideration for release



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1925 under the conditional aging inmate release program when the
1926 inmate has reached 65 years of age and has served at least 10
1927 years on his or her term of imprisonment. Notwithstanding any
1928 other provision of law, an inmate who meets the above criteria
1929 may be released from the custody of the department pursuant to
1930 this section before satisfying 85 percent of his or her term of
1931 imprisonment.

1932 (b) An inmate may not be considered for release through the
1933 conditional aging inmate release program if he or she has ever
1934 been found guilty of, regardless of adjudication, or entered a
1935 plea of nolo contendere or guilty to, or has been adjudicated
1936 delinquent for committing:

1937 1. Any offense classified as a capital felony, life felony,
1938 or first degree felony punishable by a term of years not
1939 exceeding life imprisonment.

1940 2. Any violation of law that resulted in the killing of a
1941 human being.

1942 3. Any felony offense that serves as a predicate to
1943 registration as a sexual offender in accordance with s.
1944 943.0435; or

1945 4. Any similar offense committed in another jurisdiction
1946 which would be an offense listed in this paragraph if it had
1947 been committed in violation of the laws of this state.

1948 (c) An inmate who has previously been released on any form
1949 of conditional or discretionary release and who was recommitted
1950 to the department as a result of a finding that he or she
1951 subsequently violated the terms of such conditional or
1952 discretionary release may not be considered for release through
1953 the program.



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1954 (4) REFERRAL FOR CONSIDERATION.-

1955 (a)1. Notwithstanding any provision to the contrary, an
1956 inmate in the custody of the department who is eligible for
1957 consideration pursuant to subsection (3) must be considered for
1958 the conditional aging inmate release program.

1959 2. The authority to grant conditional aging inmate release
1960 rests solely with the department. An inmate does not have a
1961 right to such release.

1962 (b) The department must identify inmates who may be
1963 eligible for the conditional aging inmate release program. In
1964 considering an inmate for conditional aging inmate release, the
1965 department may require the production of additional evidence or
1966 any other additional investigations that the department deems
1967 necessary for determining the appropriateness of the eligible
1968 inmate's release.

1969 (c) The department must refer an inmate to the panel
1970 established under subsection (2) for review and determination of
1971 conditional aging inmate release upon his or her identification
1972 as potentially eligible for release pursuant to this section.

1973 (d) If the case that resulted in the inmate's commitment to
1974 the department involved a victim, and the victim specifically
1975 requested notification pursuant to s. 16, Art. I of the State
1976 Constitution, the department must notify the victim, in a manner
1977 prescribed by rule, of the inmate's referral to the panel
1978 immediately upon identification of the inmate as potentially
1979 eligible for release under this section. Additionally, the
1980 victim must be afforded the right to be heard regarding the
1981 release of the inmate.

1982 (5) DETERMINATION OF RELEASE.-



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1983 (a) The panel established in subsection (2) must conduct a
1984 hearing to determine whether the inmate is appropriate for
1985 conditional aging inmate release. The hearing must be conducted
1986 by the panel:

1987 1. By April 1, 2021, if the inmate is immediately eligible
1988 for consideration for the conditional aging inmate release
1989 program when this section took effect on October 1, 2020.

1990 2. By July 1, 2021, if the inmate becomes eligible for
1991 consideration for the conditional aging inmate release program
1992 after October 1, 2020, but before July 1, 2021.

1993 3. Within 45 days after receiving the referral if the
1994 inmate becomes eligible for conditional aging inmate release any
1995 time on or after July 1, 2021.

1996 (b) A majority of the panel members must agree that the
1997 inmate is appropriate for release pursuant to this section. If
1998 conditional aging inmate release is approved, the inmate must be
1999 released by the department to the community within a reasonable
2000 amount of time with necessary release conditions imposed
2001 pursuant to subsection (6).

2002 (c)1. An inmate who is denied conditional aging inmate
2003 release by the panel may have the decision reviewed by the
2004 department's general counsel, who must make a recommendation to
2005 the secretary. The secretary must review all relevant
2006 information and make a final decision about the appropriateness
2007 of conditional aging inmate release pursuant to this section.
2008 The decision of the secretary is a final administrative decision
2009 not subject to appeal.

2010 2. An inmate who requests to have the decision reviewed in
2011 accordance with this paragraph must do so in a manner prescribed



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2012 by rule. An inmate who is denied conditional aging inmate
2013 release may be subsequently reconsidered for such release in a
2014 manner prescribed by rule.

2015 (6) RELEASE CONDITIONS.—

2016 (a) An inmate granted release pursuant to this section is
2017 released for a period equal to the length of time remaining on
2018 his or her term of imprisonment on the date the release is
2019 granted. Such inmate is considered an aging releasee upon
2020 release from the department into the community. The aging
2021 releasee must comply with all reasonable conditions of release
2022 the department imposes, which must include, at a minimum:

2023 1. Supervision by an officer trained to handle special
2024 offender caseloads.

2025 2. Active electronic monitoring, if such monitoring is
2026 determined to be necessary to ensure the safety of the public
2027 and the aging releasee's compliance with release conditions.

2028 3. Any conditions of community control provided for in s.
2029 948.101.

2030 4. Any other conditions the department deems appropriate to
2031 ensure the safety of the community and compliance by the aging
2032 releasee.

2033 (b) An aging releasee is considered to be in the custody,
2034 supervision, and control of the department, which, for purposes
2035 of this section, does not create a duty for the department to
2036 provide the aging releasee with medical care upon release into
2037 the community. The aging releasee remains eligible to earn or
2038 lose gain-time in accordance with s. 944.275 and department
2039 rule. The aging releasee may not be counted in the prison system
2040 population, and the aging releasee's approved community-based



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2041 housing location may not be counted in the capacity figures for
2042 the prison system.

2043 (7) REVOCATION HEARING AND RECOMMITMENT.—

2044 (a)1. An aging releasee's conditional aging inmate release
2045 may be revoked for a violation of any condition of the release
2046 established by the department, including, but not limited to, a
2047 new violation of law. The department may terminate the aging
2048 releasee's conditional aging inmate release and return him or
2049 her to the same or another institution designated by the
2050 department.

2051 2. If a duly authorized representative of the department
2052 has reasonable grounds to believe that an aging releasee has
2053 violated the conditions of his or her release in a material
2054 respect, such representative may cause a warrant to be issued
2055 for the arrest of the aging releasee. A law enforcement officer
2056 or a probation officer may arrest the aging releasee without a
2057 warrant in accordance with s. 948.06, if there are reasonable
2058 grounds to believe he or she has violated the terms and
2059 conditions of his or her conditional aging inmate release. The
2060 law enforcement officer must report the aging releasee's alleged
2061 violations to the supervising probation office or the
2062 department's emergency action center for initiation of
2063 revocation proceedings as prescribed by the department by rule.

2064 3. If the basis of the violation of release conditions is
2065 related to a new violation of law, the aging releasee must be
2066 detained without bond until his or her initial appearance, at
2067 which a judicial determination of probable cause is made. If the
2068 judge determines that there was no probable cause for the
2069 arrest, the aging releasee may be released. If the judge



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2070 determines that there was probable cause for the arrest, the
2071 judge's determination also constitutes reasonable grounds to
2072 believe that the aging releasee violated the conditions of the
2073 release.

2074 4. The department must order that the aging releasee
2075 subject to revocation under this subsection be returned to
2076 department custody for a conditional aging inmate release
2077 revocation hearing as prescribed by rule. An aging releasee may
2078 admit to the alleged violation of the conditions of conditional
2079 aging inmate release or may elect to proceed to a revocation
2080 hearing.

2081 5. A majority of the panel members must agree that
2082 revocation is appropriate for the aging releasee's conditional
2083 aging inmate release to be revoked. If conditional aging inmate
2084 release is revoked pursuant to this subsection, the aging
2085 releasee must serve the balance of his or her sentence in an
2086 institution designated by the department with credit for the
2087 actual time served on conditional aging inmate release. However,
2088 the aging releasee's gain-time accrued before recommitment may
2089 be forfeited pursuant to s. 944.28(1). An aging releasee whose
2090 conditional aging inmate release is revoked and is recommitted
2091 to the department under this subsection must comply with the 85
2092 percent requirement in accordance with ss. 921.002 and 944.275.
2093 If the aging releasee whose conditional aging inmate release is
2094 revoked subject to this subsection would otherwise be eligible
2095 for parole or any other release program, he or she may be
2096 considered for such release program pursuant to law.

2097 6. An aging releasee whose release has been revoked
2098 pursuant to this subsection may have the revocation reviewed by



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2099 the department's general counsel, who must make a recommendation
2100 to the secretary. The secretary must review all relevant
2101 information and make a final decision about the appropriateness
2102 of the revocation of conditional aging inmate release pursuant
2103 to this subsection. The decision of the secretary is a final
2104 administrative decision not subject to appeal.

2105 (b) If the aging releasee subject to revocation under this
2106 subsection elects to proceed with a hearing, the aging releasee
2107 must be informed orally and in writing of the following:

2108 1. The alleged violation with which the releasee is
2109 charged.

2110 2. The releasee's right to be represented by counsel.
2111 However, this subparagraph does not create a right to publicly
2112 funded legal counsel.

2113 3. The releasee's right to be heard in person.

2114 4. The releasee's right to secure, present, and compel the
2115 attendance of witnesses relevant to the proceeding.

2116 5. The releasee's right to produce documents on his or her
2117 own behalf.

2118 6. The releasee's right of access to all evidence used
2119 against the releasee and to confront and cross-examine adverse
2120 witnesses.

2121 7. The releasee's right to waive the hearing.

2122 (c) If the panel approves the revocation of the aging
2123 releasee's conditional aging inmate release, the panel must
2124 provide a written statement as to evidence relied on and reasons
2125 for revocation.

2126 (8) SOVEREIGN IMMUNITY.—Unless otherwise provided by law
2127 and in accordance with s. 13, Art. X of the State Constitution,



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2128 members of the panel established in subsection (2) who are
2129 involved with decisions that grant or revoke conditional aging
2130 inmate release are provided immunity from liability for actions
2131 that directly relate to such decisions.

2132 (9) RULEMAKING AUTHORITY.—The department may adopt rules as
2133 necessary to implement this section.

2134 Section 21. Section 947.149, Florida Statutes, is repealed.

2135 Section 22. Effective upon this act becoming a law,
2136 paragraph (f) of subsection (2) of section 948.06, Florida
2137 Statutes, is amended to read:

2138 948.06 Violation of probation or community control;
2139 revocation; modification; continuance; failure to pay
2140 restitution or cost of supervision.—

2141 (2)

2142 (f)1. Except as provided in subparagraph 3. or upon waiver
2143 by the probationer, the court shall modify or continue a
2144 probationary term upon finding a probationer in violation when
2145 all any of the following apply applies:

2146 a. The term of supervision is probation.

2147 b. The probationer does not qualify as a violent felony
2148 offender of special concern, as defined in paragraph (8)(b).

2149 c. The violation is a low-risk technical violation, as
2150 defined in paragraph (9)(b).

2151 d. The court has not previously found the probationer in
2152 violation of his or her probation pursuant to a filed violation
2153 of probation affidavit during the current term of supervision. A
2154 probationer who has successfully completed sanctions through the
2155 alternative sanctioning program is eligible for mandatory
2156 modification or continuation of his or her probation.



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2157 2. Upon modifying probation under subparagraph 1., the
2158 court may include in the sentence a maximum of 90 days in county
2159 jail as a special condition of probation.

2160 3. Notwithstanding s. 921.0024, if a probationer has less
2161 than 90 days of supervision remaining on his or her term of
2162 probation and meets the criteria for mandatory modification or
2163 continuation in subparagraph 1., the court may revoke probation
2164 and sentence the probationer to a maximum of 90 days in county
2165 jail.

2166 4. For purposes of imposing a jail sentence under this
2167 paragraph only, the court may grant credit only for time served
2168 in the county jail since the probationer's most recent arrest
2169 for the violation. However, the court may not order the
2170 probationer to a total term of incarceration greater than the
2171 maximum provided by s. 775.082.

2172 Section 23. Section 951.30, Florida Statutes, is created to
2173 read:

2174 951.30 Release documents; requirement.—The administrator of
2175 a county detention facility must provide to each inmate upon
2176 release from the custody of the facility a written document
2177 detailing the total length of the term of imprisonment from
2178 which he or she is being released, including the specific dates
2179 of his or her admission to and release from the custody of the
2180 facility.

2181 Section 24. Effective July 1, 2020, section 961.02, Florida
2182 Statutes, is amended to read:

2183 961.02 Definitions.—As used in ss. 961.01-961.07, the term:

2184 (1) "Act" means the Victims of Wrongful Incarceration
2185 Compensation Act.



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2186 (2) "Department" means the Department of Legal Affairs.

2187 (3) "Division" means the Division of Administrative
2188 Hearings.

2189 ~~(4) "Eligible for compensation" means that a person meets~~
2190 ~~the definition of the term "wrongfully incarcerated person" and~~
2191 ~~is not disqualified from seeking compensation under the criteria~~
2192 ~~prescribed in s. 961.04.~~

2193 ~~(4)~~(5) "Entitled to compensation" means that a person ~~meets~~
2194 ~~the definition of the term "eligible for compensation" and~~
2195 satisfies the application requirements prescribed in s. 961.05,
2196 and may receive compensation pursuant to s. 961.06.

2197 ~~(6) "Violent felony" means a felony listed in s.~~
2198 ~~775.084(1)(c)1. or s. 948.06(8)(c).~~

2199 ~~(5)~~(7) "Wrongfully incarcerated person" means a person
2200 whose felony conviction and sentence have been vacated by a
2201 court of competent jurisdiction and who is the subject of an
2202 order issued by the original sentencing court pursuant to s.
2203 961.03 finding that the person did not commit the act or offense
2204 that served as the basis for the conviction and incarceration
2205 and that the person did not aid, abet, or act as an accomplice
2206 or accessory to a person who committed the act or offense.

2207 Section 25. Effective July 1, 2020, section 961.03, Florida
2208 Statutes, is amended to read:

2209 961.03 Determination of status as a wrongfully incarcerated
2210 person; ~~determination of eligibility for compensation.~~

2211 (1) (a) In order to meet the definition of a "wrongfully
2212 incarcerated person," and ~~"eligible for compensation,"~~ upon
2213 entry of an order, based upon exonerating evidence, vacating a
2214 conviction and sentence, a person must set forth the claim of



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2215 wrongful incarceration under oath and with particularity by
2216 filing a petition with the original sentencing court, with a
2217 copy of the petition and proper notice to the prosecuting
2218 authority in the underlying felony for which the person was
2219 incarcerated. At a minimum, the petition must:

2220 ~~1. state that verifiable and substantial evidence of actual~~
2221 ~~innocence exists and state with particularity the nature and~~
2222 ~~significance of the verifiable and substantial evidence of~~
2223 ~~actual innocence.~~ ~~and~~

2224 ~~2. State that the person is not disqualified, under the~~
2225 ~~provisions of s. 961.04, from seeking compensation under this~~
2226 ~~act.~~

2227 (b) The person must file the petition with the court:

2228 1. Within 2 years after the order vacating a conviction and
2229 sentence becomes final and the criminal charges against the
2230 person are dismissed or the person is retried and found not
2231 guilty, if the person's conviction and sentence is vacated on or
2232 after July 1, 2020.

2233 2. By July 1, 2022, if the person's conviction and sentence
2234 was vacated and the criminal charges against the person were
2235 dismissed or the person was retried and found not guilty after
2236 January 1, 2006, but before July 1, 2020, and he or she
2237 previously filed a claim under this section, which was dismissed
2238 or did not file a claim under this section because:

2239 a. The date when the criminal charges against the person
2240 were dismissed or the date the person was acquitted upon retrial
2241 occurred more than 90 days after the date of the final order
2242 vacating the conviction and sentence; or

2243 b. The claim would have previously been barred under former



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2244 s. 961.04, Florida Statutes 2020.

2245 ~~1. Within 90 days after the order vacating a conviction and~~
2246 ~~sentence becomes final if the person's conviction and sentence~~
2247 ~~is vacated on or after July 1, 2008.~~

2248 ~~2. By July 1, 2010, if the person's conviction and sentence~~
2249 ~~was vacated by an order that became final prior to July 1, 2008.~~

2250 (c) A deceased person's heirs, successors, or assigns do
2251 not have standing to file a claim on the deceased person's
2252 behalf under this act.

2253 (2) The prosecuting authority must respond to the petition
2254 within 30 days. The prosecuting authority may respond:

2255 (a) By certifying to the court that, based upon the
2256 petition and verifiable and substantial evidence of actual
2257 innocence, no further criminal proceedings in the case at bar
2258 can or will be initiated by the prosecuting authority and, that
2259 no questions of fact remain as to the petitioner's wrongful
2260 incarceration, ~~and that the petitioner is not ineligible from~~
2261 ~~seeking compensation under the provisions of s. 961.04; or~~

2262 (b) By contesting the nature, significance, or effect of
2263 the evidence of actual innocence, or the facts related to the
2264 petitioner's alleged wrongful incarceration, ~~or whether the~~
2265 ~~petitioner is ineligible from seeking compensation under the~~
2266 ~~provisions of s. 961.04.~~

2267 (3) If the prosecuting authority responds as set forth in
2268 paragraph (2)(a), the original sentencing court, based upon the
2269 evidence of actual innocence, the prosecuting authority's
2270 certification, and upon the court's finding that the petitioner
2271 has presented clear and convincing evidence that the petitioner
2272 committed neither the act nor the offense that served as the



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2273 basis for the conviction and incarceration, and that the
2274 petitioner did not aid, abet, or act as an accomplice to a
2275 person who committed the act or offense, shall certify to the
2276 department that the petitioner is a wrongfully incarcerated
2277 person as defined by this act. ~~Based upon the prosecuting~~
2278 ~~authority's certification, the court shall also certify to the~~
2279 ~~department that the petitioner is eligible for compensation~~
2280 ~~under the provisions of s. 961.04.~~

2281 (4) ~~(a) If the prosecuting authority responds as set forth~~
2282 ~~in paragraph (2) (b), the original sentencing court shall make a~~
2283 ~~determination from the pleadings and supporting documentation~~
2284 ~~whether, by a preponderance of the evidence, the petitioner is~~
2285 ~~ineligible for compensation under the provisions of s. 961.04,~~
2286 ~~regardless of his or her claim of wrongful incarceration. If the~~
2287 ~~court finds the petitioner ineligible under the provisions of s.~~
2288 ~~961.04, it shall dismiss the petition.~~

2289 ~~(b) If the prosecuting authority responds as set forth in~~
2290 ~~paragraph (2) (b), and the court determines that the petitioner~~
2291 ~~is eligible under the provisions of s. 961.04, but the~~
2292 ~~prosecuting authority contests the nature, significance or~~
2293 ~~effect of the evidence of actual innocence, or the facts related~~
2294 ~~to the petitioner's alleged wrongful incarceration, the court~~
2295 ~~shall set forth its findings and transfer the petition by~~
2296 ~~electronic means through the division's website to the division~~
2297 ~~for findings of fact and a recommended determination of whether~~
2298 ~~the petitioner has established that he or she is a wrongfully~~
2299 ~~incarcerated person who is eligible for compensation under this~~
2300 ~~act.~~

2301 (5) Any questions of fact, the nature, significance or



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2302 effect of the evidence of actual innocence, ~~and the petitioner's~~
2303 ~~eligibility for compensation under this act~~ must be established
2304 by clear and convincing evidence by the petitioner before an
2305 administrative law judge.

2306 (6) (a) Pursuant to division rules and any additional rules
2307 set forth by the administrative law judge, a hearing shall be
2308 conducted no later than 120 days after the transfer of the
2309 petition.

2310 (b) The prosecuting authority shall appear for the purpose
2311 of contesting, as necessary, the facts, the nature, and
2312 significance or effect of the evidence of actual innocence as
2313 presented by the petitioner.

2314 (c) No later than 45 days after the adjournment of the
2315 hearing, the administrative law judge shall issue an order
2316 setting forth his or her findings and recommendation and shall
2317 file the order with the original sentencing court.

2318 (d) The original sentencing court shall review the findings
2319 and recommendation contained in the order of the administrative
2320 law judge and, within 60 days, shall issue its own order
2321 adopting or declining to adopt the findings and recommendation
2322 of the administrative law judge.

2323 (7) If the court concludes that the petitioner is a
2324 wrongfully incarcerated person as defined by this act ~~and is~~
2325 ~~eligible for compensation as defined in this act~~, the court
2326 shall include in its order a certification to the department
2327 that:

2328 (a)1. The order of the administrative law judge finds that
2329 the petitioner has met his or her burden of establishing by
2330 clear and convincing evidence that the petitioner committed



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2331 neither the act nor the offense that served as the basis for the
2332 conviction and incarceration and that the petitioner did not
2333 aid, abet, or act as an accomplice to a person who committed the
2334 act or offense; or

2335 2. That the court has declined to adopt the findings and
2336 recommendations of the administrative law judge and finds that
2337 the petitioner has met his or her burden of establishing by
2338 clear and convincing evidence that the petitioner committed
2339 neither the act nor the offense that served as the basis for the
2340 conviction and incarceration and that the petitioner did not
2341 aid, abet, or act as an accomplice to a person who committed the
2342 act or offense; and

2343 (b) The original sentencing court determines the findings
2344 and recommendations on which its order is based are supported by
2345 competent, substantial evidence.

2346 (8) The establishment of the method by which a person may
2347 seek the status of a wrongfully incarcerated person ~~and a~~
2348 ~~finding as to eligibility for compensation under this act~~ in no
2349 way creates any rights of due process beyond those set forth
2350 herein, nor is there created any right to further petition or
2351 appeal beyond the scope of the method set forth herein.

2352 Section 26. Effective July 1, 2020, section 961.04, Florida
2353 Statutes, is repealed.

2354 Section 27. Effective July 1, 2020, subsections (1), (2),
2355 and (3) of section 961.05, Florida Statutes, are amended to
2356 read:

2357 961.05 Application for compensation for wrongful
2358 incarceration; administrative expunction; determination of
2359 entitlement to compensation.-



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2360 (1) A wrongfully incarcerated person ~~who is eligible for~~
2361 ~~compensation as defined in this act~~ must initiate his or her
2362 application for compensation as required in this section no more
2363 than 2 years after the original sentencing court enters its
2364 order finding that the person meets the definition of wrongfully
2365 incarcerated person ~~and is eligible for compensation as defined~~
2366 ~~in this act.~~

2367 (2) A wrongfully incarcerated person ~~who is eligible for~~
2368 ~~compensation under the act~~ must apply to the Department of Legal
2369 Affairs. No estate of, or personal representative for, a
2370 decedent is entitled to apply on behalf of the decedent for
2371 compensation for wrongful incarceration.

2372 (3) The application must include:

2373 (a) A certified copy of the order vacating the conviction
2374 and sentence;

2375 (b) A certified copy of the original sentencing court's
2376 order finding the claimant to be a wrongfully incarcerated
2377 person ~~who is eligible for compensation under this act;~~

2378 (c) Certified copies of the original judgment and sentence;

2379 (d) Documentation demonstrating the length of the sentence
2380 served, including documentation from the Department of
2381 Corrections regarding the person's admission into and release
2382 from the custody of the Department of Corrections;

2383 (e) Positive proof of identification, including two full
2384 sets of fingerprints administered by a law enforcement agency
2385 and a current form of photo identification, demonstrating that
2386 the person seeking compensation is the same individual who was
2387 wrongfully incarcerated;

2388 (f) All supporting documentation of any fine, penalty, or



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2389 court costs imposed and paid by the wrongfully incarcerated
2390 person as described in s. 961.06(1)(c); and

2391 (g) All supporting documentation of any reasonable
2392 attorney's fees and expenses as described in s. 961.06(1)(d).

2393 Section 28. Effective July 1, 2020, section 961.06, Florida
2394 Statutes, is amended to read:

2395 961.06 Compensation for wrongful incarceration.—

2396 (1) Except as otherwise provided in this act and subject to
2397 the limitations and procedures prescribed in this section, a
2398 person who is found to be entitled to compensation under the
2399 provisions of this act is entitled to:

2400 (a) Monetary compensation for wrongful incarceration, which
2401 shall be calculated at a rate of \$50,000 for each year of
2402 wrongful incarceration, prorated as necessary to account for a
2403 portion of a year. For persons found to be wrongfully
2404 incarcerated after January 1, 2006 ~~December 31, 2008~~, the Chief
2405 Financial Officer may adjust the annual rate of compensation for
2406 inflation using the change in the December-to-December "Consumer
2407 Price Index for All Urban Consumers" of the Bureau of Labor
2408 Statistics of the Department of Labor;

2409 (b) A waiver of tuition and fees for up to 120 hours of
2410 instruction at any career center established under s. 1001.44,
2411 any Florida College System institution as defined in s.
2412 1000.21(3), or any state university as defined in s. 1000.21(6),
2413 if the wrongfully incarcerated person meets and maintains the
2414 regular admission requirements of such career center, Florida
2415 College System institution, or state university; remains
2416 registered at such educational institution; and makes
2417 satisfactory academic progress as defined by the educational



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2418 institution in which the claimant is enrolled;

2419 (c) The amount of any fine, penalty, or court costs imposed
2420 and paid by the wrongfully incarcerated person;

2421 (d) The amount of any reasonable attorney ~~attorney's~~ fees
2422 and expenses incurred and paid by the wrongfully incarcerated
2423 person in connection with all criminal proceedings and appeals
2424 regarding the wrongful conviction, to be calculated by the
2425 department based upon the supporting documentation submitted as
2426 specified in s. 961.05; and

2427 (e) Notwithstanding any provision to the contrary in s.
2428 943.0583 or s. 943.0585, immediate administrative expunction of
2429 the person's criminal record resulting from his or her wrongful
2430 arrest, wrongful conviction, and wrongful incarceration. The
2431 Department of Legal Affairs and the Department of Law
2432 Enforcement shall, upon a determination that a claimant is
2433 entitled to compensation, immediately take all action necessary
2434 to administratively expunge the claimant's criminal record
2435 arising from his or her wrongful arrest, wrongful conviction,
2436 and wrongful incarceration. All fees for this process shall be
2437 waived.

2438
2439 The total compensation awarded under paragraphs (a), (c), and
2440 (d) may not exceed \$2 million. No further award for attorney
2441 ~~attorney's~~ fees, lobbying fees, costs, or other similar expenses
2442 shall be made by the state.

2443 ~~(2) In calculating monetary compensation under paragraph~~
2444 ~~(1)(a), a wrongfully incarcerated person who is placed on parole~~
2445 ~~or community supervision while serving the sentence resulting~~
2446 ~~from the wrongful conviction and who commits no more than one~~



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2447 ~~felony that is not a violent felony which results in revocation~~
2448 ~~of the parole or community supervision is eligible for~~
2449 ~~compensation for the total number of years incarcerated. A~~
2450 ~~wrongfully incarcerated person who commits one violent felony or~~
2451 ~~more than one felony that is not a violent felony that results~~
2452 ~~in revocation of the parole or community supervision is~~
2453 ~~ineligible for any compensation under subsection (1).~~

2454 ~~(3)~~ Within 15 calendar days after issuing notice to the
2455 claimant that his or her claim satisfies all of the requirements
2456 under this act, the department shall notify the Chief Financial
2457 Officer to draw a warrant from the General Revenue Fund or
2458 another source designated by the Legislature in law for the
2459 purchase of an annuity for the claimant based on the total
2460 amount determined by the department under this act.

2461 ~~(3)~~(3)~~(4)~~ The Chief Financial Officer shall issue payment in
2462 the amount determined by the department to an insurance company
2463 or other financial institution admitted and authorized to issue
2464 annuity contracts in this state to purchase an annuity or
2465 annuities, selected by the wrongfully incarcerated person, for a
2466 term of not less than 10 years. The Chief Financial Officer is
2467 directed to execute all necessary agreements to implement this
2468 act and to maximize the benefit to the wrongfully incarcerated
2469 person. The terms of the annuity or annuities shall:

2470 (a) Provide that the annuity or annuities may not be sold,
2471 discounted, or used as security for a loan or mortgage by the
2472 wrongfully incarcerated person.

2473 (b) Contain beneficiary provisions for the continued
2474 disbursement of the annuity or annuities in the event of the
2475 death of the wrongfully incarcerated person.



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2476 (4)-(5) If, at the time monetary compensation is determined
2477 pursuant to subsection (1), a court has previously entered a
2478 monetary judgment in favor of the claimant in a civil action
2479 related to his or her wrongful incarceration, or the claimant
2480 has entered into a settlement agreement with the state or any
2481 political subdivision thereof related to his or her wrongful
2482 incarceration, the amount of the damages in the civil action or
2483 settlement agreement, less any sums paid for attorney fees or
2484 for costs incurred in litigating the civil action or obtaining
2485 the settlement agreement, must be deducted from the total
2486 monetary compensation to which the claimant is entitled under
2487 this section ~~Before the department approves the application for~~
2488 ~~compensation, the wrongfully incarcerated person must sign a~~
2489 ~~release and waiver on behalf of the wrongfully incarcerated~~
2490 ~~person and his or her heirs, successors, and assigns, forever~~
2491 ~~releasing the state or any agency, instrumentality, or any~~
2492 ~~political subdivision thereof, or any other entity subject to s.~~
2493 ~~768.28, from all present or future claims that the wrongfully~~
2494 ~~incarcerated person or his or her heirs, successors, or assigns~~
2495 ~~may have against such entities arising out of the facts in~~
2496 ~~connection with the wrongful conviction for which compensation~~
2497 ~~is being sought under the act.~~

2498 (5) If subsection (4) does not apply, and if after the time
2499 monetary compensation is determined pursuant to subsection (1)
2500 the court enters a monetary judgment in favor of the claimant in
2501 a civil action related to his or her wrongful incarceration, or
2502 the claimant enters into a settlement agreement with the state
2503 or any political subdivision thereof related to his or her
2504 wrongful incarceration, the claimant must reimburse the state



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2505 for the monetary compensation paid under subsection (1), less
2506 any sums paid for attorney fees or costs incurred in litigating
2507 the civil action or obtaining the settlement agreement. The
2508 reimbursement required under this subsection may not exceed the
2509 amount of the monetary award the claimant received for damages
2510 in a civil action or a settlement agreement. The court shall
2511 include in the order of judgment an award to the state of any
2512 amount required to be deducted under this subsection.

2513 (6) (a) The claimant shall notify the department upon filing
2514 a civil action against the state or any political subdivision
2515 thereof in which the claimant is seeking monetary damages
2516 related to the claimant's wrongful incarceration for which he or
2517 she previously received or is applying to receive compensation
2518 under subsection (1). A wrongfully incarcerated person may not
2519 submit an application for compensation under this act if the
2520 person has a lawsuit pending against the state or any agency,
2521 instrumentality, or any political subdivision thereof, or any
2522 other entity subject to the provisions of s. 768.28, in state or
2523 federal court requesting compensation arising out of the facts
2524 in connection with the claimant's conviction and incarceration.

2525 (b) Upon notice of the claimant's civil action, the
2526 department shall file in the case a notice of payment of
2527 monetary compensation to the claimant under subsection (1). The
2528 notice constitutes a lien upon any judgment or settlement
2529 recovered under the civil action that is equal to the sum of
2530 monetary compensation paid to the claimant under subsection (1),
2531 less any attorney fees and litigation costs.

2532 (7) (a) ~~(b)~~ A wrongfully incarcerated person may not submit
2533 an application for compensation under this act if the person is



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2534 the subject of a claim bill pending for claims arising out of
2535 the facts in connection with the claimant's conviction and
2536 incarceration.

2537 (b)~~(e)~~ Once an application is filed under this act, a
2538 wrongfully incarcerated person may not pursue recovery under a
2539 claim bill until the final disposition of the application.

2540 (c)~~(d)~~ ~~Any amount awarded under this act is intended to~~
2541 ~~provide the sole compensation for any and all present and future~~
2542 ~~claims arising out of the facts in connection with the~~
2543 ~~claimant's conviction and incarceration.~~ Upon notification by
2544 the department that an application meets the requirements of
2545 this act, a wrongfully incarcerated person may not recover under
2546 a claim bill.

2547 (d)~~(e)~~ Any compensation awarded under a claim bill shall be
2548 the sole redress for claims arising out of the facts in
2549 connection with the claimant's conviction and incarceration and,
2550 upon any award of compensation to a wrongfully incarcerated
2551 person under a claim bill, the person may not receive
2552 compensation under this act.

2553 (8)~~(7)~~ Any payment made under this act does not constitute
2554 a waiver of any defense of sovereign immunity or an increase in
2555 the limits of liability on behalf of the state or any person
2556 subject to ~~the provisions of~~ s. 768.28 or other law.

2557 Section 29. Paragraph (a) of subsection (2) and paragraphs
2558 (b) and (c) of subsection (3) of section 1009.21, Florida
2559 Statutes, are amended to read:

2560 1009.21 Determination of resident status for tuition
2561 purposes.—Students shall be classified as residents or
2562 nonresidents for the purpose of assessing tuition in



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2563 postsecondary educational programs offered by charter technical
2564 career centers or career centers operated by school districts,
2565 in Florida College System institutions, and in state
2566 universities.

2567 (2) (a) To qualify as a resident for tuition purposes:

2568 1. A person or, if that person is a dependent child, his or
2569 her parent or parents must have established legal residence in
2570 this state and must have maintained legal residence in this
2571 state for at least 12 consecutive months immediately before
2572 ~~prior to~~ his or her initial enrollment in an institution of
2573 higher education. The 12 consecutive months immediately before
2574 enrollment may include time spent incarcerated in a county
2575 detention facility or state correctional facility.

2576 2. Every applicant for admission to an institution of
2577 higher education shall be required to make a statement as to his
2578 or her length of residence in the state and, further, shall
2579 establish that his or her presence or, if the applicant is a
2580 dependent child, the presence of his or her parent or parents in
2581 the state currently is, and during the requisite 12-month
2582 qualifying period was, for the purpose of maintaining a bona
2583 fide domicile, rather than for the purpose of maintaining a mere
2584 temporary residence or abode incident to enrollment in an
2585 institution of higher education.

2586 (3)

2587 (b) Except as otherwise provided in this section, evidence
2588 of legal residence and its duration shall include clear and
2589 convincing documentation that residency in this state was for a
2590 minimum of 12 consecutive months before ~~prior to~~ a student's
2591 initial enrollment in an institution of higher education. Time



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2592 spent incarcerated in a county detention facility or state
2593 correctional facility and any combination of documented time
2594 living in this state before or after incarceration must be
2595 credited toward the residency requirement.

2596 (c) Each institution of higher education shall
2597 affirmatively determine that an applicant who has been granted
2598 admission to that institution as a Florida resident meets the
2599 residency requirements of this section at the time of initial
2600 enrollment. The residency determination must be documented by
2601 the submission of written or electronic verification that
2602 includes two or more of the documents identified in this
2603 paragraph. No single piece of evidence shall be conclusive.

2604 1. The documents must include at least one of the
2605 following:

- 2606 a. A Florida voter's registration card.
- 2607 b. A Florida driver license.
- 2608 c. A State of Florida identification card.
- 2609 d. A Florida vehicle registration.
- 2610 e. Proof of a permanent home in Florida which is occupied
2611 as a primary residence by the individual or by the individual's
2612 parent if the individual is a dependent child.
- 2613 f. Proof of a homestead exemption in Florida.
- 2614 g. Transcripts from a Florida high school for multiple
2615 years if the Florida high school diploma or high school
2616 equivalency diploma was earned within the last 12 months.
- 2617 h. Proof of permanent full-time employment in Florida for
2618 at least 30 hours per week for a 12-month period.

2619 2. The documents may include one or more of the following:

- 2620 a. A declaration of domicile in Florida.



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- 2621 b. A Florida professional or occupational license.
2622 c. Florida incorporation.
2623 d. A document evidencing family ties in Florida.
2624 e. Proof of membership in a Florida-based charitable or
2625 professional organization.

2626 f. Any other documentation that supports the student's
2627 request for resident status, including, but not limited to,
2628 utility bills and proof of 12 consecutive months of payments; a
2629 lease agreement and proof of 12 consecutive months of payments;
2630 or an official local, state, federal, or court document
2631 evidencing legal ties to Florida.

2632 Section 30. By July 1, 2020, the Office of Program Policy
2633 and Governmental Accountability (OPPAGA) shall initiate a study
2634 to evaluate the various opportunities available to persons
2635 returning to the community from imprisonment. The study's scope
2636 must include, but need not be limited to, any barriers to such
2637 opportunities; any collateral consequences for persons who are
2638 released from incarceration into the community; and methods for
2639 reducing any collateral consequences identified. OPPAGA shall
2640 submit a report on the findings of the study to the Governor,
2641 the President of the Senate, the Minority Leader of the Senate,
2642 the Speaker of the House of Representatives, and the Minority
2643 Leader of the House of Representatives by December 31, 2020.

2644 Section 31. Subsection (6) of section 316.1935, Florida
2645 Statutes, is amended to read:

2646 316.1935 Fleeing or attempting to elude a law enforcement
2647 officer; aggravated fleeing or eluding.—

2648 (6) Notwithstanding s. 948.01, a court may not ~~no court may~~
2649 suspend, defer, or withhold adjudication of guilt or imposition



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2650 of sentence for any violation of this section. A person
2651 convicted and sentenced to a mandatory minimum term of
2652 incarceration under paragraph (3)(b) or paragraph (4)(b) is not
2653 eligible for statutory gain-time under s. 944.275 or any form of
2654 discretionary early release, other than pardon or executive
2655 clemency, ~~or~~ conditional medical release under s. 945.0911 ~~s.~~
2656 947.149, or conditional aging inmate release under s. 945.0912,
2657 before ~~prior to~~ serving the mandatory minimum sentence.

2658 Section 32. Paragraph (k) of subsection (4) of section
2659 775.084, Florida Statutes, is amended to read:

2660 775.084 Violent career criminals; habitual felony offenders
2661 and habitual violent felony offenders; three-time violent felony
2662 offenders; definitions; procedure; enhanced penalties or
2663 mandatory minimum prison terms.-

2664 (4)

2665 (k)1. A defendant sentenced under this section as a
2666 habitual felony offender, a habitual violent felony offender, or
2667 a violent career criminal is eligible for gain-time granted by
2668 the Department of Corrections as provided in s. 944.275(4)(b).

2669 2. For an offense committed on or after October 1, 1995, a
2670 defendant sentenced under this section as a violent career
2671 criminal is not eligible for any form of discretionary early
2672 release, other than pardon or executive clemency, ~~or~~ conditional
2673 medical release under s. 945.0911, or conditional aging inmate
2674 release under s. 945.0912 ~~granted pursuant to s. 947.149.~~

2675 3. For an offense committed on or after July 1, 1999, a
2676 defendant sentenced under this section as a three-time violent
2677 felony offender shall be released only by expiration of sentence
2678 and is ~~shall~~ not be eligible for parole, control release, or any



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2679 form of early release.

2680 Section 33. Paragraphs (b) and (c) of subsection (2) and
2681 paragraphs (b) and (c) of subsection (3) of section 775.087,
2682 Florida Statutes, are amended to read:

2683 775.087 Possession or use of weapon; aggravated battery;
2684 felony reclassification; minimum sentence.-

2685 (2)

2686 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
2687 (a)3. does not prevent a court from imposing a longer sentence
2688 of incarceration as authorized by law in addition to the minimum
2689 mandatory sentence, or from imposing a sentence of death
2690 pursuant to other applicable law. Subparagraph (a)1.,
2691 subparagraph (a)2., or subparagraph (a)3. does not authorize a
2692 court to impose a lesser sentence than otherwise required by
2693 law.

2694
2695 Notwithstanding s. 948.01, adjudication of guilt or imposition
2696 of sentence may ~~shall~~ not be suspended, deferred, or withheld,
2697 and the defendant is not eligible for statutory gain-time under
2698 s. 944.275 or any form of discretionary early release, other
2699 than pardon or executive clemency, ~~or~~ conditional medical
2700 release under s. 945.0911 s. 947.149, or conditional aging
2701 inmate release under s. 945.0912, before ~~prior to~~ serving the
2702 minimum sentence.

2703 (c) If the minimum mandatory terms of imprisonment imposed
2704 pursuant to this section exceed the maximum sentences authorized
2705 by s. 775.082, s. 775.084, or the Public Safety Criminal
2706 ~~Punishment~~ Code under chapter 921, then the mandatory minimum
2707 sentence must be imposed. If the mandatory minimum terms of



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2708 imprisonment pursuant to this section are less than the
2709 sentences that could be imposed as authorized by s. 775.082, s.
2710 775.084, or the Public Safety Criminal Punishment Code under
2711 chapter 921, then the sentence imposed by the court must include
2712 the mandatory minimum term of imprisonment as required in this
2713 section.

2714 (3)

2715 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph
2716 (a)3. does not prevent a court from imposing a longer sentence
2717 of incarceration as authorized by law in addition to the minimum
2718 mandatory sentence, or from imposing a sentence of death
2719 pursuant to other applicable law. Subparagraph (a)1.,
2720 subparagraph (a)2., or subparagraph (a)3. does not authorize a
2721 court to impose a lesser sentence than otherwise required by
2722 law.

2723
2724 Notwithstanding s. 948.01, adjudication of guilt or imposition
2725 of sentence may ~~shall~~ not be suspended, deferred, or withheld,
2726 and the defendant is not eligible for statutory gain-time under
2727 s. 944.275 or any form of discretionary early release, other
2728 than pardon or executive clemency, ~~or~~ conditional medical
2729 release under s. 945.0911 ~~s. 947.149~~, or conditional aging
2730 inmate release under s. 945.0912, before ~~prior to~~ serving the
2731 minimum sentence.

2732 (c) If the minimum mandatory terms of imprisonment imposed
2733 pursuant to this section exceed the maximum sentences authorized
2734 by s. 775.082, s. 775.084, or the Public Safety Criminal
2735 Punishment Code under chapter 921, then the mandatory minimum
2736 sentence must be imposed. If the mandatory minimum terms of



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2737 imprisonment pursuant to this section are less than the
2738 sentences that could be imposed as authorized by s. 775.082, s.
2739 775.084, or the Public Safety ~~Criminal Punishment~~ Code under
2740 chapter 921, then the sentence imposed by the court must include
2741 the mandatory minimum term of imprisonment as required in this
2742 section.

2743 Section 34. Section 782.051, Florida Statutes, is amended
2744 to read:

2745 782.051 Attempted felony murder.—

2746 (1) Any person who perpetrates or attempts to perpetrate
2747 any felony enumerated in s. 782.04(3) and who commits, aids, or
2748 abets an intentional act that is not an essential element of the
2749 felony and that could, but does not, cause the death of another
2750 commits a felony of the first degree, punishable by imprisonment
2751 for a term of years not exceeding life, or as provided in s.
2752 775.082, s. 775.083, or s. 775.084, which is an offense ranked
2753 in level 9 of the Public Safety ~~Criminal Punishment~~ Code. Victim
2754 injury points shall be scored under this subsection.

2755 (2) Any person who perpetrates or attempts to perpetrate
2756 any felony other than a felony enumerated in s. 782.04(3) and
2757 who commits, aids, or abets an intentional act that is not an
2758 essential element of the felony and that could, but does not,
2759 cause the death of another commits a felony of the first degree,
2760 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
2761 which is an offense ranked in level 8 of the Public Safety
2762 ~~Criminal Punishment~~ Code. Victim injury points shall be scored
2763 under this subsection.

2764 (3) When a person is injured during the perpetration of or
2765 the attempt to perpetrate any felony enumerated in s. 782.04(3)



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2766 by a person other than the person engaged in the perpetration of
2767 or the attempt to perpetrate such felony, the person
2768 perpetrating or attempting to perpetrate such felony commits a
2769 felony of the second degree, punishable as provided in s.
2770 775.082, s. 775.083, or s. 775.084, which is an offense ranked
2771 in level 7 of the Public Safety ~~Criminal Punishment~~ Code. Victim
2772 injury points shall be scored under this subsection.

2773 Section 35. Subsection (3) of section 784.07, Florida
2774 Statutes, is amended to read:

2775 784.07 Assault or battery of law enforcement officers,
2776 firefighters, emergency medical care providers, public transit
2777 employees or agents, or other specified officers;
2778 reclassification of offenses; minimum sentences.-

2779 (3) Any person who is convicted of a battery under
2780 paragraph (2)(b) and, during the commission of the offense, such
2781 person possessed:

2782 (a) A "firearm" or "destructive device" as those terms are
2783 defined in s. 790.001, shall be sentenced to a minimum term of
2784 imprisonment of 3 years.

2785 (b) A semiautomatic firearm and its high-capacity
2786 detachable box magazine, as defined in s. 775.087(3), or a
2787 machine gun as defined in s. 790.001, shall be sentenced to a
2788 minimum term of imprisonment of 8 years.

2789
2790 Notwithstanding s. 948.01, adjudication of guilt or imposition
2791 of sentence may ~~shall~~ not be suspended, deferred, or withheld,
2792 and the defendant is not eligible for statutory gain-time under
2793 s. 944.275 or any form of discretionary early release, other
2794 than pardon or executive clemency, ~~or~~ conditional medical



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2795 release under s. 945.0911 ~~s. 947.149~~, or conditional aging
2796 inmate release under s. 945.0912, before ~~prior to~~ serving the
2797 minimum sentence.

2798 Section 36. Subsection (1) of section 790.235, Florida
2799 Statutes, is amended to read:

2800 790.235 Possession of firearm or ammunition by violent
2801 career criminal unlawful; penalty.—

2802 (1) Any person who meets the violent career criminal
2803 criteria under s. 775.084(1)(d), regardless of whether such
2804 person is or has previously been sentenced as a violent career
2805 criminal, who owns or has in his or her care, custody,
2806 possession, or control any firearm, ammunition, or electric
2807 weapon or device, or carries a concealed weapon, including a
2808 tear gas gun or chemical weapon or device, commits a felony of
2809 the first degree, punishable as provided in s. 775.082, s.
2810 775.083, or s. 775.084. A person convicted of a violation of
2811 this section shall be sentenced to a mandatory minimum of 15
2812 years' imprisonment; however, if the person would be sentenced
2813 to a longer term of imprisonment under s. 775.084(4)(d), the
2814 person must be sentenced under that provision. A person
2815 convicted of a violation of this section is not eligible for any
2816 form of discretionary early release, other than pardon,
2817 executive clemency, ~~or~~ conditional medical release under s.
2818 945.0911, or conditional aging inmate release under s. 945.0912
2819 ~~s. 947.149.~~

2820 Section 37. Subsection (7) of section 794.0115, Florida
2821 Statutes, is amended to read:

2822 794.0115 Dangerous sexual felony offender; mandatory
2823 sentencing.—



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2824 (7) A defendant sentenced to a mandatory minimum term of
2825 imprisonment under this section is not eligible for statutory
2826 gain-time under s. 944.275 or any form of discretionary early
2827 release, other than pardon or executive clemency, or conditional
2828 medical release under s. 945.0911 ~~s. 947.149~~, before serving the
2829 minimum sentence.

2830 Section 38. Subsection (3) of section 817.568, Florida
2831 Statutes, is amended to read:

2832 817.568 Criminal use of personal identification
2833 information.—

2834 (3) Neither paragraph (2) (b) nor paragraph (2) (c) prevents
2835 a court from imposing a greater sentence of incarceration as
2836 authorized by law. If the minimum mandatory terms of
2837 imprisonment imposed under paragraph (2) (b) or paragraph (2) (c)
2838 exceed the maximum sentences authorized under s. 775.082, s.
2839 775.084, or the Public Safety ~~Criminal Punishment~~ Code under
2840 chapter 921, the mandatory minimum sentence must be imposed. If
2841 the mandatory minimum terms of imprisonment under paragraph
2842 (2) (b) or paragraph (2) (c) are less than the sentence that could
2843 be imposed under s. 775.082, s. 775.084, or the Public Safety
2844 ~~Criminal Punishment~~ Code under chapter 921, the sentence imposed
2845 by the court must include the mandatory minimum term of
2846 imprisonment as required by paragraph (2) (b) or paragraph
2847 (2) (c).

2848 Section 39. Paragraph (c) of subsection (3) of section
2849 893.03, Florida Statutes, is amended to read:

2850 893.03 Standards and schedules.—The substances enumerated
2851 in this section are controlled by this chapter. The controlled
2852 substances listed or to be listed in Schedules I, II, III, IV,



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2853 and V are included by whatever official, common, usual,
2854 chemical, trade name, or class designated. The provisions of
2855 this section shall not be construed to include within any of the
2856 schedules contained in this section any excluded drugs listed
2857 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
2858 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
2859 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
2860 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
2861 Anabolic Steroid Products."

2862 (3) SCHEDULE III.—A substance in Schedule III has a
2863 potential for abuse less than the substances contained in
2864 Schedules I and II and has a currently accepted medical use in
2865 treatment in the United States, and abuse of the substance may
2866 lead to moderate or low physical dependence or high
2867 psychological dependence or, in the case of anabolic steroids,
2868 may lead to physical damage. The following substances are
2869 controlled in Schedule III:

2870 (c) Unless specifically excepted or unless listed in
2871 another schedule, any material, compound, mixture, or
2872 preparation containing limited quantities of any of the
2873 following controlled substances or any salts thereof:

2874 1. Not more than 1.8 grams of codeine per 100 milliliters
2875 or not more than 90 milligrams per dosage unit, with an equal or
2876 greater quantity of an isoquinoline alkaloid of opium.

2877 2. Not more than 1.8 grams of codeine per 100 milliliters
2878 or not more than 90 milligrams per dosage unit, with recognized
2879 therapeutic amounts of one or more active ingredients which are
2880 not controlled substances.

2881 3. Not more than 300 milligrams of hydrocodone per 100



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2882 milliliters or not more than 15 milligrams per dosage unit, with
2883 a fourfold or greater quantity of an isoquinoline alkaloid of
2884 opium.

2885 4. Not more than 300 milligrams of hydrocodone per 100
2886 milliliters or not more than 15 milligrams per dosage unit, with
2887 recognized therapeutic amounts of one or more active ingredients
2888 that are not controlled substances.

2889 5. Not more than 1.8 grams of dihydrocodeine per 100
2890 milliliters or not more than 90 milligrams per dosage unit, with
2891 recognized therapeutic amounts of one or more active ingredients
2892 which are not controlled substances.

2893 6. Not more than 300 milligrams of ethylmorphine per 100
2894 milliliters or not more than 15 milligrams per dosage unit, with
2895 one or more active, nonnarcotic ingredients in recognized
2896 therapeutic amounts.

2897 7. Not more than 50 milligrams of morphine per 100
2898 milliliters or per 100 grams, with recognized therapeutic
2899 amounts of one or more active ingredients which are not
2900 controlled substances.

2901
2902 For purposes of charging a person with a violation of s. 893.135
2903 involving any controlled substance described in subparagraph 3.
2904 or subparagraph 4., the controlled substance is a Schedule III
2905 controlled substance pursuant to this paragraph but the weight
2906 of the controlled substance per milliliters or per dosage unit
2907 is not relevant to the charging of a violation of s. 893.135.
2908 The weight of the controlled substance shall be determined
2909 pursuant to s. 893.135(7) ~~s. 893.135(6)~~.

2910 Section 40. Paragraph (d) of subsection (8) of section



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2911 893.13, Florida Statutes, is amended to read:

2912 893.13 Prohibited acts; penalties.—

2913 (8)

2914 (d) Notwithstanding paragraph (c), if a prescribing
2915 practitioner has violated paragraph (a) and received \$1,000 or
2916 more in payment for writing one or more prescriptions or, in the
2917 case of a prescription written for a controlled substance
2918 described in s. 893.135, has written one or more prescriptions
2919 for a quantity of a controlled substance which, individually or
2920 in the aggregate, meets the threshold for the offense of
2921 trafficking in a controlled substance under s. 893.135, the
2922 violation is reclassified as a felony of the second degree and
2923 ranked in level 4 of the Public Safety ~~Criminal Punishment~~ Code.

2924 Section 41. Subsection (2) of section 893.20, Florida
2925 Statutes, is amended to read:

2926 893.20 Continuing criminal enterprise.—

2927 (2) A person who commits the offense of engaging in a
2928 continuing criminal enterprise commits ~~is guilty of~~ a life
2929 felony, punishable pursuant to the Public Safety ~~Criminal~~
2930 ~~Punishment~~ Code and by a fine of \$500,000.

2931 Section 42. Paragraph (f) of subsection (5) of section
2932 910.035, Florida Statutes, is amended to read:

2933 910.035 Transfer from county for plea, sentence, or
2934 participation in a problem-solving court.—

2935 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.—

2936 (f) Upon successful completion of the problem-solving court
2937 program, the jurisdiction to which the case has been transferred
2938 shall dispose of the case. If the defendant does not complete
2939 the problem-solving court program successfully, the jurisdiction



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2940 to which the case has been transferred shall dispose of the case
2941 within the guidelines of the Public Safety ~~Criminal Punishment~~
2942 Code.

2943 Section 43. Section 921.0022, Florida Statutes, is amended
2944 to read:

2945 921.0022 Public Safety ~~Criminal Punishment~~ Code; offense
2946 severity ranking chart.—

2947 (1) The offense severity ranking chart must be used with
2948 the Public Safety ~~Criminal Punishment~~ Code worksheet to compute
2949 a sentence score for each felony offender whose offense was
2950 committed on or after October 1, 1998.

2951 (2) The offense severity ranking chart has 10 offense
2952 levels, ranked from least severe, which are level 1 offenses, to
2953 most severe, which are level 10 offenses, and each felony
2954 offense is assigned to a level according to the severity of the
2955 offense. For purposes of determining which felony offenses are
2956 specifically listed in the offense severity ranking chart and
2957 which severity level has been assigned to each of these
2958 offenses, the numerical statutory references in the left column
2959 of the chart and the felony degree designations in the middle
2960 column of the chart are controlling; the language in the right
2961 column of the chart is provided solely for descriptive purposes.
2962 Reclassification of the degree of the felony through the
2963 application of s. 775.0845, s. 775.085, s. 775.0861, s.
2964 775.0862, s. 775.0863, s. 775.087, s. 775.0875, s. 794.023, or
2965 any other law that provides an enhanced penalty for a felony
2966 offense, to any offense listed in the offense severity ranking
2967 chart in this section shall not cause the offense to become
2968 unlisted and is not subject to ~~the provisions of~~ s. 921.0023.



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2969	(3) OFFENSE SEVERITY RANKING CHART		
2970	(a) LEVEL 1		
2971			
	Florida	Felony	
	Statute	Degree	Description
2972	24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
2973	212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
2974	212.15(2)(b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
2975	316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
2976	319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
2977	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.
2978	320.26(1)(a)	3rd	Counterfeit, manufacture, or



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2979			sell registration license plates or validation stickers.
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
2980			
	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
2981			
	322.212 (5) (a)	3rd	False application for driver license or identification card.
2982			
	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
2983			
	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
2984			
	509.151 (1)	3rd	Defraud an innkeeper, food



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2985			or lodging value \$1,000 or more.
2986	517.302(1)	3rd	Violation of the Florida Securities and Investor Protection Act.
2987	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
2988	812.014(3)(c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
2989	812.081(2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
2990	815.04(5)(a)	3rd	Offense against intellectual property (i.e., computer programs, data).
2991	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
	817.569(2)	3rd	Use of public record or



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			public records information or providing false information to facilitate commission of a felony.
2992	826.01	3rd	Bigamy.
2993	828.122 (3)	3rd	Fighting or baiting animals.
2994	831.04 (1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
2995	831.31 (1) (a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
2996	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
2997	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.
2998	838.15 (2)	3rd	Commercial bribe receiving.



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2999	838.16	3rd	Commercial bribery.
3000	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
3001	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
3002	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.
3003	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
3004	849.25 (2)	3rd	Engaging in bookmaking.
3005	860.08	3rd	Interfere with a railroad signal.
3006	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
3007			



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3008	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
3009	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
3010	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
3011			
3012	(b) LEVEL 2		
3013			
3014	Florida Statute	Felony Degree	Description
	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
3015	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
3016	403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in



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3017			weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
3018			
	590.28 (1)	3rd	Intentional burning of lands.
3019			
	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
3020			
	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
3021			
	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.



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3022	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
3023	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
3024	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$750 or more but less than \$5,000.
3025	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of dwelling.
3026	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
3027	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.



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3028	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
3029	817.52 (3)	3rd	Failure to redeliver hired vehicle.
3030	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
3031	817.60 (5)	3rd	Dealing in credit cards of another.
3032	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
3033	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
3034	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.



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3035	831.01	3rd	Forgery.
3036	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
3037	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
3038	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
3039	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
3040	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
3041	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
3042			



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3043	843.08	3rd	False personation.
	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.
3044	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
3045			
3046			
3047	(c) LEVEL 3		
3048			
	Florida	Felony	
	Statute	Degree	Description
3049	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
3050	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
3051	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.



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3052	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
3053	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
3054	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
3055	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
3056	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
3057	327.35 (2) (b)	3rd	Felony BUI.
3058	328.05 (2)	3rd	Possess, sell, or



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3059			counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
3060			
	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
3061			
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
3062			
	379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or



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3063	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
3064	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
3065	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
3066	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
3067	501.001 (2) (b)	2nd	Tampers with a consumer product or the container



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3068			using materially false/misleading information.
	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
3069			
	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
3070			
	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
3071			
	697.08	3rd	Equity skimming.
3072			
	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
3073			
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
3074			
	806.10 (2)	3rd	Interferes with or assaults



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3075			firefighter in performance of duty.
	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
3076			
	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
3077			
	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
3078			
	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
3079			
	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
3080			
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
3081			



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3082	817.233	3rd	Burning to defraud insurer.
3083	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
3084	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
3085	817.236	3rd	Filing a false motor vehicle insurance application.
3086	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
3087	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
3088	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
	831.29	2nd	Possession of instruments



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3089			for counterfeiting driver licenses or identification cards.
3089	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
3090	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
3091	860.15 (3)	3rd	Overcharging for repairs and parts.
3092	870.01 (2)	3rd	Riot; inciting or encouraging.
3093	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).
3094	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2.,



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			(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.
3095	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs within 1,000 feet of public housing facility.
3096	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
3097	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
3098	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a



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3099			controlled substance.
	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
3100			
	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
3101			
	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
3102			
	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.
3103			
	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other



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3104			person, or owner of an animal in obtaining a controlled substance.
3104	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
3105			
3105	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 practitioner.
3106			
3106	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
3107			
3107	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
3108			
3108	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
3109			
3109	985.721	3rd	Escapes from a juvenile



139324

facility (secure detention
or residential commitment
facility).

3110

3111

3112 (d) LEVEL 4

3113

Florida

Felony

Statute

Degree

Description

3114

316.1935 (3) (a)

2nd

Driving at high speed or
with wanton disregard
for safety while fleeing
or attempting to elude
law enforcement officer
who is in a patrol
vehicle with siren and
lights activated.

3115

499.0051 (1)

3rd

Failure to maintain or
deliver transaction
history, transaction
information, or
transaction statements.

3116

499.0051 (5)

2nd

Knowing sale or
delivery, or possession
with intent to sell,
contraband prescription



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3117			drugs.
	517.07 (1)	3rd	Failure to register securities.
3118			
	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
3119			
	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
3120			
	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
3121			
	784.075	3rd	Battery on detention or commitment facility staff.
3122			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
3123			
	784.08 (2) (c)	3rd	Battery on a person 65



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3124			years of age or older.
	784.081(3)	3rd	Battery on specified official or employee.
3125			
	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
3126			
	784.083(3)	3rd	Battery on code inspector.
3127			
	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
3128			
	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
3129			
	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
3130			



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3131	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
3132	787.07	3rd	Human smuggling.
3133	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
3134	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
3135	790.115 (2) (c)	3rd	Possessing firearm on school property.
3136	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an



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3137	810.02 (4) (b)	3rd	unoccupied structure; unarmed; no assault or battery. Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
3138	810.06	3rd	Burglary; possession of tools.
3139	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
3140	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
3141	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
3142	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
3143			



139324

3144	817.505 (4) (a)	3rd	Patient brokering.
3145	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
3146	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
3147	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
3148	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
3149	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
	837.02 (1)	3rd	Perjury in official proceedings.



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3150	837.021 (1)	3rd	Make contradictory statements in official proceedings.
3151	838.022	3rd	Official misconduct.
3152	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
3153	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
3154	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
3155	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
3156	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond



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3157	847.0135 (5) (c)	3rd	estreature or bond jumping).
3158	874.05 (1) (a)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
3159	893.13 (2) (a) 1.	2nd	Encouraging or recruiting another to join a criminal gang.
3160	914.14 (2)	3rd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
3161	914.22 (1)	3rd	Witnesses accepting bribes.
3162	914.23 (2)	3rd	Force, threaten, etc., witness, victim, or informant.
			Retaliation against a witness, victim, or informant, no bodily injury.



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3163

918.12 3rd Tampering with jurors.

3164

934.215 3rd Use of two-way
communications device to
facilitate commission of
a crime.

3165

944.47 (1) (a) 6. 3rd Introduction of
contraband (cellular
telephone or other
portable communication
device) into
correctional
institution.

3166

951.22 (1) (h), 3rd Intoxicating drug,
(j) & (k) instrumentality or other
device to aid escape, or
cellular telephone or
other portable
communication device
introduced into county
detention facility.

3167

3168

3169

(e) LEVEL 5

3170



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	Florida Statute	Felony Degree	Description
3171	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
3172	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
3173	316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
3174	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
3175	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
3176	379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone



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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.

3177

379.367(4)

3rd

Willful molestation of a
commercial harvester's
spiny lobster trap,
line, or buoy.

3178



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3179	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
3180	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
3181	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
3182	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
3183	440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or



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3184			more but less than \$100,000.
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
3185			
	790.01 (2)	3rd	Carrying a concealed firearm.
3186			
	790.162	2nd	Threat to throw or discharge destructive device.
3187			
	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
3188			
	790.221 (1)	2nd	Possession of short- barreled shotgun or machine gun.
3189			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
3190			



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3191	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
3192	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
3193	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
3194	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
3195	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3196	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
3197	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.



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3198	812.131 (2) (b)	3rd	Robbery by sudden snatching.
3199	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
3200	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
3201	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
3202	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment



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3203	817.611 (2) (a)	2nd	avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
3204	817.625 (2) (b)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
3205	825.1025 (4)	3rd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
3206	827.071 (4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
			Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct



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3207	827.071(5)	3rd	by a child. Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
3208	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
3209	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.
3210	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
3211	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18



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3212			years or older.
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
3213			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
3214			
	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
3215			
	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
3216			
	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5. drugs).



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3217

893.13(1)(c)2.

2nd

Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

3218

893.13(1)(d)1.

1st

Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.

3219

893.13(1)(e)2.

2nd

Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c),



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			(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.
3220	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
3221	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
3222	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
3223			
3224			



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	Florida Statute	Felony Degree	Description
3225	(f) LEVEL 6		
3226			
3227	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
3228	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
3229	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
3230	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
3231	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
3232	499.0051 (4)	2nd	Knowing sale or transfer



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3233			of prescription drug to unauthorized person.
	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
3234			
	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
3235			
	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
3236			
	784.041	3rd	Felony battery; domestic battery by strangulation.
3237			
	784.048 (3)	3rd	Aggravated stalking; credible threat.
3238			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
3239			
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3240			
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility



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3241			staff.
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
3242			
	784.081 (2)	2nd	Aggravated assault on specified official or employee.
3243			
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
3244			
	784.083 (2)	2nd	Aggravated assault on code inspector.
3245			
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
3246			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
3247			
	790.161 (2)	2nd	Make, possess, or throw destructive device with



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3248	790.164 (1)	2nd	intent to do bodily harm or damage property. False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
3249	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
3250	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
3251	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
3252	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



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3253			than 18 years.
	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
3254			
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
3255			
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
3256			
	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
3257			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
3258			
	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
3259			
	812.015 (9) (a)	2nd	Retail theft; property



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3260	812.015 (9) (b)	2nd	stolen \$750 or more; second or subsequent conviction.
3261	812.13 (2) (c)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
3262	817.4821 (5)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
3263	817.505 (4) (b)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
3264	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
3265	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.



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3266	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
3267	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
3268	827.03 (2) (c)	3rd	Abuse of a child.
3269	827.03 (2) (d)	3rd	Neglect of a child.
3270	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
3271	836.05	2nd	Threats; extortion.
3272	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
3273	843.12	3rd	Aids or assists person to escape.



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3274	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
3275	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
3276	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
3277	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
3278	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on



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3279			community supervision, resulting in great bodily harm.
3280	944.40	2nd	Escapes.
3281	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
3282	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
3283			
3284			
3285	(g) LEVEL 7		
3286			
3287	Florida Statute	Felony Degree	Description
	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.



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3288	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
3289	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.
3290	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
3291	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
3292	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
3293	409.920	2nd	Medicaid provider fraud;



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	(2) (b) 1.b.		more than \$10,000, but less than \$50,000.
3294	456.065 (2)	3rd	Practicing a health care profession without a license.
3295	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
3296	458.327 (1)	3rd	Practicing medicine without a license.
3297	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
3298	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
3299	461.012 (1)	3rd	Practicing podiatric medicine without a license.
3300	462.17	3rd	Practicing naturopathy without a license.



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3301	463.015 (1)	3rd	Practicing optometry without a license.
3302	464.016 (1)	3rd	Practicing nursing without a license.
3303	465.015 (2)	3rd	Practicing pharmacy without a license.
3304	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
3305	467.201	3rd	Practicing midwifery without a license.
3306	468.366	3rd	Delivering respiratory care services without a license.
3307	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
3308	483.901 (7)	3rd	Practicing medical physics without a license.
3309	484.013 (1) (c)	3rd	Preparing or dispensing



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3310			optical devices without a prescription.
3311	484.053	3rd	Dispensing hearing aids without a license.
3312	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.
3313	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.
3314	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less



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3315	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
3316	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
3317	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
3318	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
3319	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).



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3320	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
3321	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
3322	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
3323	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
3324	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
3325	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
3326			



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3327	784.048 (7)	3rd	Aggravated stalking; violation of court order.
3328	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
3329	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
3330	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
3331	784.081 (1)	1st	Aggravated battery on specified official or employee.
3332	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
3333	784.083 (1)	1st	Aggravated battery on code inspector.
3334	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.



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3335	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.
3336	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
3337	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
3338	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
3339	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass



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3340			destruction.
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
3341			
	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
3342			
	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
3343			
	796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
3344			
	796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
3345			
	800.04(5)(c)1.	2nd	Lewd or lascivious



139324

3346	800.04 (5) (c) 2.	2nd	molestation; victim younger than 12 years of age; offender younger than 18 years of age.
3347	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
3348	806.01 (2)	2nd	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.
3349	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
3350	810.02 (3) (b)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
		2nd	Burglary of unoccupied



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3351			dwelling; unarmed; no assault or battery.
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
3352			
	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
3353			
	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.
3354			
	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
3355			
	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
3356			
	812.014 (2) (b) 4.	2nd	Property stolen, law



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3357			enforcement equipment from authorized emergency vehicle.
	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
3358			
	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
3359			
	812.131 (2) (a)	2nd	Robbery by sudden snatching.
3360			
	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
3361			
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
3362			
	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
3363			



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3364	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
3365	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
3366	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.
3367	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
3368	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or



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3369			disfigurement.
	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.
3370			
	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
3371			
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
3372			
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
3373			
	838.015	2nd	Bribery.
3374			
	838.016	2nd	Unlawful compensation or reward for official behavior.
3375			



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3376	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
3377	838.22	2nd	Bid tampering.
3378	843.0855 (2)	3rd	Impersonation of a public officer or employee.
3379	843.0855 (3)	3rd	Unlawful simulation of legal process.
3380	843.0855 (4)	3rd	Intimidation of a public officer or employee.
3381	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
3382	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
3383	872.06	2nd	Abuse of a dead human body.
	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or



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3384

874.10

1st,PBL

subsequent offense.

Knowingly initiates,
organizes, plans,
finances, directs,
manages, or supervises
criminal gang-related
activity.

3385

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.

3386

893.13(1)(e)1.

1st

Sell, manufacture, or
deliver cocaine or other
drug prohibited under s.
893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or
(2)(c)5., within 1,000



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3387			feet of property used for religious services or a specified business site.
	893.13(4) (a)	1st	Use or hire of minor; deliver to minor other controlled substance.
3388			
	893.135(1) (a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
3389			
	893.135 (1) (b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
3390			
	893.135 (1) (c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
3391			
	893.135 (1) (c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
3392			
	893.135 (1) (c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
3393			
	893.135	1st	Trafficking in oxycodone,



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3394	(1) (c) 3.a.		7 grams or more, less than 14 grams.
	893.135	1st	Trafficking in oxycodone,
	(1) (c) 3.b.		14 grams or more, less than 25 grams.
3395			
	893.135	1st	Trafficking in fentanyl, 4
	(1) (c) 4.b. (I)		grams or more, less than 14 grams.
3396			
	893.135	1st	Trafficking in
	(1) (d) 1.a.		phencyclidine, 28 grams or more, less than 200 grams.
3397			
	893.135 (1) (e) 1.	1st	Trafficking in
			methaqualone, 200 grams or more, less than 5 kilograms.
3398			
	893.135 (1) (f) 1.	1st	Trafficking in
			amphetamine, 14 grams or more, less than 28 grams.
3399			
	893.135	1st	Trafficking in
	(1) (g) 1.a.		flunitrazepam, 4 grams or more, less than 14 grams.
3400			
	893.135	1st	Trafficking in gamma-



139324

3401	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.a.		Butanediol, 1 kilogram or more, less than 5 kilograms.
3402			
	893.135	1st	Trafficking in
	(1) (k) 2.a.		Phenethylamines, 10 grams or more, less than 200 grams.
3403			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.a.		cannabinoids, 280 grams or more, less than 500 grams.
3404			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.b.		cannabinoids, 500 grams or more, less than 1,000 grams.
3405			
	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.a.		phenethylamines, 14 grams or more, less than 100 grams.
3406			
	893.1351 (2)	2nd	Possession of place for



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3407			trafficking in or manufacturing of controlled substance.
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
3408			
	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
3409			
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
3410			
	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
3411			
	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting



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3412

943.0435(13)

3rd

requirements.

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

3413

943.0435(14)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

3414

944.607(9)

3rd

Sexual offender; failure to comply with reporting requirements.

3415

944.607(10)(a)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

3416

944.607(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

3417



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3418	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
3419	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
3420	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3421	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
3422			
3423	(h) LEVEL 8		
3424			
	Florida Statute	Felony Degree	Description



139324

3425	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
3426	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
3427	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
3428	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
3429	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
3430	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.
3431	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or



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3432	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
3433	777.03(2)(a)	1st	Accessory after the fact, capital felony.
3434	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
3435	782.051(2)	1st	Attempted felony murder



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3436	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
3437	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
3438	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
3439	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
3440	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
3441			



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3442	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.
	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.
3443	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
3444	794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
3445	794.011(5)(b)	2nd	Sexual battery; victim



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3446	794.011 (5) (c)	2nd	and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
3447	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
3448	794.08 (3)	2nd	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
3449	800.04 (4) (b)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state. Lewd or lascivious battery.



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3450	800.04(4)(c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
3451	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
3452	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
3453	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
3454	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
3455	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st



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			degree.
3456	812.13 (2) (b)	1st	Robbery with a weapon.
3457	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
3458	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
3459	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
3460	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
3461	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
3462	817.535 (5) (a)	2nd	Filing false lien or



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3463	817.568 (6)	2nd	other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
3464	817.611 (2) (c)	1st	Fraudulent use of personal identification information of an individual under the age of 18.
3465	825.102 (2)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
3466	825.1025 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
3467	825.103 (3) (a)	1st	Lewd or lascivious battery upon an elderly person or disabled adult.
			Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.



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3468	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
3469	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
3470	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
3471	860.16	1st	Aircraft piracy.
3472	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).
3473	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).



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3474	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3475	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
3476	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
3477	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
3478	893.135 (1)(c)2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
3479	893.135 (1)(c)3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
3480	893.135	1st	Trafficking in fentanyl,



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3481	(1) (c) 4.b. (II)		14 grams or more, less than 28 grams.
	893.135	1st	Trafficking in
	(1) (d) 1.b.		phencyclidine, 200 grams or more, less than 400 grams.
3482	893.135	1st	Trafficking in
	(1) (e) 1.b.		methaqualone, 5 kilograms or more, less than 25 kilograms.
3483	893.135	1st	Trafficking in
	(1) (f) 1.b.		amphetamine, 28 grams or more, less than 200 grams.
3484	893.135	1st	Trafficking in
	(1) (g) 1.b.		flunitrazepam, 14 grams or more, less than 28 grams.
3485	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
3486			



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3487	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4- Butanediol, 5 kilograms or more, less than 10 kilograms.
3488	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
3489	893.135 (1) (m) 2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
3490	893.135 (1) (n) 2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
3491	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.



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3492	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
3493	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
3494	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
3495	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
3496			
3497			
3498	(i) LEVEL 9		



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3499	Florida Statute	Felony Degree	Description
3500	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
3501	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
3502	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
3503	499.0051 (8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
3504	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
3505	560.125 (5) (c)	1st	Money transmitter business by unauthorized



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3506			person, currency, or payment instruments totaling or exceeding \$100,000.
	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
3507			
	775.0844	1st	Aggravated white collar crime.
3508			
	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
3509			
	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.
3510			
	782.051(1)	1st	Attempted felony murder while perpetrating or



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3511	782.07(2)	1st	attempting to perpetrate a felony enumerated in s. 782.04(3). Aggravated manslaughter of an elderly person or disabled adult.
3512	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
3513	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
3514	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
3515	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



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3516			exhibition.
	787.06(3)(c)1.	1st	Human trafficking for labor and services of an unauthorized alien child.
3517			
	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
3518			
	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.
3519			
	790.161	1st	Attempted capital destructive device offense.
3520			
	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
3521			
	794.011(2)	1st	Attempted sexual battery; victim less than 12 years



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3522	794.011(2)	Life	of age. Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
3523	794.011(4)(a)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
3524	794.011(4)(b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
3525	794.011(4)(c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
3526	794.011(4)(d)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older;



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3527			prior conviction for specified sex offenses.
	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.
3528			
	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
3529			
	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
3530			
	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
3531			
	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
3532			
	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
3533			
	817.535 (3) (b)	1st	Filing false lien or



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3534	817.535 (4) (a) 2.	1st	other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
3535	817.535 (5) (b)	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
3536	817.568 (7)	2nd, PBL	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. Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising



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3537			custodial authority.
3538	827.03 (2) (a)	1st	Aggravated child abuse.
3539	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
3540	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
3541	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.
3542	893.135	1st	Attempted capital trafficking offense.
3543	893.135 (1) (b) 1.c.	1st	Trafficking in cannabis, more than 10,000 lbs.
	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.



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3544	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
3545	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 300 grams or more, less than 30 kilograms.
3546	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
3547	893.135 (1) (c) 4.b. (III)	1st	Trafficking in fentanyl, 28 grams or more.
3548	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.
3549	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.
3550	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, 200 grams or more.



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3551	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
3552	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
3553	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
3554	893.135 (1) (m) 2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.
3555	893.135 (1) (n) 2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
3556	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
3557	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or



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3558			registration
3559			requirements, financial
3560	(j) LEVEL 10		transactions totaling or
3561			exceeding \$100,000.
	Florida	Felony	
	Statute	Degree	Description
3562	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
3563	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
3564	782.07 (3)	1st	Aggravated manslaughter of a child.
3565	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
3566	787.01 (3) (a)	Life	Kidnapping; child under age 13, perpetrator also



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3567	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.
3568	787.06(4)(a)	Life	Selling or buying of minors into human trafficking.
3569	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.
3570	812.135(2)(a)	1st,PBL	Home-invasion robbery with firearm or other deadly weapon.
3571	876.32	1st	Treason against the



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state.

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Section 44. Section 921.0023, Florida Statutes, is amended to read:

921.0023 Public Safety ~~Criminal Punishment~~ Code; ranking unlisted felony offenses.—A felony offense committed on or after October 1, 1998, that is not listed in s. 921.0022 is ranked with respect to offense severity level by the Legislature, commensurate with the harm or potential harm that is caused by the offense to the community. Until the Legislature specifically assigns an offense to a severity level in the offense severity ranking chart, the severity level is within the following parameters:

- (1) A felony of the third degree within offense level 1.
- (2) A felony of the second degree within offense level 4.
- (3) A felony of the first degree within offense level 7.
- (4) A felony of the first degree punishable by life within offense level 9.
- (5) A life felony within offense level 10.

Section 45. Section 921.0024, Florida Statutes, is amended to read:

921.0024 Public Safety ~~Criminal Punishment~~ Code; worksheet computations; scoresheets.—

(1) (a) The Public Safety ~~Criminal Punishment~~ Code worksheet is used to compute the subtotal and total sentence points as follows:

FLORIDA PUBLIC SAFETY ~~CRIMINAL PUNISHMENT~~ CODE



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WORKSHEET

OFFENSE SCORE

Primary Offense

Level	Sentence Points		Total
10	116	=
9	92	=
8	74	=
7	56	=
6	36	=
5	28	=
4	22	=
3	16	=
2	10	=
1	4	=



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 3631

Total

Additional Offenses

Level	Sentence Points		Counts	=	Total
10	58	x	=
9	46	x	=
8	37	x	=
7	28	x	=
6	18	x	=
5	5.4	x	=
4	3.6	x	=
3	2.4	x	=
2	1.2	x	=
1	0.7	x	=



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3632	M	0.2	x	=
3633						Total
3634						
3635						
3636						
						Victim Injury
3637						
	Level	Sentence		Number		Total
		Points				
3638						
	2nd degree					
	murder-					
	death	240	x	=
3639						
	Death	120	x	=
3640						
	Severe	40	x	=
3641						
	Moderate	18	x	=
3642						
	Slight	4	x	=
3643						
	Sexual					
	penetration	80	x	=
3644						
	Sexual	40	x	=



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contact

3645

3646

Total

3647

3648

3649 Primary Offense + Additional Offenses + Victim Injury =

3650 TOTAL OFFENSE SCORE

3651

3652 PRIOR RECORD SCORE

3653

Prior Record

3654

Level	Sentence Points		Number		Total
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3655

10	29	x	=
----	----	---	------	---	------

3656

9	23	x	=
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3657

8	19	x	=
---	----	---	------	---	------

3658

7	14	x	=
---	----	---	------	---	------

3659

6	9	x	=
---	---	---	------	---	------

3660

5	3.6	x	=
---	-----	---	------	---	------

3661

4	2.4	x	=
---	-----	---	------	---	------



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3662	3	1.6	x	=
3663	2	0.8	x	=
3664	1	0.5	x	=
3665	M	0.2	x	=
3666						
3667						Total
3668						
3669						
3670						TOTAL OFFENSE SCORE.....
3671						TOTAL PRIOR RECORD SCORE.....
3672						
3673						LEGAL STATUS.....
3674						COMMUNITY SANCTION VIOLATION.....
3675						PRIOR SERIOUS FELONY.....
3676						PRIOR CAPITAL FELONY.....
3677						FIREARM OR SEMIAUTOMATIC WEAPON.....
3678						SUBTOTAL.....
3679						
3680						PRISON RELEASEE REOFFENDER (no) (yes).....
3681						VIOLENT CAREER CRIMINAL (no) (yes).....
3682						HABITUAL VIOLENT OFFENDER (no) (yes).....
3683						HABITUAL OFFENDER (no) (yes).....
3684						DRUG TRAFFICKER (no) (yes) (x multiplier).....



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3685 LAW ENF. PROTECT. (no)(yes) (x multiplier).....
3686 MOTOR VEHICLE THEFT (no)(yes) (x multiplier).....
3687 CRIMINAL GANG OFFENSE (no)(yes) (x multiplier).....
3688 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no)(yes)
3689 (x multiplier).....
3690 ADULT-ON-MINOR SEX OFFENSE (no)(yes) (x multiplier).....
3691
3692 TOTAL SENTENCE POINTS.....

3694 (b) WORKSHEET KEY:

3695
3696 Legal status points are assessed when any form of legal status
3697 existed at the time the offender committed an offense before the
3698 court for sentencing. Four (4) sentence points are assessed for
3699 an offender's legal status.

3700
3701 Community sanction violation points are assessed when a
3702 community sanction violation is before the court for sentencing.
3703 Six (6) sentence points are assessed for each community sanction
3704 violation and each successive community sanction violation,
3705 unless any of the following apply:

3706 1. If the community sanction violation includes a new
3707 felony conviction before the sentencing court, twelve (12)
3708 community sanction violation points are assessed for the
3709 violation, and for each successive community sanction violation
3710 involving a new felony conviction.

3711 2. If the community sanction violation is committed by a
3712 violent felony offender of special concern as defined in s.
3713 948.06:



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3714 a. Twelve (12) community sanction violation points are
3715 assessed for the violation and for each successive violation of
3716 felony probation or community control where:

3717 I. The violation does not include a new felony conviction;
3718 and

3719 II. The community sanction violation is not based solely on
3720 the probationer or offender's failure to pay costs or fines or
3721 make restitution payments.

3722 b. Twenty-four (24) community sanction violation points are
3723 assessed for the violation and for each successive violation of
3724 felony probation or community control where the violation
3725 includes a new felony conviction.

3726
3727 Multiple counts of community sanction violations before the
3728 sentencing court may ~~shall~~ not be used as a basis for
3729 multiplying the assessment of community sanction violation
3730 points.

3731
3732 Prior serious felony points: If the offender has a primary
3733 offense or any additional offense ranked in level 8, level 9, or
3734 level 10, and one or more prior serious felonies, a single
3735 assessment of thirty (30) points shall be added. For purposes of
3736 this section, a prior serious felony is an offense in the
3737 offender's prior record that is ranked in level 8, level 9, or
3738 level 10 under s. 921.0022 or s. 921.0023 and for which the
3739 offender is serving a sentence of confinement, supervision, or
3740 other sanction or for which the offender's date of release from
3741 confinement, supervision, or other sanction, whichever is later,
3742 is within 3 years before the date the primary offense or any



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3743 additional offense was committed.

3744

3745 Prior capital felony points: If the offender has one or more
3746 prior capital felonies in the offender's criminal record, points
3747 shall be added to the subtotal sentence points of the offender
3748 equal to twice the number of points the offender receives for
3749 the primary offense and any additional offense. A prior capital
3750 felony in the offender's criminal record is a previous capital
3751 felony offense for which the offender has entered a plea of nolo
3752 contendere or guilty or has been found guilty; or a felony in
3753 another jurisdiction which is a capital felony in that
3754 jurisdiction, or would be a capital felony if the offense were
3755 committed in this state.

3756

3757 Possession of a firearm, semiautomatic firearm, or machine gun:
3758 If the offender is convicted of committing or attempting to
3759 commit any felony other than those enumerated in s. 775.087(2)
3760 while having in his or her possession: a firearm as defined in
3761 s. 790.001(6), an additional eighteen (18) sentence points are
3762 assessed; or if the offender is convicted of committing or
3763 attempting to commit any felony other than those enumerated in
3764 s. 775.087(3) while having in his or her possession a
3765 semiautomatic firearm as defined in s. 775.087(3) or a machine
3766 gun as defined in s. 790.001(9), an additional twenty-five (25)
3767 sentence points are assessed.

3768

3769 Sentencing multipliers:

3770

3771 Drug trafficking: If the primary offense is drug trafficking



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3772 under s. 893.135, the subtotal sentence points are multiplied,
3773 at the discretion of the court, for a level 7 or level 8
3774 offense, by 1.5. The state attorney may move the sentencing
3775 court to reduce or suspend the sentence of a person convicted of
3776 a level 7 or level 8 offense, if the offender provides
3777 substantial assistance as described in s. 893.135(4).

3778
3779 Law enforcement protection: If the primary offense is a
3780 violation of the Law Enforcement Protection Act under s.
3781 775.0823(2), (3), or (4), the subtotal sentence points are
3782 multiplied by 2.5. If the primary offense is a violation of s.
3783 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
3784 are multiplied by 2.0. If the primary offense is a violation of
3785 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
3786 Protection Act under s. 775.0823(10) or (11), the subtotal
3787 sentence points are multiplied by 1.5.

3788
3789 Grand theft of a motor vehicle: If the primary offense is grand
3790 theft of the third degree involving a motor vehicle and in the
3791 offender's prior record, there are three or more grand thefts of
3792 the third degree involving a motor vehicle, the subtotal
3793 sentence points are multiplied by 1.5.

3794
3795 Offense related to a criminal gang: If the offender is convicted
3796 of the primary offense and committed that offense for the
3797 purpose of benefiting, promoting, or furthering the interests of
3798 a criminal gang as defined in s. 874.03, the subtotal sentence
3799 points are multiplied by 1.5. If applying the multiplier results
3800 in the lowest permissible sentence exceeding the statutory



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3801 maximum sentence for the primary offense under chapter 775, the
3802 court may not apply the multiplier and must sentence the
3803 defendant to the statutory maximum sentence.

3804
3805 Domestic violence in the presence of a child: If the offender is
3806 convicted of the primary offense and the primary offense is a
3807 crime of domestic violence, as defined in s. 741.28, which was
3808 committed in the presence of a child under 16 years of age who
3809 is a family or household member as defined in s. 741.28(3) with
3810 the victim or perpetrator, the subtotal sentence points are
3811 multiplied by 1.5.

3812
3813 Adult-on-minor sex offense: If the offender was 18 years of age
3814 or older and the victim was younger than 18 years of age at the
3815 time the offender committed the primary offense, and if the
3816 primary offense was an offense committed on or after October 1,
3817 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
3818 violation involved a victim who was a minor and, in the course
3819 of committing that violation, the defendant committed a sexual
3820 battery under chapter 794 or a lewd act under s. 800.04 or s.
3821 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
3822 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
3823 800.04; or s. 847.0135(5), the subtotal sentence points are
3824 multiplied by 2.0. If applying the multiplier results in the
3825 lowest permissible sentence exceeding the statutory maximum
3826 sentence for the primary offense under chapter 775, the court
3827 may not apply the multiplier and must sentence the defendant to
3828 the statutory maximum sentence.

3829 (2) The lowest permissible sentence is the minimum sentence



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3830 that may be imposed by the trial court, absent a valid reason
3831 for departure. The lowest permissible sentence is any nonstate
3832 prison sanction in which the total sentence points equals or is
3833 less than 44 points, unless the court determines within its
3834 discretion that a prison sentence, which may be up to the
3835 statutory maximums for the offenses committed, is appropriate.
3836 When the total sentence points exceeds 44 points, the lowest
3837 permissible sentence in prison months shall be calculated by
3838 subtracting 28 points from the total sentence points and
3839 decreasing the remaining total by 25 percent. The total sentence
3840 points shall be calculated only as a means of determining the
3841 lowest permissible sentence. The permissible range for
3842 sentencing shall be the lowest permissible sentence up to and
3843 including the statutory maximum, as defined in s. 775.082, for
3844 the primary offense and any additional offenses before the court
3845 for sentencing. The sentencing court may impose such sentences
3846 concurrently or consecutively. However, any sentence to state
3847 prison must exceed 1 year. If the lowest permissible sentence
3848 under the code exceeds the statutory maximum sentence as
3849 provided in s. 775.082, the sentence required by the code must
3850 be imposed. If the total sentence points are greater than or
3851 equal to 363, the court may sentence the offender to life
3852 imprisonment. An offender sentenced to life imprisonment under
3853 this section is not eligible for any form of discretionary early
3854 release, except executive clemency, ~~or~~ conditional medical
3855 release under s. 945.0911, or conditional aging inmate release
3856 under s. 945.0912 ~~s. 947.149~~.

3857 (3) A single digitized scoresheet shall be prepared for
3858 each defendant to determine the permissible range for the



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3859 sentence that the court may impose, except that if the defendant
3860 is before the court for sentencing for more than one felony and
3861 the felonies were committed under more than one version or
3862 revision of the guidelines or the code, separate digitized
3863 scoresheets must be prepared. The scoresheet or scoresheets must
3864 cover all the defendant's offenses pending before the court for
3865 sentencing. The state attorney shall prepare the digitized
3866 scoresheet or scoresheets, which must be presented to the
3867 defense counsel for review for accuracy in all cases unless the
3868 judge directs otherwise. The defendant's scoresheet or
3869 scoresheets must be approved and signed by the sentencing judge.

3870 (4) The Department of Corrections, in consultation with the
3871 Office of the State Courts Administrator, state attorneys, and
3872 public defenders, must develop and submit the revised digitized
3873 Public Safety Criminal Punishment Code scoresheet to the Supreme
3874 Court for approval by June 15 of each year, as necessary. The
3875 digitized scoresheet shall have individual, structured data
3876 cells for each data field on the scoresheet. Upon the Supreme
3877 Court's approval of the revised digitized scoresheet, the
3878 Department of Corrections shall produce and provide the revised
3879 digitized scoresheets by September 30 of each year, as
3880 necessary. Digitized scoresheets must include individual data
3881 cells to indicate whether any prison sentence imposed includes a
3882 mandatory minimum sentence or the sentence imposed was a
3883 downward departure from the lowest permissible sentence under
3884 the Public Safety Criminal Punishment Code.

3885 (5) The Department of Corrections shall make available the
3886 digitized Public Safety Criminal Punishment Code scoresheets to
3887 those persons charged with the responsibility for preparing



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3888 | scoresheets.

3889 | (6) The clerk of the circuit court shall transmit a
3890 | complete and accurate digitized copy of the Public Safety
3891 | ~~Criminal Punishment~~ Code scoresheet used in each sentencing
3892 | proceeding to the Department of Corrections. Scoresheets must be
3893 | electronically transmitted no less frequently than monthly, by
3894 | the first of each month, and may be sent collectively.

3895 | (7) A digitized sentencing scoresheet must be prepared for
3896 | every defendant who is sentenced for a felony offense. The
3897 | individual offender's digitized Public Safety ~~Criminal~~
3898 | ~~Punishment~~ Code scoresheet and any attachments thereto prepared
3899 | pursuant to Rule 3.701, Rule 3.702, or Rule 3.703, Florida Rules
3900 | of Criminal Procedure, or any other rule pertaining to the
3901 | preparation and submission of felony sentencing scoresheets,
3902 | must be included with the uniform judgment and sentence form
3903 | provided to the Department of Corrections.

3904 | Section 46. Section 921.0025, Florida Statutes, is amended
3905 | to read:

3906 | 921.0025 Adoption and implementation of revised sentencing
3907 | scoresheets.—Rules 3.701, 3.702, 3.703, and 3.988, Florida Rules
3908 | of Criminal Procedure, as revised by the Supreme Court, and any
3909 | other rule pertaining to the preparation and submission of
3910 | felony sentencing scoresheets, are adopted and implemented in
3911 | accordance with this chapter for application to the Public
3912 | Safety ~~Criminal Punishment~~ Code.

3913 | Section 47. Paragraph (m) of subsection (2) of section
3914 | 921.0026, Florida Statutes, is amended to read:

3915 | 921.0026 Mitigating circumstances.—This section applies to
3916 | any felony offense, except any capital felony, committed on or



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3917 after October 1, 1998.

3918 (2) Mitigating circumstances under which a departure from
3919 the lowest permissible sentence is reasonably justified include,
3920 but are not limited to:

3921 (m) The defendant's offense is a nonviolent felony, the
3922 defendant's Public Safety ~~Criminal Punishment~~ Code scoresheet
3923 total sentence points under s. 921.0024 are 60 points or fewer,
3924 and the court determines that the defendant is amenable to the
3925 services of a postadjudicatory treatment-based drug court
3926 program and is otherwise qualified to participate in the program
3927 as part of the sentence. For purposes of this paragraph, the
3928 term "nonviolent felony" has the same meaning as provided in s.
3929 948.08(6).

3930 Section 48. Section 921.0027, Florida Statutes, is amended
3931 to read:

3932 921.0027 Public Safety ~~Criminal Punishment~~ Code and
3933 revisions; applicability.—The Florida Public Safety ~~Criminal~~
3934 ~~Punishment~~ Code applies to all felonies, except capital
3935 felonies, committed on or after October 1, 1998. Any revision to
3936 the Public Safety ~~Criminal Punishment~~ Code applies to sentencing
3937 for all felonies, except capital felonies, committed on or after
3938 the effective date of the revision. Felonies, except capital
3939 felonies, with continuing dates of enterprise shall be sentenced
3940 under the Public Safety ~~Criminal Punishment~~ Code in effect on
3941 the beginning date of the criminal activity.

3942 Section 49. Subsection (1) of section 924.06, Florida
3943 Statutes, is amended to read:

3944 924.06 Appeal by defendant.—

3945 (1) A defendant may appeal from:



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3946 (a) A final judgment of conviction when probation has not
3947 been granted under chapter 948, except as provided in subsection
3948 (3);

3949 (b) An order granting probation under chapter 948;

3950 (c) An order revoking probation under chapter 948;

3951 (d) A sentence, on the ground that it is illegal; or

3952 (e) A sentence imposed under s. 921.0024 of the Public
3953 Safety Criminal Punishment Code which exceeds the statutory
3954 maximum penalty provided in s. 775.082 for an offense at
3955 conviction, or the consecutive statutory maximums for offenses
3956 at conviction, unless otherwise provided by law.

3957 Section 50. Paragraph (i) of subsection (1) of section
3958 924.07, Florida Statutes, is amended to read:

3959 924.07 Appeal by state.—

3960 (1) The state may appeal from:

3961 (i) A sentence imposed below the lowest permissible
3962 sentence established by the Public Safety Criminal Punishment
3963 Code under chapter 921.

3964 Section 51. Paragraph (c) of subsection (3) and paragraph
3965 (e) of subsection (5) of section 944.17, Florida Statutes, are
3966 amended to read:

3967 944.17 Commitments and classification; transfers.—

3968 (3)

3969 (c)1. When the highest ranking offense for which the
3970 prisoner is convicted is a felony, the trial court shall
3971 sentence the prisoner pursuant to the Public Safety Criminal
3972 Punishment Code in chapter 921.

3973 2. When the highest ranking offense for which the prisoner
3974 is convicted is a misdemeanor, the trial court shall sentence



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3975 the prisoner pursuant to s. 775.082(4).

3976 (5) The department shall also refuse to accept a person
3977 into the state correctional system unless the following
3978 documents are presented in a completed form by the sheriff or
3979 chief correctional officer, or a designated representative, to
3980 the officer in charge of the reception process. The department
3981 may, at its discretion, receive such documents electronically:

3982 (e) A copy of the Public Safety ~~Criminal Punishment~~ Code
3983 scoresheet and any attachments thereto prepared pursuant to Rule
3984 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal
3985 Procedure, or any other rule pertaining to the preparation of
3986 felony sentencing scoresheets.

3987
3988 In addition, the sheriff or other officer having such person in
3989 charge shall also deliver with the foregoing documents any
3990 available presentence investigation reports as described in s.
3991 921.231 and any attached documents. After a prisoner is admitted
3992 into the state correctional system, the department may request
3993 such additional records relating to the prisoner as it considers
3994 necessary from the clerk of the court, the Department of
3995 Children and Families, or any other state or county agency for
3996 the purpose of determining the prisoner's proper custody
3997 classification, gain-time eligibility, or eligibility for early
3998 release programs. An agency that receives such a request from
3999 the department must provide the information requested. The
4000 department may, at its discretion, receive such information
4001 electronically.

4002 Section 52. Paragraph (b) of subsection (7) of section
4003 944.605, Florida Statutes, is amended to read:



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4004 944.605 Inmate release; notification; identification card.-

4005 (7)

4006 (b) Paragraph (a) does not apply to inmates who:

4007 1. The department determines have a valid driver license or
4008 state identification card, except that the department shall
4009 provide these inmates with a replacement state identification
4010 card or replacement driver license, if necessary.

4011 2. Have an active detainer, unless the department
4012 determines that cancellation of the detainer is likely or that
4013 the incarceration for which the detainer was issued will be less
4014 than 12 months in duration.

4015 3. Are released due to an emergency release, ~~or~~ a
4016 conditional medical release under s. 945.0911, or conditional
4017 aging inmate release under s. 945.0912 ~~s. 947.149~~.

4018 4. Are not in the physical custody of the department at or
4019 within 180 days before release.

4020 5. Are subject to sex offender residency restrictions, and
4021 who, upon release under such restrictions, do not have a
4022 qualifying address.

4023 Section 53. Paragraph (b) of subsection (1) of section
4024 944.70, Florida Statutes, is amended to read:

4025 944.70 Conditions for release from incarceration.-

4026 (1)

4027 (b) A person who is convicted of a crime committed on or
4028 after January 1, 1994, may be released from incarceration only:

4029 1. Upon expiration of the person's sentence;

4030 2. Upon expiration of the person's sentence as reduced by
4031 accumulated meritorious or incentive gain-time;

4032 3. As directed by an executive order granting clemency;



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4033 4. Upon placement in a conditional release program pursuant
4034 to s. 947.1405, ~~or~~ a conditional medical release program
4035 pursuant to s. 945.0911, or a conditional aging inmate release
4036 program pursuant to s. 945.0912 ~~s. 947.149~~; or

4037 5. Upon the granting of control release, including
4038 emergency control release, pursuant to s. 947.146.

4039 Section 54. Paragraph (h) of subsection (1) of section
4040 947.13, Florida Statutes, is amended to read:

4041 947.13 Powers and duties of commission.—

4042 (1) The commission shall have the powers and perform the
4043 duties of:

4044 ~~(h) Determining what persons will be released on~~
4045 ~~conditional medical release under s. 947.149, establishing the~~
4046 ~~conditions of conditional medical release, and determining~~
4047 ~~whether a person has violated the conditions of conditional~~
4048 ~~medical release and taking action with respect to such a~~
4049 ~~violation.~~

4050 Section 55. Section 947.141, Florida Statutes, is amended
4051 to read:

4052 947.141 Violations of conditional release, control release,
4053 ~~or conditional medical release~~ or addiction-recovery
4054 supervision.—

4055 (1) If a member of the commission or a duly authorized
4056 representative of the commission has reasonable grounds to
4057 believe that an offender who is on release supervision under s.
4058 947.1405, s. 947.146, ~~s. 947.149~~, or s. 944.4731 has violated
4059 the terms and conditions of the release in a material respect,
4060 such member or representative may cause a warrant to be issued
4061 for the arrest of the releasee; if the offender was found to be



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4062 a sexual predator, the warrant must be issued.

4063 (2) Upon the arrest on a felony charge of an offender who
4064 is on release supervision under s. 947.1405, s. 947.146, ~~s.~~
4065 ~~947.149~~, or s. 944.4731, the offender must be detained without
4066 bond until the initial appearance of the offender at which a
4067 judicial determination of probable cause is made. If the trial
4068 court judge determines that there was no probable cause for the
4069 arrest, the offender may be released. If the trial court judge
4070 determines that there was probable cause for the arrest, such
4071 determination also constitutes reasonable grounds to believe
4072 that the offender violated the conditions of the release. Within
4073 24 hours after the trial court judge's finding of probable
4074 cause, the detention facility administrator or designee shall
4075 notify the commission and the department of the finding and
4076 transmit to each a facsimile copy of the probable cause
4077 affidavit or the sworn offense report upon which the trial court
4078 judge's probable cause determination is based. The offender must
4079 continue to be detained without bond for a period not exceeding
4080 72 hours excluding weekends and holidays after the date of the
4081 probable cause determination, pending a decision by the
4082 commission whether to issue a warrant charging the offender with
4083 violation of the conditions of release. Upon the issuance of the
4084 commission's warrant, the offender must continue to be held in
4085 custody pending a revocation hearing held in accordance with
4086 this section.

4087 (3) Within 45 days after notice to the Florida Commission
4088 on Offender Review of the arrest of a releasee charged with a
4089 violation of the terms and conditions of conditional release,
4090 control release, ~~conditional medical release~~, or addiction-



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4091 recovery supervision, the releasee must be afforded a hearing
4092 conducted by a commissioner or a duly authorized representative
4093 thereof. If the releasee elects to proceed with a hearing, the
4094 releasee must be informed orally and in writing of the
4095 following:

4096 (a) The alleged violation with which the releasee is
4097 charged.

4098 (b) The releasee's right to be represented by counsel.

4099 (c) The releasee's right to be heard in person.

4100 (d) The releasee's right to secure, present, and compel the
4101 attendance of witnesses relevant to the proceeding.

4102 (e) The releasee's right to produce documents on the
4103 releasee's own behalf.

4104 (f) The releasee's right of access to all evidence used
4105 against the releasee and to confront and cross-examine adverse
4106 witnesses.

4107 (g) The releasee's right to waive the hearing.

4108 (4) Within a reasonable time following the hearing, the
4109 commissioner or the commissioner's duly authorized
4110 representative who conducted the hearing shall make findings of
4111 fact in regard to the alleged violation. A panel of no fewer
4112 than two commissioners shall enter an order determining whether
4113 the charge of violation of conditional release, control release,
4114 ~~conditional medical release,~~ or addiction-recovery supervision
4115 has been sustained based upon the findings of fact presented by
4116 the hearing commissioner or authorized representative. By such
4117 order, the panel may revoke conditional release, control
4118 release, ~~conditional medical release,~~ or addiction-recovery
4119 supervision and thereby return the releasee to prison to serve



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4120 the sentence imposed, reinstate the original order granting the
4121 release, or enter such other order as it considers proper.

4122 Effective for inmates whose offenses were committed on or after
4123 July 1, 1995, the panel may order the placement of a releasee,
4124 upon a finding of violation pursuant to this subsection, into a
4125 local detention facility as a condition of supervision.

4126 (5) Effective for inmates whose offenses were committed on
4127 or after July 1, 1995, notwithstanding the provisions of ss.
4128 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and
4129 951.23, or any other law to the contrary, by such order as
4130 provided in subsection (4), the panel, upon a finding of guilt,
4131 may, as a condition of continued supervision, place the releasee
4132 in a local detention facility for a period of incarceration not
4133 to exceed 22 months. Prior to the expiration of the term of
4134 incarceration, or upon recommendation of the chief correctional
4135 officer of that county, the commission shall cause inquiry into
4136 the inmate's release plan and custody status in the detention
4137 facility and consider whether to restore the inmate to
4138 supervision, modify the conditions of supervision, or enter an
4139 order of revocation, thereby causing the return of the inmate to
4140 prison to serve the sentence imposed. The provisions of this
4141 section do not prohibit the panel from entering such other order
4142 or conducting any investigation that it deems proper. The
4143 commission may only place a person in a local detention facility
4144 pursuant to this section if there is a contractual agreement
4145 between the chief correctional officer of that county and the
4146 Department of Corrections. The agreement must provide for a per
4147 diem reimbursement for each person placed under this section,
4148 which is payable by the Department of Corrections for the



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4149 duration of the offender's placement in the facility. This
4150 section does not limit the commission's ability to place a
4151 person in a local detention facility for less than 1 year.

4152 (6) Whenever a conditional release, control release,
4153 ~~conditional medical release~~, or addiction-recovery supervision
4154 is revoked by a panel of no fewer than two commissioners and the
4155 releasee is ordered to be returned to prison, the releasee, by
4156 reason of the misconduct, shall be deemed to have forfeited all
4157 gain-time or commutation of time for good conduct, as provided
4158 for by law, earned up to the date of release. However, if a
4159 conditional medical release is revoked due to the improved
4160 medical or physical condition of the releasee, the releasee
4161 shall not forfeit gain-time accrued before the date of
4162 conditional medical release. This subsection does not deprive
4163 the prisoner of the right to gain-time or commutation of time
4164 for good conduct, as provided by law, from the date of return to
4165 prison.

4166 (7) If a law enforcement officer has probable cause to
4167 believe that an offender who is on release supervision under s.
4168 947.1405, s. 947.146, ~~s. 947.149~~, or s. 944.4731 has violated
4169 the terms and conditions of his or her release by committing a
4170 felony offense, the officer shall arrest the offender without a
4171 warrant, and a warrant need not be issued in the case.

4172 Section 56. Paragraph (a) of subsection (7) of section
4173 948.01, Florida Statutes, is amended to read:

4174 948.01 When court may place defendant on probation or into
4175 community control.—

4176 (7) (a) Notwithstanding s. 921.0024 and effective for
4177 offenses committed on or after July 1, 2009, the sentencing



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4178 court may place the defendant into a postadjudicatory treatment-
4179 based drug court program if the defendant's Public Safety
4180 ~~Criminal Punishment~~ Code scoresheet total sentence points under
4181 s. 921.0024 are 60 points or fewer, the offense is a nonviolent
4182 felony, the defendant is amenable to substance abuse treatment,
4183 and the defendant otherwise qualifies under s. 397.334(3). The
4184 satisfactory completion of the program shall be a condition of
4185 the defendant's probation or community control. As used in this
4186 subsection, the term "nonviolent felony" means a third degree
4187 felony violation under chapter 810 or any other felony offense
4188 that is not a forcible felony as defined in s. 776.08.

4189 Section 57. Section 948.015, Florida Statutes, is amended
4190 to read:

4191 948.015 Presentence investigation reports.—The circuit
4192 court, when the defendant in a criminal case has been found
4193 guilty or has entered a plea of nolo contendere or guilty and
4194 has a lowest permissible sentence under the Public Safety
4195 ~~Criminal Punishment~~ Code of any nonstate prison sanction, may
4196 refer the case to the department for investigation or
4197 recommendation. Upon such referral, the department shall make
4198 the following report in writing at a time specified by the court
4199 before ~~prior to~~ sentencing. The full report must ~~shall~~ include:

4200 (1) A complete description of the situation surrounding the
4201 criminal activity with which the offender has been charged,
4202 including a synopsis of the trial transcript, if one has been
4203 made; nature of the plea agreement, including the number of
4204 counts waived, the pleas agreed upon, the sentence agreed upon,
4205 and any additional terms of agreement; and, at the offender's
4206 discretion, his or her version and explanation of the criminal



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4207 activity.

4208 (2) The offender's sentencing status, including whether the
4209 offender is a first offender, a habitual or violent offender, a
4210 youthful offender, or is currently on probation.

4211 (3) The offender's prior record of arrests and convictions.

4212 (4) The offender's educational background.

4213 (5) The offender's employment background, including any
4214 military record, present employment status, and occupational
4215 capabilities.

4216 (6) The offender's financial status, including total
4217 monthly income and estimated total debts.

4218 (7) The social history of the offender, including his or
4219 her family relationships, marital status, interests, and
4220 activities.

4221 (8) The residence history of the offender.

4222 (9) The offender's medical history and, as appropriate, a
4223 psychological or psychiatric evaluation.

4224 (10) Information about the environments to which the
4225 offender might return or to which the offender could be sent
4226 should a sentence of nonincarceration or community supervision
4227 be imposed by the court, and consideration of the offender's
4228 plan concerning employment supervision and treatment.

4229 (11) Information about any resources available to assist
4230 the offender, such as:

4231 (a) Treatment centers.

4232 (b) Residential facilities.

4233 (c) Career training programs.

4234 (d) Special education programs.

4235 (e) Services that may preclude or supplement commitment to



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4236 the department.

4237 (12) The views of the person preparing the report as to the
4238 offender's motivations and ambitions and an assessment of the
4239 offender's explanations for his or her criminal activity.

4240 (13) An explanation of the offender's criminal record, if
4241 any, including his or her version and explanation of any
4242 previous offenses.

4243 (14) A statement regarding the extent of any victim's loss
4244 or injury.

4245 (15) A recommendation as to disposition by the court. The
4246 department shall make a written determination as to the reasons
4247 for its recommendation, and shall include an evaluation of the
4248 following factors:

4249 (a) The appropriateness or inappropriateness of community
4250 facilities, programs, or services for treatment or supervision
4251 for the offender.

4252 (b) The ability or inability of the department to provide
4253 an adequate level of supervision for the offender in the
4254 community and a statement of what constitutes an adequate level
4255 of supervision.

4256 (c) The existence of other treatment modalities which the
4257 offender could use but which do not exist at present in the
4258 community.

4259 Section 58. Paragraph (j) of subsection (2) of section
4260 948.06, Florida Statutes, is amended to read:

4261 948.06 Violation of probation or community control;
4262 revocation; modification; continuance; failure to pay
4263 restitution or cost of supervision.—

4264 (2)



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4265 (j)1. Notwithstanding s. 921.0024 and effective for
4266 offenses committed on or after July 1, 2009, the court may order
4267 the defendant to successfully complete a postadjudicatory
4268 treatment-based drug court program if:

4269 a. The court finds or the offender admits that the offender
4270 has violated his or her community control or probation;

4271 b. The offender's Public Safety ~~Criminal Punishment~~ Code
4272 scoresheet total sentence points under s. 921.0024 are 60 points
4273 or fewer after including points for the violation;

4274 c. The underlying offense is a nonviolent felony. As used
4275 in this subsection, the term "nonviolent felony" means a third
4276 degree felony violation under chapter 810 or any other felony
4277 offense that is not a forcible felony as defined in s. 776.08;

4278 d. The court determines that the offender is amenable to
4279 the services of a postadjudicatory treatment-based drug court
4280 program;

4281 e. The court has explained the purpose of the program to
4282 the offender and the offender has agreed to participate; and

4283 f. The offender is otherwise qualified to participate in
4284 the program under ~~the provisions of~~ s. 397.334(3).

4285 2. After the court orders the modification of community
4286 control or probation, the original sentencing court shall
4287 relinquish jurisdiction of the offender's case to the
4288 postadjudicatory treatment-based drug court program until the
4289 offender is no longer active in the program, the case is
4290 returned to the sentencing court due to the offender's
4291 termination from the program for failure to comply with the
4292 terms thereof, or the offender's sentence is completed.

4293 Section 59. Subsection (1) of section 948.20, Florida



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4294 Statutes, is amended to read:

4295 948.20 Drug offender probation.—

4296 (1) If it appears to the court upon a hearing that the
4297 defendant is a chronic substance abuser whose criminal conduct
4298 is a violation of s. 893.13(2)(a) or (6)(a), or other nonviolent
4299 felony if such nonviolent felony is committed on or after July
4300 1, 2009, and notwithstanding s. 921.0024, the defendant's Public
4301 Safety Criminal Punishment Code scoresheet total sentence points
4302 are 60 points or fewer, the court may either adjudge the
4303 defendant guilty or stay and withhold the adjudication of guilt.
4304 In either case, the court may also stay and withhold the
4305 imposition of sentence and place the defendant on drug offender
4306 probation or into a postadjudicatory treatment-based drug court
4307 program if the defendant otherwise qualifies. As used in this
4308 section, the term "nonviolent felony" means a third degree
4309 felony violation under chapter 810 or any other felony offense
4310 that is not a forcible felony as defined in s. 776.08.

4311 Section 60. Paragraph (c) of subsection (2) of section
4312 948.51, Florida Statutes, is amended to read:

4313 948.51 Community corrections assistance to counties or
4314 county consortiums.—

4315 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A
4316 county, or a consortium of two or more counties, may contract
4317 with the Department of Corrections for community corrections
4318 funds as provided in this section. In order to enter into a
4319 community corrections partnership contract, a county or county
4320 consortium must have a public safety coordinating council
4321 established under s. 951.26 and must designate a county officer
4322 or agency to be responsible for administering community



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4323 corrections funds received from the state. The public safety
4324 coordinating council shall prepare, develop, and implement a
4325 comprehensive public safety plan for the county, or the
4326 geographic area represented by the county consortium, and shall
4327 submit an annual report to the Department of Corrections
4328 concerning the status of the program. In preparing the
4329 comprehensive public safety plan, the public safety coordinating
4330 council shall cooperate with the juvenile justice circuit
4331 advisory board established under s. 985.664 in order to include
4332 programs and services for juveniles in the plan. To be eligible
4333 for community corrections funds under the contract, the initial
4334 public safety plan must be approved by the governing board of
4335 the county, or the governing board of each county within the
4336 consortium, and the Secretary of Corrections based on the
4337 requirements of this section. If one or more other counties
4338 develop a unified public safety plan, the public safety
4339 coordinating council shall submit a single application to the
4340 department for funding. Continued contract funding shall be
4341 pursuant to subsection (5). The plan for a county or county
4342 consortium must cover at least a 5-year period and must include:

4343 (c) Specific goals and objectives for reducing the
4344 projected percentage of commitments to the state prison system
4345 of persons with low total sentencing scores pursuant to the
4346 Public Safety Criminal Punishment Code.

4347 Section 61. Subsection (3) of section 958.04, Florida
4348 Statutes, is amended to read:

4349 958.04 Judicial disposition of youthful offenders.—

4350 (3) ~~The provisions of~~ This section may ~~shall~~ not be used to
4351 impose a greater sentence than the permissible sentence range as



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4352 established by the Public Safety ~~Criminal Punishment~~ Code
4353 pursuant to chapter 921 unless reasons are explained in writing
4354 by the trial court judge which reasonably justify departure. A
4355 sentence imposed outside of the code is subject to appeal
4356 pursuant to s. 924.06 or s. 924.07.

4357 Section 62. Subsection (4) of section 985.465, Florida
4358 Statutes, is amended to read:

4359 985.465 Juvenile correctional facilities or juvenile
4360 prison.—A juvenile correctional facility or juvenile prison is a
4361 physically secure residential commitment program with a
4362 designated length of stay from 18 months to 36 months, primarily
4363 serving children 13 years of age to 19 years of age or until the
4364 jurisdiction of the court expires. Each child committed to this
4365 level must meet one of the following criteria:

4366 (4) The child is at least 13 years of age at the time of
4367 the disposition for the current offense, the child is eligible
4368 for prosecution as an adult for the current offense, and the
4369 current offense is ranked at level 7 or higher on the Public
4370 Safety ~~Criminal Punishment~~ Code offense severity ranking chart
4371 pursuant to s. 921.0022.

4372 Section 63. Except as otherwise expressly provided in this
4373 act, and except for this section, which shall take effect upon
4374 this act becoming a law, this act shall take effect October 1,
4375 2020.

4376 ===== T I T L E A M E N D M E N T =====
4377 And the title is amended as follows:

4378 Delete everything before the enacting clause
4379 and insert:

4380 A bill to be entitled



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4381 An act relating to criminal justice; creating s.
4382 322.3401, F.S.; providing legislative intent; defining
4383 terms; requiring certain persons convicted of driving
4384 while license suspended, revoked, canceled, or
4385 disqualified committed before a specified date to be
4386 sentenced in a specified manner in accordance with the
4387 amendments in chapter 2019-167, Laws of Florida;
4388 authorizing a court to resentence persons who
4389 committed such violations before a specified date and
4390 are serving terms of imprisonment or supervision;
4391 providing resentencing requirements; requiring certain
4392 outstanding fines, fees, and costs to be waived;
4393 requiring certain persons convicted of driving while
4394 license suspended, revoked, canceled, or disqualified
4395 to have such conviction treated as a misdemeanor for
4396 specified purposes; amending s. 379.407, F.S.;
4397 deleting provisions requiring mandatory minimum terms
4398 of imprisonment for certain offenses relating to spiny
4399 lobsters and saltwater products; amending s. 403.4154,
4400 F.S.; deleting provisions requiring specified
4401 sentences of imprisonment for certain offenses related
4402 to a phosphogypsum stack or stack system; amending s.
4403 456.065, F.S.; deleting provisions requiring minimum
4404 mandatory terms of imprisonment for the violation of
4405 certain offenses related to the unlicensed practice of
4406 a health care profession; amending s. 624.401, F.S.;
4407 deleting provisions requiring minimum terms of
4408 imprisonment for certain offenses related to insurers
4409 operating without a certificate of authority; amending



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4410 s. 775.082, F.S.; revising the required sentencing
4411 structure for prison releasee reoffenders upon proof
4412 from a state attorney which establishes that a
4413 defendant is a prison releasee reoffender; deleting a
4414 provision that prohibits a prison releasee reoffender
4415 from eligibility for any form of early release and
4416 that requires a prison releasee reoffender to serve
4417 100 percent of the court-imposed sentence; providing
4418 legislative intent; defining a term; applying the
4419 revised sentencing structure to specified persons
4420 under certain circumstances; providing resentencing
4421 requirements; deleting a provision relating to
4422 legislative intent; deleting a provision that requires
4423 a state attorney to explain a sentencing deviation in
4424 writing under certain circumstances; conforming
4425 provisions to changes made by the act; amending s.
4426 817.234, F.S.; deleting provisions requiring mandatory
4427 minimum terms of imprisonment for certain offenses
4428 related to false and fraudulent insurance claims;
4429 amending s. 893.135, F.S.; creating exceptions to
4430 ineligibility for discretionary early release for
4431 conditional aging inmate release for the violation of
4432 specified drug trafficking offenses; authorizing a
4433 court to impose a sentence other than a mandatory
4434 minimum term of imprisonment and mandatory fine for a
4435 person convicted of trafficking if the court makes
4436 certain findings on the record; conforming provisions
4437 to changes made by the act; amending s. 921.002, F.S.;
4438 renaming the Criminal Punishment Code as the Public



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4439 Safety Code; revising the primary purpose of
4440 sentencing under the Public Safety Code from
4441 punishment to public safety; reenacting and amending
4442 s. 921.1402, F.S.; revising the circumstances under
4443 which a juvenile offender is not entitled to a review
4444 of his or her sentence after a specified timeframe;
4445 creating s. 921.14021, F.S.; providing legislative
4446 intent for retroactive application; providing for
4447 retroactive application of a specified provision
4448 relating to a review of sentence for juvenile
4449 offenders convicted of murder; providing for immediate
4450 review of certain sentences; creating s. 921.1403,
4451 F.S.; providing legislative intent for retroactive
4452 application; defining the term "young adult offender";
4453 precluding eligibility for a sentence review for young
4454 adult offenders who previously committed, or conspired
4455 to commit, murder; providing timeframes within which
4456 young adult offenders who commit specified crimes are
4457 entitled to a review of their sentences; providing
4458 applicability; requiring the Department of Corrections
4459 to notify young adult offenders in writing of their
4460 eligibility for sentence review within certain
4461 timeframes; requiring a young adult offender seeking a
4462 sentence review or a subsequent sentence review to
4463 submit an application to the original sentencing court
4464 and request a hearing; providing for legal
4465 representation of eligible young adult offenders;
4466 providing for one subsequent review hearing for the
4467 young adult offender after a certain timeframe if he



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4468 or she is not resentenced at the initial sentence
4469 review hearing; requiring the original sentencing
4470 court to hold a sentence review hearing upon receiving
4471 an application from an eligible young adult offender;
4472 requiring the court to consider certain factors in
4473 determining whether to modify the young adult
4474 offender's sentence; authorizing a court to modify the
4475 sentence of certain young adult offenders if the court
4476 makes certain determinations; requiring the court to
4477 issue a written order stating certain information in
4478 specified circumstances; amending s. 925.11, F.S.;
4479 defining terms; authorizing specified persons to
4480 petition a court for postsentencing forensic analysis
4481 that may result in evidence of the identity of a
4482 perpetrator or an accomplice to a crime; providing
4483 requirements for such petition; requiring a court to
4484 make specified findings before entering an order for
4485 forensic analysis; providing for payment of costs
4486 associated with such forensic analysis; requiring the
4487 forensic analysis to be performed by the Department of
4488 Law Enforcement; providing exceptions; providing
4489 requirements for such exceptions; requiring the
4490 department to submit a DNA profile meeting submission
4491 standards to certain DNA databases; requiring the
4492 results of the DNA database search to be provided to
4493 specified parties; authorizing a court to order
4494 specified persons to conduct a search for physical
4495 evidence reported to be missing or destroyed in
4496 violation of law; requiring a report of the results of



4497 such a search; providing for requirements and
4498 distribution of such report; amending s. 925.12, F.S.;
4499 authorizing specified defendants to petition for
4500 forensic analysis after entering a plea of guilty or
4501 nolo contendere; requiring a court to inquire of a
4502 defendant about specified information relating to
4503 physical evidence before accepting a plea; revising
4504 legislative intent; creating s. 943.0587, F.S.;
4505 defining terms; providing that persons who meet
4506 specified criteria are eligible to petition a court to
4507 expunge a criminal history record for convictions of
4508 driving while license suspended, revoked, canceled, or
4509 disqualified; requiring such persons to apply to the
4510 Department of Law Enforcement for a certificate of
4511 eligibility for expunction; requiring the department to
4512 adopt rules; requiring the department to issue such
4513 certificates if specified conditions are met;
4514 providing for the timeframe during which a certificate
4515 is valid; providing requirements for such petitions;
4516 providing criminal penalties; providing court
4517 authority and procedures relating to a petition to
4518 expunge; providing for the effects of expunction
4519 orders; amending s. 943.325, F.S.; authorizing certain
4520 samples obtained from postsentencing forensic analysis
4521 to be entered into the statewide DNA database;
4522 authorizing DNA analysis and results to be released to
4523 specified entities; amending s. 943.3251, F.S.;
4524 requiring the department, its designee, or a private
4525 laboratory to carry out certain forensic analysis and



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4526 searches of the statewide DNA database; requiring the
4527 results of forensic analysis and a DNA database search
4528 to be provided to specified entities; amending s.
4529 944.705, F.S.; requiring the Department of Corrections
4530 to notify every inmate of specified information upon
4531 their release; creating s. 945.0911, F.S.; providing
4532 legislative findings; establishing the conditional
4533 medical release program within the department;
4534 establishing a panel to consider specified matters;
4535 defining terms; providing for program eligibility;
4536 authorizing an inmate to be released on conditional
4537 medical release before serving 85 percent of his or
4538 her term of imprisonment; requiring any inmate who
4539 meets certain criteria to be considered for
4540 conditional medical release; providing that the inmate
4541 does not have a right to release or to a certain
4542 medical evaluation; requiring the department to
4543 identify eligible inmates; requiring the department to
4544 refer certain inmates to the panel for consideration;
4545 providing for victim notification under certain
4546 circumstances; requiring the panel to conduct a
4547 hearing within specified timeframes; specifying
4548 requirements for the hearing; providing conditions for
4549 release; providing that an inmate who is approved for
4550 conditional medical release must be released from the
4551 department in a reasonable amount of time; providing
4552 that an inmate is considered a medical releasee upon
4553 release from the department into the community;
4554 providing a review process for an inmate who is denied



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4555 release; requiring medical releasees to comply with
4556 specified conditions; providing that medical releasees
4557 remain in the custody, supervision, and control of the
4558 department; providing that a medical releasee is
4559 eligible to earn or lose gain-time; prohibiting a
4560 medical releasee or his or her community-based housing
4561 from being counted in the prison system population and
4562 the prison capacity figures, respectively; providing
4563 for the revocation of a medical releasee's conditional
4564 medical release; authorizing the medical releasee to
4565 be returned to the department's custody if his or her
4566 medical or physical condition improves; authorizing
4567 the department to order a medical releasee to be
4568 returned for a revocation hearing or to remain in the
4569 community pending such hearing; authorizing the
4570 department to issue a warrant for the arrest of a
4571 medical releasee under certain circumstances;
4572 authorizing a medical releasee to admit to the
4573 allegation that his or her medical or physical
4574 condition improved or to proceed to a revocation
4575 hearing; requiring such hearing to be conducted by the
4576 panel; requiring certain evidence to be reviewed and a
4577 recommendation to be made before such hearing;
4578 requiring a majority of the panel members to agree
4579 that revocation of medical release is appropriate;
4580 requiring a medical releasee to be recommitted to the
4581 department to serve the balance of his or her sentence
4582 if a conditional medical release is revoked; providing
4583 that gain-time is not forfeited for revocation based



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4584 on improvement in the medical releasee's condition;
4585 providing a review process for a medical releasee who
4586 has his or her release revoked; authorizing the
4587 medical releasee to be recommitted if he or she
4588 violates any conditions of the release; authorizing
4589 certain entities to issue a warrant for the arrest of
4590 a medical releasee if certain conditions are met;
4591 authorizing a law enforcement or probation officer to
4592 arrest a medical releasee without a warrant under
4593 certain circumstances; requiring that the medical
4594 releasee be detained if a violation is based on
4595 certain circumstances; authorizing certain entities to
4596 issue a warrant for the arrest of a medical releasee
4597 if certain conditions are met; authorizing law
4598 enforcement or probation officer to arrest a medical
4599 releasee without a warrant under certain
4600 circumstances; authorizing a medical releasee to admit
4601 to the alleged violation or to proceed to a revocation
4602 hearing; requiring such hearing to be conducted by the
4603 panel; requiring a majority of the panel members to
4604 agree that revocation of medical release is
4605 appropriate; requiring specified medical releasees to
4606 be recommitted to the department upon the revocation
4607 of the conditional medical release; authorizing the
4608 forfeiture of gain-time if the revocation is based on
4609 certain violations; providing a review process for a
4610 medical releasee who has his or her release revoked;
4611 requiring that the medical releasee be given specified
4612 information in certain instances; requiring the panel



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4613 to provide a written statement as to evidence relied
4614 on and reasons for revocation; requiring a medical
4615 releasee whose release is revoked and who is
4616 recommitted to the department to comply with the 85
4617 percent requirement upon recommitment; requiring the
4618 department to notify certain persons within a
4619 specified timeframe of an inmate's diagnosis of a
4620 terminal medical condition; requiring the department
4621 to allow a visit between an inmate and certain persons
4622 within 7 days of a diagnosis of a terminal medical
4623 condition; requiring the department to initiate the
4624 conditional medical release review process immediately
4625 upon an inmate's diagnosis of a terminal medical
4626 condition; requiring the inmate to consent to release
4627 of information under certain circumstances; providing
4628 members of the panel have sovereign immunity related
4629 to specified decisions; providing rulemaking
4630 authority; creating s. 945.0912, F.S.; providing
4631 legislative findings; establishing the conditional
4632 aging inmate release program within the department;
4633 establishing a panel to consider specified matters;
4634 providing for program eligibility; providing that an
4635 inmate may be released on conditional aging inmate
4636 release before serving 85 percent of his or her term
4637 of imprisonment; prohibiting certain inmates from
4638 being considered for conditional aging release;
4639 requiring that an inmate who meets certain criteria be
4640 considered for conditional aging inmate release;
4641 providing that the inmate does not have a right to



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4642 release; requiring the department to identify eligible
4643 inmates; requiring the department to refer certain
4644 inmates to the panel for consideration; providing
4645 victim notification requirements under certain
4646 circumstances; requiring the panel to conduct a
4647 hearing within specified timeframes; specifying
4648 requirements for the hearing; requiring that inmates
4649 who are approved for conditional aging inmate release
4650 be released from the department's custody within a
4651 reasonable amount of time; providing that an inmate is
4652 considered an aging releasee upon release from the
4653 department into the community; providing a review
4654 process for an inmate who is denied release; providing
4655 conditions for release; providing that aging releasees
4656 remain in the custody, supervision, and control of the
4657 department; providing that the department does not
4658 have a duty to provide medical care to an aging
4659 releasee; providing that an aging releasee is eligible
4660 to earn or lose gain-time; prohibiting an aging
4661 releasee or his or her community-based housing from
4662 being counted in the prison system population and the
4663 prison capacity figures, respectively; providing for
4664 the revocation of conditional aging inmate release;
4665 authorizing the department to issue a warrant for the
4666 arrest of an aging releasee under certain
4667 circumstances; authorizing a law enforcement or
4668 probation officer to arrest an aging releasee without
4669 a warrant under certain circumstances; requiring an
4670 aging releasee to be detained without bond if a



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4671 violation is based on certain circumstances; requiring
4672 the department to order an aging releasee subject to
4673 revocation to be returned to department custody for a
4674 revocation hearing; authorizing an aging releasee to
4675 admit to his or her alleged violation or to proceed to
4676 a revocation hearing; requiring such hearing to be
4677 conducted by the panel; requiring a majority of the
4678 panel to agree that revocation is appropriate;
4679 authorizing the forfeiture of gain-time if the
4680 revocation is based on certain violations; providing
4681 that an aging releasee whose conditional aging inmate
4682 release is revoked and is recommitted to the
4683 department must comply with the 85 percent requirement
4684 upon recommitment; providing a review process for an
4685 aging releasee who has his or her released revoked;
4686 requiring the aging releasee to be given specified
4687 information in certain instances; requiring the panel
4688 to provide a written statement as to evidence relied
4689 on and reasons for revocation; providing that members
4690 of the panel have sovereign immunity related to
4691 specified decisions; providing rulemaking authority;
4692 repealing s. 947.149, F.S., relating to conditional
4693 medical release; amending s. 948.06, F.S.; requiring a
4694 court to modify or continue a probationary term upon
4695 finding that a probationer has met all specified
4696 conditions, rather than any of the conditions, after a
4697 violation of probation; creating s. 951.30, F.S.;
4698 requiring that administrators of county detention
4699 facilities provide inmates with certain information in



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4700 writing upon their release; amending s. 961.02, F.S.;

4701 revising and redefining terms; amending s. 961.03,

4702 F.S.; revising the minimum requirements of a petition

4703 that a person must set forth in order to meet the

4704 definition of a "wrongfully incarcerated person";

4705 extending the filing deadline for a person to file a

4706 petition claiming wrongful incarceration; providing

4707 limited retroactivity for filing a petition claiming

4708 wrongful incarceration; providing that certain persons

4709 do not have standing to file a claim on behalf of a

4710 deceased person; conforming provisions to changes made

4711 by the act; repealing s. 961.04, F.S., relating to

4712 eligibility for compensation for wrongful

4713 incarceration; amending s. 961.05, F.S.; conforming

4714 provisions to changes made by the act; amending s.

4715 961.06, F.S.; revising the date after which the Chief

4716 Financial Officer is authorized to adjust the annual

4717 rate of compensation for a wrongfully incarcerated

4718 person; deleting provisions relating to calculating

4719 monetary compensation for certain wrongfully

4720 incarcerated persons; requiring the state to deduct

4721 the amount of a civil award from the state

4722 compensation amount owed if the claimant first

4723 receives a civil award; deleting a requirement that a

4724 wrongfully incarcerated person sign a release and

4725 waiver before receiving compensation; requiring a

4726 claimant to reimburse the state for any difference

4727 between state compensation and a civil award if the

4728 claimant receives statutory compensation before a



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4729 civil award; requiring a claimant to notify the
4730 Department of Legal Affairs upon filing a civil
4731 action; deleting a provision prohibiting a wrongfully
4732 incarcerated person from submitting an application for
4733 compensation if the person has a lawsuit pending
4734 requesting compensation; requiring the department to
4735 file a notice of payment of monetary compensation in
4736 the civil action; conforming provisions to changes
4737 made by the act; amending s. 1009.21, F.S.; providing
4738 that a specified period of time spent in a county
4739 detention facility or state correctional facility
4740 counts toward a certain residency requirement for
4741 tuition purposes; requiring the Office of Program
4742 Policy and Governmental Accountability (OPPAGA) to
4743 conduct a study to evaluate the various opportunities
4744 available to persons returning to the community from
4745 imprisonment; providing study requirements; requiring
4746 OPPAGA to submit a report to the Governor and the
4747 Legislature by a specified date; conforming provisions
4748 to changes made by the act; amending ss. 316.1935,
4749 775.084, 775.087, 782.051, 784.07, 790.235, 794.0115,
4750 817.568, 893.03, 893.13, 893.20, 910.035, 921.0022,
4751 921.0023, 921.0024, 921.0025, 921.0026, 921.0027,
4752 924.06, 924.07, 944.17, 944.605, 944.70, 947.13,
4753 947.141, 948.01, 948.015, 948.06, 948.20, 948.51,
4754 958.04, and 985.465, F.S.; conforming provisions to
4755 changes made by the act; providing effective dates.