



695928

576-04137-20

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to criminal justice; creating s.  
322.3401, F.S.; providing legislative intent; defining  
terms; requiring certain persons convicted of driving  
while license suspended, revoked, canceled, or  
disqualified committed before a specified date to be  
sentenced in a specified manner in accordance with the  
amendments in ch. 2019-167, Laws of Florida;  
authorizing a court to resentence persons who  
committed such violations before a specified date and  
are serving terms of imprisonment or supervision;  
providing resentencing requirements; requiring certain  
outstanding fines, fees, and costs to be waived;  
requiring certain persons convicted of driving while  
license suspended, revoked, canceled, or disqualified  
to have such conviction treated as a misdemeanor for  
specified purposes; amending s. 379.407, F.S.;  
deleting provisions requiring mandatory minimum terms  
of imprisonment for certain offenses relating to spiny  
lobsters and saltwater products; amending s. 403.4154,  
F.S.; deleting provisions requiring specified  
sentences of imprisonment for certain offenses related  
to a phosphogypsum stack or stack system; amending s.  
456.065, F.S.; deleting provisions requiring minimum  
mandatory terms of imprisonment for the violation of  
certain offenses related to the unlicensed practice of  
a health care profession; amending s. 624.401, F.S.;



695928

576-04137-20

28 deleting provisions requiring minimum terms of  
29 imprisonment for certain offenses related to insurers  
30 operating without a certificate of authority; amending  
31 s. 775.082, F.S.; revising the required sentencing  
32 structure for prison releasee reoffenders upon proof  
33 from a state attorney which establishes that a  
34 defendant is a prison releasee reoffender; deleting a  
35 provision that prohibits a prison releasee reoffender  
36 from eligibility for any form of early release and  
37 that requires a prison releasee reoffender to serve  
38 100 percent of the court-imposed sentence; providing  
39 legislative intent; defining a term; applying the  
40 revised sentencing structure to specified persons  
41 under certain circumstances; providing resentencing  
42 requirements; deleting a provision relating to  
43 legislative intent; deleting a provision that requires  
44 a state attorney to explain a sentencing deviation in  
45 writing under certain circumstances; conforming  
46 provisions to changes made by the act; amending s.  
47 817.234, F.S.; deleting provisions requiring mandatory  
48 minimum terms of imprisonment for certain offenses  
49 related to false and fraudulent insurance claims;  
50 amending s. 893.135, F.S.; creating exceptions to  
51 ineligibility for discretionary early release for  
52 conditional aging inmate release for the violation of  
53 specified drug trafficking offenses; authorizing a  
54 court to impose a sentence other than a mandatory  
55 minimum term of imprisonment and mandatory fine for a  
56 person convicted of trafficking if the court makes



695928

576-04137-20

57 certain findings on the record; conforming provisions  
58 to changes made by the act; amending s. 921.002, F.S.;  
59 renaming the Criminal Punishment Code as the Public  
60 Safety Code; revising the primary purpose of  
61 sentencing under the Public Safety Code from  
62 punishment to public safety; reenacting and amending  
63 s. 921.1402, F.S.; revising the circumstances under  
64 which a juvenile offender is not entitled to a review  
65 of his or her sentence after a specified timeframe;  
66 creating s. 921.14021, F.S.; providing legislative  
67 intent for retroactive application; providing for  
68 retroactive application of a specified provision  
69 relating to a review of sentence for juvenile  
70 offenders convicted of murder; providing for immediate  
71 review of certain sentences; creating s. 921.1403,  
72 F.S.; providing legislative intent for retroactive  
73 application; defining the term "young adult offender";  
74 precluding eligibility for a sentence review for young  
75 adult offenders who previously committed, or conspired  
76 to commit, murder; providing timeframes within which  
77 young adult offenders who commit specified crimes are  
78 entitled to a review of their sentences; providing  
79 applicability; requiring the Department of Corrections  
80 to notify young adult offenders in writing of their  
81 eligibility for sentence review within certain  
82 timeframes; requiring a young adult offender seeking a  
83 sentence review or a subsequent sentence review to  
84 submit an application to the original sentencing court  
85 and request a hearing; providing for legal



695928

576-04137-20

86 representation of eligible young adult offenders;  
87 providing for one subsequent review hearing for the  
88 young adult offender after a certain timeframe if he  
89 or she is not resentenced at the initial sentence  
90 review hearing; requiring the original sentencing  
91 court to hold a sentence review hearing upon receiving  
92 an application from an eligible young adult offender;  
93 requiring the court to consider certain factors in  
94 determining whether to modify the young adult  
95 offender's sentence; authorizing a court to modify the  
96 sentence of certain young adult offenders if the court  
97 makes certain determinations; requiring the court to  
98 issue a written order stating certain information in  
99 specified circumstances; amending s. 925.11, F.S.;  
100 defining terms; authorizing specified persons to  
101 petition a court for postsentencing forensic analysis  
102 that may result in evidence of the identity of a  
103 perpetrator or an accomplice to a crime; providing  
104 requirements for such petition; requiring a court to  
105 make specified findings before entering an order for  
106 forensic analysis; providing for payment of costs  
107 associated with such forensic analysis; requiring the  
108 forensic analysis to be performed by the Department of  
109 Law Enforcement; providing exceptions; providing  
110 requirements for such exceptions; requiring the  
111 department to submit a DNA profile meeting submission  
112 standards to certain DNA databases; requiring the  
113 results of the DNA database search to be provided to  
114 specified parties; authorizing a court to order



695928

576-04137-20

115 specified persons to conduct a search for physical  
116 evidence reported to be missing or destroyed in  
117 violation of law; requiring a report of the results of  
118 such a search; providing for requirements and  
119 distribution of such report; amending s. 925.12, F.S.;  
120 authorizing specified defendants to petition for  
121 forensic analysis after entering a plea of guilty or  
122 nolo contendere; requiring a court to inquire of a  
123 defendant about specified information relating to  
124 physical evidence before accepting a plea; revising  
125 legislative intent; creating s. 943.0587, F.S.;  
126 defining terms; providing that persons who meet  
127 specified criteria are eligible to petition a court to  
128 expunge a criminal history record for convictions of  
129 driving while license suspended, revoked, canceled, or  
130 disqualified; requiring such persons to apply to the  
131 Department of Law Enforcement for a certificate of  
132 eligibility for expunction; requiring the department to  
133 adopt rules; requiring the department to issue such  
134 certificates if specified conditions are met;  
135 providing for the timeframe during which a certificate  
136 is valid; providing requirements for such petitions;  
137 providing criminal penalties; providing court  
138 authority and procedures relating to a petition to  
139 expunge; providing for the effects of expunction  
140 orders; amending s. 943.325, F.S.; authorizing certain  
141 samples obtained from postsentencing forensic analysis  
142 to be entered into the statewide DNA database;  
143 authorizing DNA analysis and results to be released to



695928

576-04137-20

144 specified entities; amending s. 943.3251, F.S.;

145 requiring the department, its designee, or a private

146 laboratory to carry out certain forensic analysis and

147 searches of the statewide DNA database; requiring the

148 results of forensic analysis and a DNA database search

149 to be provided to specified entities; amending s.

150 944.705, F.S.; requiring the Department of Corrections

151 to notify every inmate of specified information upon

152 their release; creating s. 945.0911, F.S.; providing

153 legislative findings; establishing the conditional

154 medical release program within the department;

155 establishing a panel to consider specified matters;

156 defining terms; providing for program eligibility;

157 authorizing an inmate to be released on conditional

158 medical release before serving 85 percent of his or

159 her term of imprisonment; requiring any inmate who

160 meets certain criteria to be considered for

161 conditional medical release; providing that the inmate

162 does not have a right to release or to a certain

163 medical evaluation; requiring the department to

164 identify eligible inmates; requiring the department to

165 refer certain inmates to the panel for consideration;

166 providing for victim notification under certain

167 circumstances; requiring the panel to conduct a

168 hearing within specified timeframes; specifying

169 requirements for the hearing; providing conditions for

170 release; providing that an inmate who is approved for

171 conditional medical release must be released from the

172 department in a reasonable amount of time; providing



695928

576-04137-20

173 that an inmate is considered a medical releasee upon  
174 release from the department into the community;  
175 providing a review process for an inmate who is denied  
176 release; requiring medical releasees to comply with  
177 specified conditions; providing that medical releasees  
178 remain in the custody, supervision, and control of the  
179 department; providing that a medical releasee is  
180 eligible to earn or lose gain-time; prohibiting a  
181 medical releasee or his or her community-based housing  
182 from being counted in the prison system population and  
183 the prison capacity figures, respectively; providing  
184 for the revocation of a medical releasee's conditional  
185 medical release; authorizing the medical releasee to  
186 be returned to the department's custody if his or her  
187 medical or physical condition improves; authorizing  
188 the department to order a medical releasee to be  
189 returned for a revocation hearing or to remain in the  
190 community pending such hearing; authorizing the  
191 department to issue a warrant for the arrest of a  
192 medical releasee under certain circumstances;  
193 authorizing a medical releasee to admit to the  
194 allegation that his or her medical or physical  
195 condition improved or to proceed to a revocation  
196 hearing; requiring such hearing to be conducted by the  
197 panel; requiring certain evidence to be reviewed and a  
198 recommendation to be made before such hearing;  
199 requiring a majority of the panel members to agree  
200 that revocation of medical release is appropriate;  
201 requiring a medical releasee to be recommitted to the



695928

576-04137-20

202 department to serve the balance of his or her sentence  
203 if a conditional medical release is revoked; providing  
204 that gain-time is not forfeited for revocation based  
205 on improvement in the medical releasee's condition;  
206 providing a review process for a medical releasee who  
207 has his or her release revoked; authorizing the  
208 medical releasee to be recommitted if he or she  
209 violates any conditions of the release; authorizing  
210 certain entities to issue a warrant for the arrest of  
211 a medical releasee if certain conditions are met;  
212 authorizing a law enforcement or probation officer to  
213 arrest a medical releasee without a warrant under  
214 certain circumstances; requiring that the medical  
215 releasee be detained if a violation is based on  
216 certain circumstances; authorizing certain entities to  
217 issue a warrant for the arrest of a medical releasee  
218 if certain conditions are met; authorizing law  
219 enforcement or probation officer to arrest a medical  
220 releasee without a warrant under certain  
221 circumstances; authorizing a medical releasee to admit  
222 to the alleged violation or to proceed to a revocation  
223 hearing; requiring such hearing to be conducted by the  
224 panel; requiring a majority of the panel members to  
225 agree that revocation of medical release is  
226 appropriate; requiring specified medical releasees to  
227 be recommitted to the department upon the revocation  
228 of the conditional medical release; authorizing the  
229 forfeiture of gain-time if the revocation is based on  
230 certain violations; providing a review process for a





695928

576-04137-20

231 medical releasee who has his or her release revoked;  
232 requiring that the medical releasee be given specified  
233 information in certain instances; requiring the panel  
234 to provide a written statement as to evidence relied  
235 on and reasons for revocation; requiring a medical  
236 releasee whose release is revoked and who is  
237 recommitted to the department to comply with the 85  
238 percent requirement upon recommitment; requiring the  
239 department to notify certain persons within a  
240 specified timeframe of an inmate's diagnosis of a  
241 terminal medical condition; requiring the department  
242 to allow a visit between an inmate and certain persons  
243 within 7 days of a diagnosis of a terminal medical  
244 condition; requiring the department to initiate the  
245 conditional medical release review process immediately  
246 upon an inmate's diagnosis of a terminal medical  
247 condition; requiring the inmate to consent to release  
248 of information under certain circumstances; providing  
249 members of the panel have sovereign immunity related  
250 to specified decisions; providing rulemaking  
251 authority; creating s. 945.0912, F.S.; providing  
252 legislative findings; establishing the conditional  
253 aging inmate release program within the department;  
254 establishing a panel to consider specified matters;  
255 providing for program eligibility; providing that an  
256 inmate may be released on conditional aging inmate  
257 release before serving 85 percent of his or her term  
258 of imprisonment; prohibiting certain inmates from  
259 being considered for conditional aging release;



576-04137-20

260 requiring that an inmate who meets certain criteria be  
261 considered for conditional aging inmate release;  
262 providing that the inmate does not have a right to  
263 release; requiring the department to identify eligible  
264 inmates; requiring the department to refer certain  
265 inmates to the panel for consideration; providing  
266 victim notification requirements under certain  
267 circumstances; requiring the panel to conduct a  
268 hearing within specified timeframes; specifying  
269 requirements for the hearing; requiring that inmates  
270 who are approved for conditional aging inmate release  
271 be released from the department's custody within a  
272 reasonable amount of time; providing that an inmate is  
273 considered an aging releasee upon release from the  
274 department into the community; providing a review  
275 process for an inmate who is denied release; providing  
276 conditions for release; providing that aging releasees  
277 remain in the custody, supervision, and control of the  
278 department; providing that the department does not  
279 have a duty to provide medical care to an aging  
280 releasee; providing that an aging releasee is eligible  
281 to earn or lose gain-time; prohibiting an aging  
282 releasee or his or her community-based housing from  
283 being counted in the prison system population and the  
284 prison capacity figures, respectively; providing for  
285 the revocation of conditional aging inmate release;  
286 authorizing the department to issue a warrant for the  
287 arrest of an aging releasee under certain  
288 circumstances; authorizing a law enforcement or



695928

576-04137-20

289           probation officer to arrest an aging releasee without  
290           a warrant under certain circumstances; requiring an  
291           aging releasee to be detained without bond if a  
292           violation is based on certain circumstances; requiring  
293           the department to order an aging releasee subject to  
294           revocation to be returned to department custody for a  
295           revocation hearing; authorizing an aging releasee to  
296           admit to his or her alleged violation or to proceed to  
297           a revocation hearing; requiring such hearing to be  
298           conducted by the panel; requiring a majority of the  
299           panel to agree that revocation is appropriate;  
300           authorizing the forfeiture of gain-time if the  
301           revocation is based on certain violations; providing  
302           that an aging releasee whose conditional aging inmate  
303           release is revoked and is recommitted to the  
304           department must comply with the 85 percent requirement  
305           upon recommitment; providing a review process for an  
306           aging releasee who has his or her released revoked;  
307           requiring the aging releasee to be given specified  
308           information in certain instances; requiring the panel  
309           to provide a written statement as to evidence relied  
310           on and reasons for revocation; providing that members  
311           of the panel have sovereign immunity related to  
312           specified decisions; providing rulemaking authority;  
313           repealing s. 947.149, F.S., relating to conditional  
314           medical release; amending s. 948.06, F.S.; requiring a  
315           court to modify or continue a probationary term upon  
316           finding that a probationer has met all specified  
317           conditions, rather than any of the conditions, after a



695928

576-04137-20

318 violation of probation; creating s. 951.30, F.S.;

319 requiring that administrators of county detention

320 facilities provide inmates with certain information in

321 writing upon their release; amending s. 961.02, F.S.;

322 revising and redefining terms; amending s. 961.03,

323 F.S.; revising the minimum requirements of a petition

324 that a person must set forth in order to meet the

325 definition of a "wrongfully incarcerated person";

326 extending the filing deadline for a person to file a

327 petition claiming wrongful incarceration; providing

328 limited retroactivity for filing a petition claiming

329 wrongful incarceration; providing that certain persons

330 do not have standing to file a claim on behalf of a

331 deceased person; conforming provisions to changes made

332 by the act; repealing s. 961.04, F.S., relating to

333 eligibility for compensation for wrongful

334 incarceration; amending s. 961.05, F.S.; conforming

335 provisions to changes made by the act; amending s.

336 961.06, F.S.; revising the date after which the Chief

337 Financial Officer is authorized to adjust the annual

338 rate of compensation for a wrongfully incarcerated

339 person; deleting provisions relating to calculating

340 monetary compensation for certain wrongfully

341 incarcerated persons; requiring the state to deduct

342 the amount of a civil award from the state

343 compensation amount owed if the claimant first

344 receives a civil award; deleting a requirement that a

345 wrongfully incarcerated person sign a release and

346 waiver before receiving compensation; requiring a



695928

576-04137-20

347 claimant to reimburse the state for any difference  
348 between state compensation and a civil award if the  
349 claimant receives statutory compensation before a  
350 civil award; requiring a claimant to notify the  
351 Department of Legal Affairs upon filing a civil  
352 action; deleting a provision prohibiting a wrongfully  
353 incarcerated person from submitting an application for  
354 compensation if the person has a lawsuit pending  
355 requesting compensation; requiring the department to  
356 file a notice of payment of monetary compensation in  
357 the civil action; conforming provisions to changes  
358 made by the act; amending s. 1009.21, F.S.; providing  
359 that a specified period of time spent in a county  
360 detention facility or state correctional facility  
361 counts toward a certain residency requirement for  
362 tuition purposes; requiring the Office of Program  
363 Policy and Governmental Accountability (OPPAGA) to  
364 conduct a study to evaluate the various opportunities  
365 available to persons returning to the community from  
366 imprisonment; providing study requirements; requiring  
367 OPPAGA to submit a report to the Governor and the  
368 Legislature by a specified date; conforming provisions  
369 to changes made by the act; amending ss. 316.1935,  
370 775.084, 775.087, 782.051, 784.07, 790.235, 794.0115,  
371 817.568, 893.03, 893.13, 893.20, 910.035, 921.0022,  
372 921.0023, 921.0024, 921.0025, 921.0026, 921.0027,  
373 924.06, 924.07, 944.17, 944.605, 944.70, 947.13,  
374 947.141, 948.01, 948.015, 948.06, 948.20, 948.51,  
375 958.04, and 985.465, F.S.; conforming provisions to



695928

576-04137-20

376 changes made by the act; providing effective dates.

377

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

379

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

382 322.3401 Retroactive application relating to s. 322.34;  
383 legislative intent; prohibiting certain sentences for specified  
384 offenses; resentencing procedures.—

385 (1) It is the intent of the Legislature to retroactively  
386 apply section 12 of chapter 2019-167, Laws of Florida, only as  
387 provided in this section, to persons who committed the offense  
388 of driving while license suspended, revoked, canceled, or  
389 disqualified before October 1, 2019, the effective date of  
390 section 12 of chapter 2019-167, Laws of Florida, which amended  
391 s. 322.34 to modify criminal penalties and collateral  
392 consequences for offenses under that section.

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

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

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

400 (3) (a) A person who committed the offense of driving while  
401 license suspended, revoked, canceled, or disqualified before  
402 October 1, 2019, but who was not sentenced under former s.  
403 322.34 before October 1, 2020, must be sentenced in accordance  
404 with s. 775.082, s. 775.083, or s. 775.084 for the degree of



695928

576-04137-20

405 offense as provided for in the new s. 322.34.

406 (b) A person who committed the offense of driving while  
407 license suspended, revoked, canceled, or disqualified before  
408 October 1, 2019, who was sentenced before October 1, 2019, to a  
409 term of imprisonment or supervision pursuant to former s.  
410 322.34, and who is serving such penalty on or after October 1,  
411 2020, may be resentenced in accordance with paragraph (c).

412 (c) Resentencing under this section must occur in the  
413 following manner:

414 1. A person described in paragraph (b) who is eligible to  
415 request a sentence review hearing pursuant to this section shall  
416 be notified of such eligibility by the facility in which the  
417 person is imprisoned or the entity who is supervising the  
418 person.

419 2. A person seeking a sentence review hearing under this  
420 section must submit an application to the court of original  
421 jurisdiction requesting that such a hearing be conducted. Such  
422 request by the person serves to initiate the procedures provided  
423 for in this section. The sentencing court shall retain original  
424 jurisdiction for the duration of the sentence for this purpose.

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

429 4. Upon receiving an application from the eligible person,  
430 the court of original jurisdiction shall hold a sentence review  
431 hearing to determine if the eligible person meets the criteria  
432 for resentencing under this section.

433 5. If the court determines at the sentence review hearing



695928

576-04137-20

434 that the eligible person meets the criteria in this section for  
435 resentencing, the court may resentence the person in accordance  
436 with s. 775.082, s. 775.083, or s. 775.084 for the degree of  
437 offense as provided for in the new s. 322.34. However, the new  
438 sentence may not exceed the person's original sentence with  
439 credit for time served. If the court does not resentence the  
440 person under this subsection, the court must provide written  
441 findings why resentencing is not appropriate.

442 (4) Notwithstanding any other law, a person who has been  
443 convicted of a felony under former s. 322.34 and whose offense  
444 would not be classified as a felony under the new s. 322.34 must  
445 have all outstanding fines, fees, and costs related to such  
446 felony conviction waived. In addition, such person must be  
447 treated as if he or she had been convicted of a misdemeanor for  
448 purposes of any right, privilege, benefit, remedy, or collateral  
449 consequence that the person might be entitled to but for such  
450 felony conviction. This provision does not serve to remove the  
451 designation of the person as a convicted felon. However, the  
452 consequences of such felony conviction which are solely  
453 statutory in nature and are imposed as a result of such  
454 conviction shall no longer apply.

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

457 379.407 Administration; rules, publications, records;  
458 penalties; injunctions.—

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

461 (a) It is a major violation under this section for any  
462 person, firm, or corporation to be in possession of spiny





695928

576-04137-20

463 lobster during the closed season or, while on the water, to be  
464 in possession of spiny lobster tails that have been wrung or  
465 separated from the body, unless such possession is allowed by  
466 commission rule. A person, firm, or corporation that violates  
467 this paragraph is subject to the following penalties:

468 1. A first violation is a misdemeanor of the second degree,  
469 punishable as provided in s. 775.082 or s. 775.083. If the  
470 violation involves 25 or more lobster, the violation is a  
471 misdemeanor of the first degree, punishable as provided in s.  
472 775.082 or s. 775.083.

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

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

484 4. A third violation within 1 year after a second violation  
485 is a felony of the third degree, punishable as provided in s.  
486 775.082 or s. 775.083, ~~with a mandatory minimum term of~~  
487 ~~imprisonment of 1 year,~~ and such person shall be assessed a  
488 civil penalty of \$5,000 and all license privileges under this  
489 chapter shall be permanently revoked.

490 5. A fourth or subsequent violation is a felony of the  
491 third degree, punishable as provided in s. 775.082 or s.



695928

576-04137-20

492 775.083, ~~with a mandatory minimum term of imprisonment of 1~~  
493 ~~year,~~ and such person shall be assessed a civil penalty of  
494 \$5,000 and all license privileges under this chapter shall be  
495 permanently revoked.

496 (b) It is a major violation under this section for a  
497 recreational or commercial harvester to possess an undersized  
498 spiny lobster, unless authorized by commission rule. For  
499 violations of this paragraph involving fewer than 100 undersized  
500 spiny lobsters, each undersized spiny lobster may be charged as  
501 a separate offense under subparagraphs 1. and 2. However, the  
502 total penalties assessed under subparagraphs 1. and 2. for any  
503 one scheme or course of conduct may not exceed 4 years'  
504 imprisonment and a fine of \$4,000 under such subparagraphs. A  
505 person who violates this paragraph is subject to the following  
506 penalties:

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

509 2. A second or subsequent violation is a misdemeanor of the  
510 first degree, punishable as provided in s. 775.082 or s.  
511 775.083.

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

519 (7) PENALTIES FOR UNLICENSED SALE, PURCHASE, OR HARVEST.—It  
520 is a major violation and punishable as provided in this



695928

576-04137-20

521 subsection for any unlicensed person, firm, or corporation who  
522 is required to be licensed under this chapter as a commercial  
523 harvester or a wholesale or retail dealer to sell or purchase  
524 any saltwater product or to harvest or attempt to harvest any  
525 saltwater product with intent to sell the saltwater product.

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

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

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

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

543 4. A third violation within 1 year after a second violation  
544 is a felony of the third degree, punishable as provided in s.  
545 775.082 or s. 775.083, ~~with a mandatory minimum term of~~  
546 ~~imprisonment of 1 year,~~ and such person shall be assessed a  
547 civil penalty of \$5,000 and all license privileges under this  
548 chapter shall be permanently revoked.

549 5. A fourth or subsequent violation is a felony of the



695928

576-04137-20

550 third degree, punishable as provided in s. 775.082 or s.  
551 775.083, ~~with a mandatory minimum term of imprisonment of 1~~  
552 ~~year,~~ and such person shall be assessed a civil penalty of  
553 \$5,000 and all license privileges under this chapter shall be  
554 permanently revoked.

555 (b) Any person whose license privileges under this chapter  
556 have been permanently revoked and who thereafter sells or  
557 purchases or who attempts to sell or purchase any saltwater  
558 product commits a felony of the third degree, punishable as  
559 provided in s. 775.082 or s. 775.083, ~~with a mandatory minimum~~  
560 ~~term of imprisonment of 1 year,~~ and such person shall also be  
561 assessed a civil penalty of \$5,000. All property involved in  
562 such offense shall be forfeited pursuant to s. 379.337.

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

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

575 2. A second violation occurring within 12 months of a first  
576 violation is a third degree felony, punishable as provided in  
577 ss. 775.082 and 775.083, ~~with a mandatory minimum term of~~  
578 ~~imprisonment of 1 year,~~ and such commercial harvester or



576-04137-20

579 wholesale or retail dealer may be assessed a civil penalty of up  
580 to \$5,000 and an additional suspension of all license privileges  
581 under this chapter for a period not exceeding 180 days. All  
582 property involved in such offense shall be forfeited pursuant to  
583 s. 379.337.

584 3. A third violation within 24 months of the second  
585 violation or subsequent violation is a third degree felony,  
586 punishable as provided in ss. 775.082 and 775.083, ~~with a~~  
587 ~~mandatory minimum term of imprisonment of 1 year,~~ and such  
588 commercial harvester or wholesale or retail dealer shall be  
589 assessed a mandatory civil penalty of up to \$5,000 and an  
590 additional suspension of all license privileges under this  
591 chapter for a period not exceeding 24 months. All property  
592 involved in such offense shall be forfeited pursuant to s.  
593 379.337.

594 (d) Any commercial harvester who harvests or attempts to  
595 harvest any saltwater product with intent to sell the saltwater  
596 product without having purchased a saltwater products license  
597 with the requisite endorsements is subject to penalties as  
598 follows:

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

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

607 3. A third violation is a misdemeanor of the first degree,



695928

576-04137-20

608 punishable as provided in s. 775.082 or s. 775.083, ~~with a~~  
609 ~~mandatory minimum term of imprisonment of 6 months~~, and such  
610 commercial harvester may also be assessed a civil penalty of up  
611 to \$5,000 and is subject to a suspension of all license  
612 privileges under this chapter for a period not exceeding 6  
613 months.

614 4. A third violation within 1 year after a second violation  
615 is a felony of the third degree, punishable as provided in s.  
616 775.082 or s. 775.083, ~~with a mandatory minimum term of~~  
617 ~~imprisonment of 1 year~~, and such commercial harvester shall also  
618 be assessed a civil penalty of \$5,000 and all license privileges  
619 under this chapter shall be permanently revoked.

620 5. A fourth or subsequent violation is a felony of the  
621 third degree, punishable as provided in s. 775.082 or s.  
622 775.083, ~~with a mandatory minimum term of imprisonment of 1~~  
623 ~~year~~, and such commercial harvester shall also be assessed a  
624 mandatory civil penalty of \$5,000 and all license privileges  
625 under this chapter shall be permanently revoked.

626  
627 For purposes of this subsection, a violation means any judicial  
628 disposition other than acquittal or dismissal.

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

631 403.4154 Phosphogypsum management program.—

632 (2) REGULATORY PROGRAM.—

633 (c) Whoever willfully, knowingly, or with reckless  
634 indifference or gross carelessness misstates or misrepresents  
635 the financial condition or closure costs of an entity engaged in  
636 managing, owning, or operating a phosphogypsum stack or stack



695928

576-04137-20

637 system commits a felony of the third degree, punishable as  
638 provided in s. 775.082 or s. 775.083, and by a fine of not more  
639 than \$50,000 ~~and by imprisonment for 5 years for each offense.~~

640 (d) If an owner or operator of a phosphogypsum stack or  
641 stack system fails to comply with department rules requiring  
642 demonstration of closure financial responsibility, no  
643 distribution may be made which would be prohibited under s.  
644 607.06401(3) until the noncompliance is corrected. Whoever  
645 willfully, knowingly, or with reckless indifference or gross  
646 carelessness violates this prohibition commits a felony of the  
647 third degree, punishable as provided in s. 775.082 or s.  
648 775.083, and by a fine of not more than \$50,000 ~~or by~~  
649 ~~imprisonment for 5 years for each offense.~~

650 Section 4. Paragraph (d) of subsection (2) of section  
651 456.065, Florida Statutes, is amended to read:

652 456.065 Unlicensed practice of a health care profession;  
653 intent; cease and desist notice; penalties; enforcement;  
654 citations; fees; allocation and disposition of moneys  
655 collected.-

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

658 (d) In addition to the administrative and civil remedies  
659 under paragraphs (b) and (c) and in addition to the criminal  
660 violations and penalties listed in the individual health care  
661 practice acts:

662 1. It is a felony of the third degree, punishable as  
663 provided in s. 775.082, s. 775.083, or s. 775.084, to practice,  
664 attempt to practice, or offer to practice a health care  
665 profession without an active, valid Florida license to practice



695928

576-04137-20

666 that profession. Practicing without an active, valid license  
667 also includes practicing on a suspended, revoked, or void  
668 license, but does not include practicing, attempting to  
669 practice, or offering to practice with an inactive or delinquent  
670 license for a period of up to 12 months ~~which is addressed in~~  
671 ~~subparagraph 3.~~ Knowingly applying for employment for a position  
672 that requires a license without notifying the employer that the  
673 person does not currently possess a valid, active license to  
674 practice that profession shall be deemed to be an attempt or  
675 offer to practice that health care profession without a license.  
676 Holding oneself out, regardless of the means of communication,  
677 as able to practice a health care profession or as able to  
678 provide services that require a health care license shall be  
679 deemed to be an attempt or offer to practice such profession  
680 without a license. The minimum penalty for violating this  
681 subparagraph shall be a fine of \$1,000 ~~and a minimum mandatory~~  
682 ~~period of incarceration of 1 year.~~

683 2. It is a felony of the second degree, punishable as  
684 provided in s. 775.082, s. 775.083, or s. 775.084, to practice a  
685 health care profession without an active, valid Florida license  
686 to practice that profession when such practice results in  
687 serious bodily injury. For purposes of this section, "serious  
688 bodily injury" means death; brain or spinal damage;  
689 disfigurement; fracture or dislocation of bones or joints;  
690 limitation of neurological, physical, or sensory function; or  
691 any condition that required subsequent surgical repair. The  
692 minimum penalty for violating this subparagraph shall be a fine  
693 of \$1,000 ~~and a minimum mandatory period of incarceration of 1~~  
694 ~~year.~~





695928

576-04137-20

695           3. It is a misdemeanor of the first degree, punishable as  
696 provided in s. 775.082 or s. 775.083, to practice, attempt to  
697 practice, or offer to practice a health care profession with an  
698 inactive or delinquent license for any period of time up to 12  
699 months. However, practicing, attempting to practice, or offering  
700 to practice a health care profession when that person's license  
701 has been inactive or delinquent for a period of time of 12  
702 months or more shall be a felony of the third degree, punishable  
703 as provided in s. 775.082, s. 775.083, or s. 775.084. The  
704 minimum penalty for violating this subparagraph shall be ~~a term~~  
705 ~~of imprisonment of 30 days and~~ a fine of \$500.

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

708           624.401 Certificate of authority required.-

709           (4) (a) Any person who acts as an insurer, transacts  
710 insurance, or otherwise engages in insurance activities in this  
711 state without a certificate of authority in violation of this  
712 section commits a felony of the third degree, punishable as  
713 provided in s. 775.082, s. 775.083, or s. 775.084.

714           (b) However, any person acting as an insurer without a  
715 valid certificate of authority who violates this section commits  
716 insurance fraud, punishable as provided in this paragraph. If  
717 the amount of any insurance premium collected with respect to  
718 any violation of this section:

719           1. Is less than \$20,000, the offender commits a felony of  
720 the third degree, punishable as provided in s. 775.082, s.  
721 775.083, or s. 775.084, ~~and the offender shall be sentenced to a~~  
722 ~~minimum term of imprisonment of 1 year.~~

723           2. Is \$20,000 or more, but less than \$100,000, the offender



695928

576-04137-20

724 commits a felony of the second degree, punishable as provided in  
725 s. 775.082, s. 775.083, or s. 775.084, ~~and the offender shall be~~  
726 ~~sentenced to a minimum term of imprisonment of 18 months.~~

727 3. Is \$100,000 or more, the offender commits a felony of  
728 the first degree, punishable as provided in s. 775.082, s.  
729 775.083, or s. 775.084, ~~and the offender shall be sentenced to a~~  
730 ~~minimum term of imprisonment of 2 years.~~

731 Section 6. Paragraphs (d) and (e) of subsection (8) and  
732 subsection (9) of section 775.082, Florida Statutes, are amended  
733 to read:

734 775.082 Penalties; applicability of sentencing structures;  
735 mandatory minimum sentences for certain reoffenders previously  
736 released from prison.-

737 (8)

738 (d) The Public Safety Criminal Punishment Code applies to  
739 all felonies, except capital felonies, committed on or after  
740 October 1, 1998. Any revision to the Public Safety Criminal  
741 ~~Punishment~~ Code applies to sentencing for all felonies, except  
742 capital felonies, committed on or after the effective date of  
743 the revision.

744 (e) Felonies, except capital felonies, with continuing  
745 dates of enterprise shall be sentenced under the sentencing  
746 guidelines or the Public Safety Criminal Punishment Code in  
747 effect on the beginning date of the criminal activity.

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

- 750 a. Treason;
- 751 b. Murder;
- 752 c. Manslaughter;



695928

576-04137-20

- 753 d. Sexual battery;
- 754 e. Carjacking;
- 755 f. Home-invasion robbery;
- 756 g. Robbery;
- 757 h. Arson;
- 758 i. Kidnapping;
- 759 j. Aggravated assault with a deadly weapon;
- 760 k. Aggravated battery;
- 761 l. Aggravated stalking;
- 762 m. Aircraft piracy;
- 763 n. Unlawful throwing, placing, or discharging of a
- 764 destructive device or bomb;
- 765 o. Any felony that involves the use or threat of physical
- 766 force or violence against an individual;
- 767 p. Armed burglary;
- 768 q. Burglary of a dwelling or burglary of an occupied
- 769 structure; or
- 770 r. Any felony violation of s. 790.07, s. 800.04, s. 827.03,
- 771 s. 827.071, or s. 847.0135(5);
- 772
- 773 within 3 years after being released from a state correctional
- 774 facility operated by the Department of Corrections or a private
- 775 vendor, a county detention facility following incarceration for
- 776 an offense for which the sentence pronounced was a prison
- 777 sentence, or a correctional institution of another state, the
- 778 District of Columbia, the United States, any possession or
- 779 territory of the United States, or any foreign jurisdiction,
- 780 following incarceration for an offense for which the sentence is
- 781 punishable by more than 1 year in this state.



695928

576-04137-20

782           2. "Prison releasee reoffender" also means any defendant  
783 who commits or attempts to commit any offense listed in sub-  
784 subparagraphs ~~(a)~~1.a.-r. while the defendant was serving a  
785 prison sentence or on escape status from a state correctional  
786 facility operated by the Department of Corrections or a private  
787 vendor or while the defendant was on escape status from a  
788 correctional institution of another state, the District of  
789 Columbia, the United States, any possession or territory of the  
790 United States, or any foreign jurisdiction, following  
791 incarceration for an offense for which the sentence is  
792 punishable by more than 1 year in this state.

793           3. If the state attorney determines that a defendant is a  
794 prison releasee reoffender as defined in subparagraph 1., the  
795 state attorney may seek to have the court sentence the defendant  
796 as a prison releasee reoffender. Upon proof from the state  
797 attorney which ~~that~~ establishes ~~by a preponderance of the~~  
798 ~~evidence~~ that a defendant is a prison releasee reoffender as  
799 defined in this section, such defendant ~~is not eligible for~~  
800 ~~sentencing under the sentencing guidelines and~~ must be sentenced  
801 as follows:

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

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

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

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

810           ~~(b) A person sentenced under paragraph (a) shall be~~



695928

576-04137-20

811 ~~released only by expiration of sentence and shall not be~~  
812 ~~eligible for parole, control release, or any form of early~~  
813 ~~release. Any person sentenced under paragraph (a) must serve 100~~  
814 ~~percent of the court imposed sentence.~~

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

818 (b)(d)1. It is the intent of the Legislature to  
819 retroactively apply the amendments to this subsection which are  
820 effective October 1, 2020.

821 2. As used in this paragraph, the term "former s.  
822 775.082(9)" means s. 775.082(9) as it existed before the  
823 amendment of this subsection, which took effect October 1, 2020.

824 3. A person who qualified as a prison releasee reoffender  
825 before October 1, 2020, and who was not sentenced as a prison  
826 releasee reoffender before October 1, 2020, may not be sentenced  
827 as such under former s. 775.082(9). Such person, if sentenced as  
828 a prison releasee reoffender, must be sentenced as provided in  
829 paragraph (a).

830 4. A person who qualified as a prison releasee reoffender  
831 before October 1, 2020, who was sentenced as such before October  
832 1, 2020, to a mandatory minimum term of imprisonment pursuant to  
833 former s. 775.082(9), and who is serving such mandatory minimum  
834 term of imprisonment on or after October 1, 2020, may be  
835 resentenced in accordance with subparagraph 5. to a sentence as  
836 provided in paragraph (a) and sub-subparagraph 5.d.

837 5. Resentencing must occur in the following manner:

838 a. The Department of Corrections shall notify a person  
839 described in subparagraph 4. of his or her eligibility to



695928

576-04137-20

840 request a sentence review hearing.

841 b. The person seeking sentence review must submit an  
842 application to the court of original jurisdiction requesting  
843 that a sentence review hearing be held. The sentencing court  
844 shall retain original jurisdiction for the duration of the  
845 sentence for this purpose.

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

850 d. Upon receiving an application from an eligible person,  
851 the court of original jurisdiction shall hold a sentence review  
852 hearing to determine if the eligible person meets the criteria  
853 for resentencing under subparagraph 4. If the court determines  
854 at the sentence review hearing that the eligible person meets  
855 such criteria, the court may resentence the person as provided  
856 in paragraph (a); however, the new sentence may not exceed the  
857 person's original sentence with credit for time served. If the  
858 court does not resentence the person under subparagraph 4., the  
859 court must provide written findings why resentencing is not  
860 appropriate.

861 6. A person resentenced pursuant to this subsection is  
862 eligible to receive any gain-time pursuant to s. 944.275 which  
863 he or she was previously ineligible to receive under former s.  
864 775.082(9) ~~It is the intent of the Legislature that offenders~~  
865 ~~previously released from prison or a county detention facility~~  
866 ~~following incarceration for an offense for which the sentence~~  
867 ~~pronounced was a prison sentence who meet the criteria in~~  
868 ~~paragraph (a) be punished to the fullest extent of the law and~~



695928

576-04137-20

869 ~~as provided in this subsection, unless the state attorney~~  
870 ~~determines that extenuating circumstances exist which preclude~~  
871 ~~the just prosecution of the offender, including whether the~~  
872 ~~victim recommends that the offender not be sentenced as provided~~  
873 ~~in this subsection.~~

874 ~~2. For every case in which the offender meets the criteria~~  
875 ~~in paragraph (a) and does not receive the mandatory minimum~~  
876 ~~prison sentence, the state attorney must explain the sentencing~~  
877 ~~deviation in writing and place such explanation in the case file~~  
878 ~~maintained by the state attorney.~~

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

881 817.234 False and fraudulent insurance claims.-

882 (8) (a) It is unlawful for any person intending to defraud  
883 any other person to solicit or cause to be solicited any  
884 business from a person involved in a motor vehicle accident for  
885 the purpose of making, adjusting, or settling motor vehicle tort  
886 claims or claims for personal injury protection benefits  
887 required by s. 627.736. Any person who violates ~~the provisions~~  
888 ~~of~~ this paragraph commits a felony of the second degree,  
889 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
890 ~~A person who is convicted of a violation of this subsection~~  
891 ~~shall be sentenced to a minimum term of imprisonment of 2 years.~~

892 (b) A person may not solicit or cause to be solicited any  
893 business from a person involved in a motor vehicle accident by  
894 any means of communication other than advertising directed to  
895 the public for the purpose of making motor vehicle tort claims  
896 or claims for personal injury protection benefits required by s.  
897 627.736, within 60 days after the occurrence of the motor



695928

576-04137-20

898 vehicle accident. Any person who violates this paragraph commits  
899 a felony of the third degree, punishable as provided in s.  
900 775.082, s. 775.083, or s. 775.084.

901 (c) A lawyer, health care practitioner as defined in s.  
902 456.001, or owner or medical director of a clinic required to be  
903 licensed pursuant to s. 400.9905 may not, at any time after 60  
904 days have elapsed from the occurrence of a motor vehicle  
905 accident, solicit or cause to be solicited any business from a  
906 person involved in a motor vehicle accident by means of in  
907 person or telephone contact at the person's residence, for the  
908 purpose of making motor vehicle tort claims or claims for  
909 personal injury protection benefits required by s. 627.736. Any  
910 person who violates this paragraph commits a felony of the third  
911 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
912 775.084.

913 (d) Charges for any services rendered by any person who  
914 violates this subsection in regard to the person for whom such  
915 services were rendered are noncompensable and unenforceable as a  
916 matter of law.

917 (9) A person may not organize, plan, or knowingly  
918 participate in an intentional motor vehicle crash or a scheme to  
919 create documentation of a motor vehicle crash that did not occur  
920 for the purpose of making motor vehicle tort claims or claims  
921 for personal injury protection benefits as required by s.  
922 627.736. Any person who violates this subsection commits a  
923 felony of the second degree, punishable as provided in s.  
924 775.082, s. 775.083, or s. 775.084. ~~A person who is convicted of~~  
925 ~~a violation of this subsection shall be sentenced to a minimum~~  
926 ~~term of imprisonment of 2 years.~~





695928

576-04137-20

927 Section 8. Present subsections (6) and (7) of section  
928 893.135, Florida Statutes, are redesignated as subsections (7)  
929 and (8), respectively, a new subsection (6) is added to that  
930 section, and paragraphs (b), (c), and (g) of subsection (1) and  
931 subsection (3) of that section are amended, to read:

932 893.135 Trafficking; mandatory sentences; suspension or  
933 reduction of sentences; conspiracy to engage in trafficking.—

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

936 (b)1. Any person who knowingly sells, purchases,  
937 manufactures, delivers, or brings into this state, or who is  
938 knowingly in actual or constructive possession of, 28 grams or  
939 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
940 mixture containing cocaine, but less than 150 kilograms of  
941 cocaine or any such mixture, commits a felony of the first  
942 degree, which felony shall be known as "trafficking in cocaine,"  
943 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
944 If the quantity involved:

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

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

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



695928

576-04137-20

956           2. Any person who knowingly sells, purchases, manufactures,  
957 delivers, or brings into this state, or who is knowingly in  
958 actual or constructive possession of, 150 kilograms or more of  
959 cocaine, as described in s. 893.03(2)(a)4., commits the first  
960 degree felony of trafficking in cocaine. A person who has been  
961 convicted of the first degree felony of trafficking in cocaine  
962 under this subparagraph shall be punished by life imprisonment  
963 and is ineligible for any form of discretionary early release  
964 except pardon or executive clemency, ~~or~~ conditional medical  
965 release under s. 945.0911, or conditional aging inmate release  
966 under s. 945.0912 ~~s. 947.149~~. However, if the court determines  
967 that, in addition to committing any act specified in this  
968 paragraph:

969           a. The person intentionally killed an individual or  
970 counseled, commanded, induced, procured, or caused the  
971 intentional killing of an individual and such killing was the  
972 result; or

973           b. The person's conduct in committing that act led to a  
974 natural, though not inevitable, lethal result,  
975  
976 such person commits the capital felony of trafficking in  
977 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
978 person sentenced for a capital felony under this paragraph shall  
979 also be sentenced to pay the maximum fine provided under  
980 subparagraph 1.

981           3. Any person who knowingly brings into this state 300  
982 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
983 and who knows that the probable result of such importation would  
984 be the death of any person, commits capital importation of



695928

576-04137-20

985 cocaine, a capital felony punishable as provided in ss. 775.082  
986 and 921.142. Any person sentenced for a capital felony under  
987 this paragraph shall also be sentenced to pay the maximum fine  
988 provided under subparagraph 1.

989 (c)1. A person who knowingly sells, purchases,  
990 manufactures, delivers, or brings into this state, or who is  
991 knowingly in actual or constructive possession of, 4 grams or  
992 more of any morphine, opium, hydromorphone, or any salt,  
993 derivative, isomer, or salt of an isomer thereof, including  
994 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
995 (3)(c)4., or 4 grams or more of any mixture containing any such  
996 substance, but less than 30 kilograms of such substance or  
997 mixture, commits a felony of the first degree, which felony  
998 shall be known as "trafficking in illegal drugs," punishable as  
999 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
1000 quantity involved:

1001 a. Is 4 grams or more, but less than 14 grams, such person  
1002 shall be sentenced to a mandatory minimum term of imprisonment  
1003 of 3 years and shall be ordered to pay a fine of \$50,000.

1004 b. Is 14 grams or more, but less than 28 grams, such person  
1005 shall be sentenced to a mandatory minimum term of imprisonment  
1006 of 15 years and shall be ordered to pay a fine of \$100,000.

1007 c. Is 28 grams or more, but less than 30 kilograms, such  
1008 person shall be sentenced to a mandatory minimum term of  
1009 imprisonment of 25 years and shall be ordered to pay a fine of  
1010 \$500,000.

1011 2. A person who knowingly sells, purchases, manufactures,  
1012 delivers, or brings into this state, or who is knowingly in  
1013 actual or constructive possession of, 28 grams or more of



695928

576-04137-20

1014 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
1015 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28  
1016 grams or more of any mixture containing any such substance,  
1017 commits a felony of the first degree, which felony shall be  
1018 known as "trafficking in hydrocodone," punishable as provided in  
1019 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

1020       a. Is 28 grams or more, but less than 50 grams, such person  
1021 shall be sentenced to a mandatory minimum term of imprisonment  
1022 of 3 years and shall be ordered to pay a fine of \$50,000.

1023       b. Is 50 grams or more, but less than 100 grams, such  
1024 person shall be sentenced to a mandatory minimum term of  
1025 imprisonment of 7 years and shall be ordered to pay a fine of  
1026 \$100,000.

1027       c. Is 100 grams or more, but less than 300 grams, such  
1028 person shall be sentenced to a mandatory minimum term of  
1029 imprisonment of 15 years and shall be ordered to pay a fine of  
1030 \$500,000.

1031       d. Is 300 grams or more, but less than 30 kilograms, such  
1032 person shall be sentenced to a mandatory minimum term of  
1033 imprisonment of 25 years and shall be ordered to pay a fine of  
1034 \$750,000.

1035       3. A person who knowingly sells, purchases, manufactures,  
1036 delivers, or brings into this state, or who is knowingly in  
1037 actual or constructive possession of, 7 grams or more of  
1038 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt  
1039 thereof, or 7 grams or more of any mixture containing any such  
1040 substance, commits a felony of the first degree, which felony  
1041 shall be known as "trafficking in oxycodone," punishable as  
1042 provided in s. 775.082, s. 775.083, or s. 775.084. If the



695928

576-04137-20

1043 quantity involved:

1044       a. Is 7 grams or more, but less than 14 grams, such person  
1045 shall be sentenced to a mandatory minimum term of imprisonment  
1046 of 3 years and shall be ordered to pay a fine of \$50,000.

1047       b. Is 14 grams or more, but less than 25 grams, such person  
1048 shall be sentenced to a mandatory minimum term of imprisonment  
1049 of 7 years and shall be ordered to pay a fine of \$100,000.

1050       c. Is 25 grams or more, but less than 100 grams, such  
1051 person shall be sentenced to a mandatory minimum term of  
1052 imprisonment of 15 years and shall be ordered to pay a fine of  
1053 \$500,000.

1054       d. Is 100 grams or more, but less than 30 kilograms, such  
1055 person shall be sentenced to a mandatory minimum term of  
1056 imprisonment of 25 years and shall be ordered to pay a fine of  
1057 \$750,000.

1058       4.a. A person who knowingly sells, purchases, manufactures,  
1059 delivers, or brings into this state, or who is knowingly in  
1060 actual or constructive possession of, 4 grams or more of:

1061           (I) Alfentanil, as described in s. 893.03(2)(b)1.;

1062           (II) Carfentanil, as described in s. 893.03(2)(b)6.;

1063           (III) Fentanyl, as described in s. 893.03(2)(b)9.;

1064           (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

1065           (V) A fentanyl derivative, as described in s.

1066 893.03(1)(a)62.;

1067           (VI) A controlled substance analog, as described in s.  
1068 893.0356, of any substance described in sub-sub-subparagraphs  
1069 (I)-(V); or

1070           (VII) A mixture containing any substance described in sub-  
1071 sub-subparagraphs (I)-(VI),



695928

576-04137-20

1072  
1073 commits a felony of the first degree, which felony shall be  
1074 known as "trafficking in fentanyl," punishable as provided in s.  
1075 775.082, s. 775.083, or s. 775.084.

1076 b. If the quantity involved under sub-subparagraph a.:

1077 (I) Is 4 grams or more, but less than 14 grams, such person  
1078 shall be sentenced to a mandatory minimum term of imprisonment  
1079 of 3 years, and shall be ordered to pay a fine of \$50,000.

1080 (II) Is 14 grams or more, but less than 28 grams, such  
1081 person shall be sentenced to a mandatory minimum term of  
1082 imprisonment of 15 years, and shall be ordered to pay a fine of  
1083 \$100,000.

1084 (III) Is 28 grams or more, such person shall be sentenced  
1085 to a mandatory minimum term of imprisonment of 25 years, and  
1086 shall be ordered to pay a fine of \$500,000.

1087 5. A person who knowingly sells, purchases, manufactures,  
1088 delivers, or brings into this state, or who is knowingly in  
1089 actual or constructive possession of, 30 kilograms or more of  
1090 any morphine, opium, oxycodone, hydrocodone, codeine,  
1091 hydromorphone, or any salt, derivative, isomer, or salt of an  
1092 isomer thereof, including heroin, as described in s.  
1093 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
1094 more of any mixture containing any such substance, commits the  
1095 first degree felony of trafficking in illegal drugs. A person  
1096 who has been convicted of the first degree felony of trafficking  
1097 in illegal drugs under this subparagraph shall be punished by  
1098 life imprisonment and is ineligible for any form of  
1099 discretionary early release except pardon or executive clemency,  
1100 ~~or~~ conditional medical release under s. 945.0911, or conditional



695928

576-04137-20

1101 aging inmate release under s. 945.0912 ~~s. 947.149~~. However, if  
1102 the court determines that, in addition to committing any act  
1103 specified in this paragraph:

1104 a. The person intentionally killed an individual or  
1105 counseled, commanded, induced, procured, or caused the  
1106 intentional killing of an individual and such killing was the  
1107 result; or

1108 b. The person's conduct in committing that act led to a  
1109 natural, though not inevitable, lethal result,

1110  
1111 such person commits the capital felony of trafficking in illegal  
1112 drugs, punishable as provided in ss. 775.082 and 921.142. A  
1113 person sentenced for a capital felony under this paragraph shall  
1114 also be sentenced to pay the maximum fine provided under  
1115 subparagraph 1.

1116 6. A person who knowingly brings into this state 60  
1117 kilograms or more of any morphine, opium, oxycodone,  
1118 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
1119 isomer, or salt of an isomer thereof, including heroin, as  
1120 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
1121 60 kilograms or more of any mixture containing any such  
1122 substance, and who knows that the probable result of such  
1123 importation would be the death of a person, commits capital  
1124 importation of illegal drugs, a capital felony punishable as  
1125 provided in ss. 775.082 and 921.142. A person sentenced for a  
1126 capital felony under this paragraph shall also be sentenced to  
1127 pay the maximum fine provided under subparagraph 1.

1128 (g)1. Any person who knowingly sells, purchases,  
1129 manufactures, delivers, or brings into this state, or who is



695928

576-04137-20

1130 knowingly in actual or constructive possession of, 4 grams or  
1131 more of flunitrazepam or any mixture containing flunitrazepam as  
1132 described in s. 893.03(1)(a) commits a felony of the first  
1133 degree, which felony shall be known as "trafficking in  
1134 flunitrazepam," punishable as provided in s. 775.082, s.  
1135 775.083, or s. 775.084. If the quantity involved:

1136 a. Is 4 grams or more but less than 14 grams, such person  
1137 shall be sentenced to a mandatory minimum term of imprisonment  
1138 of 3 years, and the defendant shall be ordered to pay a fine of  
1139 \$50,000.

1140 b. Is 14 grams or more but less than 28 grams, such person  
1141 shall be sentenced to a mandatory minimum term of imprisonment  
1142 of 7 years, and the defendant shall be ordered to pay a fine of  
1143 \$100,000.

1144 c. Is 28 grams or more but less than 30 kilograms, such  
1145 person shall be sentenced to a mandatory minimum term of  
1146 imprisonment of 25 calendar years and pay a fine of \$500,000.

1147 2. Any person who knowingly sells, purchases, manufactures,  
1148 delivers, or brings into this state or who is knowingly in  
1149 actual or constructive possession of 30 kilograms or more of  
1150 flunitrazepam or any mixture containing flunitrazepam as  
1151 described in s. 893.03(1)(a) commits the first degree felony of  
1152 trafficking in flunitrazepam. A person who has been convicted of  
1153 the first degree felony of trafficking in flunitrazepam under  
1154 this subparagraph shall be punished by life imprisonment and is  
1155 ineligible for any form of discretionary early release except  
1156 pardon or executive clemency, ~~or~~ conditional medical release  
1157 under s. 945.0911, or conditional aging inmate release under s.  
1158 945.0912 ~~s. 947.149~~. However, if the court determines that, in





695928

576-04137-20

1159 addition to committing any act specified in this paragraph:

1160 a. The person intentionally killed an individual or  
1161 counseled, commanded, induced, procured, or caused the  
1162 intentional killing of an individual and such killing was the  
1163 result; or

1164 b. The person's conduct in committing that act led to a  
1165 natural, though not inevitable, lethal result,

1166  
1167 such person commits the capital felony of trafficking in  
1168 flunitrazepam, punishable as provided in ss. 775.082 and  
1169 921.142. Any person sentenced for a capital felony under this  
1170 paragraph shall also be sentenced to pay the maximum fine  
1171 provided under subparagraph 1.

1172 (3) Notwithstanding ~~the provisions of~~ s. 948.01, with  
1173 respect to any person who is found to have violated this  
1174 section, adjudication of guilt or imposition of sentence may  
1175 ~~shall~~ not be suspended, deferred, or withheld, nor shall such  
1176 person be eligible for parole before ~~prior to~~ serving the  
1177 mandatory minimum term of imprisonment prescribed by this  
1178 section. A person sentenced to a mandatory minimum term of  
1179 imprisonment under this section is not eligible for any form of  
1180 discretionary early release, except pardon or executive  
1181 clemency, ~~or~~ conditional medical release under s. 945.0911 ~~s.~~  
1182 ~~947.149~~, or conditional aging inmate release under s. 945.0912,  
1183 before ~~prior to~~ serving the mandatory minimum term of  
1184 imprisonment.

1185 (6) Notwithstanding any provision of this section, a court  
1186 may impose a sentence for a violation of this section other than  
1187 the mandatory minimum term of imprisonment and mandatory fine if



695928

576-04137-20

1188 the court finds on the record that all of the following  
1189 circumstances exist:

1190 (a) The person did not engage in a continuing criminal  
1191 enterprise as defined in s. 893.20(1).

1192 (b) The person did not use or threaten violence or use a  
1193 weapon during the commission of the crime.

1194 (c) The person did not cause a death or serious bodily  
1195 injury.

1196 Section 9. Section 921.002, Florida Statutes, is amended to  
1197 read:

1198 921.002 The Public Safety ~~Criminal Punishment~~ Code.—The  
1199 Public Safety Code applies ~~Criminal Punishment Code shall apply~~  
1200 to all felony offenses, except capital felonies, committed on or  
1201 after October 1, 1998.

1202 (1) The provision of criminal penalties and of limitations  
1203 upon the application of such penalties is a matter of  
1204 predominantly substantive law and, as such, is a matter properly  
1205 addressed by the Legislature. The Legislature, in the exercise  
1206 of its authority and responsibility to establish sentencing  
1207 criteria, to provide for the imposition of criminal penalties,  
1208 and to make the best use of state prisons so that violent  
1209 criminal offenders are appropriately incarcerated, has  
1210 determined that it is in the best interest of the state to  
1211 develop, implement, and revise a sentencing policy. The Public  
1212 Safety ~~Criminal Punishment~~ Code embodies the principles that:

1213 (a) Sentencing is neutral with respect to race, gender, and  
1214 social and economic status.

1215 (b) The primary purpose of sentencing is public safety ~~to~~  
1216 ~~punish the offender~~. Rehabilitation is a desired goal of the



695928

576-04137-20

1217 criminal justice system but is subordinate to the goal of public  
1218 safety ~~punishment~~.

1219 (c) The penalty imposed is commensurate with the severity  
1220 of the primary offense and the circumstances surrounding the  
1221 primary offense.

1222 (d) The severity of the sentence increases with the length  
1223 and nature of the offender's prior record.

1224 (e) The sentence imposed by the sentencing judge reflects  
1225 the length of actual time to be served, shortened only by the  
1226 application of incentive and meritorious gain-time as provided  
1227 by law, and may not be shortened if the defendant would  
1228 consequently serve less than 85 percent of his or her term of  
1229 imprisonment as provided in s. 944.275(4). ~~The provisions of~~  
1230 Chapter 947, relating to parole, does ~~shall~~ not apply to persons  
1231 sentenced under the Public Safety ~~Criminal Punishment~~ Code.

1232 (f) Departures below the lowest permissible sentence  
1233 established by the code must be articulated in writing by the  
1234 trial court judge and made only when circumstances or factors  
1235 reasonably justify the mitigation of the sentence. The level of  
1236 proof necessary to establish facts that support a departure from  
1237 the lowest permissible sentence is a preponderance of the  
1238 evidence.

1239 (g) The trial court judge may impose a sentence up to and  
1240 including the statutory maximum for any offense, including an  
1241 offense that is before the court due to a violation of probation  
1242 or community control.

1243 (h) A sentence may be appealed on the basis that it departs  
1244 from the Public Safety ~~Criminal Punishment~~ Code only if the  
1245 sentence is below the lowest permissible sentence or as



695928

576-04137-20

1246 enumerated in s. 924.06(1).

1247 (i) Use of incarcerative sanctions is prioritized toward  
1248 offenders convicted of serious offenses and certain offenders  
1249 who have long prior records, in order to maximize the finite  
1250 capacities of state and local correctional facilities.

1251 (2) When a defendant is before the court for sentencing for  
1252 more than one felony and the felonies were committed under more  
1253 than one version or revision of the former sentencing guidelines  
1254 or the code, each felony shall be sentenced under the guidelines  
1255 or the code in effect at the time the particular felony was  
1256 committed. This subsection does not apply to sentencing for any  
1257 capital felony.

1258 (3) A court may impose a departure below the lowest  
1259 permissible sentence based upon circumstances or factors that  
1260 reasonably justify the mitigation of the sentence in accordance  
1261 with s. 921.0026. The level of proof necessary to establish  
1262 facts supporting the mitigation of a sentence is a preponderance  
1263 of the evidence. When multiple reasons exist to support the  
1264 mitigation, the mitigation shall be upheld when at least one  
1265 circumstance or factor justifies the mitigation regardless of  
1266 the presence of other circumstances or factors found not to  
1267 justify mitigation. Any sentence imposed below the lowest  
1268 permissible sentence must be explained in writing by the trial  
1269 court judge.

1270 (4) (a) The Department of Corrections shall report on trends  
1271 in sentencing practices and sentencing score thresholds and  
1272 provide an analysis on the sentencing factors considered by the  
1273 courts and shall submit this information to the Legislature by  
1274 October 1 of each year.



695928

576-04137-20

1275 (b) The Criminal Justice Estimating Conference, with the  
1276 assistance of the Department of Corrections, shall estimate the  
1277 impact of any proposed change to the Public Safety ~~Criminal~~  
1278 ~~Punishment~~ Code on future rates of incarceration and on the  
1279 prison population. The Criminal Justice Estimating Conference  
1280 shall base its projections on historical data concerning  
1281 sentencing practices which have been accumulated by the  
1282 Department of Corrections and other relevant data from other  
1283 state agencies and records of the Department of Corrections  
1284 which disclose the average time served for offenses covered by  
1285 any proposed changes to the Public Safety ~~Criminal Punishment~~  
1286 Code.

1287 (c) In order to produce projects that are either required  
1288 by law or requested by the Legislature to assist the Legislature  
1289 in making modifications to the Public Safety ~~Criminal Punishment~~  
1290 Code, the Department of Corrections is authorized to collect and  
1291 evaluate Public Safety ~~Criminal Punishment~~ Code scoresheets from  
1292 each of the judicial circuits after sentencing. Beginning in  
1293 1999, by October 1 of each year, the Department of Corrections  
1294 shall provide an annual report to the Legislature that shows the  
1295 rate of compliance of each judicial circuit in providing  
1296 scoresheets to the department.

1297 Section 10. Paragraph (a) of subsection (2) of section  
1298 921.1402, Florida Statutes, is amended, and subsection (4) of  
1299 that section is reenacted, to read:

1300 921.1402 Review of sentences for persons convicted of  
1301 specified offenses committed while under the age of 18 years.—

1302 (2) (a) A juvenile offender sentenced under s.  
1303 775.082 (1) (b) 1. is entitled to a review of his or her sentence



695928

576-04137-20

1304 after 25 years. However, a juvenile offender is not entitled to  
1305 review if he or she has previously been convicted of committing  
1306 ~~one of the following offenses~~, or of conspiracy to commit ~~one of~~  
1307 ~~the following offenses~~, murder if the murder offense for which  
1308 the person was previously convicted was part of a separate  
1309 criminal transaction or episode than the murder ~~that~~ which  
1310 resulted in the sentence under s. 775.082(1)(b)1.†

- 1311 ~~1. Murder;~~
- 1312 ~~2. Manslaughter;~~
- 1313 ~~3. Sexual battery;~~
- 1314 ~~4. Armed burglary;~~
- 1315 ~~5. Armed robbery;~~
- 1316 ~~6. Armed carjacking;~~
- 1317 ~~7. Home-invasion robbery;~~
- 1318 ~~8. Human trafficking for commercial sexual activity with a~~  
1319 ~~child under 18 years of age;~~
- 1320 ~~9. False imprisonment under s. 787.02(3)(a); or~~
- 1321 ~~10. Kidnapping.~~

1322 (4) A juvenile offender seeking sentence review pursuant to  
1323 subsection (2) must submit an application to the court of  
1324 original jurisdiction requesting that a sentence review hearing  
1325 be held. The juvenile offender must submit a new application to  
1326 the court of original jurisdiction to request subsequent  
1327 sentence review hearings pursuant to paragraph (2)(d). The  
1328 sentencing court shall retain original jurisdiction for the  
1329 duration of the sentence for this purpose.

1330 Section 11. Section 921.14021, Florida Statutes, is created  
1331 to read:

1332 921.14021 Retroactive application relating to s. 921.1402;



695928

576-04137-20

1333 legislative intent; review of sentence.-

1334 (1) It is the intent of the Legislature to retroactively  
1335 apply the amendments made to s. 921.1402 which took effect  
1336 October 1, 2020, only as provided in this section, to juvenile  
1337 offenders convicted of a capital offense and sentenced under s.  
1338 775.082(1)(b)1. who have been ineligible for sentence review  
1339 hearings because of a previous conviction of an offense  
1340 enumerated in s. 921.1402(2)(a), thereby providing such juvenile  
1341 offenders with an opportunity for consideration by a court and  
1342 an opportunity for release if deemed appropriate under law.

1343 (2) A juvenile offender, as defined in s. 921.1402, who was  
1344 convicted of a capital offense and sentenced under s.  
1345 775.082(1)(b)1., and who was ineligible for a sentence review  
1346 hearing pursuant to s. 921.1402(2)(a)2.-10. as it existed before  
1347 October 1, 2020, is entitled to a review of his or her sentence  
1348 after 25 years or, if on October 1, 2020, 25 years have already  
1349 passed since the sentencing, immediately.

1350 Section 12. Section 921.1403, Florida Statutes, is created  
1351 to read:

1352 921.1403 Review of sentences for persons convicted of  
1353 specified offenses committed while under 25 years of age.-

1354 (1) It is the intent of the Legislature to retroactively  
1355 apply the amendments to this section which took effect October  
1356 1, 2020.

1357 (2) As used in this section, the term "young adult  
1358 offender" means a person who committed an offense before he or  
1359 she reached 25 years of age and for which he or she is sentenced  
1360 to a term of years in the custody of the Department of  
1361 Corrections, regardless of the date of sentencing.



695928

576-04137-20

1362       (3) A young adult offender is not entitled to a sentence  
1363 review under this section if he or she has previously been  
1364 convicted of committing, or of conspiring to commit, murder if  
1365 the murder offense for which the person was previously convicted  
1366 was part of a separate criminal transaction or episode than that  
1367 which resulted in the sentence under s. 775.082(3)(a)1., 2., 3.,  
1368 4., or 6. or (b)1.

1369       (4)(a)1. A young adult offender who is convicted of an  
1370 offense that is a life felony, that is punishable by a term of  
1371 years not exceeding life imprisonment, or that was reclassified  
1372 as a life felony and he or she is sentenced to a term of more  
1373 than 20 years under s. 775.082(3)(a)1., 2., 3., 4., or 6., is  
1374 entitled to a review of his or her sentence after 20 years.

1375       2. This paragraph does not apply to a person who is  
1376 eligible for sentencing under s. 775.082(3)(a)5. or s.  
1377 775.082(3)(c).

1378       (b) A young adult offender who is convicted of an offense  
1379 that is a felony of the first degree or that was reclassified as  
1380 a felony of the first degree and he or she is sentenced to a  
1381 term of more than 15 years under s. 775.082(3)(b)1. is entitled  
1382 to a review of his or her sentence after 15 years.

1383       (5) The Department of Corrections must notify a young adult  
1384 offender in writing of his or her eligibility to request a  
1385 sentence review hearing 18 months before the young adult  
1386 offender is entitled to a sentence review hearing or notify him  
1387 or her immediately in writing if the offender is eligible as of  
1388 October 1, 2020.

1389       (6) A young adult offender seeking a sentence review  
1390 hearing under this section must submit an application to the





695928

576-04137-20

1391 court of original jurisdiction requesting that a sentence review  
1392 hearing be held. The young adult offender must submit a new  
1393 application to the court of original jurisdiction to request a  
1394 subsequent sentence review hearing pursuant to subsection (8).  
1395 The sentencing court shall retain original jurisdiction for the  
1396 duration of the sentence for this purpose.

1397 (7) A young adult offender who is eligible for a sentence  
1398 review hearing under this section is entitled to be represented  
1399 by counsel, and the court shall appoint a public defender to  
1400 represent the young adult offender if he or she cannot afford an  
1401 attorney.

1402 (8) If the young adult offender seeking sentence review  
1403 under paragraph (4) (a) or (4) (b) is not resentenced at the  
1404 initial sentence review hearing, he or she is eligible for one  
1405 subsequent review hearing 5 years after the initial review  
1406 hearing.

1407 (9) Upon receiving an application from an eligible young  
1408 adult offender, the original sentencing court must hold a  
1409 sentence review hearing to determine whether to modify the young  
1410 adult offender's sentence. When determining if it is appropriate  
1411 to modify the young adult offender's sentence, the court must  
1412 consider any factor it deems appropriate, including, but not  
1413 limited to:

1414 (a) Whether the young adult offender demonstrates maturity  
1415 and rehabilitation.

1416 (b) Whether the young adult offender remains at the same  
1417 level of risk to society as he or she did at the time of the  
1418 initial sentencing.

1419 (c) The opinion of the victim or the victim's next of kin.



695928

576-04137-20

1420 The absence of the victim or the victim's next of kin from the  
1421 sentence review hearing may not be a factor in the determination  
1422 of the court under this section. The court must allow the victim  
1423 or victim's next of kin to be heard in person, in writing, or by  
1424 electronic means. If the victim or the victim's next of kin  
1425 chooses not to participate in the hearing, the court may  
1426 consider previous statements made by the victim or the victim's  
1427 next of kin during the trial, initial sentencing phase, or  
1428 previous sentencing review hearings.

1429 (d) Whether the young adult offender was a relatively minor  
1430 participant in the criminal offense or whether he or she acted  
1431 under extreme duress or under the domination of another person.

1432 (e) Whether the young adult offender has shown sincere and  
1433 sustained remorse for the criminal offense.

1434 (f) Whether the young adult offender's age, maturity, or  
1435 psychological development at the time of the offense affected  
1436 his or her behavior.

1437 (g) Whether the young adult offender has successfully  
1438 obtained a high school equivalency diploma or completed another  
1439 educational, technical, work, vocational, or self-rehabilitation  
1440 program, if such a program is available.

1441 (h) Whether the young adult offender was a victim of  
1442 sexual, physical, or emotional abuse before he or she committed  
1443 the offense.

1444 (i) The results of any mental health assessment, risk  
1445 assessment, or evaluation of the young adult offender as to  
1446 rehabilitation.

1447 (10) (a) If the court determines at a sentence review  
1448 hearing that the young adult offender who is seeking sentence



695928

576-04137-20

1449 review under paragraph (4) (a) has been rehabilitated and is  
1450 reasonably believed to be fit to reenter society, the court may  
1451 modify the sentence and impose a term of probation of at least 5  
1452 years.

1453 (b) If the court determines at a sentence review hearing  
1454 that the young adult offender who is seeking sentence review  
1455 under paragraph (4) (b) has been rehabilitated and is reasonably  
1456 believed to be fit to reenter society, the court may modify the  
1457 sentence and impose a term of probation of at least 3 years.

1458 (c) If the court determines that the young adult offender  
1459 seeking sentence review under paragraph (4) (a) or (4) (b) has not  
1460 demonstrated rehabilitation or is not fit to reenter society,  
1461 the court must issue a written order stating the reasons why the  
1462 sentence is not being modified.

1463 Section 13. Effective July 1, 2020, section 925.11, Florida  
1464 Statutes, is amended to read:

1465 925.11 Postsentencing forensic analysis ~~DNA testing~~.-

1466 (1) DEFINITIONS.-As used in this section, the term:

1467 (a) "Forensic analysis" means the process by which a  
1468 forensic or scientific technique is applied to evidence or  
1469 biological material to identify the perpetrator of, or an  
1470 accomplice to, a crime. The term includes, but is not limited  
1471 to, deoxyribonucleic acid (DNA) testing.

1472 (b) "Petitioner" means a defendant who has been convicted  
1473 of and sentenced for a felony.

1474 (2) ~~(1)~~ PETITION FOR EXAMINATION.-

1475 (a) ~~1~~. A person who has entered a plea of guilty or nolo  
1476 contendere to a felony before July 1, 2020, or who has been  
1477 tried and found guilty of committing a felony and has been



695928

576-04137-20

1478 sentenced by a court established by the laws of this state may  
1479 petition that court to order the forensic analysis ~~examination~~  
1480 of physical evidence collected at the time of the investigation  
1481 of the crime for which he or she has been sentenced which may  
1482 result in evidence material to the identity of the perpetrator  
1483 of, or an accomplice to, the crime that resulted in the person's  
1484 conviction that may contain DNA (deoxyribonucleic acid) and that  
1485 would exonerate that person or mitigate the sentence that person  
1486 received.

1487 ~~2. A person who has entered a plea of guilty or nolo~~  
1488 ~~contendere to a felony prior to July 1, 2006, and has been~~  
1489 ~~sentenced by a court established by the laws of this state may~~  
1490 ~~petition that court to order the examination of physical~~  
1491 ~~evidence collected at the time of the investigation of the crime~~  
1492 ~~for which he or she has been sentenced that may contain DNA~~  
1493 ~~(deoxyribonucleic acid) and that would exonerate that person.~~

1494 (b) A petition for postsentencing forensic analysis ~~DNA~~  
1495 ~~testing~~ under paragraph (a) may be filed or considered at any  
1496 time following the date that the judgment and sentence in the  
1497 case becomes final.

1498 ~~(3)-(2)~~ METHOD FOR SEEKING POSTSENTENCING FORENSIC ANALYSIS  
1499 ~~DNA TESTING.~~

1500 (a) ~~A~~ The petition for postsentencing forensic analysis ~~DNA~~  
1501 ~~testing~~ must be made under oath by the sentenced defendant and  
1502 must include all the following:

1503 1. A statement of the facts relied on in support of the  
1504 petition, including a description of the physical evidence  
1505 ~~containing DNA~~ to be tested and, if known, the present location  
1506 or the last known location of the evidence and how it was



695928

576-04137-20

1507 originally obtained;

1508 2. A statement that the evidence was not previously  
1509 subjected to forensic analysis ~~tested for DNA~~ or a statement  
1510 that the results of any previous forensic analysis ~~DNA testing~~  
1511 were inconclusive and that subsequent scientific developments in  
1512 forensic analysis ~~DNA testing techniques~~ would likely produce  
1513 evidence material to a definitive result establishing that the  
1514 identity of the perpetrator of, or an accomplice to, petitioner  
1515 is not the person who committed the crime;

1516 3. A statement that the petitioner ~~sentenced defendant~~ is  
1517 innocent and how the forensic analysis ~~DNA testing~~ requested by  
1518 the petitioner may result in evidence that is material to  
1519 ~~petition will exonerate the~~ identity of the perpetrator of, or  
1520 an accomplice to, the defendant of the crime for which the  
1521 defendant was sentenced or will mitigate the sentence received  
1522 by the defendant for that crime;

1523 4. A statement that identification of the petitioner  
1524 ~~defendant~~ is a genuinely disputed issue in the case, and why it  
1525 is an issue;

1526 5. A statement that the petitioner will comply with any  
1527 court order to provide a biological sample for the purpose of  
1528 conducting requested forensic analysis and acknowledging such  
1529 analysis could produce exculpatory evidence or evidence  
1530 confirming the petitioner's identity as the perpetrator of, or  
1531 an accomplice to, the crime or a separate crime;

1532 ~~6.5.~~ Any other facts relevant to the petition; ~~and~~

1533 ~~7.6.~~ A certificate that a copy of the petition has been  
1534 served on the prosecuting authority; and

1535 8. The petitioner's sworn statement attesting to the



695928

576-04137-20

1536 contents of the petition.

1537 (b) Upon receiving the petition, the clerk of the court  
1538 shall file it and deliver the court file to the assigned judge.

1539 (c) The court shall review the petition and deny it if it  
1540 is insufficient. If the petition is sufficient, the prosecuting  
1541 authority shall be ordered to respond to the petition within 30  
1542 days.

1543 (d) Upon receiving the response of the prosecuting  
1544 authority, the court shall review the response and enter an  
1545 order on the merits of the petition or set the petition for a  
1546 hearing.

1547 (e) Counsel may be appointed to assist the petitioner  
1548 ~~sentenced defendant~~ if the petition proceeds to a hearing and if  
1549 the court determines that the assistance of counsel is necessary  
1550 and makes the requisite finding of indigency.

1551 (f) The court shall make all the following findings when  
1552 ruling on the petition:

1553 1. Whether the petitioner ~~sentenced defendant~~ has shown  
1554 that ~~the~~ physical evidence that may be subjected to forensic  
1555 analysis ~~contain DNA~~ still exists;

1556 2. Whether the results of forensic analysis ~~DNA testing~~ of  
1557 that physical evidence would be admissible at trial and whether  
1558 there exists reliable proof to establish that the evidence has  
1559 not been materially altered and would be admissible at a future  
1560 hearing; and

1561 3. Whether there is a reasonable probability the forensic  
1562 analysis may result in evidence that is material to the identity  
1563 of the perpetrator of, or an accomplice to, the crime ~~there is a~~  
1564 ~~reasonable probability that the sentenced defendant would have~~



695928

576-04137-20

1565 ~~been acquitted or would have received a lesser sentence if the~~  
1566 ~~DNA evidence had been admitted at trial.~~

1567 (g) If the court orders forensic analysis ~~DNA testing~~ of  
1568 the physical evidence, the cost of such analysis ~~testing~~ may be  
1569 assessed against the petitioner ~~sentenced defendant~~ unless he or  
1570 she is indigent. If the petitioner ~~sentenced defendant~~ is  
1571 indigent, the state shall bear the cost of the forensic analysis  
1572 ~~DNA testing~~ ordered by the court, unless specified otherwise in  
1573 accordance with paragraph (i).

1574 (h) Except as provided in paragraph (i), any forensic  
1575 analysis ~~DNA testing~~ ordered by the court shall be performed  
1576 ~~carried out~~ by the Department of Law Enforcement or its  
1577 designee, as provided in s. 943.3251.

1578 (i) The court may order forensic analysis to be performed  
1579 by a private laboratory and may assess the cost of such analysis  
1580 against the petitioner if:

1581 1. The prosecuting authority and the petitioner mutually  
1582 select a private laboratory to perform the forensic analysis;

1583 2. The petitioner makes a sufficient showing that the  
1584 forensic analysis ordered by the court is of such a nature that  
1585 it cannot be performed by the Department of Law Enforcement or  
1586 its designee; or

1587 3. The petitioner makes a sufficient showing that the  
1588 forensic analysis will be significantly delayed because of a  
1589 state laboratory backlog.

1590 (j) Before the court may order forensic analysis to be  
1591 performed by a private laboratory, the petitioner shall certify  
1592 to the court that the private laboratory is:

1593 1. Accredited by an accreditation body that is a signatory



695928

576-04137-20

1594 to the International Laboratory Accreditation Cooperation Mutual  
1595 Recognition Agreement; and

1596 2. Designated by the Federal Bureau of Investigation as  
1597 possessing an accreditation that includes DNA testing and the  
1598 laboratory is compliant with Federal Bureau of Investigation  
1599 quality assurance standards adopted in accordance with 34 U.S.C.  
1600 s. 12591, if DNA testing is requested.

1601 (k) If the court orders forensic analysis in the form of  
1602 DNA testing and the resulting DNA sample meets statewide DNA  
1603 database submission standards established by the Department of  
1604 Law Enforcement, the department must perform a DNA database  
1605 search. A private laboratory ordered to perform forensic  
1606 analysis under paragraph (i) must cooperate with the prosecuting  
1607 authority and the Department of Law Enforcement for the purpose  
1608 of carrying out this requirement.

1609 1. The department shall compare any DNA profiles obtained  
1610 from the testing to:

1611 a. DNA profiles of known offenders maintained in the  
1612 statewide DNA database under s. 943.325;

1613 b. DNA profiles from unsolved crimes maintained in the  
1614 statewide DNA database under s. 943.325; and

1615 c. Any local DNA databases maintained by a law enforcement  
1616 agency in the judicial circuit in which the petitioner was  
1617 convicted.

1618 2. If the testing complies with Federal Bureau of  
1619 Investigation requirements and the data meets national DNA index  
1620 system criteria, the department shall request the national DNA  
1621 index system to search its database of DNA profiles using any  
1622 profiles obtained from the testing.





695928

576-04137-20

1623            (1)~~(i)~~ The results of the forensic analysis and the results  
1624 of any search of the combined DNA index system and statewide and  
1625 local DNA databases ~~DNA testing~~ ordered by the court shall be  
1626 provided to the court, the petitioner ~~sentenced defendant~~, and  
1627 the prosecuting authority. The petitioner or the state may use  
1628 the information for any lawful purpose.

1629            (4)~~(3)~~ RIGHT TO APPEAL; REHEARING.—

1630            (a) An appeal from the court's order on the petition for  
1631 postsentencing forensic analysis ~~DNA testing~~ may be taken by any  
1632 adversely affected party.

1633            (b) An order denying relief shall include a statement that  
1634 the petitioner ~~sentenced defendant~~ has the right to appeal  
1635 within 30 days after the order denying relief is entered.

1636            (c) The petitioner ~~sentenced defendant~~ may file a motion  
1637 for rehearing of any order denying relief within 15 days after  
1638 service of the order denying relief. The time for filing an  
1639 appeal shall be tolled until an order on the motion for  
1640 rehearing has been entered.

1641            (d) The clerk of the court shall serve on all parties a  
1642 copy of any order rendered with a certificate of service,  
1643 including the date of service.

1644            (5)~~(4)~~ PRESERVATION OF EVIDENCE.—

1645            (a) Governmental entities that may be in possession of any  
1646 physical evidence in the case, including, but not limited to,  
1647 any investigating law enforcement agency, the clerk of the  
1648 court, the prosecuting authority, or the Department of Law  
1649 Enforcement shall maintain any physical evidence collected at  
1650 the time of the crime for which a postsentencing forensic  
1651 analysis ~~testing of DNA~~ may be requested.



695928

576-04137-20

1652 (b) In a case in which the death penalty is imposed, the  
1653 evidence shall be maintained for 60 days after execution of the  
1654 sentence. In all other cases, a governmental entity may dispose  
1655 of the physical evidence if the term of the sentence imposed in  
1656 the case has expired and no other provision of law or rule  
1657 requires that the physical evidence be preserved or retained.

1658 (c) If physical evidence requested for forensic analysis,  
1659 last known to be in possession of a governmental entity, is  
1660 reported to be missing or destroyed in violation of this  
1661 section, the court may order the evidence custodian or other  
1662 relevant official to conduct a physical search for the evidence.  
1663 If a search is ordered, the governmental entity must produce a  
1664 report containing all of the following information and it must  
1665 be provided to the court, the petitioner, and the prosecuting  
1666 authority:

- 1667 1. The nature of the search conducted;  
1668 2. The date the search was conducted;  
1669 3. The results of the search;  
1670 4. Any records showing the physical evidence was lost or  
1671 destroyed; and  
1672 5. The signature of the person who supervised the search,  
1673 attesting to the accuracy of the contents of the report.

1674 Section 14. Effective July 1, 2020, section 925.12, Florida  
1675 Statutes, is amended to read:

1676 925.12 Forensic analysis ~~DNA testing~~; defendants entering  
1677 pleas.—

1678 (1) For defendants who have entered a plea of guilty or  
1679 nolo contendere to a felony on or after July 1, 2006, but before  
1680 July 1, 2020, a defendant may petition for postsentencing



695928

576-04137-20

1681 forensic analysis ~~DNA testing~~ under s. 925.11 under the  
1682 following circumstances:

1683 (a) The facts on which the petition is predicated were  
1684 unknown to the petitioner or the petitioner's attorney at the  
1685 time the plea was entered and could not have been ascertained by  
1686 the exercise of due diligence; or

1687 (b) The physical evidence for which forensic analysis ~~DNA~~  
1688 ~~testing~~ is sought was not disclosed to the defense by the state  
1689 before ~~prior to~~ the entry of the plea by the petitioner.

1690 (2) For defendants who have entered a plea of guilty or  
1691 nolo contendere to a felony on or after July 1, 2020, a  
1692 defendant may petition for postsentencing forensic analysis  
1693 under s. 925.11 under the following circumstances:

1694 (a) The facts on which the petition is predicated were  
1695 unknown to the petitioner or the petitioner's attorney at the  
1696 time the plea was entered and could not have been ascertained by  
1697 the exercise of due diligence; or

1698 (b) The physical evidence for which forensic analysis is  
1699 sought was not disclosed to the defense by the state before the  
1700 entry of the plea by the petitioner.

1701 (3) ~~(2)~~ For defendants seeking to enter a plea of guilty or  
1702 nolo contendere to a felony on or after July 1, 2020 ~~July 1,~~  
1703 ~~2006~~, the court shall inquire of the defendant and of counsel  
1704 for the defendant and the state as to physical evidence  
1705 ~~containing DNA~~ known to exist that, if subjected to forensic  
1706 analysis, could produce evidence that is material to the  
1707 identification of the perpetrator of, or an accomplice to, the  
1708 crime before ~~could exonerate the defendant prior to~~ accepting a  
1709 plea of guilty or nolo contendere. If no such physical evidence



695928

576-04137-20

1710 ~~containing DNA that could exonerate the defendant~~ is known to  
1711 exist, the court may proceed with consideration of accepting the  
1712 plea. If such physical evidence ~~containing DNA that could~~  
1713 ~~exonerate the defendant~~ is known to exist, the court may  
1714 postpone the proceeding on the defendant's behalf and order  
1715 forensic analysis ~~DNA testing~~ upon motion of counsel specifying  
1716 the physical evidence to be tested.

1717 ~~(4)~~~~(3)~~ It is the intent of the Legislature that the Supreme  
1718 Court adopt rules of procedure consistent with this section for  
1719 a court, before ~~prior to~~ the acceptance of a plea, to make an  
1720 inquiry into all of the following matters:

1721 (a) Whether counsel for the defense has reviewed the  
1722 discovery disclosed by the state and whether such discovery  
1723 included a listing or description of physical items of evidence.

1724 (b) Whether the nature of the evidence against the  
1725 defendant disclosed through discovery has been reviewed with the  
1726 defendant.

1727 (c) Whether the defendant or counsel for the defendant is  
1728 aware of any physical evidence disclosed by the state for which  
1729 forensic analysis could produce a result material to the  
1730 identification of the perpetrator of, or an accomplice to, the  
1731 crime ~~DNA testing may exonerate the defendant.~~

1732 (d) Whether the state is aware of any physical evidence for  
1733 which forensic analysis could produce a result material to the  
1734 identification of the perpetrator of, or an accomplice to, the  
1735 crime ~~DNA testing may exonerate the defendant.~~

1736 ~~(5)~~~~(4)~~ It is the intent of the Legislature that the  
1737 postponement of the proceedings by the court on the defendant's  
1738 behalf under subsection (3) ~~(2)~~ constitute an extension



695928

576-04137-20

1739 attributable to the defendant for purposes of the defendant's  
1740 right to a speedy trial.

1741 Section 15. Effective upon the same date that SB 1506 or  
1742 similar legislation takes effect, only if such legislation is  
1743 adopted in the same legislative session or an extension thereof  
1744 and becomes a law, section 943.0587, Florida Statutes, is  
1745 created to read:

1746 943.0587 Driving while license suspended, revoked,  
1747 canceled, or disqualified expunction.-

1748 (1) DEFINITIONS.-As used in this section, the term:

1749 (a) "Former s. 322.34" is a reference to s. 322.34 as it  
1750 existed at any time before its amendment by chapter 2019-167,  
1751 Laws of Florida.

1752 (b) "New s. 322.34" is a reference to s. 322.34 as it  
1753 exists after the amendments made by chapter 2019-167, Laws of  
1754 Florida, became effective.

1755 (c) "Expunction" has the same meaning and effect as in s.  
1756 943.0585.

1757 (2) ELIGIBILITY.-Notwithstanding any other law, a person is  
1758 eligible to petition a court to expunge a criminal history  
1759 record for a conviction under former s. 322.34 if:

1760 (a) The person received a withholding of adjudication or  
1761 adjudication of guilt for a violation of former s. 322.34 for  
1762 driving while license suspended, revoked, canceled, or  
1763 disqualified and whose conviction would not be classified as a  
1764 felony under new s. 322.34; and

1765 (b) The person has never been convicted of a felony other  
1766 than for the felony offenses of the former s. 322.34 for driving  
1767 while license suspended, revoked, canceled, or disqualified.



695928

576-04137-20

1768       (3) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court  
1769 to expunge a criminal history record under this section, a  
1770 person seeking to expunge a criminal history record must apply  
1771 to the department for a certificate of eligibility for  
1772 expunction. The department shall adopt rules to establish  
1773 procedures for applying for and issuing a certificate of  
1774 eligibility for expunction.

1775       (a) The department shall issue a certificate of eligibility  
1776 for expunction to a person who is the subject of a criminal  
1777 history record under this section if that person:

1778       1. Satisfies the eligibility criteria in subsection (2);

1779       2. Has submitted to the department a written certified  
1780 statement from the appropriate state attorney or statewide  
1781 prosecutor which confirms the criminal history record complies  
1782 with the criteria in subsection (2);

1783       3. Has submitted to the department a certified copy of the  
1784 disposition of the charge or charges to which the petition to  
1785 expunge pertains; and

1786       4. Remits a \$75 processing fee to the department for  
1787 placement in the Department of Law Enforcement Operating Trust  
1788 Fund, unless the executive director waives such fee.

1789       (b) A certificate of eligibility for expunction is valid  
1790 for 12 months after the date stamped on the certificate when  
1791 issued by the department. After that time, the petitioner must  
1792 reapply to the department for a new certificate of eligibility.  
1793 The petitioner's status and the law in effect at the time of the  
1794 renewal application determine the petitioner's eligibility.

1795       (4) PETITION.—Each petition to expunge a criminal history  
1796 record must be accompanied by the following:



695928

576-04137-20

1797 (a) A valid certificate of eligibility issued by the  
1798 department.

1799 (b) The petitioner's sworn statement that he or she:

1800 1. Satisfies the eligibility requirements for expunction in  
1801 subsection (2); and

1802 2. Is eligible for expunction to the best of his or her  
1803 knowledge.

1804 (5) PENALTIES.—A person who knowingly provides false  
1805 information on such sworn statement commits a felony of the  
1806 third degree, punishable as provided in s. 775.082, s. 775.083,  
1807 or s. 775.084.

1808 (6) COURT AUTHORITY.—

1809 (a) The courts of this state have jurisdiction over their  
1810 own procedures, including the maintenance, expunction, and  
1811 correction of judicial records containing criminal history  
1812 information to the extent that such procedures are not  
1813 inconsistent with the conditions, responsibilities, and duties  
1814 established by this section.

1815 (b) A court of competent jurisdiction shall order a  
1816 criminal justice agency to expunge the criminal history record  
1817 of a person who complies with the requirements of this section.  
1818 The court may not order a criminal justice agency to expunge a  
1819 criminal history record under this section until the person  
1820 seeking to expunge a criminal history record has applied for and  
1821 received a certificate of eligibility under subsection (3).

1822 (c) Expunction granted under this section does not prevent  
1823 the person who receives such relief from petitioning for the  
1824 expunction or sealing of a later criminal history record, as  
1825 provided for in ss. 943.0583, 943.0585, and 943.059, if the



695928

576-04137-20

1826 person is otherwise eligible under those sections.

1827 (7) PROCESSING OF A PETITION OR AN ORDER.—

1828 (a) In a judicial proceeding under this section, a copy of  
1829 the completed petition to expunge shall be served upon the  
1830 appropriate state attorney or the statewide prosecutor and upon  
1831 the arresting agency; however, it is not necessary to make any  
1832 agency other than the state a party. The appropriate state  
1833 attorney or the statewide prosecutor and the arresting agency  
1834 may respond to the court regarding the completed petition to  
1835 expunge.

1836 (b) If relief is granted by the court, the clerk of the  
1837 court shall certify copies of the order to the appropriate state  
1838 attorney or the statewide prosecutor and the arresting agency.  
1839 The arresting agency shall forward the order to any other agency  
1840 to which the arresting agency disseminated the criminal history  
1841 record information to which the order pertains. The department  
1842 shall forward the order to expunge to the Federal Bureau of  
1843 Investigation. The clerk of the court shall certify a copy of  
1844 the order to any other agency which the records of the court  
1845 reflect has received the criminal history record from the court.

1846 (c) The department or any other criminal justice agency is  
1847 not required to act on an order to expunge entered by a court  
1848 when such order does not comply with the requirements of this  
1849 section. Upon receipt of such an order, the department must  
1850 notify the issuing court, the appropriate state attorney or  
1851 statewide prosecutor, the petitioner or the petitioner's  
1852 attorney, and the arresting agency of the reason for  
1853 noncompliance. The appropriate state attorney or statewide  
1854 prosecutor shall take action within 60 days to correct the





695928

576-04137-20

1855 record and petition the court to void the order. No cause of  
1856 action, including contempt of court, shall arise against any  
1857 criminal justice agency for failure to comply with an order to  
1858 expunge when the petitioner for such order failed to obtain the  
1859 certificate of eligibility as required by this section or such  
1860 order does not otherwise comply with the requirements of this  
1861 section.

1862 (8) EFFECT OF EXPUNCTION ORDER.—

1863 (a) The person who is the subject of a criminal history  
1864 record that is expunged under this section may lawfully deny or  
1865 fail to acknowledge the arrests and convictions covered by the  
1866 expunged record, except when the person who is the subject of  
1867 the record:

- 1868 1. Is a candidate for employment with a criminal justice  
1869 agency;
- 1870 2. Is a defendant in a criminal prosecution;
- 1871 3. Concurrently or subsequently petitions for relief under  
1872 this section, s. 943.0583, s. 943.0585, or s. 943.059;
- 1873 4. Is a candidate for admission to The Florida Bar;
- 1874 5. Is seeking to be employed or licensed by or to contract  
1875 with the Department of Children and Families, the Division of  
1876 Vocational Rehabilitation of the Department of Education, the  
1877 Agency for Health Care Administration, the Agency for Persons  
1878 with Disabilities, the Department of Health, the Department of  
1879 Elderly Affairs, or the Department of Juvenile Justice or to be  
1880 employed or used by such contractor or licensee in a sensitive  
1881 position having direct contact with children, the disabled, or  
1882 the elderly;
- 1883 6. Is seeking to be employed or licensed by the Department



695928

576-04137-20

1884 of Education, any district school board, any university  
1885 laboratory school, any charter school, any private or parochial  
1886 school, or any local governmental entity that licenses child  
1887 care facilities;

1888 7. Is seeking to be licensed by the Division of Insurance  
1889 Agent and Agency Services within the Department of Financial  
1890 Services; or

1891 8. Is seeking to be appointed as a guardian pursuant to s.  
1892 744.3125.

1893 (b) Subject to the exceptions in paragraph (a), a person  
1894 who has been granted an expunction under this section may not be  
1895 held under any law of this state to commit perjury or to be  
1896 otherwise liable for giving a false statement by reason of such  
1897 person's failure to recite or acknowledge an expunged criminal  
1898 history record.

1899 Section 16. Effective July 1, 2020, subsections (6) and  
1900 (14) of section 943.325, Florida Statutes, are amended to read:  
1901 943.325 DNA database.—

1902 (6) SAMPLES.—The statewide DNA database may contain DNA  
1903 data obtained from the following types of biological samples:

1904 (a) Crime scene samples.

1905 (b) Samples obtained from qualifying offenders required by  
1906 this section to provide a biological sample for DNA analysis and  
1907 inclusion in the statewide DNA database.

1908 (c) Samples lawfully obtained during the course of a  
1909 criminal investigation.

1910 (d) Samples from deceased victims or suspects that were  
1911 lawfully obtained during the course of a criminal investigation.

1912 (e) Samples from unidentified human remains.



695928

576-04137-20

- 1913 (f) Samples from persons reported missing.
- 1914 (g) Samples voluntarily contributed by relatives of missing  
1915 persons.
- 1916 (h) Samples obtained from DNA analysis ordered under s.  
1917 925.11 or s. 925.12.
- 1918 (i) ~~(h)~~ Other samples approved by the department.
- 1919 (14) RESULTS.—The results of a DNA analysis and the  
1920 comparison of analytic results shall be released only to  
1921 criminal justice agencies as defined in s. 943.045 at the  
1922 request of the agency or as required by s. 925.11 or s. 925.12.  
1923 Otherwise, such information is confidential and exempt from s.  
1924 119.07(1) and s. 24(a), Art. I of the State Constitution.
- 1925 Section 17. Effective July 1, 2020, section 943.3251,  
1926 Florida Statutes, is amended to read:
- 1927 943.3251 Postsentencing forensic analysis and DNA database  
1928 searches ~~DNA testing~~.—
- 1929 (1) When a court orders postsentencing forensic analysis  
1930 ~~DNA testing~~ of physical evidence, pursuant to s. 925.11, the  
1931 ~~Florida~~ Department of Law Enforcement, ~~or~~ its designee, or a  
1932 private laboratory shall carry out the analysis. If the forensic  
1933 analysis produces a DNA sample meeting statewide DNA database  
1934 submission standards, the department shall conduct a DNA  
1935 database search ~~testing~~.
- 1936 (2) The cost of forensic analysis and any database search  
1937 ~~such testing~~ may be assessed against the petitioner sentenced  
1938 ~~defendant~~, pursuant to s. 925.11, unless he or she is indigent.
- 1939 (3) The results of postsentencing forensic analysis and any  
1940 database search ~~DNA testing~~ shall be provided to the court, the  
1941 petitioner sentenced defendant, and the prosecuting authority.



695928

576-04137-20

1942 Section 18. Paragraph (a) of subsection (7) of section  
1943 944.705, Florida Statutes, is amended to read:

1944 944.705 Release orientation program.—

1945 (7) (a) The department shall notify every inmate in the  
1946 inmate's release documents:

1947 1. Of all outstanding terms of the inmate's sentence at the  
1948 time of release to assist the inmate in determining his or her  
1949 status with regard to the completion of all terms of sentence,  
1950 as that term is defined in s. 98.0751. This subparagraph does  
1951 not apply to inmates who are being released from the custody of  
1952 the department to any type of supervision monitored by the  
1953 department;

1954 2. Of the dates of admission to and release from the  
1955 custody of the department, including the total length of the  
1956 term of imprisonment for which he or she is being released; and

1957 3.2. In not less than 18-point type, that the inmate may be  
1958 sentenced pursuant to s. 775.082(9) if the inmate commits any  
1959 felony offense described in s. 775.082(9) within 3 years after  
1960 the inmate's release. This notice must be prefaced by the word  
1961 "WARNING" in boldfaced type.

1962 Section 19. Section 945.0911, Florida Statutes, is created  
1963 to read:

1964 945.0911 Conditional medical release.—

1965 (1) FINDINGS.—The Legislature finds that the number of  
1966 inmates with terminal medical conditions or who are suffering  
1967 from severe debilitating or incapacitating medical conditions  
1968 who are incarcerated in the state's prisons has grown  
1969 significantly in recent years. Further, the Legislature finds  
1970 that the condition of inmates who are terminally ill or



695928

576-04137-20

1971 suffering from a debilitating or incapacitating condition may be  
1972 exacerbated by imprisonment due to the stress linked to prison  
1973 life. The Legislature also finds that recidivism rates are  
1974 greatly reduced with inmates suffering from such medical  
1975 conditions who are released into the community. Therefore, the  
1976 Legislature finds that it is of great public importance to find  
1977 a compassionate solution to the challenges presented by the  
1978 imprisonment of inmates who are terminally ill or are suffering  
1979 from a debilitating or incapacitating condition while also  
1980 ensuring that the public safety of Florida's communities remains  
1981 protected.

1982 (2) CREATION.—There is established a conditional medical  
1983 release program within the department for the purpose of  
1984 determining whether release is appropriate for eligible inmates,  
1985 supervising the released inmates, and conducting revocation  
1986 hearings as provided for in this section. The establishment of  
1987 the conditional medical release program must include a panel of  
1988 at least three people appointed by the secretary or his or her  
1989 designee for the purpose of determining the appropriateness of  
1990 conditional medical release and conducting revocation hearings  
1991 on the inmate releases.

1992 (3) DEFINITIONS.—As used in this section, the term:

1993 (a) "Inmate with a debilitating illness" means an inmate  
1994 who is determined to be suffering from a significant terminal or  
1995 nonterminal condition, disease, or syndrome that has rendered  
1996 the inmate so physically or cognitively impaired, debilitated,  
1997 or incapacitated as to create a reasonable probability that the  
1998 inmate does not constitute a danger to himself or herself or to  
1999 others.



695928

576-04137-20

2000           (b) "Permanently incapacitated inmate" means an inmate who  
2001 has a condition caused by injury, disease, or illness which, to  
2002 a reasonable degree of medical certainty, renders the inmate  
2003 permanently and irreversibly physically incapacitated to the  
2004 extent that the inmate does not constitute a danger to himself  
2005 or herself or to others.

2006           (c) "Terminally ill inmate" means an inmate who has a  
2007 condition caused by injury, disease, or illness which, to a  
2008 reasonable degree of medical certainty, renders the inmate  
2009 terminally ill to the extent that there can be no recovery,  
2010 death is expected within 12 months, and the inmate does not  
2011 constitute a danger to himself or herself or to others.

2012           (4) ELIGIBILITY.—An inmate is eligible for consideration  
2013 for release under the conditional medical release program when  
2014 the inmate, because of an existing medical or physical  
2015 condition, is determined by the department to be an inmate with  
2016 a debilitating illness, a permanently incapacitated inmate, or a  
2017 terminally ill inmate. Notwithstanding any other law, an inmate  
2018 who meets this eligibility criteria may be released from the  
2019 custody of the department pursuant to this section before  
2020 satisfying 85 percent of his or her term of imprisonment.

2021           (5) REFERRAL FOR CONSIDERATION.—

2022           (a)1. Notwithstanding any provision to the contrary, any  
2023 inmate in the custody of the department who meets one or more of  
2024 the eligibility requirements under subsection (4) must be  
2025 considered for conditional medical release.

2026           2. The authority to grant conditional medical release rests  
2027 solely with the department. An inmate does not have a right to  
2028 release or to a medical evaluation to determine eligibility for



695928

576-04137-20

2029 release pursuant to this section.

2030 (b) The department must identify inmates who may be  
2031 eligible for conditional medical release based upon available  
2032 medical information. In considering an inmate for conditional  
2033 medical release, the department may require additional medical  
2034 evidence, including examinations of the inmate, or any other  
2035 additional investigations the department deems necessary for  
2036 determining the appropriateness of the eligible inmate's  
2037 release.

2038 (c) The department must refer an inmate to the panel  
2039 established under subsection (2) for review and determination of  
2040 conditional medical release upon his or her identification as  
2041 potentially eligible for release pursuant to this section.

2042 (d) If the case that resulted in the inmate's commitment to  
2043 the department involved a victim, and the victim specifically  
2044 requested notification pursuant to s. 16, Art. I of the State  
2045 Constitution, the department must notify the victim of the  
2046 inmate's referral to the panel immediately upon identification  
2047 of the inmate as potentially eligible for release under this  
2048 section. Additionally, the victim must be afforded the right to  
2049 be heard regarding the release of the inmate.

2050 (6) DETERMINATION OF RELEASE.—

2051 (a) The panel established in subsection (2) must conduct a  
2052 hearing to determine whether conditional medical release is  
2053 appropriate for the inmate. Before the hearing, the director of  
2054 inmate health services or his or her designee must review any  
2055 relevant information, including, but not limited to, medical  
2056 evidence, and provide the panel with a recommendation regarding  
2057 the appropriateness of releasing the inmate pursuant to this



695928

576-04137-20

2058 section. The hearing must be conducted by the panel:

2059 1. By April 1, 2021, if the inmate is immediately eligible  
2060 for consideration for the conditional medical release program  
2061 when this section took effect on October 1, 2020.

2062 2. By July 1, 2021, if the inmate becomes eligible for  
2063 consideration for the conditional medical release program after  
2064 October 1, 2020, but before July 1, 2021.

2065 3. Within 45 days after receiving the referral if the  
2066 inmate becomes eligible for conditional medical release any time  
2067 on or after July 1, 2021.

2068 (b) A majority of the panel members must agree that the  
2069 inmate is appropriate for release pursuant to this section. If  
2070 conditional medical release is approved, the inmate must be  
2071 released by the department to the community within a reasonable  
2072 amount of time with necessary release conditions imposed  
2073 pursuant to subsection (7).

2074 (c)1. An inmate who is denied conditional medical release  
2075 by the panel may have the decision reviewed by the department's  
2076 general counsel and chief medical officer, who must make a  
2077 recommendation to the secretary. The secretary must review all  
2078 relevant information and make a final decision about the  
2079 appropriateness of conditional medical release pursuant to this  
2080 section. The decision of the secretary is a final administrative  
2081 decision not subject to appeal.

2082 2. An inmate who requests to have the decision reviewed in  
2083 accordance with this paragraph must do so in a manner prescribed  
2084 by rule. An inmate who is denied conditional medical release may  
2085 be subsequently reconsidered for such release in a manner  
2086 prescribed by department rule.





695928

576-04137-20

2087  
2088  
2089  
2090  
2091  
2092  
2093  
2094  
2095  
2096  
2097  
2098  
2099  
2100  
2101  
2102  
2103  
2104  
2105  
2106  
2107  
2108  
2109  
2110  
2111  
2112  
2113  
2114  
2115

(7) RELEASE CONDITIONS.—  
(a) An inmate granted release pursuant to this section is released for a period equal to the length of time remaining on his or her term of imprisonment on the date the release is granted. Such inmate is considered a medical releasee upon release from the department into the community. The medical releasee must comply with all reasonable conditions of release the department imposes, which must include, at a minimum:  
1. Periodic medical evaluations at intervals determined by the department at the time of release.  
2. Supervision by an officer trained to handle special offender caseloads.  
3. Active electronic monitoring, if such monitoring is determined to be necessary to ensure the safety of the public and the medical releasee's compliance with release conditions.  
4. Any conditions of community control provided for in s. 948.101.  
5. Any other conditions the department deems appropriate to ensure the safety of the community and compliance by the medical releasee.  
(b) A medical releasee is considered to be in the custody, supervision, and control of the department, which, for purposes of this section, does not create a duty for the department to provide the medical releasee with medical care upon release into the community. The medical releasee remains eligible to earn or lose gain-time in accordance with s. 944.275 and department rule. The medical releasee may not be counted in the prison system population, and the medical releasee's approved community-based housing location may not be counted in the



695928

576-04137-20

2116 capacity figures for the prison system.

2117 (8) REVOCATION HEARING AND RECOMMITMENT.—

2118 (a)1. If the medical releasee's supervision officer or a  
2119 duly authorized representative of the department discovers that  
2120 the medical or physical condition of the medical releasee has  
2121 improved to the extent that she or he would no longer be  
2122 eligible for release under this section, the conditional medical  
2123 release may be revoked. The department may order, as prescribed  
2124 by department rule, that the medical releasee be returned to the  
2125 custody of the department for a conditional medical release  
2126 revocation hearing or may allow the medical releasee to remain  
2127 in the community pending the revocation hearing. If the  
2128 department elects to order the medical releasee to be returned  
2129 to custody pending the revocation hearing, the officer or duly  
2130 authorized representative may cause a warrant to be issued for  
2131 the arrest of the medical releasee.

2132 2. A medical releasee may admit to the allegation of  
2133 improved medical or physical condition or may elect to proceed  
2134 to a revocation hearing. The revocation hearing must be  
2135 conducted by the panel established in subsection (2). Before a  
2136 revocation hearing pursuant to this paragraph, the director of  
2137 inmate health services or his or her designee must review any  
2138 medical evidence pertaining to the medical releasee and provide  
2139 the panel with a recommendation regarding the medical releasee's  
2140 improvement and current medical or physical condition.

2141 3. A majority of the panel members must agree that  
2142 revocation is appropriate for the medical releasee's conditional  
2143 medical release to be revoked. If conditional medical release is  
2144 revoked due to improvement in his or her medical or physical



695928

576-04137-20

2145 condition, the medical releasee must be recommitted to the  
2146 department to serve the balance of his or her sentence in an  
2147 institution designated by the department with credit for the  
2148 time served on conditional medical release and without  
2149 forfeiture of any gain-time accrued before recommitment. If the  
2150 medical releasee whose conditional medical release is revoked  
2151 due to an improvement in his or her medical or physical  
2152 condition would otherwise be eligible for parole or any other  
2153 release program, he or she may be considered for such release  
2154 program pursuant to law.

2155 4. A medical releasee whose conditional medical release is  
2156 revoked pursuant to this paragraph may have the decision  
2157 reviewed by the department's general counsel and chief medical  
2158 officer, who must make a recommendation to the secretary. The  
2159 secretary must review all relevant information and make a final  
2160 decision about the appropriateness of the revocation of  
2161 conditional medical release pursuant to this paragraph. The  
2162 decision of the secretary is a final administrative decision not  
2163 subject to appeal.

2164 (b)1. The medical releasee's conditional medical release  
2165 may also be revoked for violation of any release conditions the  
2166 department establishes, including, but not limited to, a new  
2167 violation of law. The department may terminate the medical  
2168 releasee's conditional medical release and return him or her to  
2169 the same or another institution designated by the department.

2170 2. If a duly authorized representative of the department  
2171 has reasonable grounds to believe that a medical releasee has  
2172 violated the conditions of his or her release in a material  
2173 respect, such representative may cause a warrant to be issued



695928

576-04137-20

2174 for the arrest of the medical releasee. A law enforcement  
2175 officer or a probation officer may arrest the medical releasee  
2176 without a warrant in accordance with s. 948.06 if there are  
2177 reasonable grounds to believe he or she has violated the terms  
2178 and conditions of his or her conditional medical release. The  
2179 law enforcement officer must report the medical releasee's  
2180 alleged violations to the supervising probation office or the  
2181 department's emergency action center for initiation of  
2182 revocation proceedings as prescribed by the department by rule.

2183 3. If the basis of the violation of release conditions is  
2184 related to a new violation of law, the medical releasee must be  
2185 detained without bond until his or her initial appearance, at  
2186 which a judicial determination of probable cause is made. If the  
2187 judge determines that there was no probable cause for the  
2188 arrest, the medical releasee may be released. If the judge  
2189 determines that there was probable cause for the arrest, the  
2190 judge's determination also constitutes reasonable grounds to  
2191 believe that the medical releasee violated the conditions of the  
2192 conditional medical release.

2193 4. The department must order that the medical releasee  
2194 subject to revocation under this paragraph be returned to  
2195 department custody for a conditional medical release revocation  
2196 hearing. A medical releasee may admit to the alleged violation  
2197 of the conditions of conditional medical release or may elect to  
2198 proceed to a revocation hearing. The revocation hearing must be  
2199 conducted by the panel established in subsection (2).

2200 5. A majority of the panel members must agree that  
2201 revocation is appropriate for the medical releasee's conditional  
2202 medical release to be revoked. If conditional medical release is



695928

576-04137-20

2203 revoked pursuant to this paragraph, the medical releasee must  
2204 serve the balance of his or her sentence in an institution  
2205 designated by the department with credit for the actual time  
2206 served on conditional medical release. The releasee's gain-time  
2207 accrued before recommitment may be forfeited pursuant to s.  
2208 944.28(1). If the medical releasee whose conditional medical  
2209 release is revoked subject to this paragraph would otherwise be  
2210 eligible for parole or any other release program, he or she may  
2211 be considered for such release program pursuant to law.

2212 6. A medical releasee whose conditional medical release has  
2213 been revoked pursuant to this paragraph may have the revocation  
2214 reviewed by the department's general counsel, who must make a  
2215 recommendation to the secretary. The secretary must review all  
2216 relevant information and make a final decision about the  
2217 appropriateness of the revocation of conditional medical release  
2218 pursuant to this paragraph. The decision of the secretary is a  
2219 final administrative decision not subject to appeal.

2220 (c)1. If the medical releasee subject to revocation under  
2221 paragraph (a) or paragraph (b) elects to proceed with a hearing,  
2222 the medical releasee must be informed orally and in writing of  
2223 the following:

2224 a. The alleged basis for the pending revocation proceeding  
2225 against the releasee.

2226 b. The releasee's right to be represented by counsel.  
2227 However, this sub-subparagraph does not create a right to  
2228 publicly funded legal counsel.

2229 c. The releasee's right to be heard in person.

2230 d. The releasee's right to secure, present, and compel the  
2231 attendance of witnesses relevant to the proceeding.



695928

576-04137-20

2232 e. The releasee's right to produce documents on his or her  
2233 own behalf.

2234 f. The releasee's right of access to all evidence used to  
2235 support the revocation proceeding against the releasee and to  
2236 confront and cross-examine adverse witnesses.

2237 g. The releasee's right to waive the hearing.

2238 2. If the panel approves the revocation of the medical  
2239 releasee's conditional medical release under paragraph (a) or  
2240 paragraph (b), the panel must provide a written statement as to  
2241 evidence relied on and reasons for revocation.

2242 (d) A medical releasee whose conditional medical release is  
2243 revoked and who is recommitted to the department under this  
2244 subsection must comply with the 85 percent requirement in  
2245 accordance with ss. 921.002 and 944.275 upon recommitment.

2246 (9) SPECIAL REQUIREMENTS UPON AN INMATE'S DIAGNOSIS OF A  
2247 TERMINAL CONDITION.—

2248 (a) If an inmate is diagnosed with a terminal medical  
2249 condition that makes him or her eligible for consideration for  
2250 release under paragraph (3) (c) while in the custody of the  
2251 department, subject to confidentiality requirements, the  
2252 department must:

2253 1. Notify the inmate's family or next of kin and attorney,  
2254 if applicable, of such diagnosis within 72 hours after the  
2255 diagnosis.

2256 2. Provide the inmate's family, including extended family,  
2257 with an opportunity to visit the inmate in person within 7 days  
2258 after the diagnosis.

2259 3. Initiate a review for conditional medical release as  
2260 provided for in this section immediately upon the diagnosis.



695928

576-04137-20

2261 (b) If the inmate has mental and physical capacity, he or  
2262 she must consent to release of confidential information for the  
2263 department to comply with the notification requirements required  
2264 in this subsection.

2265 (10) SOVEREIGN IMMUNITY.—Unless otherwise provided by law  
2266 and in accordance with s. 13, Art. X of the State Constitution,  
2267 members of the panel established in subsection (2) who are  
2268 involved with decisions that grant or revoke conditional medical  
2269 release are provided immunity from liability for actions that  
2270 directly relate to such decisions.

2271 (11) RULEMAKING AUTHORITY.—The department may adopt rules  
2272 as necessary to implement this section.

2273 Section 20. Section 945.0912, Florida Statutes, is created  
2274 to read:

2275 945.0912 Conditional aging inmate release.—

2276 (1) FINDINGS.—The Legislature finds that the number of  
2277 aging inmates incarcerated in the state's prisons has grown  
2278 significantly in recent years. Further, the Legislature finds  
2279 that imprisonment tends to exacerbate the effects of aging due  
2280 to histories of substance abuse and inadequate preventive care  
2281 before imprisonment and stress linked to prison life. The  
2282 Legislature also finds that recidivism rates are greatly reduced  
2283 with older inmates who are released into the community.

2284 Therefore, the Legislature finds that it is of great public  
2285 importance to find a compassionate solution to the challenges  
2286 presented by the imprisonment of aging inmates while also  
2287 ensuring that the public safety of Florida's communities remains  
2288 protected.

2289 (2) CREATION.—There is established a conditional aging



695928

576-04137-20

2290 inmate release program within the department for the purpose of  
2291 determining eligible inmates who are appropriate for such  
2292 release, supervising the released inmates, and conducting  
2293 revocation hearings as provided for in this section. The program  
2294 must include a panel of at least three people appointed by the  
2295 secretary or his or her designee for the purpose of determining  
2296 the appropriateness of conditional aging inmate release and  
2297 conducting revocation hearings on the inmate releases.

2298 (3) ELIGIBILITY.—

2299 (a) An inmate is eligible for consideration for release  
2300 under the conditional aging inmate release program when the  
2301 inmate has reached 65 years of age and has served at least 10  
2302 years on his or her term of imprisonment. Notwithstanding any  
2303 other provision of law, an inmate who meets the above criteria  
2304 may be released from the custody of the department pursuant to  
2305 this section before satisfying 85 percent of his or her term of  
2306 imprisonment.

2307 (b) An inmate may not be considered for release through the  
2308 conditional aging inmate release program if he or she has ever  
2309 been found guilty of, regardless of adjudication, or entered a  
2310 plea of nolo contendere or guilty to, or has been adjudicated  
2311 delinquent for committing:

2312 1. Any offense classified as a capital felony, life felony,  
2313 or first degree felony punishable by a term of years not  
2314 exceeding life imprisonment.

2315 2. Any violation of law that resulted in the killing of a  
2316 human being.

2317 3. Any felony offense that serves as a predicate to  
2318 registration as a sexual offender in accordance with s.





695928

576-04137-20

2319 943.0435; or

2320 4. Any similar offense committed in another jurisdiction  
2321 which would be an offense listed in this paragraph if it had  
2322 been committed in violation of the laws of this state.

2323 (c) An inmate who has previously been released on any form  
2324 of conditional or discretionary release and who was recommitted  
2325 to the department as a result of a finding that he or she  
2326 subsequently violated the terms of such conditional or  
2327 discretionary release may not be considered for release through  
2328 the program.

2329 (4) REFERRAL FOR CONSIDERATION.—

2330 (a)1. Notwithstanding any provision to the contrary, an  
2331 inmate in the custody of the department who is eligible for  
2332 consideration pursuant to subsection (3) must be considered for  
2333 the conditional aging inmate release program.

2334 2. The authority to grant conditional aging inmate release  
2335 rests solely with the department. An inmate does not have a  
2336 right to such release.

2337 (b) The department must identify inmates who may be  
2338 eligible for the conditional aging inmate release program. In  
2339 considering an inmate for conditional aging inmate release, the  
2340 department may require the production of additional evidence or  
2341 any other additional investigations that the department deems  
2342 necessary for determining the appropriateness of the eligible  
2343 inmate's release.

2344 (c) The department must refer an inmate to the panel  
2345 established under subsection (2) for review and determination of  
2346 conditional aging inmate release upon his or her identification  
2347 as potentially eligible for release pursuant to this section.



695928

576-04137-20

2348 (d) If the case that resulted in the inmate's commitment to  
2349 the department involved a victim, and the victim specifically  
2350 requested notification pursuant to s. 16, Art. I of the State  
2351 Constitution, the department must notify the victim, in a manner  
2352 prescribed by rule, of the inmate's referral to the panel  
2353 immediately upon identification of the inmate as potentially  
2354 eligible for release under this section. Additionally, the  
2355 victim must be afforded the right to be heard regarding the  
2356 release of the inmate.

2357 (5) DETERMINATION OF RELEASE.—

2358 (a) The panel established in subsection (2) must conduct a  
2359 hearing to determine whether the inmate is appropriate for  
2360 conditional aging inmate release. The hearing must be conducted  
2361 by the panel:

2362 1. By April 1, 2021, if the inmate is immediately eligible  
2363 for consideration for the conditional aging inmate release  
2364 program when this section took effect on October 1, 2020.

2365 2. By July 1, 2021, if the inmate becomes eligible for  
2366 consideration for the conditional aging inmate release program  
2367 after October 1, 2020, but before July 1, 2021.

2368 3. Within 45 days after receiving the referral if the  
2369 inmate becomes eligible for conditional aging inmate release any  
2370 time on or after July 1, 2021.

2371 (b) A majority of the panel members must agree that the  
2372 inmate is appropriate for release pursuant to this section. If  
2373 conditional aging inmate release is approved, the inmate must be  
2374 released by the department to the community within a reasonable  
2375 amount of time with necessary release conditions imposed  
2376 pursuant to subsection (6).



695928

576-04137-20

2377       (c)1. An inmate who is denied conditional aging inmate  
2378 release by the panel may have the decision reviewed by the  
2379 department's general counsel, who must make a recommendation to  
2380 the secretary. The secretary must review all relevant  
2381 information and make a final decision about the appropriateness  
2382 of conditional aging inmate release pursuant to this section.  
2383 The decision of the secretary is a final administrative decision  
2384 not subject to appeal.

2385       2. An inmate who requests to have the decision reviewed in  
2386 accordance with this paragraph must do so in a manner prescribed  
2387 by rule. An inmate who is denied conditional aging inmate  
2388 release may be subsequently reconsidered for such release in a  
2389 manner prescribed by rule.

2390       (6) RELEASE CONDITIONS.—

2391       (a) An inmate granted release pursuant to this section is  
2392 released for a period equal to the length of time remaining on  
2393 his or her term of imprisonment on the date the release is  
2394 granted. Such inmate is considered an aging releasee upon  
2395 release from the department into the community. The aging  
2396 releasee must comply with all reasonable conditions of release  
2397 the department imposes, which must include, at a minimum:

2398       1. Supervision by an officer trained to handle special  
2399 offender caseloads.

2400       2. Active electronic monitoring, if such monitoring is  
2401 determined to be necessary to ensure the safety of the public  
2402 and the aging releasee's compliance with release conditions.

2403       3. Any conditions of community control provided for in s.  
2404 948.101.

2405       4. Any other conditions the department deems appropriate to



695928

576-04137-20

2406 ensure the safety of the community and compliance by the aging  
2407 releasee.

2408 (b) An aging releasee is considered to be in the custody,  
2409 supervision, and control of the department, which, for purposes  
2410 of this section, does not create a duty for the department to  
2411 provide the aging releasee with medical care upon release into  
2412 the community. The aging releasee remains eligible to earn or  
2413 lose gain-time in accordance with s. 944.275 and department  
2414 rule. The aging releasee may not be counted in the prison system  
2415 population, and the aging releasee's approved community-based  
2416 housing location may not be counted in the capacity figures for  
2417 the prison system.

2418 (7) REVOCATION HEARING AND RECOMMITMENT.—

2419 (a)1. An aging releasee's conditional aging inmate release  
2420 may be revoked for a violation of any condition of the release  
2421 established by the department, including, but not limited to, a  
2422 new violation of law. The department may terminate the aging  
2423 releasee's conditional aging inmate release and return him or  
2424 her to the same or another institution designated by the  
2425 department.

2426 2. If a duly authorized representative of the department  
2427 has reasonable grounds to believe that an aging releasee has  
2428 violated the conditions of his or her release in a material  
2429 respect, such representative may cause a warrant to be issued  
2430 for the arrest of the aging releasee. A law enforcement officer  
2431 or a probation officer may arrest the aging releasee without a  
2432 warrant in accordance with s. 948.06, if there are reasonable  
2433 grounds to believe he or she has violated the terms and  
2434 conditions of his or her conditional aging inmate release. The



695928

576-04137-20

2435 law enforcement officer must report the aging releasee's alleged  
2436 violations to the supervising probation office or the  
2437 department's emergency action center for initiation of  
2438 revocation proceedings as prescribed by the department by rule.

2439 3. If the basis of the violation of release conditions is  
2440 related to a new violation of law, the aging releasee must be  
2441 detained without bond until his or her initial appearance, at  
2442 which a judicial determination of probable cause is made. If the  
2443 judge determines that there was no probable cause for the  
2444 arrest, the aging releasee may be released. If the judge  
2445 determines that there was probable cause for the arrest, the  
2446 judge's determination also constitutes reasonable grounds to  
2447 believe that the aging releasee violated the conditions of the  
2448 release.

2449 4. The department must order that the aging releasee  
2450 subject to revocation under this subsection be returned to  
2451 department custody for a conditional aging inmate release  
2452 revocation hearing as prescribed by rule. An aging releasee may  
2453 admit to the alleged violation of the conditions of conditional  
2454 aging inmate release or may elect to proceed to a revocation  
2455 hearing.

2456 5. A majority of the panel members must agree that  
2457 revocation is appropriate for the aging releasee's conditional  
2458 aging inmate release to be revoked. If conditional aging inmate  
2459 release is revoked pursuant to this subsection, the aging  
2460 releasee must serve the balance of his or her sentence in an  
2461 institution designated by the department with credit for the  
2462 actual time served on conditional aging inmate release. However,  
2463 the aging releasee's gain-time accrued before recommitment may



695928

576-04137-20

2464 be forfeited pursuant to s. 944.28(1). An aging releasee whose  
2465 conditional aging inmate release is revoked and is recommitted  
2466 to the department under this subsection must comply with the 85  
2467 percent requirement in accordance with ss. 921.002 and 944.275.  
2468 If the aging releasee whose conditional aging inmate release is  
2469 revoked subject to this subsection would otherwise be eligible  
2470 for parole or any other release program, he or she may be  
2471 considered for such release program pursuant to law.

2472 6. An aging releasee whose release has been revoked  
2473 pursuant to this subsection may have the revocation reviewed by  
2474 the department's general counsel, who must make a recommendation  
2475 to the secretary. The secretary must review all relevant  
2476 information and make a final decision about the appropriateness  
2477 of the revocation of conditional aging inmate release pursuant  
2478 to this subsection. The decision of the secretary is a final  
2479 administrative decision not subject to appeal.

2480 (b) If the aging releasee subject to revocation under this  
2481 subsection elects to proceed with a hearing, the aging releasee  
2482 must be informed orally and in writing of the following:

2483 1. The alleged violation with which the releasee is  
2484 charged.

2485 2. The releasee's right to be represented by counsel.  
2486 However, this subparagraph does not create a right to publicly  
2487 funded legal counsel.

2488 3. The releasee's right to be heard in person.

2489 4. The releasee's right to secure, present, and compel the  
2490 attendance of witnesses relevant to the proceeding.

2491 5. The releasee's right to produce documents on his or her  
2492 own behalf.



695928

576-04137-20

2493           6. The releasee's right of access to all evidence used  
2494 against the releasee and to confront and cross-examine adverse  
2495 witnesses.

2496           7. The releasee's right to waive the hearing.

2497           (c) If the panel approves the revocation of the aging  
2498 releasee's conditional aging inmate release, the panel must  
2499 provide a written statement as to evidence relied on and reasons  
2500 for revocation.

2501           (8) SOVEREIGN IMMUNITY.—Unless otherwise provided by law  
2502 and in accordance with s. 13, Art. X of the State Constitution,  
2503 members of the panel established in subsection (2) who are  
2504 involved with decisions that grant or revoke conditional aging  
2505 inmate release are provided immunity from liability for actions  
2506 that directly relate to such decisions.

2507           (9) RULEMAKING AUTHORITY.—The department may adopt rules as  
2508 necessary to implement this section.

2509           Section 21. Section 947.149, Florida Statutes, is repealed.

2510           Section 22. Effective upon this act becoming a law,  
2511 paragraph (f) of subsection (2) of section 948.06, Florida  
2512 Statutes, is amended to read:

2513           948.06 Violation of probation or community control;  
2514 revocation; modification; continuance; failure to pay  
2515 restitution or cost of supervision.—

2516           (2)

2517           (f)1. Except as provided in subparagraph 3. or upon waiver  
2518 by the probationer, the court shall modify or continue a  
2519 probationary term upon finding a probationer in violation when  
2520 all any of the following apply applies:

2521           a. The term of supervision is probation.



695928

576-04137-20

2522           b. The probationer does not qualify as a violent felony  
2523 offender of special concern, as defined in paragraph (8)(b).

2524           c. The violation is a low-risk technical violation, as  
2525 defined in paragraph (9)(b).

2526           d. The court has not previously found the probationer in  
2527 violation of his or her probation pursuant to a filed violation  
2528 of probation affidavit during the current term of supervision. A  
2529 probationer who has successfully completed sanctions through the  
2530 alternative sanctioning program is eligible for mandatory  
2531 modification or continuation of his or her probation.

2532           2. Upon modifying probation under subparagraph 1., the  
2533 court may include in the sentence a maximum of 90 days in county  
2534 jail as a special condition of probation.

2535           3. Notwithstanding s. 921.0024, if a probationer has less  
2536 than 90 days of supervision remaining on his or her term of  
2537 probation and meets the criteria for mandatory modification or  
2538 continuation in subparagraph 1., the court may revoke probation  
2539 and sentence the probationer to a maximum of 90 days in county  
2540 jail.

2541           4. For purposes of imposing a jail sentence under this  
2542 paragraph only, the court may grant credit only for time served  
2543 in the county jail since the probationer's most recent arrest  
2544 for the violation. However, the court may not order the  
2545 probationer to a total term of incarceration greater than the  
2546 maximum provided by s. 775.082.

2547           Section 23. Section 951.30, Florida Statutes, is created to  
2548 read:

2549           951.30 Release documents; requirement.—The administrator of  
2550 a county detention facility must provide to each inmate upon





695928

576-04137-20

2551 release from the custody of the facility a written document  
2552 detailing the total length of the term of imprisonment from  
2553 which he or she is being released, including the specific dates  
2554 of his or her admission to and release from the custody of the  
2555 facility.

2556 Section 24. Effective July 1, 2020, section 961.02, Florida  
2557 Statutes, is amended to read:

2558 961.02 Definitions.—As used in ss. 961.01–961.07, the term:

2559 (1) “Act” means the Victims of Wrongful Incarceration  
2560 Compensation Act.

2561 (2) “Department” means the Department of Legal Affairs.

2562 (3) “Division” means the Division of Administrative  
2563 Hearings.

2564 ~~(4) “Eligible for compensation” means that a person meets~~  
2565 ~~the definition of the term “wrongfully incarcerated person” and~~  
2566 ~~is not disqualified from seeking compensation under the criteria~~  
2567 ~~prescribed in s. 961.04.~~

2568 ~~(4)(5)~~ “Entitled to compensation” means that a person ~~meets~~  
2569 ~~the definition of the term “eligible for compensation” and~~  
2570 satisfies the application requirements prescribed in s. 961.05,  
2571 and may receive compensation pursuant to s. 961.06.

2572 ~~(6) “Violent felony” means a felony listed in s.~~  
2573 ~~775.084(1)(c)1. or s. 948.06(8)(c).~~

2574 ~~(5)(7)~~ “Wrongfully incarcerated person” means a person  
2575 whose felony conviction and sentence have been vacated by a  
2576 court of competent jurisdiction and who is the subject of an  
2577 order issued by the original sentencing court pursuant to s.  
2578 961.03 finding that the person did not commit the act or offense  
2579 that served as the basis for the conviction and incarceration



695928

576-04137-20

2580 and that the person did not aid, abet, or act as an accomplice  
2581 or accessory to a person who committed the act or offense.

2582 Section 25. Effective July 1, 2020, section 961.03, Florida  
2583 Statutes, is amended to read:

2584 961.03 Determination of status as a wrongfully incarcerated  
2585 person; ~~determination of eligibility for compensation.~~

2586 (1) (a) In order to meet the definition of a "wrongfully  
2587 incarcerated person," ~~and "eligible for compensation,"~~ upon  
2588 entry of an order, based upon exonerating evidence, vacating a  
2589 conviction and sentence, a person must set forth the claim of  
2590 wrongful incarceration under oath and with particularity by  
2591 filing a petition with the original sentencing court, with a  
2592 copy of the petition and proper notice to the prosecuting  
2593 authority in the underlying felony for which the person was  
2594 incarcerated. At a minimum, the petition must:

2595 ~~1. state that verifiable and substantial evidence of actual~~  
2596 ~~innocence exists and state with particularity the nature and~~  
2597 ~~significance of the verifiable and substantial evidence of~~  
2598 ~~actual innocence.; and~~

2599 ~~2. State that the person is not disqualified, under the~~  
2600 ~~provisions of s. 961.04, from seeking compensation under this~~  
2601 ~~act.~~

2602 (b) The person must file the petition with the court:

2603 1. Within 2 years after the order vacating a conviction and  
2604 sentence becomes final and the criminal charges against the  
2605 person are dismissed or the person is retried and found not  
2606 guilty, if the person's conviction and sentence is vacated on or  
2607 after July 1, 2020.

2608 2. By July 1, 2022, if the person's conviction and sentence



695928

576-04137-20

2609 was vacated and the criminal charges against the person were  
2610 dismissed or the person was retried and found not guilty after  
2611 January 1, 2006, but before July 1, 2020, and he or she  
2612 previously filed a claim under this section, which was dismissed  
2613 or did not file a claim under this section because:

2614 a. The date when the criminal charges against the person  
2615 were dismissed or the date the person was acquitted upon retrial  
2616 occurred more than 90 days after the date of the final order  
2617 vacating the conviction and sentence; or

2618 b. The claim would have previously been barred under former  
2619 s. 961.04, Florida Statutes 2020.

2620 ~~1. Within 90 days after the order vacating a conviction and~~  
2621 ~~sentence becomes final if the person's conviction and sentence~~  
2622 ~~is vacated on or after July 1, 2008.~~

2623 ~~2. By July 1, 2010, if the person's conviction and sentence~~  
2624 ~~was vacated by an order that became final prior to July 1, 2008.~~

2625 (c) A deceased person's heirs, successors, or assigns do  
2626 not have standing to file a claim on the deceased person's  
2627 behalf under this act.

2628 (2) The prosecuting authority must respond to the petition  
2629 within 30 days. The prosecuting authority may respond:

2630 (a) By certifying to the court that, based upon the  
2631 petition and verifiable and substantial evidence of actual  
2632 innocence, no further criminal proceedings in the case at bar  
2633 can or will be initiated by the prosecuting authority and, that  
2634 no questions of fact remain as to the petitioner's wrongful  
2635 incarceration, ~~and that the petitioner is not ineligible from~~  
2636 ~~seeking compensation under the provisions of s. 961.04; or~~

2637 (b) By contesting the nature, significance, or effect of



695928

576-04137-20

2638 the evidence of actual innocence, or the facts related to the  
2639 petitioner's alleged wrongful incarceration, ~~or whether the~~  
2640 ~~petitioner is ineligible from seeking compensation under the~~  
2641 ~~provisions of s. 961.04.~~

2642 (3) If the prosecuting authority responds as set forth in  
2643 paragraph (2) (a), the original sentencing court, based upon the  
2644 evidence of actual innocence, the prosecuting authority's  
2645 certification, and upon the court's finding that the petitioner  
2646 has presented clear and convincing evidence that the petitioner  
2647 committed neither the act nor the offense that served as the  
2648 basis for the conviction and incarceration, and that the  
2649 petitioner did not aid, abet, or act as an accomplice to a  
2650 person who committed the act or offense, shall certify to the  
2651 department that the petitioner is a wrongfully incarcerated  
2652 person as defined by this act. ~~Based upon the prosecuting~~  
2653 ~~authority's certification, the court shall also certify to the~~  
2654 ~~department that the petitioner is eligible for compensation~~  
2655 ~~under the provisions of s. 961.04.~~

2656 (4) (a) ~~If the prosecuting authority responds as set forth~~  
2657 ~~in paragraph (2) (b), the original sentencing court shall make a~~  
2658 ~~determination from the pleadings and supporting documentation~~  
2659 ~~whether, by a preponderance of the evidence, the petitioner is~~  
2660 ~~ineligible for compensation under the provisions of s. 961.04,~~  
2661 ~~regardless of his or her claim of wrongful incarceration. If the~~  
2662 ~~court finds the petitioner ineligible under the provisions of s.~~  
2663 ~~961.04, it shall dismiss the petition.~~

2664 (b) ~~If the prosecuting authority responds as set forth in~~  
2665 ~~paragraph (2) (b), and the court determines that the petitioner~~  
2666 ~~is eligible under the provisions of s. 961.04, but the~~



695928

576-04137-20

2667 ~~prosecuting authority~~ contests the nature, significance or  
2668 effect of the evidence of actual innocence, or the facts related  
2669 to the petitioner's alleged wrongful incarceration, the court  
2670 shall set forth its findings and transfer the petition by  
2671 electronic means through the division's website to the division  
2672 for findings of fact and a recommended determination of whether  
2673 the petitioner has established that he or she is a wrongfully  
2674 incarcerated person ~~who is eligible for compensation under this~~  
2675 ~~act.~~

2676 (5) Any questions of fact, the nature, significance or  
2677 effect of the evidence of actual innocence, ~~and the petitioner's~~  
2678 ~~eligibility for compensation under this act~~ must be established  
2679 by clear and convincing evidence by the petitioner before an  
2680 administrative law judge.

2681 (6) (a) Pursuant to division rules and any additional rules  
2682 set forth by the administrative law judge, a hearing shall be  
2683 conducted no later than 120 days after the transfer of the  
2684 petition.

2685 (b) The prosecuting authority shall appear for the purpose  
2686 of contesting, as necessary, the facts, the nature, and  
2687 significance or effect of the evidence of actual innocence as  
2688 presented by the petitioner.

2689 (c) No later than 45 days after the adjournment of the  
2690 hearing, the administrative law judge shall issue an order  
2691 setting forth his or her findings and recommendation and shall  
2692 file the order with the original sentencing court.

2693 (d) The original sentencing court shall review the findings  
2694 and recommendation contained in the order of the administrative  
2695 law judge and, within 60 days, shall issue its own order



695928

576-04137-20

2696 adopting or declining to adopt the findings and recommendation  
2697 of the administrative law judge.

2698 (7) If the court concludes that the petitioner is a  
2699 wrongfully incarcerated person as defined by this act ~~and is~~  
2700 ~~eligible for compensation as defined in this act~~, the court  
2701 shall include in its order a certification to the department  
2702 that:

2703 (a)1. The order of the administrative law judge finds that  
2704 the petitioner has met his or her burden of establishing by  
2705 clear and convincing evidence that the petitioner committed  
2706 neither the act nor the offense that served as the basis for the  
2707 conviction and incarceration and that the petitioner did not  
2708 aid, abet, or act as an accomplice to a person who committed the  
2709 act or offense; or

2710 2. That the court has declined to adopt the findings and  
2711 recommendations of the administrative law judge and finds that  
2712 the petitioner has met his or her burden of establishing by  
2713 clear and convincing evidence that the petitioner committed  
2714 neither the act nor the offense that served as the basis for the  
2715 conviction and incarceration and that the petitioner did not  
2716 aid, abet, or act as an accomplice to a person who committed the  
2717 act or offense; and

2718 (b) The original sentencing court determines the findings  
2719 and recommendations on which its order is based are supported by  
2720 competent, substantial evidence.

2721 (8) The establishment of the method by which a person may  
2722 seek the status of a wrongfully incarcerated person ~~and a~~  
2723 ~~finding as to eligibility for compensation under this act~~ in no  
2724 way creates any rights of due process beyond those set forth



695928

576-04137-20

2725 herein, nor is there created any right to further petition or  
2726 appeal beyond the scope of the method set forth herein.

2727 Section 26. Effective July 1, 2020, section 961.04, Florida  
2728 Statutes, is repealed.

2729 Section 27. Effective July 1, 2020, subsections (1), (2),  
2730 and (3) of section 961.05, Florida Statutes, are amended to  
2731 read:

2732 961.05 Application for compensation for wrongful  
2733 incarceration; administrative expunction; determination of  
2734 entitlement to compensation.—

2735 (1) A wrongfully incarcerated person ~~who is eligible for~~  
2736 ~~compensation as defined in this act~~ must initiate his or her  
2737 application for compensation as required in this section no more  
2738 than 2 years after the original sentencing court enters its  
2739 order finding that the person meets the definition of wrongfully  
2740 incarcerated person ~~and is eligible for compensation as defined~~  
2741 ~~in this act.~~

2742 (2) A wrongfully incarcerated person ~~who is eligible for~~  
2743 ~~compensation under the act~~ must apply to the Department of Legal  
2744 Affairs. No estate of, or personal representative for, a  
2745 decedent is entitled to apply on behalf of the decedent for  
2746 compensation for wrongful incarceration.

2747 (3) The application must include:

2748 (a) A certified copy of the order vacating the conviction  
2749 and sentence;

2750 (b) A certified copy of the original sentencing court's  
2751 order finding the claimant to be a wrongfully incarcerated  
2752 person ~~who is eligible for compensation under this act;~~

2753 (c) Certified copies of the original judgment and sentence;



695928

576-04137-20

2754 (d) Documentation demonstrating the length of the sentence  
2755 served, including documentation from the Department of  
2756 Corrections regarding the person's admission into and release  
2757 from the custody of the Department of Corrections;

2758 (e) Positive proof of identification, including two full  
2759 sets of fingerprints administered by a law enforcement agency  
2760 and a current form of photo identification, demonstrating that  
2761 the person seeking compensation is the same individual who was  
2762 wrongfully incarcerated;

2763 (f) All supporting documentation of any fine, penalty, or  
2764 court costs imposed and paid by the wrongfully incarcerated  
2765 person as described in s. 961.06(1)(c); and

2766 (g) All supporting documentation of any reasonable  
2767 attorney's fees and expenses as described in s. 961.06(1)(d).

2768 Section 28. Effective July 1, 2020, section 961.06, Florida  
2769 Statutes, is amended to read:

2770 961.06 Compensation for wrongful incarceration.—

2771 (1) Except as otherwise provided in this act and subject to  
2772 the limitations and procedures prescribed in this section, a  
2773 person who is found to be entitled to compensation under the  
2774 provisions of this act is entitled to:

2775 (a) Monetary compensation for wrongful incarceration, which  
2776 shall be calculated at a rate of \$50,000 for each year of  
2777 wrongful incarceration, prorated as necessary to account for a  
2778 portion of a year. For persons found to be wrongfully  
2779 incarcerated after January 1, 2006 ~~December 31, 2008~~, the Chief  
2780 Financial Officer may adjust the annual rate of compensation for  
2781 inflation using the change in the December-to-December "Consumer  
2782 Price Index for All Urban Consumers" of the Bureau of Labor





695928

576-04137-20

2783 Statistics of the Department of Labor;

2784 (b) A waiver of tuition and fees for up to 120 hours of  
2785 instruction at any career center established under s. 1001.44,  
2786 any Florida College System institution as defined in s.  
2787 1000.21(3), or any state university as defined in s. 1000.21(6),  
2788 if the wrongfully incarcerated person meets and maintains the  
2789 regular admission requirements of such career center, Florida  
2790 College System institution, or state university; remains  
2791 registered at such educational institution; and makes  
2792 satisfactory academic progress as defined by the educational  
2793 institution in which the claimant is enrolled;

2794 (c) The amount of any fine, penalty, or court costs imposed  
2795 and paid by the wrongfully incarcerated person;

2796 (d) The amount of any reasonable attorney ~~attorney's~~ fees  
2797 and expenses incurred and paid by the wrongfully incarcerated  
2798 person in connection with all criminal proceedings and appeals  
2799 regarding the wrongful conviction, to be calculated by the  
2800 department based upon the supporting documentation submitted as  
2801 specified in s. 961.05; and

2802 (e) Notwithstanding any provision to the contrary in s.  
2803 943.0583 or s. 943.0585, immediate administrative expunction of  
2804 the person's criminal record resulting from his or her wrongful  
2805 arrest, wrongful conviction, and wrongful incarceration. The  
2806 Department of Legal Affairs and the Department of Law  
2807 Enforcement shall, upon a determination that a claimant is  
2808 entitled to compensation, immediately take all action necessary  
2809 to administratively expunge the claimant's criminal record  
2810 arising from his or her wrongful arrest, wrongful conviction,  
2811 and wrongful incarceration. All fees for this process shall be



695928

576-04137-20

2812 waived.

2813

2814 The total compensation awarded under paragraphs (a), (c), and  
2815 (d) may not exceed \$2 million. No further award for attorney  
2816 ~~attorney's~~ fees, lobbying fees, costs, or other similar expenses  
2817 shall be made by the state.

2818 ~~(2) In calculating monetary compensation under paragraph~~  
2819 ~~(1)(a), a wrongfully incarcerated person who is placed on parole~~  
2820 ~~or community supervision while serving the sentence resulting~~  
2821 ~~from the wrongful conviction and who commits no more than one~~  
2822 ~~felony that is not a violent felony which results in revocation~~  
2823 ~~of the parole or community supervision is eligible for~~  
2824 ~~compensation for the total number of years incarcerated. A~~  
2825 ~~wrongfully incarcerated person who commits one violent felony or~~  
2826 ~~more than one felony that is not a violent felony that results~~  
2827 ~~in revocation of the parole or community supervision is~~  
2828 ~~ineligible for any compensation under subsection (1).~~

2829 ~~(3)~~ Within 15 calendar days after issuing notice to the  
2830 claimant that his or her claim satisfies all of the requirements  
2831 under this act, the department shall notify the Chief Financial  
2832 Officer to draw a warrant from the General Revenue Fund or  
2833 another source designated by the Legislature in law for the  
2834 purchase of an annuity for the claimant based on the total  
2835 amount determined by the department under this act.

2836 (3)~~(4)~~ The Chief Financial Officer shall issue payment in  
2837 the amount determined by the department to an insurance company  
2838 or other financial institution admitted and authorized to issue  
2839 annuity contracts in this state to purchase an annuity or  
2840 annuities, selected by the wrongfully incarcerated person, for a



695928

576-04137-20

2841 term of not less than 10 years. The Chief Financial Officer is  
2842 directed to execute all necessary agreements to implement this  
2843 act and to maximize the benefit to the wrongfully incarcerated  
2844 person. The terms of the annuity or annuities shall:

2845 (a) Provide that the annuity or annuities may not be sold,  
2846 discounted, or used as security for a loan or mortgage by the  
2847 wrongfully incarcerated person.

2848 (b) Contain beneficiary provisions for the continued  
2849 disbursement of the annuity or annuities in the event of the  
2850 death of the wrongfully incarcerated person.

2851 (4)-(5) If, at the time monetary compensation is determined  
2852 pursuant to subsection (1), a court has previously entered a  
2853 monetary judgment in favor of the claimant in a civil action  
2854 related to his or her wrongful incarceration, or the claimant  
2855 has entered into a settlement agreement with the state or any  
2856 political subdivision thereof related to his or her wrongful  
2857 incarceration, the amount of the damages in the civil action or  
2858 settlement agreement, less any sums paid for attorney fees or  
2859 for costs incurred in litigating the civil action or obtaining  
2860 the settlement agreement, must be deducted from the total  
2861 monetary compensation to which the claimant is entitled under  
2862 this section ~~Before the department approves the application for~~  
2863 ~~compensation, the wrongfully incarcerated person must sign a~~  
2864 ~~release and waiver on behalf of the wrongfully incarcerated~~  
2865 ~~person and his or her heirs, successors, and assigns, forever~~  
2866 ~~releasing the state or any agency, instrumentality, or any~~  
2867 ~~political subdivision thereof, or any other entity subject to s.~~  
2868 ~~768.28, from all present or future claims that the wrongfully~~  
2869 ~~incarcerated person or his or her heirs, successors, or assigns~~



695928

576-04137-20

2870 ~~may have against such entities arising out of the facts in~~  
2871 ~~connection with the wrongful conviction for which compensation~~  
2872 ~~is being sought under the act.~~

2873 (5) If subsection (4) does not apply, and if after the time  
2874 monetary compensation is determined pursuant to subsection (1)  
2875 the court enters a monetary judgment in favor of the claimant in  
2876 a civil action related to his or her wrongful incarceration, or  
2877 the claimant enters into a settlement agreement with the state  
2878 or any political subdivision thereof related to his or her  
2879 wrongful incarceration, the claimant must reimburse the state  
2880 for the monetary compensation paid under subsection (1), less  
2881 any sums paid for attorney fees or costs incurred in litigating  
2882 the civil action or obtaining the settlement agreement. The  
2883 reimbursement required under this subsection may not exceed the  
2884 amount of the monetary award the claimant received for damages  
2885 in a civil action or a settlement agreement. The court shall  
2886 include in the order of judgment an award to the state of any  
2887 amount required to be deducted under this subsection.

2888 (6) (a) The claimant shall notify the department upon filing  
2889 a civil action against the state or any political subdivision  
2890 thereof in which the claimant is seeking monetary damages  
2891 related to the claimant's wrongful incarceration for which he or  
2892 she previously received or is applying to receive compensation  
2893 under subsection (1). ~~A wrongfully incarcerated person may not~~  
2894 ~~submit an application for compensation under this act if the~~  
2895 ~~person has a lawsuit pending against the state or any agency,~~  
2896 ~~instrumentality, or any political subdivision thereof, or any~~  
2897 ~~other entity subject to the provisions of s. 768.28, in state or~~  
2898 ~~federal court requesting compensation arising out of the facts~~



695928

576-04137-20

2899 ~~in connection with the claimant's conviction and incarceration.~~

2900 (b) Upon notice of the claimant's civil action, the  
2901 department shall file in the case a notice of payment of  
2902 monetary compensation to the claimant under subsection (1). The  
2903 notice constitutes a lien upon any judgment or settlement  
2904 recovered under the civil action that is equal to the sum of  
2905 monetary compensation paid to the claimant under subsection (1),  
2906 less any attorney fees and litigation costs.

2907 (7) (a) ~~(b)~~ A wrongfully incarcerated person may not submit  
2908 an application for compensation under this act if the person is  
2909 the subject of a claim bill pending for claims arising out of  
2910 the facts in connection with the claimant's conviction and  
2911 incarceration.

2912 (b) ~~(e)~~ Once an application is filed under this act, a  
2913 wrongfully incarcerated person may not pursue recovery under a  
2914 claim bill until the final disposition of the application.

2915 (c) ~~(d)~~ ~~Any amount awarded under this act is intended to~~  
2916 ~~provide the sole compensation for any and all present and future~~  
2917 ~~claims arising out of the facts in connection with the~~  
2918 ~~claimant's conviction and incarceration.~~ Upon notification by  
2919 the department that an application meets the requirements of  
2920 this act, a wrongfully incarcerated person may not recover under  
2921 a claim bill.

2922 (d) ~~(e)~~ Any compensation awarded under a claim bill shall be  
2923 the sole redress for claims arising out of the facts in  
2924 connection with the claimant's conviction and incarceration and,  
2925 upon any award of compensation to a wrongfully incarcerated  
2926 person under a claim bill, the person may not receive  
2927 compensation under this act.



576-04137-20

2928        (8)~~(7)~~ Any payment made under this act does not constitute  
2929 a waiver of any defense of sovereign immunity or an increase in  
2930 the limits of liability on behalf of the state or any person  
2931 subject to ~~the provisions of~~ s. 768.28 or other law.

2932        Section 29. Paragraph (a) of subsection (2) and paragraphs  
2933 (b) and (c) of subsection (3) of section 1009.21, Florida  
2934 Statutes, are amended to read:

2935        1009.21 Determination of resident status for tuition  
2936 purposes.—Students shall be classified as residents or  
2937 nonresidents for the purpose of assessing tuition in  
2938 postsecondary educational programs offered by charter technical  
2939 career centers or career centers operated by school districts,  
2940 in Florida College System institutions, and in state  
2941 universities.

2942        (2) (a) To qualify as a resident for tuition purposes:

2943        1. A person or, if that person is a dependent child, his or  
2944 her parent or parents must have established legal residence in  
2945 this state and must have maintained legal residence in this  
2946 state for at least 12 consecutive months immediately before  
2947 ~~prior to~~ his or her initial enrollment in an institution of  
2948 higher education. The 12 consecutive months immediately before  
2949 enrollment may include time spent incarcerated in a county  
2950 detention facility or state correctional facility.

2951        2. Every applicant for admission to an institution of  
2952 higher education shall be required to make a statement as to his  
2953 or her length of residence in the state and, further, shall  
2954 establish that his or her presence or, if the applicant is a  
2955 dependent child, the presence of his or her parent or parents in  
2956 the state currently is, and during the requisite 12-month



695928

576-04137-20

2957 qualifying period was, for the purpose of maintaining a bona  
2958 fide domicile, rather than for the purpose of maintaining a mere  
2959 temporary residence or abode incident to enrollment in an  
2960 institution of higher education.

2961 (3)

2962 (b) Except as otherwise provided in this section, evidence  
2963 of legal residence and its duration shall include clear and  
2964 convincing documentation that residency in this state was for a  
2965 minimum of 12 consecutive months before ~~prior to~~ a student's  
2966 initial enrollment in an institution of higher education. Time  
2967 spent incarcerated in a county detention facility or state  
2968 correctional facility and any combination of documented time  
2969 living in this state before or after incarceration must be  
2970 credited toward the residency requirement.

2971 (c) Each institution of higher education shall  
2972 affirmatively determine that an applicant who has been granted  
2973 admission to that institution as a Florida resident meets the  
2974 residency requirements of this section at the time of initial  
2975 enrollment. The residency determination must be documented by  
2976 the submission of written or electronic verification that  
2977 includes two or more of the documents identified in this  
2978 paragraph. No single piece of evidence shall be conclusive.

2979 1. The documents must include at least one of the  
2980 following:

- 2981 a. A Florida voter's registration card.
- 2982 b. A Florida driver license.
- 2983 c. A State of Florida identification card.
- 2984 d. A Florida vehicle registration.
- 2985 e. Proof of a permanent home in Florida which is occupied



695928

576-04137-20

2986 as a primary residence by the individual or by the individual's  
2987 parent if the individual is a dependent child.

2988 f. Proof of a homestead exemption in Florida.

2989 g. Transcripts from a Florida high school for multiple  
2990 years if the Florida high school diploma or high school  
2991 equivalency diploma was earned within the last 12 months.

2992 h. Proof of permanent full-time employment in Florida for  
2993 at least 30 hours per week for a 12-month period.

2994 2. The documents may include one or more of the following:

2995 a. A declaration of domicile in Florida.

2996 b. A Florida professional or occupational license.

2997 c. Florida incorporation.

2998 d. A document evidencing family ties in Florida.

2999 e. Proof of membership in a Florida-based charitable or  
3000 professional organization.

3001 f. Any other documentation that supports the student's  
3002 request for resident status, including, but not limited to,  
3003 utility bills and proof of 12 consecutive months of payments; a  
3004 lease agreement and proof of 12 consecutive months of payments;  
3005 or an official local, state, federal, or court document  
3006 evidencing legal ties to Florida.

3007 Section 30. By July 1, 2020, the Office of Program Policy  
3008 and Governmental Accountability (OPPAGA) shall initiate a study  
3009 to evaluate the various opportunities available to persons  
3010 returning to the community from imprisonment. The study's scope  
3011 must include, but need not be limited to, any barriers to such  
3012 opportunities; any collateral consequences for persons who are  
3013 released from incarceration into the community; and methods for  
3014 reducing any collateral consequences identified. OPPAGA shall





695928

576-04137-20

3015 submit a report on the findings of the study to the Governor,  
3016 the President of the Senate, the Minority Leader of the Senate,  
3017 the Speaker of the House of Representatives, and the Minority  
3018 Leader of the House of Representatives by December 31, 2020.

3019 Section 31. Subsection (6) of section 316.1935, Florida  
3020 Statutes, is amended to read:

3021 316.1935 Fleeing or attempting to elude a law enforcement  
3022 officer; aggravated fleeing or eluding.—

3023 (6) Notwithstanding s. 948.01, a court may not ~~no court may~~  
3024 suspend, defer, or withhold adjudication of guilt or imposition  
3025 of sentence for any violation of this section. A person  
3026 convicted and sentenced to a mandatory minimum term of  
3027 incarceration under paragraph (3)(b) or paragraph (4)(b) is not  
3028 eligible for statutory gain-time under s. 944.275 or any form of  
3029 discretionary early release, other than pardon or executive  
3030 clemency, ~~or~~ conditional medical release under s. 945.0911 ~~s.~~  
3031 947.149, or conditional aging inmate release under s. 945.0912,  
3032 before ~~prior to~~ serving the mandatory minimum sentence.

3033 Section 32. Paragraph (k) of subsection (4) of section  
3034 775.084, Florida Statutes, is amended to read:

3035 775.084 Violent career criminals; habitual felony offenders  
3036 and habitual violent felony offenders; three-time violent felony  
3037 offenders; definitions; procedure; enhanced penalties or  
3038 mandatory minimum prison terms.—

3039 (4)

3040 (k)1. A defendant sentenced under this section as a  
3041 habitual felony offender, a habitual violent felony offender, or  
3042 a violent career criminal is eligible for gain-time granted by  
3043 the Department of Corrections as provided in s. 944.275(4)(b).



695928

576-04137-20

3044           2. For an offense committed on or after October 1, 1995, a  
3045 defendant sentenced under this section as a violent career  
3046 criminal is not eligible for any form of discretionary early  
3047 release, other than pardon or executive clemency, ~~or~~ conditional  
3048 medical release under s. 945.0911, or conditional aging inmate  
3049 release under s. 945.0912 ~~granted pursuant to s. 947.149.~~

3050           3. For an offense committed on or after July 1, 1999, a  
3051 defendant sentenced under this section as a three-time violent  
3052 felony offender shall be released only by expiration of sentence  
3053 and is ~~shall~~ not be eligible for parole, control release, or any  
3054 form of early release.

3055           Section 33. Paragraphs (b) and (c) of subsection (2) and  
3056 paragraphs (b) and (c) of subsection (3) of section 775.087,  
3057 Florida Statutes, are amended to read:

3058           775.087 Possession or use of weapon; aggravated battery;  
3059 felony reclassification; minimum sentence.-

3060           (2)

3061           (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
3062 (a)3. does not prevent a court from imposing a longer sentence  
3063 of incarceration as authorized by law in addition to the minimum  
3064 mandatory sentence, or from imposing a sentence of death  
3065 pursuant to other applicable law. Subparagraph (a)1.,  
3066 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
3067 court to impose a lesser sentence than otherwise required by  
3068 law.

3069  
3070 Notwithstanding s. 948.01, adjudication of guilt or imposition  
3071 of sentence may ~~shall~~ not be suspended, deferred, or withheld,  
3072 and the defendant is not eligible for statutory gain-time under



695928

576-04137-20

3073 s. 944.275 or any form of discretionary early release, other  
3074 than pardon or executive clemency, ~~or~~ conditional medical  
3075 release under s. 945.0911 ~~s. 947.149~~, or conditional aging  
3076 inmate release under s. 945.0912, before ~~prior to~~ serving the  
3077 minimum sentence.

3078 (c) If the minimum mandatory terms of imprisonment imposed  
3079 pursuant to this section exceed the maximum sentences authorized  
3080 by s. 775.082, s. 775.084, or the Public Safety ~~Criminal~~  
3081 ~~Punishment~~ Code under chapter 921, then the mandatory minimum  
3082 sentence must be imposed. If the mandatory minimum terms of  
3083 imprisonment pursuant to this section are less than the  
3084 sentences that could be imposed as authorized by s. 775.082, s.  
3085 775.084, or the Public Safety ~~Criminal Punishment~~ Code under  
3086 chapter 921, then the sentence imposed by the court must include  
3087 the mandatory minimum term of imprisonment as required in this  
3088 section.

3089 (3)

3090 (b) Subparagraph (a)1., subparagraph (a)2., or subparagraph  
3091 (a)3. does not prevent a court from imposing a longer sentence  
3092 of incarceration as authorized by law in addition to the minimum  
3093 mandatory sentence, or from imposing a sentence of death  
3094 pursuant to other applicable law. Subparagraph (a)1.,  
3095 subparagraph (a)2., or subparagraph (a)3. does not authorize a  
3096 court to impose a lesser sentence than otherwise required by  
3097 law.

3098  
3099 Notwithstanding s. 948.01, adjudication of guilt or imposition  
3100 of sentence may ~~shall~~ not be suspended, deferred, or withheld,  
3101 and the defendant is not eligible for statutory gain-time under



695928

576-04137-20

3102 s. 944.275 or any form of discretionary early release, other  
3103 than pardon or executive clemency, ~~or~~ conditional medical  
3104 release under s. 945.0911 ~~s. 947.149~~, or conditional aging  
3105 inmate release under s. 945.0912, before ~~prior to~~ serving the  
3106 minimum sentence.

3107 (c) If the minimum mandatory terms of imprisonment imposed  
3108 pursuant to this section exceed the maximum sentences authorized  
3109 by s. 775.082, s. 775.084, or the Public Safety ~~Criminal~~  
3110 ~~Punishment~~ Code under chapter 921, then the mandatory minimum  
3111 sentence must be imposed. If the mandatory minimum terms of  
3112 imprisonment pursuant to this section are less than the  
3113 sentences that could be imposed as authorized by s. 775.082, s.  
3114 775.084, or the Public Safety ~~Criminal Punishment~~ Code under  
3115 chapter 921, then the sentence imposed by the court must include  
3116 the mandatory minimum term of imprisonment as required in this  
3117 section.

3118 Section 34. Section 782.051, Florida Statutes, is amended  
3119 to read:

3120 782.051 Attempted felony murder.—

3121 (1) Any person who perpetrates or attempts to perpetrate  
3122 any felony enumerated in s. 782.04(3) and who commits, aids, or  
3123 abets an intentional act that is not an essential element of the  
3124 felony and that could, but does not, cause the death of another  
3125 commits a felony of the first degree, punishable by imprisonment  
3126 for a term of years not exceeding life, or as provided in s.  
3127 775.082, s. 775.083, or s. 775.084, which is an offense ranked  
3128 in level 9 of the Public Safety ~~Criminal Punishment~~ Code. Victim  
3129 injury points shall be scored under this subsection.

3130 (2) Any person who perpetrates or attempts to perpetrate



695928

576-04137-20

3131 any felony other than a felony enumerated in s. 782.04(3) and  
3132 who commits, aids, or abets an intentional act that is not an  
3133 essential element of the felony and that could, but does not,  
3134 cause the death of another commits a felony of the first degree,  
3135 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
3136 which is an offense ranked in level 8 of the Public Safety  
3137 ~~Criminal Punishment~~ Code. Victim injury points shall be scored  
3138 under this subsection.

3139 (3) When a person is injured during the perpetration of or  
3140 the attempt to perpetrate any felony enumerated in s. 782.04(3)  
3141 by a person other than the person engaged in the perpetration of  
3142 or the attempt to perpetrate such felony, the person  
3143 perpetrating or attempting to perpetrate such felony commits a  
3144 felony of the second degree, punishable as provided in s.  
3145 775.082, s. 775.083, or s. 775.084, which is an offense ranked  
3146 in level 7 of the Public Safety ~~Criminal Punishment~~ Code. Victim  
3147 injury points shall be scored under this subsection.

3148 Section 35. Subsection (3) of section 784.07, Florida  
3149 Statutes, is amended to read:

3150 784.07 Assault or battery of law enforcement officers,  
3151 firefighters, emergency medical care providers, public transit  
3152 employees or agents, or other specified officers;  
3153 reclassification of offenses; minimum sentences.-

3154 (3) Any person who is convicted of a battery under  
3155 paragraph (2)(b) and, during the commission of the offense, such  
3156 person possessed:

3157 (a) A "firearm" or "destructive device" as those terms are  
3158 defined in s. 790.001, shall be sentenced to a minimum term of  
3159 imprisonment of 3 years.



695928

576-04137-20

3160 (b) A semiautomatic firearm and its high-capacity  
3161 detachable box magazine, as defined in s. 775.087(3), or a  
3162 machine gun as defined in s. 790.001, shall be sentenced to a  
3163 minimum term of imprisonment of 8 years.

3164  
3165 Notwithstanding s. 948.01, adjudication of guilt or imposition  
3166 of sentence may ~~shall~~ not be suspended, deferred, or withheld,  
3167 and the defendant is not eligible for statutory gain-time under  
3168 s. 944.275 or any form of discretionary early release, other  
3169 than pardon or executive clemency, ~~or~~ conditional medical  
3170 release under s. 945.0911 ~~s. 947.149~~, or conditional aging  
3171 inmate release under s. 945.0912, before ~~prior to~~ serving the  
3172 minimum sentence.

3173 Section 36. Subsection (1) of section 790.235, Florida  
3174 Statutes, is amended to read:

3175 790.235 Possession of firearm or ammunition by violent  
3176 career criminal unlawful; penalty.—

3177 (1) Any person who meets the violent career criminal  
3178 criteria under s. 775.084(1)(d), regardless of whether such  
3179 person is or has previously been sentenced as a violent career  
3180 criminal, who owns or has in his or her care, custody,  
3181 possession, or control any firearm, ammunition, or electric  
3182 weapon or device, or carries a concealed weapon, including a  
3183 tear gas gun or chemical weapon or device, commits a felony of  
3184 the first degree, punishable as provided in s. 775.082, s.  
3185 775.083, or s. 775.084. A person convicted of a violation of  
3186 this section shall be sentenced to a mandatory minimum of 15  
3187 years' imprisonment; however, if the person would be sentenced  
3188 to a longer term of imprisonment under s. 775.084(4)(d), the



695928

576-04137-20

3189 person must be sentenced under that provision. A person  
3190 convicted of a violation of this section is not eligible for any  
3191 form of discretionary early release, other than pardon,  
3192 executive clemency, ~~or~~ conditional medical release under s.  
3193 945.0911, or conditional aging inmate release under s. 945.0912  
3194 s. ~~947.149.~~

3195 Section 37. Subsection (7) of section 794.0115, Florida  
3196 Statutes, is amended to read:

3197 794.0115 Dangerous sexual felony offender; mandatory  
3198 sentencing.—

3199 (7) A defendant sentenced to a mandatory minimum term of  
3200 imprisonment under this section is not eligible for statutory  
3201 gain-time under s. 944.275 or any form of discretionary early  
3202 release, other than pardon or executive clemency, or conditional  
3203 medical release under s. 945.0911 ~~s. 947.149~~, before serving the  
3204 minimum sentence.

3205 Section 38. Subsection (3) of section 817.568, Florida  
3206 Statutes, is amended to read:

3207 817.568 Criminal use of personal identification  
3208 information.—

3209 (3) Neither paragraph (2) (b) nor paragraph (2) (c) prevents  
3210 a court from imposing a greater sentence of incarceration as  
3211 authorized by law. If the minimum mandatory terms of  
3212 imprisonment imposed under paragraph (2) (b) or paragraph (2) (c)  
3213 exceed the maximum sentences authorized under s. 775.082, s.  
3214 775.084, or the Public Safety ~~Criminal Punishment~~ Code under  
3215 chapter 921, the mandatory minimum sentence must be imposed. If  
3216 the mandatory minimum terms of imprisonment under paragraph  
3217 (2) (b) or paragraph (2) (c) are less than the sentence that could



695928

576-04137-20

3218 be imposed under s. 775.082, s. 775.084, or the Public Safety  
3219 ~~Criminal Punishment~~ Code under chapter 921, the sentence imposed  
3220 by the court must include the mandatory minimum term of  
3221 imprisonment as required by paragraph (2) (b) or paragraph  
3222 (2) (c).

3223 Section 39. Paragraph (c) of subsection (3) of section  
3224 893.03, Florida Statutes, is amended to read:

3225 893.03 Standards and schedules.—The substances enumerated  
3226 in this section are controlled by this chapter. The controlled  
3227 substances listed or to be listed in Schedules I, II, III, IV,  
3228 and V are included by whatever official, common, usual,  
3229 chemical, trade name, or class designated. The provisions of  
3230 this section shall not be construed to include within any of the  
3231 schedules contained in this section any excluded drugs listed  
3232 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded  
3233 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical  
3234 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted  
3235 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt  
3236 Anabolic Steroid Products."

3237 (3) SCHEDULE III.—A substance in Schedule III has a  
3238 potential for abuse less than the substances contained in  
3239 Schedules I and II and has a currently accepted medical use in  
3240 treatment in the United States, and abuse of the substance may  
3241 lead to moderate or low physical dependence or high  
3242 psychological dependence or, in the case of anabolic steroids,  
3243 may lead to physical damage. The following substances are  
3244 controlled in Schedule III:

3245 (c) Unless specifically excepted or unless listed in  
3246 another schedule, any material, compound, mixture, or





695928

576-04137-20

3247 preparation containing limited quantities of any of the  
3248 following controlled substances or any salts thereof:

3249 1. Not more than 1.8 grams of codeine per 100 milliliters  
3250 or not more than 90 milligrams per dosage unit, with an equal or  
3251 greater quantity of an isoquinoline alkaloid of opium.

3252 2. Not more than 1.8 grams of codeine per 100 milliliters  
3253 or not more than 90 milligrams per dosage unit, with recognized  
3254 therapeutic amounts of one or more active ingredients which are  
3255 not controlled substances.

3256 3. Not more than 300 milligrams of hydrocodone per 100  
3257 milliliters or not more than 15 milligrams per dosage unit, with  
3258 a fourfold or greater quantity of an isoquinoline alkaloid of  
3259 opium.

3260 4. Not more than 300 milligrams of hydrocodone per 100  
3261 milliliters or not more than 15 milligrams per dosage unit, with  
3262 recognized therapeutic amounts of one or more active ingredients  
3263 that are not controlled substances.

3264 5. Not more than 1.8 grams of dihydrocodeine per 100  
3265 milliliters or not more than 90 milligrams per dosage unit, with  
3266 recognized therapeutic amounts of one or more active ingredients  
3267 which are not controlled substances.

3268 6. Not more than 300 milligrams of ethylmorphine per 100  
3269 milliliters or not more than 15 milligrams per dosage unit, with  
3270 one or more active, nonnarcotic ingredients in recognized  
3271 therapeutic amounts.

3272 7. Not more than 50 milligrams of morphine per 100  
3273 milliliters or per 100 grams, with recognized therapeutic  
3274 amounts of one or more active ingredients which are not  
3275 controlled substances.



695928

576-04137-20

3276  
3277  
3278  
3279  
3280  
3281  
3282  
3283  
3284  
3285  
3286  
3287  
3288  
3289  
3290  
3291  
3292  
3293  
3294  
3295  
3296  
3297  
3298  
3299  
3300  
3301  
3302  
3303  
3304

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

Section 40. Paragraph (d) of subsection (8) of section 893.13, Florida Statutes, is amended to read:

893.13 Prohibited acts; penalties.—

(8)

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

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

893.20 Continuing criminal enterprise.—

(2) A person who commits the offense of engaging in a continuing criminal enterprise commits ~~is guilty of~~ a life felony, punishable pursuant to the Public Safety Criminal



695928

576-04137-20

3305 ~~Punishment~~ Code and by a fine of \$500,000.

3306 Section 42. Paragraph (f) of subsection (5) of section  
3307 910.035, Florida Statutes, is amended to read:

3308 910.035 Transfer from county for plea, sentence, or  
3309 participation in a problem-solving court.-

3310 (5) TRANSFER FOR PARTICIPATION IN A PROBLEM-SOLVING COURT.-

3311 (f) Upon successful completion of the problem-solving court  
3312 program, the jurisdiction to which the case has been transferred  
3313 shall dispose of the case. If the defendant does not complete  
3314 the problem-solving court program successfully, the jurisdiction  
3315 to which the case has been transferred shall dispose of the case  
3316 within the guidelines of the Public Safety ~~Criminal Punishment~~  
3317 Code.

3318 Section 43. Section 921.0022, Florida Statutes, is amended  
3319 to read:

3320 921.0022 Public Safety ~~Criminal Punishment~~ Code; offense  
3321 severity ranking chart.-

3322 (1) The offense severity ranking chart must be used with  
3323 the Public Safety ~~Criminal Punishment~~ Code worksheet to compute  
3324 a sentence score for each felony offender whose offense was  
3325 committed on or after October 1, 1998.

3326 (2) The offense severity ranking chart has 10 offense  
3327 levels, ranked from least severe, which are level 1 offenses, to  
3328 most severe, which are level 10 offenses, and each felony  
3329 offense is assigned to a level according to the severity of the  
3330 offense. For purposes of determining which felony offenses are  
3331 specifically listed in the offense severity ranking chart and  
3332 which severity level has been assigned to each of these  
3333 offenses, the numerical statutory references in the left column



695928

576-04137-20

3334 of the chart and the felony degree designations in the middle  
3335 column of the chart are controlling; the language in the right  
3336 column of the chart is provided solely for descriptive purposes.  
3337 Reclassification of the degree of the felony through the  
3338 application of s. 775.0845, s. 775.085, s. 775.0861, s.  
3339 775.0862, s. 775.0863, s. 775.087, s. 775.0875, s. 794.023, or  
3340 any other law that provides an enhanced penalty for a felony  
3341 offense, to any offense listed in the offense severity ranking  
3342 chart in this section shall not cause the offense to become  
3343 unlisted and is not subject to ~~the provisions of~~ s. 921.0023.

3344 (3) OFFENSE SEVERITY RANKING CHART

3345 (a) LEVEL 1

3346

Florida Statute	Felony Degree	Description
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement

3347

3348

3349

3350



695928

576-04137-20

3351

officer.

319.30 (5)

3rd

Sell, exchange, give away  
certificate of title or  
identification number plate.

3352

319.35 (1) (a)

3rd

Tamper, adjust, change,  
etc., an odometer.

3353

320.26 (1) (a)

3rd

Counterfeit, manufacture, or  
sell registration license  
plates or validation  
stickers.

3354

322.212  
(1) (a) - (c)

3rd

Possession of forged,  
stolen, counterfeit, or  
unlawfully issued driver  
license; possession of  
simulated identification.

3355

322.212 (4)

3rd

Supply or aid in supplying  
unauthorized driver license  
or identification card.

3356

322.212 (5) (a)

3rd

False application for driver  
license or identification  
card.

3357

414.39 (3) (a)

3rd

Fraudulent misappropriation



695928

576-04137-20

			of public assistance funds by employee/official, value more than \$200.
3358	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
3359	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value \$1,000 or more.
3360	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
3361	713.69	3rd	Tenant removes property upon which lien has accrued, value \$1,000 or more.
3362	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
3363	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.



695928

576-04137-20

3364

815.04 (5) (a) 3rd Offense against intellectual property (i.e., computer programs, data).

3365

817.52 (2) 3rd Hiring with intent to defraud, motor vehicle services.

3366

817.569 (2) 3rd Use of public record or public records information or providing false information to facilitate commission of a felony.

3367

826.01 3rd Bigamy.

3368

828.122 (3) 3rd Fighting or baiting animals.

3369

831.04 (1) 3rd Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

3370

831.31 (1) (a) 3rd Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.

3371



695928

576-04137-20

3372

832.041 (1) 3rd Stopping payment with intent  
to defraud \$150 or more.

3373

832.05 (2) (b) & 3rd Knowing, making, issuing  
(4) (c) worthless checks \$150 or  
more or obtaining property  
in return for worthless  
check \$150 or more.

3374

838.15 (2) 3rd Commercial bribe receiving.

3375

838.16 3rd Commercial bribery.

3376

843.18 3rd Fleeing by boat to elude a  
law enforcement officer.

3377

847.011 (1) (a) 3rd Sell, distribute, etc.,  
obscene, lewd, etc.,  
material (2nd conviction).

3378

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.

849.23 3rd Gambling-related machines;  
"common offender" as to





695928

576-04137-20

3379

property rights.

3380

849.25 (2) 3rd Engaging in bookmaking.

3381

860.08 3rd Interfere with a railroad  
signal.

3382

860.13 (1) (a) 3rd Operate aircraft while under  
the influence.

3383

893.13 (2) (a) 2. 3rd Purchase of cannabis.

3384

893.13 (6) (a) 3rd Possession of cannabis (more  
than 20 grams).

3385

934.03 (1) (a) 3rd Intercepts, or procures any  
other person to intercept,  
any wire or oral  
communication.

3386

3387

3388

(b) LEVEL 2

3389

Florida Statute	Felony Degree	Description
--------------------	------------------	-------------

3390

379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs
------------------------	-----	---



695928

576-04137-20

3391

379.2431  
(1) (e) 4.

3rd

in violation of the  
Marine Turtle Protection  
Act.

Possession of more than  
11 marine turtle eggs in  
violation of the Marine  
Turtle Protection Act.

3392

403.413 (6) (c)

3rd

Dumps waste litter  
exceeding 500 lbs. in  
weight or 100 cubic feet  
in volume or any  
quantity for commercial  
purposes, or hazardous  
waste.

3393

517.07 (2)

3rd

Failure to furnish a  
prospectus meeting  
requirements.

3394

590.28 (1)

3rd

Intentional burning of  
lands.

3395

784.05 (3)

3rd

Storing or leaving a  
loaded firearm within  
reach of minor who uses  
it to inflict injury or  
death.



695928

576-04137-20

3396

787.04 (1) 3rd In violation of court order, take, entice, etc., minor beyond state limits.

3397

806.13 (1) (b) 3. 3rd Criminal mischief; damage \$1,000 or more to public communication or any other public service.

3398

810.061 (2) 3rd Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

3399

810.09 (2) (e) 3rd Trespassing on posted commercial horticulture property.

3400

812.014 (2) (c) 1. 3rd Grand theft, 3rd degree; \$750 or more but less than \$5,000.

3401

812.014 (2) (d) 3rd Grand theft, 3rd degree; \$100 or more but less than \$750, taken from unenclosed curtilage of



695928

576-04137-20

3402

dwelling.

812.015 (7)

3rd

Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

3403

817.234 (1) (a) 2.

3rd

False statement in support of insurance claim.

3404

817.481 (3) (a)

3rd

Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

3405

817.52 (3)

3rd

Failure to redeliver hired vehicle.

3406

817.54

3rd

With intent to defraud, obtain mortgage note, etc., by false representation.

3407

817.60 (5)

3rd

Dealing in credit cards of another.

3408



695928

576-04137-20

3409	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
3410	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
3411	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
3412	831.01	3rd	Forgery.
3413	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
3414	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
3415	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
	831.09	3rd	Uttering forged notes, bills, checks, drafts,



695928

576-04137-20

3416

or promissory notes.

831.11

3rd

Bringing into the state  
forged bank bills,  
checks, drafts, or  
notes.

3417

832.05 (3) (a)

3rd

Cashing or depositing  
item with intent to  
defraud.

3418

843.08

3rd

False personation.

3419

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.

3420

893.147 (2)

3rd

Manufacture or delivery  
of drug paraphernalia.

3421

3422

3423

3424

(c) LEVEL 3

3425



695928

576-04137-20

	Florida Statute	Felony Degree	Description
3426	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
3427	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
3428	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
3429	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
3430	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
3431	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
3432			



695928

576-04137-20

3433

319.33(1)(c) 3rd Procure or pass title on  
stolen vehicle.

3434

319.33(4) 3rd With intent to defraud,  
possess, sell, etc., a  
blank, forged, or  
unlawfully obtained title  
or registration.

3435

327.35(2)(b) 3rd Felony BUI.

3436

328.05(2) 3rd Possess, sell, or  
counterfeit fictitious,  
stolen, or fraudulent  
titles or bills of sale of  
vessels.

3437

328.07(4) 3rd Manufacture, exchange, or  
possess vessel with  
counterfeit or wrong ID  
number.

3438

376.302(5) 3rd Fraud related to  
reimbursement for cleanup  
expenses under the Inland  
Protection Trust Fund.

379.2431 3rd Taking, disturbing,  
(1)(e)5. mutilating, destroying,





695928

576-04137-20

			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.
3439	379.2431 (1) (e) 6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
3440	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
3441	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
3442	400.9935 (4) (e)	3rd	Filing a false license



695928

576-04137-20

			application or other required information or failing to report information.
3443	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
3444	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
3445	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
3446	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
3447	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
3448			



695928

576-04137-20

3449	697.08	3rd	Equity skimming.
3450	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
3451	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
3452	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
3453	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
3454	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
3455	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
	812.015 (8) (b)	3rd	Retail theft with intent to



695928

576-04137-20

			sell; conspires with others.
3456	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
3457	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
3458	817.233	3rd	Burning to defraud insurer.
3459	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
3460	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
3461	817.236	3rd	Filing a false motor vehicle insurance application.
3462	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.



695928

576-04137-20

3463

817.413 (2) 3rd Sale of used goods of  
\$1,000 or more as new.

3464

831.28 (2) (a) 3rd Counterfeiting a payment  
instrument with intent to  
defraud or possessing a  
counterfeit payment  
instrument with intent to  
defraud.

3465

831.29 2nd Possession of instruments  
for counterfeiting driver  
licenses or identification  
cards.

3466

838.021 (3) (b) 3rd Threatens unlawful harm to  
public servant.

3467

843.19 2nd Injure, disable, or kill  
police, fire, or SAR canine  
or police horse.

3468

860.15 (3) 3rd Overcharging for repairs  
and parts.

3469

870.01 (2) 3rd Riot; inciting or  
encouraging.

3470



695928

576-04137-20

3471

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).

3472

893.13(1)(d)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.

3473

893.13(1)(f)2. 2nd Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.

893.13(4)(c) 3rd Use or hire of minor;



695928

576-04137-20

3474

893.13(6)(a)

3rd

deliver to minor other  
controlled substances.

Possession of any  
controlled substance other  
than felony possession of  
cannabis.

3475

893.13(7)(a)8.

3rd

Withhold information from  
practitioner regarding  
previous receipt of or  
prescription for a  
controlled substance.

3476

893.13(7)(a)9.

3rd

Obtain or attempt to obtain  
controlled substance by  
fraud, forgery,  
misrepresentation, etc.

3477

893.13(7)(a)10.

3rd

Affix false or forged label  
to package of controlled  
substance.

3478

893.13(7)(a)11.

3rd

Furnish false or fraudulent  
material information on any  
document or record required  
by chapter 893.

3479

893.13(8)(a)1.

3rd

Knowingly assist a patient,



695928

576-04137-20

3480	893.13(8)(a)2.	3rd	other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
3481	893.13(8)(a)3.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
3482	893.13(8)(a)4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
			Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.





695928

576-04137-20

3483

918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

3484

944.47 3rd Introduce contraband to (1)(a)1. & 2. correctional facility.

3485

944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

3486

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

3487

3488

3489

3490

(d) LEVEL 4

3491

Florida Statute

Felony Degree

Description

3492

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



695928

576-04137-20

3493

499.0051(1)

3rd

vehicle with siren and  
lights activated.

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

3494

499.0051(5)

2nd

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

3495

517.07(1)

3rd

Failure to register  
securities.

3496

517.12(1)

3rd

Failure of dealer,  
associated person, or  
issuer of securities to  
register.

3497

784.07(2)(b)

3rd

Battery of law  
enforcement officer,  
firefighter, etc.

3498

784.074(1)(c)

3rd

Battery of sexually  
violent predators



695928

576-04137-20

3499

784.075 3rd Battery on detention or  
commitment facility  
staff.

3500

784.078 3rd Battery of facility  
employee by throwing,  
tossing, or expelling  
certain fluids or  
materials.

3501

784.08 (2) (c) 3rd Battery on a person 65  
years of age or older.

3502

784.081 (3) 3rd Battery on specified  
official or employee.

3503

784.082 (3) 3rd Battery by detained  
person on visitor or  
other detainee.

3504

784.083 (3) 3rd Battery on code  
inspector.

3505

784.085 3rd Battery of child by  
throwing, tossing,  
projecting, or expelling  
certain fluids or



695928

576-04137-20

3506

787.03 (1)

3rd

materials.

Interference with  
custody; wrongly takes  
minor from appointed  
guardian.

3507

787.04 (2)

3rd

Take, entice, or remove  
child beyond state  
limits with criminal  
intent pending custody  
proceedings.

3508

787.04 (3)

3rd

Carrying child beyond  
state lines with  
criminal intent to avoid  
producing child at  
custody hearing or  
delivering to designated  
person.

3509

787.07

3rd

Human smuggling.

3510

790.115 (1)

3rd

Exhibiting firearm or  
weapon within 1,000 feet  
of a school.

3511

790.115 (2) (b)

3rd

Possessing electric  
weapon or device,



695928

576-04137-20

			destructive device, or other weapon on school property.
3512	790.115 (2) (c)	3rd	Possessing firearm on school property.
3513	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
3514	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
3515	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
3516	810.06	3rd	Burglary; possession of tools.
3517	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.



695928

576-04137-20

3518	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
3519	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; specified items.
3520	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
3521	817.505 (4) (a)	3rd	Patient brokering.
3522	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
3523	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
3524	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.



695928

576-04137-20

3525

817.625 (2) (c) 3rd Possess, sell, or  
deliver skimming device.

3526

828.125 (1) 2nd Kill, maim, or cause  
great bodily harm or  
permanent breeding  
disability to any  
registered horse or  
cattle.

3527

837.02 (1) 3rd Perjury in official  
proceedings.

3528

837.021 (1) 3rd Make contradictory  
statements in official  
proceedings.

3529

838.022 3rd Official misconduct.

3530

839.13 (2) (a) 3rd Falsifying records of an  
individual in the care  
and custody of a state  
agency.

3531

839.13 (2) (c) 3rd Falsifying records of  
the Department of  
Children and Families.

3532



695928

576-04137-20

3533

843.021 3rd Possession of a  
concealed handcuff key  
by a person in custody.

3534

843.025 3rd Deprive law enforcement,  
correctional, or  
correctional probation  
officer of means of  
protection or  
communication.

3535

843.15(1)(a) 3rd Failure to appear while  
on bail for felony (bond  
estreature or bond  
jumping).

3536

847.0135(5)(c) 3rd Lewd or lascivious  
exhibition using  
computer; offender less  
than 18 years.

3537

874.05(1)(a) 3rd Encouraging or  
recruiting another to  
join a criminal gang.

893.13(2)(a)1. 2nd Purchase of cocaine (or  
other s. 893.03(1)(a),  
(b), or (d), (2)(a),  
(2)(b), or (2)(c)5.





695928

576-04137-20

3538

914.14 (2)

3rd

drugs).

Witnesses accepting  
bribes.

3539

914.22 (1)

3rd

Force, threaten, etc.,  
witness, victim, or  
informant.

3540

914.23 (2)

3rd

Retaliation against a  
witness, victim, or  
informant, no bodily  
injury.

3541

918.12

3rd

Tampering with jurors.

3542

934.215

3rd

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

3543

944.47 (1) (a) 6.

3rd

Introduction of  
contraband (cellular  
telephone or other  
portable communication  
device) into  
correctional  
institution.

3544



695928

576-04137-20

951.22 (1) (h),  
(j) & (k)

3rd

Intoxicating drug,  
instrumentality or other  
device to aid escape, or  
cellular telephone or  
other portable  
communication device  
introduced into county  
detention facility.

3545

3546

3547

3548

(e) LEVEL 5

3549

Florida  
Statute

Felony  
Degree

Description

3550

316.027 (2) (a)

3rd

Accidents involving  
personal injuries other  
than serious bodily  
injury, failure to stop;  
leaving scene.

3551

316.1935 (4) (a)

2nd

Aggravated fleeing or  
eluding.

3552

316.80 (2)

2nd

Unlawful conveyance of  
fuel; obtaining fuel  
fraudulently.

3553



695928

576-04137-20

322.34(6)

3rd

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

3554

327.30(5)

3rd

Vessel accidents involving personal injury; leaving scene.

3555

379.365(2)(c)1.

3rd

Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged,



695928

576-04137-20

			counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
3556	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
3557	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
3558	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
3559	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
3560	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.



695928

576-04137-20

3561

440.381 (2) 3rd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

3562

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

3563

626.902 (1) (c) 2nd Representing an unauthorized insurer; repeat offender.

3564

790.01 (2) 3rd Carrying a concealed firearm.

3565

790.162 2nd Threat to throw or discharge destructive device.

3566

790.163 (1) 2nd False report of bomb, explosive, weapon of



695928

576-04137-20

3567

790.221 (1) 2nd Possession of short-barreled shotgun or machine gun.

3568

790.23 2nd Felons in possession of firearms, ammunition, or electronic weapons or devices.

3569

796.05 (1) 2nd Live on earnings of a prostitute; 1st offense.

3570

800.04 (6) (c) 3rd Lewd or lascivious conduct; offender less than 18 years of age.

3571

800.04 (7) (b) 2nd Lewd or lascivious exhibition; offender 18 years of age or older.

3572

806.111 (1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

3573



695928

576-04137-20

3574	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3575	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
3576	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
3577	812.131 (2) (b)	3rd	Robbery by sudden snatching.
3578	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
3579	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
3580	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	817.2341 (1),	3rd	Filing false financial



695928

576-04137-20

(2) (a) & (3) (a)

statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

3581

817.568 (2) (b)

2nd

Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

3582

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

3583

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or





695928

576-04137-20

3584

825.1025(4)

3rd

reencoder.

Lewd or lascivious  
exhibition in the  
presence of an elderly  
person or disabled  
adult.

3585

827.071(4)

2nd

Possess with intent to  
promote any photographic  
material, motion  
picture, etc., which  
includes sexual conduct  
by a child.

3586

827.071(5)

3rd

Possess, control, or  
intentionally view any  
photographic material,  
motion picture, etc.,  
which includes sexual  
conduct by a child.

3587

828.12(2)

3rd

Tortures any animal with  
intent to inflict  
intense pain, serious  
physical injury, or  
death.

3588

839.13(2)(b)

2nd

Falsifying records of an



695928

576-04137-20

			individual in the care and custody of a state agency involving great bodily harm or death.
3589	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
3590	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
3591	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
3592	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
3593	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent



695928

576-04137-20

3594

874.05 (2) (a)

2nd

offense.  
Encouraging or recruiting person under 13 years of age to join a criminal gang.

3595

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).

3596

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.



695928

576-04137-20

3597

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.

3598

893.13(1)(e)2.                      2nd              Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

3599

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



695928

576-04137-20

3600

893.13(4)(b)

2nd

1,000 feet of public housing facility.

Use or hire of minor; deliver to minor other controlled substance.

3601

893.1351(1)

3rd

Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

3602

3603

3604

3605

(f) LEVEL 6

3606

Florida  
 Statute

Felony  
 Degree

Description

3607

316.027(2)(b)

2nd

Leaving the scene of a crash involving serious bodily injury.

3608

316.193(2)(b)

3rd

Felony DUI, 4th or subsequent conviction.

3609

400.9935(4)(c)

2nd

Operating a clinic, or offering services requiring licensure,



695928

576-04137-20

3610

without a license.

499.0051 (2)

2nd

Knowing forgery of  
transaction history,  
transaction information,  
or transaction  
statement.

3611

499.0051 (3)

2nd

Knowing purchase or  
receipt of prescription  
drug from unauthorized  
person.

3612

499.0051 (4)

2nd

Knowing sale or transfer  
of prescription drug to  
unauthorized person.

3613

775.0875 (1)

3rd

Taking firearm from law  
enforcement officer.

3614

784.021 (1) (a)

3rd

Aggravated assault;  
deadly weapon without  
intent to kill.

3615

784.021 (1) (b)

3rd

Aggravated assault;  
intent to commit felony.

3616

784.041

3rd

Felony battery; domestic  
battery by



695928

576-04137-20

3617			strangulation.
	784.048 (3)	3rd	Aggravated stalking; credible threat.
3618			
	784.048 (5)	3rd	Aggravated stalking of person under 16.
3619			
	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3620			
	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3621			
	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
3622			
	784.081 (2)	2nd	Aggravated assault on specified official or employee.
3623			
	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
3624			



695928

576-04137-20

3625

784.083 (2) 2nd Aggravated assault on  
code inspector.

3626

787.02 (2) 3rd False imprisonment;  
restraining with purpose  
other than those in s.  
787.01.

3627

790.115 (2) (d) 2nd Discharging firearm or  
weapon on school  
property.

3628

790.161 (2) 2nd Make, possess, or throw  
destructive device with  
intent to do bodily harm  
or damage property.

3629

790.164 (1) 2nd False report concerning  
bomb, explosive, weapon  
of mass destruction, act  
of arson or violence to  
state property, or use  
of firearms in violent  
manner.

790.19 2nd Shooting or throwing  
deadly missiles into  
dwellings, vessels, or  
vehicles.





695928

576-04137-20

3630

794.011 (8) (a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.

3631

794.05 (1) 2nd Unlawful sexual activity with specified minor.

3632

800.04 (5) (d) 3rd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.

3633

800.04 (6) (b) 2nd Lewd or lascivious conduct; offender 18 years of age or older.

3634

806.031 (2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

3635

810.02 (3) (c) 2nd Burglary of occupied structure; unarmed; no assault or battery.

3636



695928

576-04137-20

3637	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
3638	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
3639	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
3640	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
3641	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
3642	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
	817.4821 (5)	2nd	Possess cloning



695928

576-04137-20

3643			paraphernalia with intent to create cloned cellular telephones.
3644	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
3645	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
3646	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
3647	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
3648	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
3649	827.03 (2) (c)	3rd	Abuse of a child.
3650	827.03 (2) (d)	3rd	Neglect of a child.



695928

576-04137-20

3651	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
3652	836.05	2nd	Threats; extortion.
3653	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
3654	843.12	3rd	Aids or assists person to escape.
3655	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
3656	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
	847.0135 (2)	3rd	Facilitates sexual conduct of or with a



695928

576-04137-20

3657

914.23 2nd minor or the visual depiction of such conduct.

3658

914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

3659

944.35 (3) (a) 2. 3rd Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

3660

944.40 2nd Escapes.

3661

944.46 3rd Harboring, concealing, aiding escaped prisoners.

944.47 (1) (a) 5. 2nd Introduction of contraband (firearm, weapon, or explosive) into correctional facility.



695928

576-04137-20

3662

951.22 (1) (i) 3rd Firearm or weapon  
introduced into county  
detention facility.

3663

3664

3665

3666 (g) LEVEL 7

3667

Florida Statute	Felony Degree	Description
--------------------	------------------	-------------

3668

316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
-----------------	-----	---

3669

316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
--------------------	-----	--

3670

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.
------------------	-----	---



695928

576-04137-20

3671	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
3672	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
3673	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
3674	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
3675	456.065 (2)	3rd	Practicing a health care profession without a license.
3676	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
3677	458.327 (1)	3rd	Practicing medicine without a license.



695928

576-04137-20

3678	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
3679	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
3680	461.012 (1)	3rd	Practicing podiatric medicine without a license.
3681	462.17	3rd	Practicing naturopathy without a license.
3682	463.015 (1)	3rd	Practicing optometry without a license.
3683	464.016 (1)	3rd	Practicing nursing without a license.
3684	465.015 (2)	3rd	Practicing pharmacy without a license.
3685	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
3686			





695928

576-04137-20

3687  
3688  
3689  
3690  
3691  
3692  
3693

467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901 (7)	3rd	Practicing medical physics without a license.
484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
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.



695928

576-04137-20

3694

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.

3695

560.125 (5) (a)                      3rd              Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

3696

655.50 (10) (b) 1.                      3rd              Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

3697

775.21 (10) (a)                      3rd              Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

3698

775.21 (10) (b)                      3rd              Sexual predator working where children regularly congregate.

775.21 (10) (g)                      3rd              Failure to report or



695928

576-04137-20

3699			providing false information about a sexual predator; harbor or conceal a sexual predator.
	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
3700			
	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
3701			
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
3702			
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
3703			
	784.045 (1) (a) 1.	2nd	Aggravated battery;



695928

576-04137-20

			intentionally causing great bodily harm or disfigurement.
3704	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
3705	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
3706	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
3707	784.048 (7)	3rd	Aggravated stalking; violation of court order.
3708	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
3709	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
3710	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
3711			



695928

576-04137-20

3712	784.081 (1)	1st	Aggravated battery on specified official or employee.
3713	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
3714	784.083 (1)	1st	Aggravated battery on code inspector.
3715	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
3716	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.
3717	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
	790.16 (1)	1st	Discharge of a machine gun under specified



695928

576-04137-20

3718

790.165 (2)

2nd

circumstances.  
Manufacture, sell,  
possess, or deliver hoax  
bomb.

3719

790.165 (3)

2nd

Possessing, displaying, or  
threatening to use any  
hoax bomb while committing  
or attempting to commit a  
felony.

3720

790.166 (3)

2nd

Possessing, selling,  
using, or attempting to  
use a hoax weapon of mass  
destruction.

3721

790.166 (4)

2nd

Possessing, displaying, or  
threatening to use a hoax  
weapon of mass destruction  
while committing or  
attempting to commit a  
felony.

3722

790.23

1st, PBL

Possession of a firearm by  
a person who qualifies for  
the penalty enhancements  
provided for in s. 874.04.

3723



695928

576-04137-20

	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.
3724	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
3725	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
3726	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
3727	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
3728	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12



695928

576-04137-20

3729			years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
3730			
	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
3731			
	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
3732			
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
3733			
	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
3734			
	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer;





695928

576-04137-20

			property stolen while causing other property damage; 1st degree grand theft.
3735	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
3736	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
3737	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
3738	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
3739	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
3740			



695928

576-04137-20

3741

812.131 (2) (a) 2nd Robbery by sudden  
snatching.

3742

812.133 (2) (b) 1st Carjacking; no firearm,  
deadly weapon, or other  
weapon.

3743

817.034 (4) (a) 1. 1st Communications fraud,  
value greater than  
\$50,000.

3744

817.234 (8) (a) 2nd Solicitation of motor  
vehicle accident victims  
with intent to defraud.

3745

817.234 (9) 2nd Organizing, planning, or  
participating in an  
intentional motor vehicle  
collision.

3746

817.234 (11) (c) 1st Insurance fraud; property  
value \$100,000 or more.

817.2341 1st Making false entries of  
(2) (b) & (3) (b) material fact or false  
statements regarding  
property values relating  
to the solvency of an  
insuring entity which are



695928

576-04137-20

3747

817.535 (2) (a)

3rd

a significant cause of the  
insolvency of that entity.

Filing false lien or other  
unauthorized document.

3748

817.611 (2) (b)

2nd

Traffic in or possess 15  
to 49 counterfeit credit  
cards or related  
documents.

3749

825.102 (3) (b)

2nd

Neglecting an elderly  
person or disabled adult  
causing great bodily harm,  
disability, or  
disfigurement.

3750

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.

3751

827.03 (2) (b)

2nd

Neglect of a child causing  
great bodily harm,  
disability, or  
disfigurement.

3752

827.04 (3)

3rd

Impregnation of a child



695928

576-04137-20

			under 16 years of age by person 21 years of age or older.
3753	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
3754	838.015	2nd	Bribery.
3755	838.016	2nd	Unlawful compensation or reward for official behavior.
3756	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
3757	838.22	2nd	Bid tampering.
3758	843.0855 (2)	3rd	Impersonation of a public officer or employee.
3759	843.0855 (3)	3rd	Unlawful simulation of legal process.
3760	843.0855 (4)	3rd	Intimidation of a public officer or employee.
3761			



695928

576-04137-20

847.0135 (3)

3rd

Solicitation of a child,  
via a computer service, to  
commit an unlawful sex  
act.

3762

847.0135 (4)

2nd

Traveling to meet a minor  
to commit an unlawful sex  
act.

3763

872.06

2nd

Abuse of a dead human  
body.

3764

874.05 (2) (b)

1st

Encouraging or recruiting  
person under 13 to join a  
criminal gang; second or  
subsequent offense.

3765

874.10

1st, PBL

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

3766

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



695928

576-04137-20

			(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.
3767	893.13 (1) (e) 1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5., within 1,000 feet of property used for religious services or a specified business site.
3768	893.13 (4) (a)	1st	Use or hire of minor; deliver to minor other controlled substance.
3769	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
3770	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less



695928

576-04137-20

3771

893.135 1st Trafficking in illegal  
(1) (c) 1.a. drugs, more than 4 grams,  
less than 14 grams.

3772

893.135 1st Trafficking in  
(1) (c) 2.a. hydrocodone, 28 grams or  
more, less than 50 grams.

3773

893.135 1st Trafficking in  
(1) (c) 2.b. hydrocodone, 50 grams or  
more, less than 100 grams.

3774

893.135 1st Trafficking in oxycodone,  
(1) (c) 3.a. 7 grams or more, less than  
14 grams.

3775

893.135 1st Trafficking in oxycodone,  
(1) (c) 3.b. 14 grams or more, less  
than 25 grams.

3776

893.135 1st Trafficking in fentanyl, 4  
(1) (c) 4.b. (I) grams or more, less than  
14 grams.

3777

893.135 1st Trafficking in  
(1) (d) 1.a. phencyclidine, 28 grams or  
more, less than 200 grams.



695928

576-04137-20

3778	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
3779	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
3780	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
3781	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
3782	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
3783	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
3784			





695928

576-04137-20

3785

893.135  
(1) (m) 2.a.

1st

Trafficking in synthetic  
cannabinoids, 280 grams or  
more, less than 500 grams.

3786

893.135  
(1) (m) 2.b.

1st

Trafficking in synthetic  
cannabinoids, 500 grams or  
more, less than 1,000  
grams.

3787

893.135  
(1) (n) 2.a.

1st

Trafficking in n-benzyl  
phenethylamines, 14 grams  
or more, less than 100  
grams.

3788

893.1351 (2)

2nd

Possession of place for  
trafficking in or  
manufacturing of  
controlled substance.

3789

896.101 (5) (a)

3rd

Money laundering,  
financial transactions  
exceeding \$300 but less  
than \$20,000.

896.104 (4) (a) 1.

3rd

Structuring transactions  
to evade reporting or  
registration requirements,  
financial transactions  
exceeding \$300 but less



695928

576-04137-20

3790

943.0435 (4) (c)                      2nd                      Sexual offender vacating permanent residence; failure to comply with reporting requirements.

3791

943.0435 (8)                              2nd                      Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

3792

943.0435 (9) (a)                        3rd                      Sexual offender; failure to comply with reporting requirements.

3793

943.0435 (13)                            3rd                      Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

3794

943.0435 (14)                            3rd                      Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.



695928

576-04137-20

3795

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

3796

944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

3797

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

3798

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

3799

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

3800

985.4815(12) 3rd Failure to report or providing false information about a sexual



695928

576-04137-20

3801

offender; harbor or  
conceal a sexual offender.

985.4815 (13)

3rd

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

3802

3803

3804

3805

(h) LEVEL 8

3806

Florida  
Statute

Felony  
Degree

Description

3807

316.193  
(3) (c) 3.a.

2nd

DUI manslaughter.

3808

316.1935 (4) (b)

1st

Aggravated fleeing or  
attempted eluding with  
serious bodily injury or  
death.

3809

327.35 (3) (c) 3.

2nd

Vessel BUI manslaughter.

3810

499.0051 (6)

1st

Knowing trafficking in  
contraband prescription



695928

576-04137-20

3811

drugs.

499.0051 (7)

1st

Knowing forgery of  
prescription labels or  
prescription drug labels.

3812

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.

3813

560.125 (5) (b)

2nd

Money transmitter  
business by unauthorized  
person, currency or  
payment instruments  
totaling or exceeding  
\$20,000, but less than  
\$100,000.

3814

655.50 (10) (b) 2.

2nd

Failure to report  
financial transactions  
totaling or exceeding  
\$20,000, but less than  
\$100,000 by financial  
institutions.

3815

777.03 (2) (a)

1st

Accessory after the fact,



695928

576-04137-20

3816

782.04(4)

2nd

capital felony.

Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

3817

782.051(2)

1st

Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).

3818

782.071(1)(b)

1st

Committing vehicular homicide and failing to render aid or give information.

3819

782.072(2)

1st

Committing vessel homicide and failing to render aid or give



695928

576-04137-20

3820

787.06(3)(a)1. 1st Human trafficking for  
labor and services of a  
child.

3821

787.06(3)(b) 1st Human trafficking using  
coercion for commercial  
sexual activity of an  
adult.

3822

787.06(3)(c)2. 1st Human trafficking using  
coercion for labor and  
services of an  
unauthorized alien adult.

3823

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.

3824

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



695928

576-04137-20

3825

790.161 (3)

1st

state.

Discharging a destructive device which results in bodily harm or property damage.

3826

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.

3827

794.011 (5) (b)

2nd

Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.

3828

794.011 (5) (c)

2nd

Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

3829





695928

576-04137-20

3830

794.011 (5) (d) 1st Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

3831

794.08 (3) 2nd Female genital mutilation, removal of a victim younger than 18 years of age from this state.

3832

800.04 (4) (b) 2nd Lewd or lascivious battery.

3833

800.04 (4) (c) 1st Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.

3834

806.01 (1) 1st Maliciously damage dwelling or structure by fire or explosive, believing person in structure.



695928

576-04137-20

3835

810.02 (2) (a) 1st, PBL Burglary with assault or battery.

3836

810.02 (2) (b) 1st, PBL Burglary; armed with explosives or dangerous weapon.

3837

810.02 (2) (c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

3838

812.014 (2) (a) 2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

3839

812.13 (2) (b) 1st Robbery with a weapon.

3840

812.135 (2) (c) 1st Home-invasion robbery, no firearm, deadly weapon, or other weapon.

3841

817.505 (4) (c) 1st Patient brokering; 20 or more patients.

817.535 (2) (b) 2nd Filing false lien or other unauthorized



695928

576-04137-20

3842

817.535 (3) (a)

2nd

document; second or  
subsequent offense.

Filing false lien or  
other unauthorized  
document; property owner  
is a public officer or  
employee.

3843

817.535 (4) (a) 1.

2nd

Filing false lien or  
other unauthorized  
document; defendant is  
incarcerated or under  
supervision.

3844

817.535 (5) (a)

2nd

Filing false lien or  
other unauthorized  
document; owner of the  
property incurs financial  
loss as a result of the  
false instrument.

3845

817.568 (6)

2nd

Fraudulent use of  
personal identification  
information of an  
individual under the age  
of 18.

3846

817.611 (2) (c)

1st

Traffic in or possess 50



695928

576-04137-20

3847			or more counterfeit credit cards or related documents.
	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
3848			
	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
3849			
	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
3850			
	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
3851			
	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
3852			
	860.121 (2) (c)	1st	Shooting at or throwing



695928

576-04137-20

			any object in path of railroad vehicle resulting in great bodily harm.
3853	860.16	1st	Aircraft piracy.
3854	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).
3855	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3856	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
3857	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
3858	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.



695928

576-04137-20

3859

893.135 1st Trafficking in illegal  
(1) (c) 1.b. drugs, more than 14  
grams, less than 28  
grams.

3860

893.135 1st Trafficking in  
(1) (c) 2.c. hydrocodone, 100 grams or  
more, less than 300  
grams.

3861

893.135 1st Trafficking in oxycodone,  
(1) (c) 3.c. 25 grams or more, less  
than 100 grams.

3862

893.135 1st Trafficking in fentanyl,  
(1) (c) 4.b. (II) 14 grams or more, less  
than 28 grams.

3863

893.135 1st Trafficking in  
(1) (d) 1.b. phencyclidine, 200 grams  
or more, less than 400  
grams.

3864

893.135 1st Trafficking in  
(1) (e) 1.b. methaqualone, 5 kilograms  
or more, less than 25  
kilograms.

3865



695928

576-04137-20

3866	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
3867	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
3868	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
3869	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4- Butanediol, 5 kilograms or more, less than 10 kilograms.
3870	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
	893.135 (1) (m) 2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30



695928

576-04137-20

3871

kilograms.

893.135  
(1) (n) 2.b.

1st

Trafficking in n-benzyl  
phenethylamines, 100  
grams or more, less than  
200 grams.

3872

893.1351 (3)

1st

Possession of a place  
used to manufacture  
controlled substance when  
minor is present or  
resides there.

3873

895.03 (1)

1st

Use or invest proceeds  
derived from pattern of  
racketeering activity.

3874

895.03 (2)

1st

Acquire or maintain  
through racketeering  
activity any interest in  
or control of any  
enterprise or real  
property.

3875

895.03 (3)

1st

Conduct or participate in  
any enterprise through  
pattern of racketeering  
activity.

3876





695928

576-04137-20

3877	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
3878			
3879			
3880			
3881	(i) LEVEL 9		
3882			
3883	Florida Statute	Felony Degree	Description
	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
3884			
	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
3885			



695928

576-04137-20

3886

409.920  
(2) (b) 1.c.

1st

Medicaid provider fraud;  
\$50,000 or more.

499.0051 (8)

1st

Knowing sale or purchase  
of contraband  
prescription drugs  
resulting in great bodily  
harm.

3887

560.123 (8) (b) 3.

1st

Failure to report  
currency or payment  
instruments totaling or  
exceeding \$100,000 by  
money transmitter.

3888

560.125 (5) (c)

1st

Money transmitter  
business by unauthorized  
person, currency, or  
payment instruments  
totaling or exceeding  
\$100,000.

3889

655.50 (10) (b) 3.

1st

Failure to report  
financial transactions  
totaling or exceeding  
\$100,000 by financial  
institution.

3890

775.0844

1st

Aggravated white collar



695928

576-04137-20

3891

crime.

782.04 (1)

1st

Attempt, conspire, or  
solicit to commit  
premeditated murder.

3892

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.

3893

782.051 (1)

1st

Attempted felony murder  
while perpetrating or  
attempting to perpetrate  
a felony enumerated in s.  
782.04 (3).

3894

782.07 (2)

1st

Aggravated manslaughter  
of an elderly person or  
disabled adult.

3895

787.01 (1) (a) 1.

1st, PBL

Kidnapping; hold for  
ransom or reward or as a  
shield or hostage.

3896



695928

576-04137-20

3897

787.01(1)(a)2.                      1st,PBL              Kidnapping with intent to  
commit or facilitate  
commission of any felony.

3898

787.01(1)(a)4.                      1st,PBL              Kidnapping with intent to  
interfere with  
performance of any  
governmental or political  
function.

3899

787.02(3)(a)                      1st,PBL              False imprisonment; child  
under age 13; perpetrator  
also commits aggravated  
child abuse, sexual  
battery, or lewd or  
lascivious battery,  
molestation, conduct, or  
exhibition.

3900

787.06(3)(c)1.                      1st                      Human trafficking for  
labor and services of an  
unauthorized alien child.

3901

787.06(3)(d)                      1st                      Human trafficking using  
coercion for commercial  
sexual activity of an  
unauthorized adult alien.

787.06(3)(f)1.                      1st,PBL              Human trafficking for



695928

576-04137-20

3902			commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
	790.161	1st	Attempted capital destructive device offense.
3903			
	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
3904			
	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
3905			
	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
3906			
	794.011 (4) (a)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years;



695928

576-04137-20

3907			offender 18 years or older.
	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
3908			
	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
3909			
	794.011 (4) (d)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
3910			
	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.
3911			
	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of



695928

576-04137-20

			age.
3912	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
3913	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
3914	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
3915	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
3916	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
3917	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.



695928

576-04137-20

3918

817.535 (5) (b) 1st Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.

3919

817.568 (7) 2nd, PBL Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.

3920

827.03 (2) (a) 1st Aggravated child abuse.

3921

847.0145 (1) 1st Selling, or otherwise transferring custody or control, of a minor.

3922

847.0145 (2) 1st Purchasing, or otherwise obtaining custody or control, of a minor.

3923





695928

576-04137-20

3924	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.
3925	893.135	1st	Attempted capital trafficking offense.
3926	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
3927	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
3928	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
3929	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 300 grams or more, less than 30 kilograms.
	893.135	1st	Trafficking in oxycodone,



695928

576-04137-20

3930	(1) (c) 3.d.		100 grams or more, less than 30 kilograms.
3931	893.135 (1) (c) 4.b. (III)	1st	Trafficking in fentanyl, 28 grams or more.
3932	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.
3933	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.
3934	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, 200 grams or more.
3935	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
3936	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400



695928

576-04137-20

3937

grams or more.

893.135  
(1) (m) 2.d.

1st

Trafficking in synthetic  
cannabinoids, 30  
kilograms or more.

3938

893.135  
(1) (n) 2.c.

1st

Trafficking in n-benzyl  
phenethylamines, 200  
grams or more.

3939

896.101 (5) (c)

1st

Money laundering,  
financial instruments  
totaling or exceeding  
\$100,000.

3940

896.104 (4) (a) 3.

1st

Structuring transactions  
to evade reporting or  
registration  
requirements, financial  
transactions totaling or  
exceeding \$100,000.

3941

3942

3943

3944

(j) LEVEL 10

3945

Florida  
Statute

Felony  
Degree

Description

3946



695928

576-04137-20

3947	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
3948	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
3949	782.07 (3)	1st	Aggravated manslaughter of a child.
3950	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
3951	787.01 (3) (a)	Life	Kidnapping; child under age 13, perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
	787.06 (3) (g)	Life	Human trafficking for commercial sexual activity of a child under the age of 18 or mentally defective or



695928

576-04137-20

3952

incapacitated person.

787.06(4)(a)

Life

Selling or buying of  
minors into human  
trafficking.

3953

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.

3954

812.135(2)(a)

1st, PBL

Home-invasion robbery  
with firearm or other  
deadly weapon.

3955

876.32

1st

Treason against the  
state.

3956

3957

3958

3959

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

3961

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

3962

3963

3964

3965



695928

576-04137-20

3966 the offense to the community. Until the Legislature specifically  
3967 assigns an offense to a severity level in the offense severity  
3968 ranking chart, the severity level is within the following  
3969 parameters:

- 3970 (1) A felony of the third degree within offense level 1.
- 3971 (2) A felony of the second degree within offense level 4.
- 3972 (3) A felony of the first degree within offense level 7.
- 3973 (4) A felony of the first degree punishable by life within  
3974 offense level 9.
- 3975 (5) A life felony within offense level 10.

3976 Section 45. Section 921.0024, Florida Statutes, is amended  
3977 to read:

3978 921.0024 Public Safety ~~Criminal Punishment~~ Code; worksheet  
3979 computations; scoresheets.-

3980 (1) (a) The Public Safety ~~Criminal Punishment~~ Code worksheet  
3981 is used to compute the subtotal and total sentence points as  
3982 follows:

3983  
3984 FLORIDA PUBLIC SAFETY ~~CRIMINAL PUNISHMENT~~ CODE

3985 WORKSHEET

3986  
3987 OFFENSE SCORE

3988 Primary Offense

3989 Level	Sentence Points	Total
3990 10	116	= .....

3991



695928

576-04137-20

3992	9	92	=	.....
3993	8	74	=	.....
3994	7	56	=	.....
3995	6	36	=	.....
3996	5	28	=	.....
3997	4	22	=	.....
3998	3	16	=	.....
3999	2	10	=	.....
4000	1	4	=	.....
4001				
4002				Total
4003				
4004				
4005				
4006	Additional Offenses			
4007	Level	Sentence Points	Counts	Total



695928

576-04137-20

4008	10	58	x	....	=	....
4009	9	46	x	....	=	....
4010	8	37	x	....	=	....
4011	7	28	x	....	=	....
4012	6	18	x	....	=	....
4013	5	5.4	x	....	=	....
4014	4	3.6	x	....	=	....
4015	3	2.4	x	....	=	....
4016	2	1.2	x	....	=	....
4017	1	0.7	x	....	=	....
4018	M	0.2	x	....	=	....
4019						
4020						Total
4021						
4022						
4023						





695928

576-04137-20

Victim Injury

4024	Level	Sentence Points		Number		Total
4025	2nd degree murder-					
4026	death	240	x	....	=	....
4027	Death	120	x	....	=	....
4028	Severe	40	x	....	=	....
4029	Moderate	18	x	....	=	....
4030	Slight	4	x	....	=	....
4031	Sexual penetration	80	x	....	=	....
4032	Sexual contact	40	x	....	=	....
4033						Total
4034						
4035						
4036						



695928

576-04137-20

4037 Primary Offense + Additional Offenses + Victim Injury =  
4038 TOTAL OFFENSE SCORE

4039  
4040 PRIOR RECORD SCORE

4041  
4042 Prior Record

Level	Sentence Points		Number		Total
10	29	x	....	=	....
9	23	x	....	=	....
8	19	x	....	=	....
7	14	x	....	=	....
6	9	x	....	=	....
5	3.6	x	....	=	....
4	2.4	x	....	=	....
3	1.6	x	....	=	....
2	0.8	x	....	=	....
1	0.5	x	....	=	....



695928

576-04137-20

M                                    0.2                                    x                                    . . . .                                    =                                    . . . .

4054

4055

Total

4056

4057

4058

4059

TOTAL OFFENSE SCORE.....

4060

TOTAL PRIOR RECORD SCORE.....

4061

4062

LEGAL STATUS.....

4063

COMMUNITY SANCTION VIOLATION.....

4064

PRIOR SERIOUS FELONY.....

4065

PRIOR CAPITAL FELONY.....

4066

FIREARM OR SEMIAUTOMATIC WEAPON.....

4067

SUBTOTAL.....

4068

4069

PRISON RELEASEE REOFFENDER (no) (yes).....

4070

VIOLENT CAREER CRIMINAL (no) (yes).....

4071

HABITUAL VIOLENT OFFENDER (no) (yes).....

4072

HABITUAL OFFENDER (no) (yes).....

4073

DRUG TRAFFICKER (no) (yes) (x multiplier).....

4074

LAW ENF. PROTECT. (no) (yes) (x multiplier).....

4075

MOTOR VEHICLE THEFT (no) (yes) (x multiplier).....

4076

CRIMINAL GANG OFFENSE (no) (yes) (x multiplier).....

4077

DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no) (yes)

4078

(x multiplier).....

4079

ADULT-ON-MINOR SEX OFFENSE (no) (yes) (x multiplier).....



695928

576-04137-20

4080 .....  
4081 TOTAL SENTENCE POINTS.....

4082

4083 (b) WORKSHEET KEY:

4084

4085 Legal status points are assessed when any form of legal status  
4086 existed at the time the offender committed an offense before the  
4087 court for sentencing. Four (4) sentence points are assessed for  
4088 an offender's legal status.

4089

4090 Community sanction violation points are assessed when a  
4091 community sanction violation is before the court for sentencing.  
4092 Six (6) sentence points are assessed for each community sanction  
4093 violation and each successive community sanction violation,  
4094 unless any of the following apply:

4095 1. If the community sanction violation includes a new  
4096 felony conviction before the sentencing court, twelve (12)  
4097 community sanction violation points are assessed for the  
4098 violation, and for each successive community sanction violation  
4099 involving a new felony conviction.

4100 2. If the community sanction violation is committed by a  
4101 violent felony offender of special concern as defined in s.  
4102 948.06:

4103 a. Twelve (12) community sanction violation points are  
4104 assessed for the violation and for each successive violation of  
4105 felony probation or community control where:

4106 I. The violation does not include a new felony conviction;  
4107 and

4108 II. The community sanction violation is not based solely on



695928

576-04137-20

4109 the probationer or offender's failure to pay costs or fines or  
4110 make restitution payments.

4111 b. Twenty-four (24) community sanction violation points are  
4112 assessed for the violation and for each successive violation of  
4113 felony probation or community control where the violation  
4114 includes a new felony conviction.

4115  
4116 Multiple counts of community sanction violations before the  
4117 sentencing court may ~~shall~~ not be used as a basis for  
4118 multiplying the assessment of community sanction violation  
4119 points.

4120  
4121 Prior serious felony points: If the offender has a primary  
4122 offense or any additional offense ranked in level 8, level 9, or  
4123 level 10, and one or more prior serious felonies, a single  
4124 assessment of thirty (30) points shall be added. For purposes of  
4125 this section, a prior serious felony is an offense in the  
4126 offender's prior record that is ranked in level 8, level 9, or  
4127 level 10 under s. 921.0022 or s. 921.0023 and for which the  
4128 offender is serving a sentence of confinement, supervision, or  
4129 other sanction or for which the offender's date of release from  
4130 confinement, supervision, or other sanction, whichever is later,  
4131 is within 3 years before the date the primary offense or any  
4132 additional offense was committed.

4133  
4134 Prior capital felony points: If the offender has one or more  
4135 prior capital felonies in the offender's criminal record, points  
4136 shall be added to the subtotal sentence points of the offender  
4137 equal to twice the number of points the offender receives for



695928

576-04137-20

4138 the primary offense and any additional offense. A prior capital  
4139 felony in the offender's criminal record is a previous capital  
4140 felony offense for which the offender has entered a plea of nolo  
4141 contendere or guilty or has been found guilty; or a felony in  
4142 another jurisdiction which is a capital felony in that  
4143 jurisdiction, or would be a capital felony if the offense were  
4144 committed in this state.

4145  
4146 Possession of a firearm, semiautomatic firearm, or machine gun:  
4147 If the offender is convicted of committing or attempting to  
4148 commit any felony other than those enumerated in s. 775.087(2)  
4149 while having in his or her possession: a firearm as defined in  
4150 s. 790.001(6), an additional eighteen (18) sentence points are  
4151 assessed; or if the offender is convicted of committing or  
4152 attempting to commit any felony other than those enumerated in  
4153 s. 775.087(3) while having in his or her possession a  
4154 semiautomatic firearm as defined in s. 775.087(3) or a machine  
4155 gun as defined in s. 790.001(9), an additional twenty-five (25)  
4156 sentence points are assessed.

4157  
4158 Sentencing multipliers:

4159  
4160 Drug trafficking: If the primary offense is drug trafficking  
4161 under s. 893.135, the subtotal sentence points are multiplied,  
4162 at the discretion of the court, for a level 7 or level 8  
4163 offense, by 1.5. The state attorney may move the sentencing  
4164 court to reduce or suspend the sentence of a person convicted of  
4165 a level 7 or level 8 offense, if the offender provides  
4166 substantial assistance as described in s. 893.135(4).



695928

576-04137-20

4167  
4168 Law enforcement protection: If the primary offense is a  
4169 violation of the Law Enforcement Protection Act under s.  
4170 775.0823(2), (3), or (4), the subtotal sentence points are  
4171 multiplied by 2.5. If the primary offense is a violation of s.  
4172 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
4173 are multiplied by 2.0. If the primary offense is a violation of  
4174 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
4175 Protection Act under s. 775.0823(10) or (11), the subtotal  
4176 sentence points are multiplied by 1.5.

4177  
4178 Grand theft of a motor vehicle: If the primary offense is grand  
4179 theft of the third degree involving a motor vehicle and in the  
4180 offender's prior record, there are three or more grand thefts of  
4181 the third degree involving a motor vehicle, the subtotal  
4182 sentence points are multiplied by 1.5.

4183  
4184 Offense related to a criminal gang: If the offender is convicted  
4185 of the primary offense and committed that offense for the  
4186 purpose of benefiting, promoting, or furthering the interests of  
4187 a criminal gang as defined in s. 874.03, the subtotal sentence  
4188 points are multiplied by 1.5. If applying the multiplier results  
4189 in the lowest permissible sentence exceeding the statutory  
4190 maximum sentence for the primary offense under chapter 775, the  
4191 court may not apply the multiplier and must sentence the  
4192 defendant to the statutory maximum sentence.

4193  
4194 Domestic violence in the presence of a child: If the offender is  
4195 convicted of the primary offense and the primary offense is a



695928

576-04137-20

4196 crime of domestic violence, as defined in s. 741.28, which was  
4197 committed in the presence of a child under 16 years of age who  
4198 is a family or household member as defined in s. 741.28(3) with  
4199 the victim or perpetrator, the subtotal sentence points are  
4200 multiplied by 1.5.

4201  
4202 Adult-on-minor sex offense: If the offender was 18 years of age  
4203 or older and the victim was younger than 18 years of age at the  
4204 time the offender committed the primary offense, and if the  
4205 primary offense was an offense committed on or after October 1,  
4206 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
4207 violation involved a victim who was a minor and, in the course  
4208 of committing that violation, the defendant committed a sexual  
4209 battery under chapter 794 or a lewd act under s. 800.04 or s.  
4210 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
4211 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
4212 800.04; or s. 847.0135(5), the subtotal sentence points are  
4213 multiplied by 2.0. If applying the multiplier results in the  
4214 lowest permissible sentence exceeding the statutory maximum  
4215 sentence for the primary offense under chapter 775, the court  
4216 may not apply the multiplier and must sentence the defendant to  
4217 the statutory maximum sentence.

4218 (2) The lowest permissible sentence is the minimum sentence  
4219 that may be imposed by the trial court, absent a valid reason  
4220 for departure. The lowest permissible sentence is any nonstate  
4221 prison sanction in which the total sentence points equals or is  
4222 less than 44 points, unless the court determines within its  
4223 discretion that a prison sentence, which may be up to the  
4224 statutory maximums for the offenses committed, is appropriate.





695928

576-04137-20

4225 When the total sentence points exceeds 44 points, the lowest  
4226 permissible sentence in prison months shall be calculated by  
4227 subtracting 28 points from the total sentence points and  
4228 decreasing the remaining total by 25 percent. The total sentence  
4229 points shall be calculated only as a means of determining the  
4230 lowest permissible sentence. The permissible range for  
4231 sentencing shall be the lowest permissible sentence up to and  
4232 including the statutory maximum, as defined in s. 775.082, for  
4233 the primary offense and any additional offenses before the court  
4234 for sentencing. The sentencing court may impose such sentences  
4235 concurrently or consecutively. However, any sentence to state  
4236 prison must exceed 1 year. If the lowest permissible sentence  
4237 under the code exceeds the statutory maximum sentence as  
4238 provided in s. 775.082, the sentence required by the code must  
4239 be imposed. If the total sentence points are greater than or  
4240 equal to 363, the court may sentence the offender to life  
4241 imprisonment. An offender sentenced to life imprisonment under  
4242 this section is not eligible for any form of discretionary early  
4243 release, except executive clemency, ~~or~~ conditional medical  
4244 release under s. 945.0911, or conditional aging inmate release  
4245 under s. 945.0912 ~~s. 947.149~~.

4246 (3) A single digitized scoresheet shall be prepared for  
4247 each defendant to determine the permissible range for the  
4248 sentence that the court may impose, except that if the defendant  
4249 is before the court for sentencing for more than one felony and  
4250 the felonies were committed under more than one version or  
4251 revision of the guidelines or the code, separate digitized  
4252 scoresheets must be prepared. The scoresheet or scoresheets must  
4253 cover all the defendant's offenses pending before the court for



695928

576-04137-20

4254 sentencing. The state attorney shall prepare the digitized  
4255 scoresheet or scoresheets, which must be presented to the  
4256 defense counsel for review for accuracy in all cases unless the  
4257 judge directs otherwise. The defendant's scoresheet or  
4258 scoresheets must be approved and signed by the sentencing judge.

4259 (4) The Department of Corrections, in consultation with the  
4260 Office of the State Courts Administrator, state attorneys, and  
4261 public defenders, must develop and submit the revised digitized  
4262 Public Safety Criminal Punishment Code scoresheet to the Supreme  
4263 Court for approval by June 15 of each year, as necessary. The  
4264 digitized scoresheet shall have individual, structured data  
4265 cells for each data field on the scoresheet. Upon the Supreme  
4266 Court's approval of the revised digitized scoresheet, the  
4267 Department of Corrections shall produce and provide the revised  
4268 digitized scoresheets by September 30 of each year, as  
4269 necessary. Digitized scoresheets must include individual data  
4270 cells to indicate whether any prison sentence imposed includes a  
4271 mandatory minimum sentence or the sentence imposed was a  
4272 downward departure from the lowest permissible sentence under  
4273 the Public Safety Criminal Punishment Code.

4274 (5) The Department of Corrections shall make available the  
4275 digitized Public Safety Criminal Punishment Code scoresheets to  
4276 those persons charged with the responsibility for preparing  
4277 scoresheets.

4278 (6) The clerk of the circuit court shall transmit a  
4279 complete and accurate digitized copy of the Public Safety  
4280 Criminal Punishment Code scoresheet used in each sentencing  
4281 proceeding to the Department of Corrections. Scoresheets must be  
4282 electronically transmitted no less frequently than monthly, by



695928

576-04137-20

4283 the first of each month, and may be sent collectively.

4284 (7) A digitized sentencing scoresheet must be prepared for  
4285 every defendant who is sentenced for a felony offense. The  
4286 individual offender's digitized Public Safety ~~Criminal~~  
4287 ~~Punishment~~ Code scoresheet and any attachments thereto prepared  
4288 pursuant to Rule 3.701, Rule 3.702, or Rule 3.703, Florida Rules  
4289 of Criminal Procedure, or any other rule pertaining to the  
4290 preparation and submission of felony sentencing scoresheets,  
4291 must be included with the uniform judgment and sentence form  
4292 provided to the Department of Corrections.

4293 Section 46. Section 921.0025, Florida Statutes, is amended  
4294 to read:

4295 921.0025 Adoption and implementation of revised sentencing  
4296 scoresheets.—Rules 3.701, 3.702, 3.703, and 3.988, Florida Rules  
4297 of Criminal Procedure, as revised by the Supreme Court, and any  
4298 other rule pertaining to the preparation and submission of  
4299 felony sentencing scoresheets, are adopted and implemented in  
4300 accordance with this chapter for application to the Public  
4301 Safety ~~Criminal Punishment~~ Code.

4302 Section 47. Paragraph (m) of subsection (2) of section  
4303 921.0026, Florida Statutes, is amended to read:

4304 921.0026 Mitigating circumstances.—This section applies to  
4305 any felony offense, except any capital felony, committed on or  
4306 after October 1, 1998.

4307 (2) Mitigating circumstances under which a departure from  
4308 the lowest permissible sentence is reasonably justified include,  
4309 but are not limited to:

4310 (m) The defendant's offense is a nonviolent felony, the  
4311 defendant's Public Safety ~~Criminal Punishment~~ Code scoresheet



695928

576-04137-20

4312 total sentence points under s. 921.0024 are 60 points or fewer,  
4313 and the court determines that the defendant is amenable to the  
4314 services of a postadjudicatory treatment-based drug court  
4315 program and is otherwise qualified to participate in the program  
4316 as part of the sentence. For purposes of this paragraph, the  
4317 term "nonviolent felony" has the same meaning as provided in s.  
4318 948.08(6).

4319 Section 48. Section 921.0027, Florida Statutes, is amended  
4320 to read:

4321 921.0027 Public Safety ~~Criminal Punishment~~ Code and  
4322 revisions; applicability.—The Florida Public Safety ~~Criminal~~  
4323 ~~Punishment~~ Code applies to all felonies, except capital  
4324 felonies, committed on or after October 1, 1998. Any revision to  
4325 the Public Safety ~~Criminal Punishment~~ Code applies to sentencing  
4326 for all felonies, except capital felonies, committed on or after  
4327 the effective date of the revision. Felonies, except capital  
4328 felonies, with continuing dates of enterprise shall be sentenced  
4329 under the Public Safety ~~Criminal Punishment~~ Code in effect on  
4330 the beginning date of the criminal activity.

4331 Section 49. Subsection (1) of section 924.06, Florida  
4332 Statutes, is amended to read:

4333 924.06 Appeal by defendant.—

4334 (1) A defendant may appeal from:

4335 (a) A final judgment of conviction when probation has not  
4336 been granted under chapter 948, except as provided in subsection  
4337 (3);

4338 (b) An order granting probation under chapter 948;

4339 (c) An order revoking probation under chapter 948;

4340 (d) A sentence, on the ground that it is illegal; or



695928

576-04137-20

4341 (e) A sentence imposed under s. 921.0024 of the Public  
4342 Safety Criminal Punishment Code which exceeds the statutory  
4343 maximum penalty provided in s. 775.082 for an offense at  
4344 conviction, or the consecutive statutory maximums for offenses  
4345 at conviction, unless otherwise provided by law.

4346 Section 50. Paragraph (i) of subsection (1) of section  
4347 924.07, Florida Statutes, is amended to read:

4348 924.07 Appeal by state.—

4349 (1) The state may appeal from:

4350 (i) A sentence imposed below the lowest permissible  
4351 sentence established by the Public Safety Criminal Punishment  
4352 Code under chapter 921.

4353 Section 51. Paragraph (c) of subsection (3) and paragraph  
4354 (e) of subsection (5) of section 944.17, Florida Statutes, are  
4355 amended to read:

4356 944.17 Commitments and classification; transfers.—

4357 (3)

4358 (c)1. When the highest ranking offense for which the  
4359 prisoner is convicted is a felony, the trial court shall  
4360 sentence the prisoner pursuant to the Public Safety Criminal  
4361 Punishment Code in chapter 921.

4362 2. When the highest ranking offense for which the prisoner  
4363 is convicted is a misdemeanor, the trial court shall sentence  
4364 the prisoner pursuant to s. 775.082(4).

4365 (5) The department shall also refuse to accept a person  
4366 into the state correctional system unless the following  
4367 documents are presented in a completed form by the sheriff or  
4368 chief correctional officer, or a designated representative, to  
4369 the officer in charge of the reception process. The department



695928

576-04137-20

4370 may, at its discretion, receive such documents electronically:

4371 (e) A copy of the Public Safety ~~Criminal Punishment~~ Code  
4372 scoresheet and any attachments thereto prepared pursuant to Rule  
4373 3.701, Rule 3.702, or Rule 3.703, Florida Rules of Criminal  
4374 Procedure, or any other rule pertaining to the preparation of  
4375 felony sentencing scoresheets.

4376

4377 In addition, the sheriff or other officer having such person in  
4378 charge shall also deliver with the foregoing documents any  
4379 available presentence investigation reports as described in s.  
4380 921.231 and any attached documents. After a prisoner is admitted  
4381 into the state correctional system, the department may request  
4382 such additional records relating to the prisoner as it considers  
4383 necessary from the clerk of the court, the Department of  
4384 Children and Families, or any other state or county agency for  
4385 the purpose of determining the prisoner's proper custody  
4386 classification, gain-time eligibility, or eligibility for early  
4387 release programs. An agency that receives such a request from  
4388 the department must provide the information requested. The  
4389 department may, at its discretion, receive such information  
4390 electronically.

4391 Section 52. Paragraph (b) of subsection (7) of section  
4392 944.605, Florida Statutes, is amended to read:

4393 944.605 Inmate release; notification; identification card.-

4394 (7)

4395 (b) Paragraph (a) does not apply to inmates who:

4396 1. The department determines have a valid driver license or  
4397 state identification card, except that the department shall  
4398 provide these inmates with a replacement state identification



695928

576-04137-20

4399 card or replacement driver license, if necessary.

4400         2. Have an active detainer, unless the department  
4401 determines that cancellation of the detainer is likely or that  
4402 the incarceration for which the detainer was issued will be less  
4403 than 12 months in duration.

4404         3. Are released due to an emergency release, ~~or~~ a  
4405 conditional medical release under s. 945.0911, or conditional  
4406 aging inmate release under s. 945.0912 ~~s. 947.149~~.

4407         4. Are not in the physical custody of the department at or  
4408 within 180 days before release.

4409         5. Are subject to sex offender residency restrictions, and  
4410 who, upon release under such restrictions, do not have a  
4411 qualifying address.

4412         Section 53. Paragraph (b) of subsection (1) of section  
4413 944.70, Florida Statutes, is amended to read:

4414         944.70 Conditions for release from incarceration.—

4415         (1)

4416         (b) A person who is convicted of a crime committed on or  
4417 after January 1, 1994, may be released from incarceration only:

4418                 1. Upon expiration of the person's sentence;

4419                 2. Upon expiration of the person's sentence as reduced by  
4420 accumulated meritorious or incentive gain-time;

4421                 3. As directed by an executive order granting clemency;

4422                 4. Upon placement in a conditional release program pursuant  
4423 to s. 947.1405, ~~or~~ a conditional medical release program  
4424 pursuant to s. 945.0911, or a conditional aging inmate release  
4425 program pursuant to s. 945.0912 ~~s. 947.149~~; or

4426                 5. Upon the granting of control release, including  
4427 emergency control release, pursuant to s. 947.146.



695928

576-04137-20

4428 Section 54. Paragraph (h) of subsection (1) of section  
4429 947.13, Florida Statutes, is amended to read:

4430 947.13 Powers and duties of commission.—

4431 (1) The commission shall have the powers and perform the  
4432 duties of:

4433 ~~(h) Determining what persons will be released on~~  
4434 ~~conditional medical release under s. 947.149, establishing the~~  
4435 ~~conditions of conditional medical release, and determining~~  
4436 ~~whether a person has violated the conditions of conditional~~  
4437 ~~medical release and taking action with respect to such a~~  
4438 ~~violation.~~

4439 Section 55. Section 947.141, Florida Statutes, is amended  
4440 to read:

4441 947.141 Violations of conditional release, control release,  
4442 ~~or conditional medical release~~ or addiction-recovery  
4443 supervision.—

4444 (1) If a member of the commission or a duly authorized  
4445 representative of the commission has reasonable grounds to  
4446 believe that an offender who is on release supervision under s.  
4447 947.1405, s. 947.146, ~~s. 947.149~~, or s. 944.4731 has violated  
4448 the terms and conditions of the release in a material respect,  
4449 such member or representative may cause a warrant to be issued  
4450 for the arrest of the releasee; if the offender was found to be  
4451 a sexual predator, the warrant must be issued.

4452 (2) Upon the arrest on a felony charge of an offender who  
4453 is on release supervision under s. 947.1405, s. 947.146, ~~s.~~  
4454 ~~947.149~~, or s. 944.4731, the offender must be detained without  
4455 bond until the initial appearance of the offender at which a  
4456 judicial determination of probable cause is made. If the trial





695928

576-04137-20

4457 court judge determines that there was no probable cause for the  
4458 arrest, the offender may be released. If the trial court judge  
4459 determines that there was probable cause for the arrest, such  
4460 determination also constitutes reasonable grounds to believe  
4461 that the offender violated the conditions of the release. Within  
4462 24 hours after the trial court judge's finding of probable  
4463 cause, the detention facility administrator or designee shall  
4464 notify the commission and the department of the finding and  
4465 transmit to each a facsimile copy of the probable cause  
4466 affidavit or the sworn offense report upon which the trial court  
4467 judge's probable cause determination is based. The offender must  
4468 continue to be detained without bond for a period not exceeding  
4469 72 hours excluding weekends and holidays after the date of the  
4470 probable cause determination, pending a decision by the  
4471 commission whether to issue a warrant charging the offender with  
4472 violation of the conditions of release. Upon the issuance of the  
4473 commission's warrant, the offender must continue to be held in  
4474 custody pending a revocation hearing held in accordance with  
4475 this section.

4476 (3) Within 45 days after notice to the Florida Commission  
4477 on Offender Review of the arrest of a releasee charged with a  
4478 violation of the terms and conditions of conditional release,  
4479 control release, ~~conditional medical release~~, or addiction-  
4480 recovery supervision, the releasee must be afforded a hearing  
4481 conducted by a commissioner or a duly authorized representative  
4482 thereof. If the releasee elects to proceed with a hearing, the  
4483 releasee must be informed orally and in writing of the  
4484 following:

4485 (a) The alleged violation with which the releasee is



695928

576-04137-20

4486 charged.

4487 (b) The releasee's right to be represented by counsel.

4488 (c) The releasee's right to be heard in person.

4489 (d) The releasee's right to secure, present, and compel the  
4490 attendance of witnesses relevant to the proceeding.

4491 (e) The releasee's right to produce documents on the  
4492 releasee's own behalf.

4493 (f) The releasee's right of access to all evidence used  
4494 against the releasee and to confront and cross-examine adverse  
4495 witnesses.

4496 (g) The releasee's right to waive the hearing.

4497 (4) Within a reasonable time following the hearing, the  
4498 commissioner or the commissioner's duly authorized  
4499 representative who conducted the hearing shall make findings of  
4500 fact in regard to the alleged violation. A panel of no fewer  
4501 than two commissioners shall enter an order determining whether  
4502 the charge of violation of conditional release, control release,  
4503 ~~conditional medical release~~, or addiction-recovery supervision  
4504 has been sustained based upon the findings of fact presented by  
4505 the hearing commissioner or authorized representative. By such  
4506 order, the panel may revoke conditional release, control  
4507 release, ~~conditional medical release~~, or addiction-recovery  
4508 supervision and thereby return the releasee to prison to serve  
4509 the sentence imposed, reinstate the original order granting the  
4510 release, or enter such other order as it considers proper.  
4511 Effective for inmates whose offenses were committed on or after  
4512 July 1, 1995, the panel may order the placement of a releasee,  
4513 upon a finding of violation pursuant to this subsection, into a  
4514 local detention facility as a condition of supervision.



695928

576-04137-20

4515           (5) Effective for inmates whose offenses were committed on  
4516 or after July 1, 1995, notwithstanding the provisions of ss.  
4517 775.08, former 921.001, 921.002, 921.187, 921.188, 944.02, and  
4518 951.23, or any other law to the contrary, by such order as  
4519 provided in subsection (4), the panel, upon a finding of guilt,  
4520 may, as a condition of continued supervision, place the releasee  
4521 in a local detention facility for a period of incarceration not  
4522 to exceed 22 months. Prior to the expiration of the term of  
4523 incarceration, or upon recommendation of the chief correctional  
4524 officer of that county, the commission shall cause inquiry into  
4525 the inmate's release plan and custody status in the detention  
4526 facility and consider whether to restore the inmate to  
4527 supervision, modify the conditions of supervision, or enter an  
4528 order of revocation, thereby causing the return of the inmate to  
4529 prison to serve the sentence imposed. The provisions of this  
4530 section do not prohibit the panel from entering such other order  
4531 or conducting any investigation that it deems proper. The  
4532 commission may only place a person in a local detention facility  
4533 pursuant to this section if there is a contractual agreement  
4534 between the chief correctional officer of that county and the  
4535 Department of Corrections. The agreement must provide for a per  
4536 diem reimbursement for each person placed under this section,  
4537 which is payable by the Department of Corrections for the  
4538 duration of the offender's placement in the facility. This  
4539 section does not limit the commission's ability to place a  
4540 person in a local detention facility for less than 1 year.

4541           (6) Whenever a conditional release, control release,  
4542 ~~conditional medical release,~~ or addiction-recovery supervision  
4543 is revoked by a panel of no fewer than two commissioners and the



695928

576-04137-20

4544 releasee is ordered to be returned to prison, the releasee, by  
4545 reason of the misconduct, shall be deemed to have forfeited all  
4546 gain-time or commutation of time for good conduct, as provided  
4547 for by law, earned up to the date of release. However, if a  
4548 conditional medical release is revoked due to the improved  
4549 medical or physical condition of the releasee, the releasee  
4550 shall not forfeit gain-time accrued before the date of  
4551 conditional medical release. This subsection does not deprive  
4552 the prisoner of the right to gain-time or commutation of time  
4553 for good conduct, as provided by law, from the date of return to  
4554 prison.

4555 (7) If a law enforcement officer has probable cause to  
4556 believe that an offender who is on release supervision under s.  
4557 947.1405, s. 947.146, ~~s. 947.149~~, or s. 944.4731 has violated  
4558 the terms and conditions of his or her release by committing a  
4559 felony offense, the officer shall arrest the offender without a  
4560 warrant, and a warrant need not be issued in the case.

4561 Section 56. Paragraph (a) of subsection (7) of section  
4562 948.01, Florida Statutes, is amended to read:

4563 948.01 When court may place defendant on probation or into  
4564 community control.-

4565 (7) (a) Notwithstanding s. 921.0024 and effective for  
4566 offenses committed on or after July 1, 2009, the sentencing  
4567 court may place the defendant into a postadjudicatory treatment-  
4568 based drug court program if the defendant's Public Safety  
4569 ~~Criminal Punishment~~ Code scoresheet total sentence points under  
4570 s. 921.0024 are 60 points or fewer, the offense is a nonviolent  
4571 felony, the defendant is amenable to substance abuse treatment,  
4572 and the defendant otherwise qualifies under s. 397.334(3). The



695928

576-04137-20

4573 satisfactory completion of the program shall be a condition of  
4574 the defendant's probation or community control. As used in this  
4575 subsection, the term "nonviolent felony" means a third degree  
4576 felony violation under chapter 810 or any other felony offense  
4577 that is not a forcible felony as defined in s. 776.08.

4578 Section 57. Section 948.015, Florida Statutes, is amended  
4579 to read:

4580 948.015 Presentence investigation reports.—The circuit  
4581 court, when the defendant in a criminal case has been found  
4582 guilty or has entered a plea of nolo contendere or guilty and  
4583 has a lowest permissible sentence under the Public Safety  
4584 ~~Criminal Punishment~~ Code of any nonstate prison sanction, may  
4585 refer the case to the department for investigation or  
4586 recommendation. Upon such referral, the department shall make  
4587 the following report in writing at a time specified by the court  
4588 before ~~prior to~~ sentencing. The full report must ~~shall~~ include:

4589 (1) A complete description of the situation surrounding the  
4590 criminal activity with which the offender has been charged,  
4591 including a synopsis of the trial transcript, if one has been  
4592 made; nature of the plea agreement, including the number of  
4593 counts waived, the pleas agreed upon, the sentence agreed upon,  
4594 and any additional terms of agreement; and, at the offender's  
4595 discretion, his or her version and explanation of the criminal  
4596 activity.

4597 (2) The offender's sentencing status, including whether the  
4598 offender is a first offender, a habitual or violent offender, a  
4599 youthful offender, or is currently on probation.

4600 (3) The offender's prior record of arrests and convictions.

4601 (4) The offender's educational background.



695928

576-04137-20

4602 (5) The offender's employment background, including any  
4603 military record, present employment status, and occupational  
4604 capabilities.

4605 (6) The offender's financial status, including total  
4606 monthly income and estimated total debts.

4607 (7) The social history of the offender, including his or  
4608 her family relationships, marital status, interests, and  
4609 activities.

4610 (8) The residence history of the offender.

4611 (9) The offender's medical history and, as appropriate, a  
4612 psychological or psychiatric evaluation.

4613 (10) Information about the environments to which the  
4614 offender might return or to which the offender could be sent  
4615 should a sentence of nonincarceration or community supervision  
4616 be imposed by the court, and consideration of the offender's  
4617 plan concerning employment supervision and treatment.

4618 (11) Information about any resources available to assist  
4619 the offender, such as:

4620 (a) Treatment centers.

4621 (b) Residential facilities.

4622 (c) Career training programs.

4623 (d) Special education programs.

4624 (e) Services that may preclude or supplement commitment to  
4625 the department.

4626 (12) The views of the person preparing the report as to the  
4627 offender's motivations and ambitions and an assessment of the  
4628 offender's explanations for his or her criminal activity.

4629 (13) An explanation of the offender's criminal record, if  
4630 any, including his or her version and explanation of any



695928

576-04137-20

4631 previous offenses.

4632 (14) A statement regarding the extent of any victim's loss  
4633 or injury.

4634 (15) A recommendation as to disposition by the court. The  
4635 department shall make a written determination as to the reasons  
4636 for its recommendation, and shall include an evaluation of the  
4637 following factors:

4638 (a) The appropriateness or inappropriateness of community  
4639 facilities, programs, or services for treatment or supervision  
4640 for the offender.

4641 (b) The ability or inability of the department to provide  
4642 an adequate level of supervision for the offender in the  
4643 community and a statement of what constitutes an adequate level  
4644 of supervision.

4645 (c) The existence of other treatment modalities which the  
4646 offender could use but which do not exist at present in the  
4647 community.

4648 Section 58. Paragraph (j) of subsection (2) of section  
4649 948.06, Florida Statutes, is amended to read:

4650 948.06 Violation of probation or community control;  
4651 revocation; modification; continuance; failure to pay  
4652 restitution or cost of supervision.—

4653 (2)

4654 (j)1. Notwithstanding s. 921.0024 and effective for  
4655 offenses committed on or after July 1, 2009, the court may order  
4656 the defendant to successfully complete a postadjudicatory  
4657 treatment-based drug court program if:

4658 a. The court finds or the offender admits that the offender  
4659 has violated his or her community control or probation;



695928

576-04137-20

4660           b. The offender's Public Safety ~~Criminal Punishment~~ Code  
4661 scoresheet total sentence points under s. 921.0024 are 60 points  
4662 or fewer after including points for the violation;

4663           c. The underlying offense is a nonviolent felony. As used  
4664 in this subsection, the term "nonviolent felony" means a third  
4665 degree felony violation under chapter 810 or any other felony  
4666 offense that is not a forcible felony as defined in s. 776.08;

4667           d. The court determines that the offender is amenable to  
4668 the services of a postadjudicatory treatment-based drug court  
4669 program;

4670           e. The court has explained the purpose of the program to  
4671 the offender and the offender has agreed to participate; and

4672           f. The offender is otherwise qualified to participate in  
4673 the program under ~~the provisions of~~ s. 397.334(3).

4674           2. After the court orders the modification of community  
4675 control or probation, the original sentencing court shall  
4676 relinquish jurisdiction of the offender's case to the  
4677 postadjudicatory treatment-based drug court program until the  
4678 offender is no longer active in the program, the case is  
4679 returned to the sentencing court due to the offender's  
4680 termination from the program for failure to comply with the  
4681 terms thereof, or the offender's sentence is completed.

4682           Section 59. Subsection (1) of section 948.20, Florida  
4683 Statutes, is amended to read:

4684           948.20 Drug offender probation.—

4685           (1) If it appears to the court upon a hearing that the  
4686 defendant is a chronic substance abuser whose criminal conduct  
4687 is a violation of s. 893.13(2) (a) or (6) (a), or other nonviolent  
4688 felony if such nonviolent felony is committed on or after July





695928

576-04137-20

4689 1, 2009, and notwithstanding s. 921.0024, the defendant's Public  
4690 Safety Criminal Punishment Code scoresheet total sentence points  
4691 are 60 points or fewer, the court may either adjudge the  
4692 defendant guilty or stay and withhold the adjudication of guilt.  
4693 In either case, the court may also stay and withhold the  
4694 imposition of sentence and place the defendant on drug offender  
4695 probation or into a postadjudicatory treatment-based drug court  
4696 program if the defendant otherwise qualifies. As used in this  
4697 section, the term "nonviolent felony" means a third degree  
4698 felony violation under chapter 810 or any other felony offense  
4699 that is not a forcible felony as defined in s. 776.08.

4700 Section 60. Paragraph (c) of subsection (2) of section  
4701 948.51, Florida Statutes, is amended to read:

4702 948.51 Community corrections assistance to counties or  
4703 county consortiums.—

4704 (2) ELIGIBILITY OF COUNTIES AND COUNTY CONSORTIUMS.—A  
4705 county, or a consortium of two or more counties, may contract  
4706 with the Department of Corrections for community corrections  
4707 funds as provided in this section. In order to enter into a  
4708 community corrections partnership contract, a county or county  
4709 consortium must have a public safety coordinating council  
4710 established under s. 951.26 and must designate a county officer  
4711 or agency to be responsible for administering community  
4712 corrections funds received from the state. The public safety  
4713 coordinating council shall prepare, develop, and implement a  
4714 comprehensive public safety plan for the county, or the  
4715 geographic area represented by the county consortium, and shall  
4716 submit an annual report to the Department of Corrections  
4717 concerning the status of the program. In preparing the



695928

576-04137-20

4718 comprehensive public safety plan, the public safety coordinating  
4719 council shall cooperate with the juvenile justice circuit  
4720 advisory board established under s. 985.664 in order to include  
4721 programs and services for juveniles in the plan. To be eligible  
4722 for community corrections funds under the contract, the initial  
4723 public safety plan must be approved by the governing board of  
4724 the county, or the governing board of each county within the  
4725 consortium, and the Secretary of Corrections based on the  
4726 requirements of this section. If one or more other counties  
4727 develop a unified public safety plan, the public safety  
4728 coordinating council shall submit a single application to the  
4729 department for funding. Continued contract funding shall be  
4730 pursuant to subsection (5). The plan for a county or county  
4731 consortium must cover at least a 5-year period and must include:

4732 (c) Specific goals and objectives for reducing the  
4733 projected percentage of commitments to the state prison system  
4734 of persons with low total sentencing scores pursuant to the  
4735 Public Safety Criminal Punishment Code.

4736 Section 61. Subsection (3) of section 958.04, Florida  
4737 Statutes, is amended to read:

4738 958.04 Judicial disposition of youthful offenders.—

4739 (3) ~~The provisions of~~ This section may ~~shall~~ not be used to  
4740 impose a greater sentence than the permissible sentence range as  
4741 established by the Public Safety Criminal Punishment Code  
4742 pursuant to chapter 921 unless reasons are explained in writing  
4743 by the trial court judge which reasonably justify departure. A  
4744 sentence imposed outside of the code is subject to appeal  
4745 pursuant to s. 924.06 or s. 924.07.

4746 Section 62. Subsection (4) of section 985.465, Florida



695928

576-04137-20

4747 Statutes, is amended to read:

4748           985.465 Juvenile correctional facilities or juvenile  
4749 prison.—A juvenile correctional facility or juvenile prison is a  
4750 physically secure residential commitment program with a  
4751 designated length of stay from 18 months to 36 months, primarily  
4752 serving children 13 years of age to 19 years of age or until the  
4753 jurisdiction of the court expires. Each child committed to this  
4754 level must meet one of the following criteria:

4755           (4) The child is at least 13 years of age at the time of  
4756 the disposition for the current offense, the child is eligible  
4757 for prosecution as an adult for the current offense, and the  
4758 current offense is ranked at level 7 or higher on the Public  
4759 Safety Criminal Punishment Code offense severity ranking chart  
4760 pursuant to s. 921.0022.

4761           Section 63. Except as otherwise expressly provided in this  
4762 act, and except for this section, which shall take effect upon  
4763 this act becoming a law, this act shall take effect October 1,  
4764 2020.