

1                   A bill to be entitled  
2           An act relating to public safety; amending s. 16.555,  
3           F.S.; providing for reallocation of unencumbered funds  
4           returned to the Crime Stoppers Trust Fund; specifying  
5           permissible uses for funds awarded to counties from  
6           the trust fund; creating s. 16.557, F.S.; providing  
7           definitions; providing criminal penalties for  
8           disclosure of privileged communications or protected  
9           information or information concerning such  
10          communications or information; providing exceptions;  
11          amending s. 212.15, F.S.; increasing threshold amounts  
12          for certain theft offenses; amending s. 322.01, F.S.;  
13          providing a definition; amending s. 322.055, F.S.;  
14          reducing the length of driver license revocation for  
15          possession or sale of, trafficking in, or conspiracy  
16          to possess, sell, or traffic in a controlled  
17          substance; deleting provisions authorizing a driver to  
18          petition the Department of Highway Safety and Motor  
19          Vehicles for restoration of his or her driving  
20          privilege; amending s. 322.056, F.S.; reducing the  
21          period for revocation or suspension of, or delay of  
22          eligibility for, driver licenses or driving privileges  
23          for certain persons found guilty of certain drug  
24          offenses; deleting requirements relating to the  
25          revocation or suspension of, or delay of eligibility

26 | for, driver licenses or driving privileges for certain  
27 | persons found guilty of certain alcohol or tobacco  
28 | offenses; deleting provisions authorizing a driver to  
29 | petition the Department of Highway Safety and Motor  
30 | Vehicles for restoration of his or her driving  
31 | privilege; repealing s. 322.057, F.S., relating to  
32 | discretionary revocation or suspension of a driver  
33 | license for certain persons who provide alcohol to  
34 | persons under a specified age; amending s. 322.24,  
35 | F.S.; extending penalties to a person who was never  
36 | issued a driver license; creating s. 322.75, F.S.;  
37 | requiring each clerk of court to establish a Driver  
38 | License Reinstatement Days program for reinstating  
39 | suspended driver licenses in certain circumstances;  
40 | providing duties of the clerks of the circuit courts  
41 | and the Department of Highway Safety and Motor  
42 | Vehicles; authorizing such clerks to compromise on or  
43 | waive certain fees and costs; providing eligibility  
44 | requirements; amending s. 394.47891, F.S.; revising  
45 | the list of individuals who, if charged or convicted  
46 | of certain criminal offenses, may participate in a  
47 | Military Veterans and Servicemembers Court Program  
48 | under certain circumstances; amending s. 394.917,  
49 | F.S.; revising the duties of the Department of  
50 | Children and Families concerning criminal offenders

51 designated as sexually violent predators; amending s.  
52 397.334, F.S.; conforming provisions to changes made  
53 in the act; amending s. 455.213, F.S.; conforming a  
54 cross-reference; requiring the Department of Business  
55 and Professional Regulation or the applicable board to  
56 use a specified process for the review of an  
57 applicant's criminal record to determine the  
58 applicant's eligibility for certain licenses;  
59 prohibiting the conviction of a crime before a  
60 specified date from being grounds for denial of  
61 certain licenses; defining the term "conviction";  
62 authorizing a person to apply for a license before his  
63 or her lawful release from confinement or supervision;  
64 prohibiting additional fees for an applicant confined  
65 or under supervision; prohibiting the department or  
66 applicable board from basing a denial of a license  
67 application solely on the applicant's current  
68 confinement or supervision; authorizing the department  
69 or applicable board to stay the issuance of an  
70 approved license under certain circumstances;  
71 requiring the department or applicable board to verify  
72 an applicant's release with the Department of  
73 Corrections or other applicable authority; providing  
74 requirements for the appearance of certain applicants  
75 at certain meetings; requiring the department or

76 applicable board to provide an annually updated list  
77 on its website specifying how certain crimes affect an  
78 applicant's eligibility for licensure; providing that  
79 certain information be identified for each crime on  
80 the list; requiring such list be available to the  
81 public upon request; amending s. 474.2165, F.S.;  
82 authorizing a veterinarian to report certain suspected  
83 criminal violations without notice to or authorization  
84 from a client; providing an exception; amending s.  
85 489.126, F.S.; providing a just cause defense for  
86 criminal offenses and disciplinary violations;  
87 providing an inference; deleting an intent requirement  
88 for contractor offenses; revising elements of  
89 offenses; revising criminal penalties for contractor  
90 offenses; amending s. 489.553, F.S.; prohibiting the  
91 conviction of a crime from being grounds for the  
92 denial of registration after a specified time has  
93 passed under certain circumstances; defining the term  
94 "conviction"; authorizing a person to apply for  
95 registration before his or her lawful release from  
96 confinement or supervision; prohibiting the Department  
97 of Business and Professional Regulation from charging  
98 an applicant who is confined or under supervision  
99 additional fees; prohibiting the applicable board from  
100 basing the denial of registration solely on the

101 applicant's current confinement or supervision;  
102 authorizing the board to stay the issuance of an  
103 approved registration under certain circumstances;  
104 requiring the board to verify an applicant's release  
105 with the Department of Corrections or other applicable  
106 authority; providing requirements for the appearance  
107 of certain applicants at certain meetings; requiring  
108 the applicable board to provide a quarterly updated  
109 list on its website specifying how certain crimes may  
110 affect an applicant's eligibility for registration;  
111 providing that certain information be identified for  
112 each crime on the list; requiring such list be  
113 available to the public upon request; amending s.  
114 500.451, F.S.; abolishing mandatory minimum sentence  
115 for the sale of horse meat for human consumption;  
116 amending s. 509.151, F.S.; increasing threshold  
117 amounts for certain theft offenses; amending s.  
118 562.11, F.S.; deleting provisions relating to  
119 withholding issuance of, or suspending or revoking, a  
120 driver license or driving privilege for possession of  
121 alcoholic beverages by persons under a specified age;  
122 amending s. 562.111, F.S.; removing the mandatory  
123 driver license suspension requirement for conviction  
124 of possession of alcohol by a person younger than 21  
125 years of age; amending s. 562.27, F.S.; reducing the

126 offense severity of certain crimes related to the  
127 possession of a still or related apparatus; amending  
128 s. 562.451, F.S.; reducing the offense severity for  
129 possession of one or more gallons of certain liquors;  
130 amending s. 569.11, F.S.; revising penalties for  
131 persons under a specified age who knowingly possess,  
132 misrepresent their age or military service to  
133 purchase, or purchase or attempt to purchase tobacco  
134 products; authorizing, rather than requiring, a court  
135 to direct the Department of Highway Safety and Motor  
136 Vehicles to withhold issuance of or suspend a person's  
137 driver license or driving privilege for certain  
138 violations; amending s. 713.69, F.S.; increasing  
139 thresholds for certain theft offenses; amending s.  
140 775.082, F.S.; specifying that certain offenders  
141 released from incarceration from county detention  
142 facilities qualify as prison releasee reoffenders;  
143 amending s. 784.046, F.S.; prohibiting attorney fees  
144 in cases seeking an injunction for protection against  
145 repeat, dating, or sexual violence; amending s.  
146 784.048, F.S.; revising the definition of the term  
147 "cyberstalk"; providing criminal penalties; amending  
148 s. 784.0485, F.S.; prohibiting attorney fees in cases  
149 seeking an injunction for protection against stalking;  
150 amending s. 784.049, F.S.; revising legislative

151 findings; revising definitions; providing that sexual  
152 cyberharassment includes dissemination of an image  
153 through electronic means other than publication on a  
154 website; requiring that a person have a reasonable  
155 expectation of privacy in an image for the publication  
156 or dissemination of the image to qualify as sexual  
157 cyberharassment; providing that certain actions do not  
158 eliminate such an expectation of privacy; amending s.  
159 790.052, F.S.; specifying that certain law enforcement  
160 and correctional officers meet the definition of  
161 "qualified law enforcement officer" for the purposes  
162 of qualifying for certain rights during off-duty  
163 hours; specifying that certain persons meet the  
164 definition of "qualified retired law enforcement  
165 officer" for the purposes of qualifying for certain  
166 rights during off-duty hours; amending s. 790.22,  
167 F.S.; authorizing, rather than requiring, a court to  
168 withhold issuance of or suspend a person's driver  
169 license or driving privilege for a minor who possesses  
170 or uses a firearm in certain circumstances; amending  
171 s. 800.09, F.S.; revising the definition of the term  
172 "employee"; prohibiting certain lewd or lascivious  
173 acts in the presence of county correctional personnel;  
174 providing criminal penalties; amending s. 806.13,  
175 F.S.; authorizing, rather than requiring, a court to

176 withhold issuance of or suspend a person's driver  
177 license or driving privilege for committing criminal  
178 mischief by a minor; amending s. 812.014, F.S.;  
179 increasing threshold amounts for certain theft  
180 offenses; adding utility services to the list of items  
181 the theft of which constitutes a felony of the third  
182 degree; amending s. 812.015, F.S.; increasing  
183 threshold amounts for certain theft offenses; revising  
184 requirements for aggregation of retail thefts;  
185 amending s. 812.0155, F.S.; removing a court's  
186 authority to suspend a driver license for a  
187 misdemeanor theft adjudication of guilt for a person  
188 18 years of age or older; allowing a court to suspend  
189 a driver license for a person 18 years of age or  
190 younger as an alternative to other possible sentences;  
191 amending s. 815.03, F.S.; revising the definition of  
192 the term "access" for purposes of provisions relating  
193 to computer crimes; amending s. 815.06, F.S.; revising  
194 conduct constituting an offense against users of  
195 computers, computer systems, computer networks, or  
196 electronic devices; providing criminal penalties;  
197 amending s. 817.413, F.S.; increasing threshold  
198 amounts for certain theft offenses; amending s.  
199 831.28, F.S.; criminalizing possession of a  
200 counterfeit instrument with intent to defraud;



201 amending s. 847.011, F.S.; prohibiting a person from  
202 knowingly selling, lending, giving away, distributing,  
203 transmitting, showing, or transmuting; offering to  
204 commit such actions, having in his or her possession,  
205 custody, or control with the intent to commit such  
206 actions or advertising in any manner an obscene,  
207 child-like sex doll; providing criminal penalties;  
208 prohibiting a person from knowingly having in his or  
209 her possession, custody, or control an obscene, child-  
210 like sex doll; providing criminal penalties; amending  
211 s. 849.01, F.S.; reducing the offense severity of  
212 certain crimes relating to keeping a gambling house or  
213 possessing certain gambling apparatuses; amending s.  
214 877.112, F.S.; removing driver license revocation or  
215 suspension as a penalty for certain offenses involving  
216 nicotine products; amending s. 893.135, F.S.; revising  
217 threshold amounts for trafficking in hydrocodone;  
218 amending s. 900.05, F.S.; revising and providing  
219 definitions; revising and providing data required to  
220 be collected and reported to the Department of Law  
221 Enforcement by specified entities; requiring the  
222 Department of Law Enforcement to publish data received  
223 from reporting agencies by a specified date; imposing  
224 penalties on reporting agencies for noncompliance with  
225 data reporting requirements; declaring information

226 that is confidential and exempt upon collection by a  
227 reporting agency remains confidential and exempt when  
228 reported to the department; amending s. 921.0022,  
229 F.S.; conforming provisions of the offense severity  
230 ranking chart of the Criminal Punishment Code to  
231 changes made by the act; ranking introduction, or  
232 possession of, a cellular telephone or other portable  
233 communication device on county detention facility  
234 grounds; creating s. 943.0578, F.S.; establishing  
235 eligibility criteria for expunction of a criminal  
236 history record by a person found to have acted in  
237 lawful self-defense; requiring the Department of Law  
238 Enforcement to issue a certificate of eligibility for  
239 expunction if specified criteria are fulfilled;  
240 specifying requirements for a petition to expunge;  
241 creating a penalty for providing false information on  
242 such petition; requiring the department to adopt rules  
243 relating to a certificate of expunction for lawful  
244 self-defense; amending s. 943.0581, F.S.; clarifying  
245 administrative expunction applies to criminal history  
246 records resulting from an arrest made contrary to law  
247 or by mistake; creating s. 943.0584, F.S.; providing a  
248 definition; specifying criminal history records which  
249 are ineligible for court-ordered expunction or court-  
250 ordered sealing; amending s. 943.0585, F.S.; providing

251 eligibility criteria for court-ordered expunction of a  
252 criminal history record; requiring the Department of  
253 Law Enforcement to issue a certificate of eligibility  
254 to petitioners meeting eligibility criteria;  
255 specifying requirements for a petition for court-  
256 ordered expunction; specifying a court's authority to  
257 expunge criminal history records; specifying the  
258 process for a petition to expunge a criminal history  
259 record; specifying the process following the issuance  
260 of an order to expunge a criminal history record;  
261 specifying the effect of an order to expunge a  
262 criminal history record; amending s. 943.059, F.S.;  
263 providing eligibility criteria for court-ordered  
264 sealing of a criminal history record; requiring the  
265 department to issue a certificate of eligibility to  
266 petitioners meeting eligibility criteria; specifying  
267 requirements for a petition for court-ordered sealing;  
268 specifying a court's authority to seal criminal  
269 history records; specifying the process for a petition  
270 to seal a criminal history record; specifying the  
271 effect of an order to seal a criminal history record;  
272 creating s. 943.0595, F.S.; requiring the Department  
273 of Law Enforcement to adopt rules to implement  
274 administrative sealing of specified criminal history  
275 records; providing eligibility criteria for

276 administrative sealing of criminal history records;  
277 specifying ineligible criminal history records;  
278 providing for an unlimited number of times a person  
279 with an eligible criminal history record may receive  
280 administrative sealing; requiring the clerk of court  
281 to transmit a certified copy of an eligible criminal  
282 history record to the department upon the resolution  
283 of a criminal case; specifying that the effect of  
284 automatic sealing is the same as court-ordered  
285 sealing; amending s. 943.325, F.S.; revising  
286 legislative findings relating to the use of the DNA  
287 database; amending s. 943.6871, F.S.; declaring  
288 information received by the Department of Law  
289 Enforcement from a reporting agency that is  
290 confidential and exempt upon collection remains  
291 confidential and exempt; requiring the Criminal and  
292 Juvenile Justice Information Systems Council to  
293 develop specifications for a uniform arrest affidavit;  
294 providing requirements for the specifications;  
295 requiring the council to develop specifications for a  
296 uniform criminal charge and disposition statute  
297 crosswalk table and uniform criminal disposition and  
298 sentencing crosswalk table; requiring the department  
299 to procure the affidavit and statute crosswalk tables  
300 by a certain date; requiring law enforcement agencies

301 to use the uniform arrest affidavit and other agencies  
302 to use the statute crosswalk tables by a certain date;  
303 amending s. 944.40, F.S.; including escape while on  
304 furlough in the offense of escape; providing criminal  
305 penalties; amending s. 944.47, F.S.; providing  
306 enhanced penalties for offenses involving introduction  
307 of contraband in correctional facilities when  
308 committed by correctional facility employees; amending  
309 s. 944.704, F.S.; requiring transition assistance  
310 staff to provide job assignment credentialing and  
311 industry certification information to inmates prior to  
312 release; authorizing the Department of Corrections to  
313 increase the number of employees serving as a  
314 transition specialist and employment specialist;  
315 amending s. 944.705, F.S.; requiring the department to  
316 establish a telephone hotline for released offenders;  
317 requiring the department to provide a comprehensive  
318 community reentry resource directory to each inmate  
319 before release; requiring the department to use  
320 certain programming data to notify inmates about  
321 reentry resources before release; requiring the  
322 department to allow nonprofit faith-based, business  
323 and professional, civic, and community organizations  
324 to apply to be registered to provide inmate reentry  
325 services; requiring the department to adopt policies

326 for screening, approving, and registering  
327 organizations that apply; authorizing the department  
328 to contract with public or private educational  
329 institutions to assist veteran inmates in applying for  
330 certain benefits; authorizing the department to  
331 contract with public or private organizations to  
332 establish transitional employment programs that  
333 provide employment opportunities to recently released  
334 inmates; requiring the department to adopt rules;  
335 amending s. 944.801, F.S.; authorizing the department  
336 to expand the use of job assignment credentialing and  
337 industry certifications; requiring the department to  
338 develop a Prison Entrepreneurship Program and adopt  
339 procedures for inmate admission; specifying program  
340 requirements; requiring the department to enter into  
341 agreements with certain entities to carry out duties  
342 associated with the program; amending s. 948.001,  
343 F.S.; revising the definition of administrative  
344 probation; authorizing a court to order an offender  
345 into administrative probation; amending s. 948.013,  
346 F.S.; specifying when the Department of Corrections  
347 may transfer an offender to administrative probation;  
348 amending s. 948.04, F.S.; requiring a court to early  
349 terminate a term of probation or convert the term to  
350 administrative probation under certain circumstances;

351 allowing a court to continue reporting probation upon  
352 making written findings; amending s. 948.05, F.S.;  
353 requiring the Department of Corrections to implement a  
354 graduated incentives program for probationers and  
355 offenders on community control; authorizing the  
356 department to issue certain incentives without leave  
357 of court; amending s. 948.06, F.S.; requiring a court  
358 to modify or continue a probationary term under  
359 certain circumstances; requiring each judicial circuit  
360 to establish an alternative sanctioning program;  
361 defining low- and moderate-risk level technical  
362 violations of probation; establishing permissible  
363 sanctions for low- and moderate-risk violations of  
364 probation under the program; establishing eligibility  
365 criteria; authorizing a probationer who allegedly  
366 committed a technical violation to waive participation  
367 in or elect to participate in the program, admit to  
368 the violation, agree to comply with the recommended  
369 sanction, and agree to waive certain rights; requiring  
370 a probation officer to submit the recommended sanction  
371 and certain documentation to the court if the  
372 probationer admits to committing the violation;  
373 authorizing the court to impose the recommended  
374 sanction or direct the department to submit a  
375 violation report, affidavit, and warrant to the court;

376 authorizing a probation officer to submit a violation  
377 report, affidavit, and warrant to the court in certain  
378 circumstances; amending s. 948.08, F.S.; expanding  
379 eligibility criteria for pretrial substance abuse  
380 education programs to include a person with two or  
381 fewer convictions for nonviolent felonies; revising  
382 the list of individuals who, if charged with certain  
383 felonies, are eligible for voluntary admission into a  
384 pretrial veterans' treatment intervention program  
385 under certain circumstances; creating s. 948.081,  
386 F.S.; authorizing community court programs; amending  
387 s. 948.16, F.S.; revising the list of individuals who,  
388 if charged with certain misdemeanors, are eligible for  
389 voluntary admission into a misdemeanor pretrial  
390 veterans' treatment intervention program under certain  
391 circumstances; amending s. 948.21, F.S.; revising the  
392 list of individuals who, if probationers or community  
393 controlees, may be required to participate in a  
394 certain treatment program under certain circumstances;  
395 providing program criteria; amending s. 951.22, F.S.;  
396 providing an exception to a prohibition on contraband  
397 for certain legal documents; prohibiting introduction  
398 into or possession of certain cellular telephones or  
399 other portable communication devices on the grounds of  
400 any county detention facility; providing criminal



401 penalties; amending s. 958.04, F.S.; revising the  
402 criteria authorizing a court to sentence as a youthful  
403 offender a person who is found guilty of, or who pled  
404 nolo contendere or guilty to, committing a felony  
405 before the person turned 21 years of age; amending s.  
406 960.07, F.S.; increasing the timeframe for filing a  
407 crime victim compensation claim; providing an  
408 extension for good cause for a specified period;  
409 increasing the timeframe for a victim or intervenor  
410 who was under the age of 18 at the time of the crime  
411 to file a claim; provides an extension for good cause  
412 of 2 additional years; increasing the timeframe for  
413 filing a claim for victim compensation for a victim of  
414 a sexually violent offense; amending s. 960.13, F.S.;  
415 increasing the timeframe for prompt reporting of a  
416 crime to be eligible for a victim compensation award;  
417 amending s. 960.195, F.S.; increasing the timeframe  
418 for reporting a criminal or delinquent act resulting  
419 in property loss of an elderly person or disabled  
420 adult; amending s. 960.196, F.S.; increasing the  
421 timeframe to report certain human trafficking offenses  
422 to be eligible for a victim relocation assistance  
423 award; providing an extension for good cause; amending  
424 s. 985.557, F.S.; repealing provisions requiring the  
425 mandatory direct filing of charges in adult court

426 against juveniles in certain circumstances; amending  
427 s. 985.565, F.S.; conforming provisions to changes  
428 made by the act; providing effective dates.

429  
430 Be It Enacted by the Legislature of the State of Florida:

431  
432 Section 1. Effective July 1, 2019, paragraph (c) is added  
433 to subsection (4) and paragraph (e) is added to subsection (5)  
434 of section 16.555, Florida Statutes, to read:

435 16.555 Crime Stoppers Trust Fund; rulemaking.—

436 (4)

437 (c) After initial distribution of funds to the judicial  
438 circuit in which they were collected, up to 50 percent of the  
439 unencumbered funds returned to the Crime Stoppers Trust Fund  
440 from that circuit from a previous grant year, may, in subsequent  
441 grant years, be reallocated to other judicial circuits for  
442 special crime stoppers initiatives or other programs of the  
443 Florida Association of Crime Stoppers, as prioritized and  
444 determined by the department and the Florida Association of  
445 Crime Stoppers.

446 (5)

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

450 1. An arrest.

- 451           2. Recovery of stolen property.
- 452           3. Recovery of illegal narcotics.
- 453           4. Recovery of the body of a homicide victim.
- 454           5. Recovery of a human trafficking victim or a missing  
 455 person connected to criminal activity.
- 456           6. Recovery of an illegal firearm or an illegal weapon on  
 457 a K-12 school campus.
- 458           7. Prevention of a terrorist act.
- 459           8. Solving and closing a homicide or other violent felony  
 460 offense that remains unsolved for 1 year or more after being  
 461 reported to a law enforcement agency and that has no viable and  
 462 unexplored investigatory leads.

463           Section 2. Section 16.557, Florida Statutes, is created to  
 464 read:

465           16.557 Crime stoppers organizations; disclosure of  
 466 privileged communications or protected information.-

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

468           (a) "Crime stoppers organization" means a private not-for-  
 469 profit organization that collects and expends donations for  
 470 rewards to persons who report to the organization information  
 471 concerning criminal activity and forwards that information to  
 472 appropriate law enforcement agencies.

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

476 (c) "Protected information" includes the identity of a  
477 person who engages in privileged communication with a crime  
478 stoppers program and any records, recordings, oral or written  
479 statements, papers, documents, or other tangible things provided  
480 to or collected by a crime stoppers organization, a law  
481 enforcement crime stoppers coordinator or his or her staff, or a  
482 law enforcement agency in connection with such privileged  
483 communication.

484 (2) (a) Except pursuant to criminal discovery or as  
485 provided in paragraph (b), a person who discloses a privileged  
486 communication or protected information or any information  
487 concerning a privileged communication or protected information  
488 commits a felony of the third degree, punishable as provided in  
489 s. 775.082, s. 775.083, or s. 775.084.

490 (b) This subsection does not apply to:

491 1. The person who provides the privileged communication or  
492 protected information; or

493 2. A law enforcement officer or an employee of a law  
494 enforcement agency or the Department of Legal Affairs when  
495 acting within the scope of his or her official duties.

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

498 Section 3. Subsection (2) of section 212.15, Florida  
499 Statutes, is amended to read:

500 212.15 Taxes declared state funds; penalties for failure

501 to remit taxes; due and delinquent dates; judicial review.—

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

506 (a) If the total amount of stolen revenue is less than  
507 \$1,000 ~~\$300~~, the offense is a misdemeanor of the second degree,  
508 punishable as provided in s. 775.082 or s. 775.083. Upon a  
509 second conviction, the offender commits ~~is guilty of~~ a  
510 misdemeanor of the first degree, punishable as provided in s.  
511 775.082 or s. 775.083. Upon a third or subsequent conviction,  
512 the offender commits ~~is guilty of~~ a felony of the third degree,  
513 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

525 Section 4. Subsections (41) through (46) of section

526 322.01, Florida Statutes, are renumbered as subsections (42)  
 527 through (47), respectively, and a new subsection (41) is added  
 528 to that section, to read:

529 322.01 Definitions.—As used in this chapter:

530 (41) "Suspension or revocation equivalent status" is a  
 531 designation for a person who does not have a driver license or  
 532 driving privilege but would qualify for suspension or revocation  
 533 of his or her driver license or driving privilege if licensed.  
 534 The department may designate a person as having suspension or  
 535 revocation equivalent status in the same manner as it is  
 536 authorized to suspend or revoke a driver license or driving  
 537 privilege by law.

538 Section 5. Subsections (1) through (4) of section 322.055,  
 539 Florida Statutes, are amended to read:

540 322.055 Revocation or suspension of, or delay of  
 541 eligibility for, driver license for persons 18 years of age or  
 542 older convicted of certain drug offenses.—

543 (1) Notwithstanding s. 322.28, upon the conviction of a  
 544 person 18 years of age or older for possession or sale of,  
 545 trafficking in, or conspiracy to possess, sell, or traffic in a  
 546 controlled substance, the court shall direct the department to  
 547 suspend ~~revoke~~ the person's driver license or driving privilege  
 548 ~~of the person~~. The suspension ~~period of such revocation~~ shall be  
 549 6 months ~~1 year~~ or until the person is evaluated for and, if  
 550 deemed necessary by the evaluating agency, completes a drug

551 treatment and rehabilitation program approved or regulated by  
552 the Department of Children and Families. However, the court may,  
553 upon finding a compelling circumstance to warrant an exception  
554 ~~in its sound discretion~~, direct the department to issue a  
555 license for driving privilege restricted to business or  
556 employment purposes only, as defined by s. 322.271, if the  
557 person is otherwise qualified for such a license. ~~A driver whose~~  
558 ~~license or driving privilege has been suspended or revoked under~~  
559 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~  
560 ~~petition the department for restoration of the driving privilege~~  
561 ~~on a restricted or unrestricted basis depending on length of~~  
562 ~~suspension or revocation. In no case shall a restricted license~~  
563 ~~be available until 6 months of the suspension or revocation~~  
564 ~~period has expired.~~

565 (2) If a person 18 years of age or older is convicted for  
566 the possession or sale of, trafficking in, or conspiracy to  
567 possess, sell, or traffic in a controlled substance and such  
568 person is eligible by reason of age for a driver license or  
569 privilege, the court shall direct the department to withhold  
570 issuance of such person's driver license or driving privilege  
571 for a period of 6 months ~~1 year~~ after the date the person was  
572 convicted or until the person is evaluated for and, if deemed  
573 necessary by the evaluating agency, completes a drug treatment  
574 and rehabilitation program approved or regulated by the  
575 Department of Children and Families. However, the court may,

576 upon finding a compelling circumstance to warrant an exception  
577 ~~in its sound discretion~~, direct the department to issue a  
578 license for driving privilege restricted to business or  
579 employment purposes only, as defined by s. 322.271, if the  
580 person is otherwise qualified for such a license. ~~A driver whose~~  
581 ~~license or driving privilege has been suspended or revoked under~~  
582 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~  
583 ~~petition the department for restoration of the driving privilege~~  
584 ~~on a restricted or unrestricted basis depending on the length of~~  
585 ~~suspension or revocation. In no case shall a restricted license~~  
586 ~~be available until 6 months of the suspension or revocation~~  
587 ~~period has expired.~~

588 (3) If a person 18 years of age or older is convicted for  
589 the possession or sale of, trafficking in, or conspiracy to  
590 possess, sell, or traffic in a controlled substance and such  
591 person's driver license or driving privilege is already under  
592 suspension or revocation for any reason, the court shall direct  
593 the department to extend the period of such suspension or  
594 revocation by an additional period of 6 months ~~1 year~~ or until  
595 the person is evaluated for and, if deemed necessary by the  
596 evaluating agency, completes a drug treatment and rehabilitation  
597 program approved or regulated by the Department of Children and  
598 Families. However, the court may, upon finding a compelling  
599 circumstance to warrant an exception ~~in its sound discretion~~,  
600 direct the department to issue a license for driving privilege



601 restricted to business or employment purposes only, as defined  
602 by s. 322.271, if the person is otherwise qualified for such a  
603 license. ~~A driver whose license or driving privilege has been~~  
604 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
605 ~~the expiration of 6 months, petition the department for~~  
606 ~~restoration of the driving privilege on a restricted or~~  
607 ~~unrestricted basis depending on the length of suspension or~~  
608 ~~revocation. In no case shall a restricted license be available~~  
609 ~~until 6 months of the suspension or revocation period has~~  
610 ~~expired.~~

611 (4) If a person 18 years of age or older is convicted for  
612 the possession or sale of, trafficking in, or conspiracy to  
613 possess, sell, or traffic in a controlled substance and such  
614 person is ineligible by reason of age for a driver license or  
615 driving privilege, the court shall direct the department to  
616 withhold issuance of such person's driver license or driving  
617 privilege for a period of 6 months ~~1 year~~ after the date that he  
618 or she would otherwise have become eligible or until he or she  
619 becomes eligible by reason of age for a driver license and is  
620 evaluated for and, if deemed necessary by the evaluating agency,  
621 completes a drug treatment and rehabilitation program approved  
622 or regulated by the Department of Children and Families.  
623 However, the court may, upon finding a compelling circumstance  
624 to warrant an exception in its sound discretion, direct the  
625 department to issue a license for driving privilege restricted

626 to business or employment purposes only, as defined by s.  
 627 322.271, if the person is otherwise qualified for such a  
 628 license. ~~A driver whose license or driving privilege has been~~  
 629 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
 630 ~~the expiration of 6 months, petition the department for~~  
 631 ~~restoration of the driving privilege on a restricted or~~  
 632 ~~unrestricted basis depending on the length of suspension or~~  
 633 ~~revocation. In no case shall a restricted license be available~~  
 634 ~~until 6 months of the suspension or revocation period has~~  
 635 ~~expired.~~

636 Section 6. Section 322.056, Florida Statutes, is amended  
 637 to read:

638 322.056 Mandatory revocation or suspension of, or delay of  
 639 eligibility for, driver license for persons under age 18 found  
 640 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;  
 641 prohibition.-

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

646 (a) The person is eligible by reason of age for a driver  
 647 license or driving privilege, the court shall direct the  
 648 department to revoke or to withhold issuance of his or her  
 649 driver license or driving privilege for a period of 6 months.÷

650 ~~1. Not less than 6 months and not more than 1 year for the~~

651 ~~first violation.~~

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

653 (b) The person's driver license or driving privilege is  
 654 under suspension or revocation for any reason, the court shall  
 655 direct the department to extend the period of suspension or  
 656 revocation by an additional period of 6 months.÷

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

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

660 (c) The person is ineligible by reason of age for a driver  
 661 license or driving privilege, the court shall direct the  
 662 department to withhold issuance of his or her driver license or  
 663 driving privilege for a period of÷

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

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

669  
 670 However, the court may, upon finding a compelling circumstance  
 671 to warrant an exception in its sound discretion, direct the  
 672 department to issue a license for driving privileges restricted  
 673 to business or employment purposes only, as defined in s.  
 674 322.271, if the person is otherwise qualified for such a  
 675 license.

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

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

- 687           ~~1. For the first violation, for 30 days.~~  
688           ~~2. For the second violation within 12 weeks of the first~~  
689 ~~violation, for 45 days.~~

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

- 694           ~~1. For the first violation, for 30 days.~~  
695           ~~2. For the second violation within 12 weeks of the first~~  
696 ~~violation, for 45 days.~~

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

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

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

704  
705 ~~Any second violation of s. 569.11 or s. 877.112(6) or (7) not~~  
706 ~~within the 12-week period after the first violation will be~~  
707 ~~treated as a first violation and in the same manner as provided~~  
708 ~~in this subsection.~~

709 ~~(3) If a person under 18 years of age is found by the~~  
710 ~~court to have committed a third violation of s. 569.11 or s.~~  
711 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~  
712 ~~court must direct the Department of Highway Safety and Motor~~  
713 ~~Vehicles to suspend or withhold issuance of his or her driver~~  
714 ~~license or driving privilege for 60 consecutive days. Any third~~  
715 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~  
716 ~~12-week period after the first violation will be treated as a~~  
717 ~~first violation and in the same manner as provided in subsection~~  
718 ~~(2).~~

719 (2)~~(4)~~ A penalty imposed under this section shall be in  
720 addition to any other penalty imposed by law.

721 ~~(5) The suspension or revocation of a person's driver~~  
722 ~~license imposed pursuant to subsection (2) or subsection (3),~~  
723 ~~shall not result in or be cause for an increase of the convicted~~  
724 ~~person's, or his or her parent's or legal guardian's, automobile~~  
725 ~~insurance rate or premium or result in points assessed against~~

726 ~~the person's driving record.~~

727 Section 7. Section 322.057, Florida Statutes, is repealed.

728 Section 8. Subsections (1) and (5) of section 322.34,  
729 Florida Statutes, are amended to read:

730 322.34 Driving while license suspended, revoked, canceled,  
731 or disqualified.—

732 (1) Except as provided in subsection (2), any person whose  
733 driver license or driving privilege has been canceled,  
734 suspended, or revoked, or who does not have a driver license or  
735 driving privilege but is under suspension or revocation  
736 equivalent status as defined in s. 322.01, except a "habitual  
737 traffic offender" as defined in s. 322.264, who drives a vehicle  
738 upon the highways of this state while such license or privilege  
739 is canceled, suspended, or revoked is guilty of a moving  
740 violation, punishable as provided in chapter 318.

741 (5) Any person who has been designated a "habitual traffic  
742 offender" as defined in ~~whose driver license has been revoked~~  
743 ~~pursuant to s. 322.264 (habitual offender)~~ and who drives any  
744 motor vehicle upon the highways of this state while designated a  
745 habitual traffic offender commits ~~while such license is revoked~~  
746 ~~is guilty of~~ a felony of the third degree, punishable as  
747 provided in s. 775.082, s. 775.083, or s. 775.084.

748 Section 9. Section 322.75, Florida Statutes, is created to  
749 read:

750 322.75 Driver License Reinstatement Days.—

751        (1) Each clerk of court shall establish a Driver License  
752 Reinstatement Days program for reinstating suspended driver  
753 licenses. Participants may include, but are not limited to, the  
754 Department of Highway Safety and Motor Vehicles, the state  
755 attorney's office, the public defender's office, the circuit and  
756 county courts, the clerk of court, and any interested community  
757 organization.

758        (2) The clerk of court, in consultation with other  
759 participants, shall select one or more days for an event at  
760 which a person may have his or her driver license reinstated.  
761 The clerk may work with the Florida Association of Court Clerks  
762 to promote, develop communications, and coordinate the event. A  
763 person must pay the full license reinstatement fee; however, the  
764 clerk may reduce or waive other fees and costs to facilitate  
765 reinstatement.

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

768        (4) (a) A person is eligible for reinstatement under the  
769 program if his or her license was suspended due to:  
770        1. Driving without a valid driver license;  
771        2. Driving with a suspended driver license;  
772        3. Failing to make a payment on penalties in collection;  
773        4. Failing to appear in court for a traffic violation; or  
774        5. Failing to comply with any provision of chapter 318 or  
775 this chapter.

776 (b) Notwithstanding paragraphs (5) (a)-(c), a person is  
777 eligible for reinstatement under the program if the period of  
778 suspension or revocation has elapsed, the person has completed  
779 any required course or program as described in paragraph (5) (c),  
780 and the person is otherwise eligible for reinstatement.

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

784 (a) Failure to fulfill a court-ordered child support  
785 obligation;

786 (b) A violation of s. 316.193;

787 (c) Failure to complete a driver training program, driver  
788 improvement course, or alcohol or substance abuse education or  
789 evaluation program required under s. 316.192, s. 316.193, s.  
790 322.2616, s. 322.271, or s. 322.264;

791 (d) A traffic-related felony; or

792 (e) The person being a habitual traffic offender under s.  
793 322.264.

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

797 (7) The clerk of court must collect and report to the  
798 Florida Clerks of the Court Operations Corporation:

799 (a) The number of cases paid in full.

800 (b) The number of cases put on a payment plan.



801 (c) The number of driver license reinstatements.

802 (d) The number of driver licenses made eligible for  
803 reinstatement.

804 (e) The amount of fees and costs collected, reported by  
805 the entity receiving the funds. The Florida Clerks of the Court  
806 Operations Corporation must report the aggregate funds received  
807 by the clerks of court, the local governmental entities, and  
808 state entities, including general revenue.

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

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

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

816 Section 10. Section 394.47891, Florida Statutes, is  
817 amended to read:

818 394.47891 Military veterans, ~~and~~ servicemembers, and other  
819 court programs.—The chief judge of each judicial circuit may  
820 establish a Military Veterans and Servicemembers Court Program  
821 under which veterans, as defined in s. 1.01, including veterans  
822 who were discharged or released under a general discharge, and  
823 servicemembers, as defined in s. 250.01; individuals who are  
824 current or former United States Department of Defense  
825 contractors, provided any separation was not due to the former

826 contractor's bad conduct; and individuals who are current or  
827 former military members of a foreign allied country, provided  
828 any discharge was the equivalent of an honorable or general  
829 discharge, who are charged or convicted of a criminal offense  
830 and who suffer from a military-related mental illness, traumatic  
831 brain injury, substance abuse disorder, or psychological problem  
832 can be sentenced in accordance with chapter 921 in a manner that  
833 appropriately addresses the severity of the mental illness,  
834 traumatic brain injury, substance abuse disorder, or  
835 psychological problem through services tailored to the  
836 individual needs of the participant. Entry into any Military  
837 Veterans and Servicemembers Court Program must be based upon the  
838 sentencing court's assessment of the defendant's criminal  
839 history, military service, substance abuse treatment needs,  
840 mental health treatment needs, amenability to the services of  
841 the program, the recommendation of the state attorney and the  
842 victim, if any, and the defendant's agreement to enter the  
843 program.

844 Section 11. Subsection (2) of section 394.917, Florida  
845 Statutes, is amended to read:

846 394.917 Determination; commitment procedure; mistrials;  
847 housing; counsel and costs in indigent appellate cases.—

848 (2) If the court or jury determines that the person is a  
849 sexually violent predator, upon the expiration of the  
850 incarcerative portion of all criminal sentences and disposition

851 of any detainers, the person shall be committed to the custody  
852 of the Department of Children and Families for control, care,  
853 and treatment, and rehabilitation of criminal offenders, until  
854 such time as the person's mental abnormality or personality  
855 disorder has so changed that it is safe for the person to be at  
856 large. At all times, persons who are detained or committed under  
857 this part shall be kept in a secure facility segregated from  
858 patients of the department who are not detained or committed  
859 under this part.

860 Section 12. Subsection (2) of section 397.334, Florida  
861 Statutes, is amended to read:

862 397.334 Treatment-based drug court programs.—

863 (2) Entry into any pretrial treatment-based drug court  
864 program shall be voluntary. When neither s. 948.08(6)(c)1. ~~s.~~  
865 ~~948.08(6)(a)1.~~ nor 2. applies, the court may order an eligible  
866 individual to enter into a pretrial treatment-based drug court  
867 program only upon written agreement by the individual, which  
868 shall include a statement that the individual understands the  
869 requirements of the program and the potential sanctions for  
870 noncompliance.

871 Section 13. Subsections (3) through (12) of section  
872 455.213, Florida Statutes, are renumbered as subsections (4)  
873 through (13), respectively, present subsection (2) is amended,  
874 and a new subsection (3) is added to that section, to read:

875 455.213 General licensing provisions.—

876 (2) Before the issuance of any license, the department may  
877 charge an initial license fee as determined by rule of the  
878 applicable board or, if no such board exists, by rule of the  
879 department. Upon receipt of the appropriate license fee, except  
880 as provided in subsection (4) ~~(3)~~, the department shall issue a  
881 license to any person certified by the appropriate board, or its  
882 designee, or the department when there is no board, as having  
883 met the applicable requirements imposed by law or rule. However,  
884 an applicant who is not otherwise qualified for licensure is not  
885 entitled to licensure solely based on a passing score on a  
886 required examination. Upon a determination by the department  
887 that it erroneously issued a license, or upon the revocation of  
888 a license by the applicable board, or by the department when  
889 there is no board, the licensee must surrender his or her  
890 license to the department.

891 (3) (a) Notwithstanding any other provision of law, the  
892 department or applicable board shall use the process in this  
893 subsection for review of an applicant's criminal record to  
894 determine his or her eligibility for licensure.

895 (b) A conviction, or any other adjudication, for a crime  
896 more than 5 years before the date the application is received by  
897 the applicable board may not be grounds for denial of a license.  
898 For purposes of this paragraph, the term "conviction" means a  
899 determination of guilt that is the result of a plea or trial,  
900 regardless of whether adjudication is withheld. This paragraph

901 does not limit the department or applicable board from  
902 considering an applicant's criminal history that includes a  
903 crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time only  
904 if such criminal history has been found to relate to the  
905 practice of the applicable profession, or any crime if it has  
906 been found to relate to good moral character if the applicable  
907 practice act requires such a standard.

908 (c)1. A person may apply for a license before his or her  
909 lawful release from confinement or supervision. The department  
910 may not charge an applicant an additional fee for being confined  
911 or under supervision. The department or applicable board may not  
912 deny an application for a license solely on the basis of the  
913 applicant's current confinement or supervision.

914 2. After a license application is approved, the department  
915 or applicable board may stay the issuance of a license until the  
916 applicant is lawfully released from confinement or supervision  
917 and the applicant notifies the department or applicable board of  
918 such release. The department or applicable board must verify the  
919 applicant's release with the Department of Corrections, or other  
920 applicable authority, before it issues a license.

921 3. If an applicant is unable to appear in person due to  
922 his or her confinement or supervision, the department or  
923 applicable board must permit the applicant to appear by  
924 teleconference or video conference, as appropriate, at any  
925 meeting of the applicable board or other hearing by the agency

926 concerning his or her application.

927 4. If an applicant is confined or under supervision, the  
928 Department of Corrections, or other applicable authority, and  
929 the department or applicable board shall cooperate and  
930 coordinate to facilitate the appearance of the applicant at a  
931 board meeting or agency hearing in person, by teleconference, or  
932 by video conference, as appropriate.

933 (d) The department and each applicable board shall compile  
934 a list of crimes that, if committed and regardless of  
935 adjudication, do not relate to the practice of the profession or  
936 the ability to practice the profession and do not constitute  
937 grounds for denial of a license. This list shall be made  
938 available on the department's website and be updated annually.  
939 Beginning October 1, 2019, each applicable board shall compile a  
940 list of crimes that although reported by an applicant for  
941 licensure, were not used as a basis for denial. The list must  
942 identify the crime reported for each license application and  
943 the:

944 1. Date of conviction or sentencing date, whichever is  
945 later.

946 2. Date adjudication was entered.

947 (e) The department and each applicable board shall compile  
948 a list of crimes that have been used as a basis for denial of a  
949 license in the past 2 years, which shall be made available on  
950 the department's website. Beginning October 1, 2019, and updated

951 quarterly thereafter, the applicable board shall compile a list  
952 indicating each crime used as a basis for denial. For each crime  
953 listed, the applicable board must identify the:

954 1. Date of conviction or sentencing date, whichever is  
955 later.

956 2. Date adjudication was entered.

957  
958 Such denials shall be available to the public upon request.

959 Section 14. Subsection (4) of section 474.2165, Florida  
960 Statutes, is amended to read:

961 474.2165 Ownership and control of veterinary medical  
962 patient records; report or copies of records to be furnished.—

963 (4) Except as otherwise provided in this section, such  
964 records may not be furnished to, and the medical condition of a  
965 patient may not be discussed with, any person other than the  
966 client or the client's legal representative or other  
967 veterinarians involved in the care or treatment of the patient,  
968 except upon written authorization of the client. However, such  
969 records may be furnished without written authorization under the  
970 following circumstances:

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

974 (b) In any civil or criminal action, unless otherwise  
975 prohibited by law, upon the issuance of a subpoena from a court

976 of competent jurisdiction and proper notice to the client or the  
977 client's legal representative by the party seeking such records.

978 (c) For statistical and scientific research, provided the  
979 information is abstracted in such a way as to protect the  
980 identity of the patient and the client, or provided written  
981 permission is received from the client or the client's legal  
982 representative.

983 (d) In any criminal action or situation where a  
984 veterinarian suspects a criminal violation. If a criminal  
985 violation is suspected, a veterinarian may, without notice to or  
986 authorization from the client, report the violation to a law  
987 enforcement officer, an animal control officer who is certified  
988 pursuant to s. 828.27(4)(a), or an agent appointed under s.  
989 828.03. However, if a suspected violation occurs at a commercial  
990 food-producing animal operation on land classified as  
991 agricultural under s. 193.461, the veterinarian must provide  
992 notice to the client or the client's legal representative before  
993 reporting the suspected violation to an officer or agent under  
994 this paragraph. The report may not include written medical  
995 records except upon the issuance of an order from a court of  
996 competent jurisdiction.

997 Section 15. Subsections (2) and (3) and present subsection  
998 (4) of section 489.126, Florida Statutes, are amended, and new  
999 subsections (4), (5), and (6) are added to that section to read:  
1000 489.126 Moneys received by contractors.—



1001           (2) (a) A contractor who receives, as initial payment,  
1002 money totaling more than 10 percent of the contract price for  
1003 repair, restoration, improvement, or construction to residential  
1004 real property must:

1005           1.~~(a)~~ Apply for permits necessary to do work within 30  
1006 days after the date payment is made, except where the work does  
1007 not require a permit under the applicable codes and ordinances,  
1008 and

1009           2.~~(b)~~ Start the work within 90 days after the date all  
1010 necessary permits for work, if any, are issued,

1011  
1012 unless the contractor has just cause for failing to apply for  
1013 the necessary permits, starting the work, or refunding the  
1014 payment, or unless the person who made the payment agreed, in  
1015 writing, to a longer period to apply for the necessary permits  
1016 or start the work or to longer periods for both.

1017           (b)1. It may be inferred that a contractor does not have  
1018 just cause if the contractor fails to apply for the necessary  
1019 permits, start the work, or refund payments, within 30 days of  
1020 receiving written demand to apply for the necessary permits,  
1021 start the work, or refund the payment, from the person who made  
1022 the payment.

1023           2. Written demand must be made to the contractor in the  
1024 form of a letter that includes a demand to apply for the  
1025 necessary permits, start the work, or refund the payment sent

1026 via certified mail, return receipt requested, mailed to the  
1027 address listed in the contracting agreement. If there is no  
1028 address for the contractor listed in the contracting agreement,  
1029 or no written agreement exists, the letter must be mailed to the  
1030 address listed with the Department of Business and Professional  
1031 Regulation for licensing purposes or the local construction  
1032 industry licensing board, if applicable.

1033 (3) (a) A contractor who receives money for repair,  
1034 restoration, addition, improvement, or construction of  
1035 residential real property in excess of the value of the work  
1036 performed shall not, ~~with intent to defraud the owner,~~ fail or  
1037 refuse to perform any work for any 90-day period.

1038 (b) 1. It is prima facie evidence ~~Proof~~ that a contractor  
1039 received money for the repair, restoration, addition,  
1040 improvement, or construction of residential real property and  
1041 that the amount received exceeds the value of the work performed  
1042 by the contractor when ~~and that:~~

1043 ~~a.1.~~ The contractor failed to perform any of the work for  
1044 which he or she contracted during any 90-day ~~60-day~~ period;

1045 ~~b.2.~~ The failure to perform any such work during the 90-  
1046 day ~~60-day~~ period was not related to the owner's termination of  
1047 the contract or a material breach of the contract by the owner;  
1048 and

1049 ~~c.3.~~ The contractor failed to perform for 90 days without  
1050 just cause or terminated the contract without proper

1051 notification to the owner.

1052 2. Proper notification of termination for purposes of this  
1053 paragraph must be made by the contractor in the form of a letter  
1054 that includes the reason for termination of the contract or the  
1055 reason for failure to perform sent via certified mail, return  
1056 receipt requested, mailed to the last address of the owner in  
1057 the written contracting agreement. If there is no address for  
1058 the owner listed in the contracting agreement, or no written  
1059 agreement exists, the letter must be mailed to the address where  
1060 the work was to be performed or the address listed on the  
1061 permit, if applicable.

1062 (c)1. It may be inferred that a contractor does not have  
1063 just cause if the contractor fails to perform work, or refund  
1064 the money received in excess of the value of the work performed,  
1065 within 30 days of receiving a written demand to perform the  
1066 work, or refund the money received in excess of the value of the  
1067 work performed, from the person who made the payment.

1068 2. Written demand must be made to the contractor in the  
1069 form of a letter that includes a demand to perform work, or  
1070 refund the money received in excess of the value of the work  
1071 performed, sent via certified mail, return receipt requested,  
1072 mailed to the address listed in the contracting agreement. If  
1073 there is no address for the contractor listed in the contracting  
1074 agreement, or no written agreement exists, the letter must be  
1075 mailed to the address listed with the Department of Business and

1076 Professional Regulation for licensing purposes or the local  
1077 construction industry licensing board, if applicable ~~, for an~~  
1078 ~~additional 30-day period after the date of mailing of~~  
1079 ~~notification as specified in paragraph (c), to perform any work~~  
1080 ~~for which he or she contracted,~~  
1081  
1082 ~~gives rise to an inference that the money in excess of the value~~  
1083 ~~of the work performed was taken with the intent to defraud.~~  
1084 ~~(c) Notification as contemplated in paragraph (b) consists~~  
1085 ~~of a certified letter, return receipt requested, mailed to the~~  
1086 ~~address of the contractor as listed in the written contracting~~  
1087 ~~agreement. The letter must indicate that the contractor has~~  
1088 ~~failed to perform any work for a 60-day period, that the failure~~  
1089 ~~to perform the work was not the result of the owner's~~  
1090 ~~termination of the contract or a material breach of the contract~~  
1091 ~~by the owner, and that the contractor must recommence~~  
1092 ~~construction within 30 days after the date of mailing of the~~  
1093 ~~letter. If there is no address for the contractor listed in the~~  
1094 ~~written contracting agreement, or no written agreement exists,~~  
1095 ~~the letter must be mailed to the address of the contractor~~  
1096 ~~listed in the building permit application.~~  
1097 (4) Any criminal violation of subsection (2) or subsection  
1098 (3) shall be prosecuted in accordance with s. 812.014(1), the  
1099 thresholds established in this section, and the following:  
1100 (a) The required intent to prove a criminal violation may

1101 be shown to exist at the time that the contractor appropriated  
1102 the money to his or her own use and is not required to be proven  
1103 to exist at the time of the taking of the money from the owner  
1104 or at the time the owner makes a payment to the contractor.

1105 (b) It may be inferred that a contractor intended to  
1106 deprive the owner of the right to the money owed, or deprive the  
1107 owner of the benefit from it, and inferred that the contractor  
1108 appropriated the money for his or her own use, or to a person  
1109 not entitled to the use of the money, if the contractor fails to  
1110 refund any portion of the money owed within 30 days after  
1111 receiving a written demand for such money from the owner.

1112 (c) In a prosecution for a violation of this section, the  
1113 fact that the person so charged intended to return the money  
1114 owed is not a defense.

1115 (5) A violation of subsection (2) is a:

1116 (a) Misdemeanor of the first degree, punishable as  
1117 provided in s. 775.082 or s. 775.083, if the total money  
1118 received is less than \$1,000.

1119 (b) Felony of the third degree, punishable as provided in  
1120 s. 775.082, s. 775.083, or s. 775.084, if the total money  
1121 received is \$1,000 or more but less than \$20,000.

1122 (c) Felony of the second degree, punishable as provided in  
1123 s. 775.082, s. 775.083, or s. 775.084, if the total money  
1124 received is \$20,000 or more but less than \$200,000.

1125 (d) Felony of the first degree, punishable as provided in

1126 s. 775.082, s. 775.083, or s. 775.084, if the total money  
1127 received is \$200,000 or more.

1128 (6) A violation of subsection (3) is a:

1129 (a) Misdemeanor of the first degree, punishable as  
1130 provided in s. 775.082 or s. 775.083, if the total money  
1131 received exceeding the value of the work performed is less than  
1132 \$1,000.

1133 (b) Felony of the third degree, punishable as provided in  
1134 s. 775.082, s. 775.083, or s. 775.084, if the total money  
1135 received exceeding the value of the work performed is \$1,000 or  
1136 more but less than \$20,000.

1137 (c) Felony of the second degree, punishable as provided in  
1138 s. 775.082, s. 775.083, or s. 775.084, if the total money  
1139 received exceeding the value of the work performed is \$20,000 or  
1140 more but less than \$200,000.

1141 (d) Felony of the first degree, punishable as provided in  
1142 s. 775.082, s. 775.083, or s. 775.084, if the total money  
1143 received exceeding the value of the work performed is \$200,000  
1144 or more.

1145 ~~(4) Any person who violates any provision of this section~~  
1146 ~~is guilty of theft and shall be prosecuted and punished under s.~~  
1147 ~~812.014.~~

1148 Section 16. Present subsection (6) of section 489.553,  
1149 Florida Statutes, is renumbered as subsection (10) and  
1150 subsections (6) through (9) are added to that section to read:

1151 489.553 Administration of part; registration  
1152 qualifications; examination.—

1153 (6) Notwithstanding any other provision of law, a  
1154 conviction, or any other adjudication, for a crime more than 5  
1155 years before the date the application is received by the  
1156 department may not be grounds for denial of registration. For  
1157 purposes of this subsection, the term "conviction" means a  
1158 determination of guilt that is the result of a plea or trial,  
1159 regardless of whether adjudication is withheld. This subsection  
1160 does not limit a board from considering an applicant's criminal  
1161 history that includes any crime listed in s. 775.21(4)(a)1. or  
1162 s. 776.08 at any time only if such criminal history has been  
1163 found to relate to the practice of the applicable profession, or  
1164 any crime if it has been found to relate to good moral  
1165 character.

1166 (7) (a) A person may apply to be registered before his or  
1167 her lawful release from confinement or supervision. The  
1168 department may not charge an applicant an additional fee for  
1169 being confined or under supervision. The department may not deny  
1170 an application for registration solely on the basis of the  
1171 applicant's current confinement or supervision.

1172 (b) After a registration application is approved, the  
1173 department may stay the issuance of registration until the  
1174 applicant is lawfully released from confinement or supervision  
1175 and the applicant notifies the board of such release. The

1176 department must verify the applicant's release with the  
1177 Department of Corrections, or other applicable authority, before  
1178 it registers such applicant.

1179 (c) If an applicant is unable to appear in person due to  
1180 his or her confinement or supervision, the department must  
1181 permit the applicant to appear by teleconference or video  
1182 conference, as appropriate, at any meeting or hearing by the  
1183 department concerning his or her application.

1184 (d) If an applicant is confined or under supervision, the  
1185 Department of Corrections, or other applicable authority, and  
1186 the department shall cooperate and coordinate to facilitate the  
1187 appearance of the applicant at a meeting or hearing in person,  
1188 by teleconference, or by video conference, as appropriate.

1189 (8) The department shall compile a list of crimes that, if  
1190 committed and regardless of adjudication, do not relate to the  
1191 practice of the profession or the ability to practice the  
1192 profession and do not constitute grounds for denial of  
1193 registration. This list shall be made available on the  
1194 department's website and be updated annually. Beginning October  
1195 1, 2019, and updated quarterly thereafter, the department shall  
1196 add to this list such crimes that although reported by an  
1197 applicant for registration, were not used as a basis for denial  
1198 in the past 2 years. The list must identify the crime reported  
1199 for each registration application and the:

1200 (a) Date of conviction or sentencing, whichever is later.



1201           (b) Adjudication entered.  
 1202           (9) The department shall compile a list of crimes that  
 1203 have been used as a basis for denial of registration in the past  
 1204 2 years, which shall be made available on the department's  
 1205 website. Beginning October 1, 2019, and updated quarterly  
 1206 thereafter, the department shall add to this list each crime  
 1207 used as a basis for denial. For each crime listed, the  
 1208 department must identify the:  
 1209           (a) Date of conviction or sentencing, whichever is later.  
 1210           (b) Adjudication entered.

1211  
 1212 Such denials shall be available to the public upon request.

1213           Section 17. Subsection (2) of section 500.451, Florida  
 1214 Statutes, is amended to read:

1215           500.451 Horse meat; offenses.—

1216           (2) A person that violates this section commits a felony  
 1217 of the third degree, punishable as provided in s. 775.082, s.  
 1218 775.083, or s. 775.084, except that any person who commits a  
 1219 violation of this section shall be sentenced to a minimum  
 1220 mandatory fine of \$3,500 ~~and a minimum mandatory period of~~  
 1221 ~~incarceration of 1 year.~~

1222           Section 18. Subsection (1) of section 509.151, Florida  
 1223 Statutes, is amended to read:

1224           509.151 Obtaining food or lodging with intent to defraud;  
 1225 penalty.—

1226 (1) Any person who obtains food, lodging, or other  
1227 accommodations having a value of less than \$1,000 ~~\$300~~ at any  
1228 public food service establishment, or at any transient  
1229 establishment, with intent to defraud the operator thereof,  
1230 commits ~~is guilty of~~ a misdemeanor of the second degree,  
1231 punishable as provided in s. 775.082 or s. 775.083; if such  
1232 food, lodging, or other accommodations have a value of \$1,000  
1233 ~~\$300~~ or more, such person commits ~~is guilty of~~ a felony of the  
1234 third degree, punishable as provided in s. 775.082, s. 775.083,  
1235 or s. 775.084.

1236 Section 19. Paragraph (a) of subsection (1) and paragraph  
1237 (c) of subsection (2) of section 562.11, Florida Statutes, are  
1238 amended to read:

1239 562.11 Selling, giving, or serving alcoholic beverages to  
1240 person under age 21; providing a proper name; misrepresenting or  
1241 misstating age or age of another to induce licensee to serve  
1242 alcoholic beverages to person under 21; penalties.—

1243 (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to  
1244 be served alcoholic beverages to a person under 21 years of age  
1245 or permit a person under 21 years of age to consume such  
1246 beverages on the licensed premises. A person who violates this  
1247 paragraph ~~subparagraph~~ commits a misdemeanor of the second  
1248 degree, punishable as provided in s. 775.082 or s. 775.083. A  
1249 person who violates this paragraph ~~subparagraph~~ a second or  
1250 subsequent time within 1 year after a prior conviction commits a

1251 misdemeanor of the first degree, punishable as provided in s.  
1252 775.082 or s. 775.083.

1253 ~~2. In addition to any other penalty imposed for a~~  
1254 ~~violation of subparagraph 1., the court may order the Department~~  
1255 ~~of Highway Safety and Motor Vehicles to withhold the issuance~~  
1256 ~~of, or suspend or revoke, the driver license or driving~~  
1257 ~~privilege, as provided in s. 322.057, of any person who violates~~  
1258 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~  
1259 ~~as defined in s. 561.01, who violates subparagraph 1. while~~  
1260 ~~acting within the scope of his or her license or an employee or~~  
1261 ~~agent of a licensee, as defined in s. 561.01, who violates~~  
1262 ~~subparagraph 1. while engaged within the scope of his or her~~  
1263 ~~employment or agency.~~

1264 ~~3. A court that withholds the issuance of, or suspends or~~  
1265 ~~revokes, the driver license or driving privilege of a person~~  
1266 ~~pursuant to subparagraph 2. may direct the Department of Highway~~  
1267 ~~Safety and Motor Vehicles to issue the person a license for~~  
1268 ~~driving privilege restricted to business purposes only, as~~  
1269 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1270 (2) It is unlawful for any person to misrepresent or  
1271 misstate his or her age or the age of any other person for the  
1272 purpose of inducing any licensee or his or her agents or  
1273 employees to sell, give, serve, or deliver any alcoholic  
1274 beverages to a person under 21 years of age, or for any person  
1275 under 21 years of age to purchase or attempt to purchase

1276 alcoholic beverages.

1277 (c) In addition to any other penalty imposed for a  
1278 violation of this subsection, if a person uses a driver license  
1279 or identification card issued by the Department of Highway  
1280 Safety and Motor Vehicles in violation of this subsection, the  
1281 court~~+~~

1282 ~~1.~~ may order the person to participate in public service  
1283 or a community work project for a period not to exceed 40  
1284 hours.~~;~~ ~~and~~

1285 ~~2. Shall direct the Department of Highway Safety and Motor~~  
1286 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~  
1287 ~~person's driver license or driving privilege, as provided in s.~~  
1288 ~~322.056.~~

1289 Section 20. Subsection (3) of section 562.111, Florida  
1290 Statutes, is amended to read:

1291 562.111 Possession of alcoholic beverages by persons under  
1292 age 21 prohibited.—

1293 ~~(3) In addition to any other penalty imposed for a~~  
1294 ~~violation of subsection (1), the court shall direct the~~  
1295 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
1296 ~~issuance of, or suspend or revoke, the violator's driver license~~  
1297 ~~or driving privilege, as provided in s. 322.056.~~

1298 Section 21. Subsection (8) of section 562.27, Florida  
1299 Statutes, is amended and subsections (1) through (7) of that  
1300 section are republished, to read:

1301           562.27 Seizure and forfeiture.—

1302           (1) It is unlawful for any person to have in her or his  
 1303 possession, custody, or control, or to own, make, construct, or  
 1304 repair, any still, still piping, still apparatus, or still worm,  
 1305 or any piece or part thereof, designed or adapted for the  
 1306 manufacture of an alcoholic beverage, or to have in her or his  
 1307 possession, custody or control any receptacle or container  
 1308 containing any mash, wort, or wash, or other fermented liquids  
 1309 whatever capable of being distilled or manufactured into an  
 1310 alcoholic beverage, unless such possession, custody, control,  
 1311 ownership, manufacture, construction, or repairing be by or for  
 1312 a person authorized by law to manufacture such alcoholic  
 1313 beverage.

1314           (2) It is unlawful for any person to have in her or his  
 1315 possession, custody, or control any raw materials or substance  
 1316 intended to be used in the distillation or manufacturing of an  
 1317 alcoholic beverage unless the person holds a license from the  
 1318 state authorizing the manufacture of the alcoholic beverage.

1319           (3) The terms "raw material" or "substance" for the  
 1320 purpose of this chapter shall mean and include, but not be  
 1321 limited to, any of the following: Any grade or type of sugar,  
 1322 syrup, or molasses derived from sugarcane, sugar beets, corn,  
 1323 sorghum, or any other source; starch; potatoes; grain or  
 1324 cornmeal, corn chops, cracked corn, rye chops, middlings,  
 1325 shorts, bran, or any other grain derivative; malt; malt sugar or

1326 malt syrup; oak chips, charred or not charred; yeast; cider;  
 1327 honey; fruit; grapes; berries; fruit, grape or berry juices or  
 1328 concentrates; wine; caramel; burnt sugar; gin flavor; Chinese  
 1329 bean cake or Chinese wine cake; urea; ammonium phosphate,  
 1330 ammonium carbonate, ammonium sulphate, or any other yeast food;  
 1331 ethyl acetate or any other ethyl ester; any other material of  
 1332 the character used in the manufacture of distilled spirits or  
 1333 any chemical or other material suitable for promoting or  
 1334 accelerating fermentation; any chemical or material of the  
 1335 character used in the production of distilled spirits by  
 1336 chemical reaction; or any combination of such materials or  
 1337 chemicals.

1338 (4) Any such raw materials, substance, or any still, still  
 1339 piping, still apparatus, or still worm, or any piece or part  
 1340 thereof, or any mash, wort, or wash, or other fermented liquid  
 1341 and the receptacle or container thereof, and any alcoholic  
 1342 beverage, together with all personal property used to facilitate  
 1343 the manufacture or production of the alcoholic beverage or to  
 1344 facilitate the violation of the alcoholic beverage control laws  
 1345 of this state or the United States, may be seized by the  
 1346 division or by any sheriff or deputy sheriff and shall be  
 1347 forfeited to the state.

1348 (5) It shall be unlawful for any person to sell or  
 1349 otherwise dispose of raw materials or other substances knowing  
 1350 same are to be used in the distillation or manufacture of an

1351 alcoholic beverage unless such person receiving same, by  
 1352 purchase or otherwise, holds a license from the state  
 1353 authorizing the manufacture of such alcoholic beverage.

1354 (6) Any vehicle, vessel, or aircraft used in the  
 1355 transportation or removal of or for the deposit or concealment  
 1356 of any illicit liquor still or stilling apparatus; any mash,  
 1357 wort, wash, or other fermented liquids capable of being  
 1358 distilled or manufactured into an alcoholic beverage; or any  
 1359 alcoholic beverage commonly known and referred to as "moonshine  
 1360 whiskey" shall be seized and may be forfeited as provided by the  
 1361 Florida Contraband Forfeiture Act. Any sheriff, deputy sheriff,  
 1362 employee of the division, or police officer may seize any of the  
 1363 vehicles, vessels, or conveyances, and the same may be forfeited  
 1364 as provided by law.

1365 (7) The finding of any still, still piping, still  
 1366 apparatus, or still worm, or any piece or part thereof, or any  
 1367 mash, wort, or wash or other fermented liquids in the dwelling  
 1368 house or place of business, or so near thereto as to lead to the  
 1369 reasonable belief that they are within the possession, custody,  
 1370 or control of the occupants of the dwelling house or place of  
 1371 business, shall be prima facie evidence of a violation of this  
 1372 section by the occupants of the dwelling house or place of  
 1373 business.

1374 (8) Any person violating any provisions of this section of  
 1375 the law commits ~~shall be guilty of a~~ misdemeanor ~~felony~~ of the

1376 second ~~third~~ degree, punishable as provided in s. 775.082 or s.  
 1377 775.083, ~~or s. 775.084.~~

1378 Section 22. Subsections (1) and (2) of section 562.451,  
 1379 Florida Statutes, are amended to read:

1380 562.451 Moonshine whiskey; ownership, possession, or  
 1381 control prohibited; penalties; rule of evidence.—

1382 (1) Any person who owns or has in her or his possession or  
 1383 under her or his control less than 1 gallon of liquor, as  
 1384 defined in the Beverage Law, which was not made or manufactured  
 1385 in accordance with the laws in effect at the time when and place  
 1386 where the same was made or manufactured commits ~~shall be guilty~~  
 1387 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
 1388 s. 775.082 or s. 775.083.

1389 (2) Any person who owns or has in her or his possession or  
 1390 under her or his control 1 gallon or more of liquor, as defined  
 1391 in the Beverage Law, which was not made or manufactured in  
 1392 accordance with the laws in effect at the time when and place  
 1393 where the same was made or manufactured commits ~~shall be guilty~~  
 1394 ~~of~~ a misdemeanor ~~felony~~ of the first ~~third~~ degree, punishable as  
 1395 provided in s. 775.082 or s. 775.083, ~~or s. 775.084.~~

1396 Section 23. Subsections (1), (2), and (5) of section  
 1397 569.11, Florida Statutes, are amended to read:

1398 569.11 Possession, misrepresenting age or military service  
 1399 to purchase, and purchase of tobacco products by persons under  
 1400 18 years of age prohibited; penalties; jurisdiction; disposition



1401 of fines.—

1402 (1) It is unlawful for any person under 18 years of age to  
 1403 knowingly possess any tobacco product. Any person under 18 years  
 1404 of age who violates ~~the provisions of~~ this subsection commits a  
 1405 noncriminal violation as provided in s. 775.08(3), punishable  
 1406 by:

1407 (a) For a first violation, 16 hours of community service  
 1408 or, instead of community service, a \$25 fine. In addition, the  
 1409 person must attend a school-approved anti-tobacco program, if  
 1410 locally available; or

1411 (b) For a second or subsequent violation within 12 weeks  
 1412 of the first violation, a \$25 fine; ~~or~~

1413 ~~(c) For a third or subsequent violation within 12 weeks of~~  
 1414 ~~the first violation, the court must direct the Department of~~  
 1415 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
 1416 ~~suspend or revoke the person's driver license or driving~~  
 1417 ~~privilege, as provided in s. 322.056.~~

1418  
 1419 Any second or subsequent violation not within the 12-week time  
 1420 period after the first violation is punishable as provided for a  
 1421 first violation.

1422 (2) It is unlawful for any person under 18 years of age to  
 1423 misrepresent his or her age or military service for the purpose  
 1424 of inducing a dealer or an agent or employee of the dealer to  
 1425 sell, give, barter, furnish, or deliver any tobacco product, or

1426 to purchase, or attempt to purchase, any tobacco product from a  
1427 person or a vending machine. Any person under 18 years of age  
1428 who violates ~~a provision of~~ this subsection commits a  
1429 noncriminal violation as provided in s. 775.08(3), punishable  
1430 by:

1431 (a) For a first violation, 16 hours of community service  
1432 or, instead of community service, a \$25 fine and, in addition,  
1433 the person must attend a school-approved anti-tobacco program,  
1434 if available; or

1435 (b) For a second or subsequent violation within 12 weeks  
1436 of the first violation, a \$25 fine; ~~or~~

1437 ~~(c) For a third or subsequent violation within 12 weeks of~~  
1438 ~~the first violation, the court must direct the Department of~~  
1439 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
1440 ~~suspend or revoke the person's driver license or driving~~  
1441 ~~privilege, as provided in s. 322.056.~~

1442  
1443 Any second or subsequent violation not within the 12-week time  
1444 period after the first violation is punishable as provided for a  
1445 first violation.

1446 (5) (a) If a person under 18 years of age is found by the  
1447 court to have committed a noncriminal violation under this  
1448 section and that person has failed to complete community  
1449 service, pay the fine as required by paragraph (1) (a) or  
1450 paragraph (2) (a), or attend a school-approved anti-tobacco

1451 program, if locally available, the court may ~~must~~ direct the  
 1452 Department of Highway Safety and Motor Vehicles to withhold  
 1453 issuance of or suspend the driver license or driving privilege  
 1454 of that person for a period of 30 consecutive days.

1455 (b) If a person under 18 years of age is found by the  
 1456 court to have committed a noncriminal violation under this  
 1457 section and that person has failed to pay the applicable fine as  
 1458 required by paragraph (1) (b) or paragraph (2) (b), the court may  
 1459 ~~must~~ direct the Department of Highway Safety and Motor Vehicles  
 1460 to withhold issuance of or suspend the driver license or driving  
 1461 privilege of that person for a period of 45 consecutive days.

1462 Section 24. Section 713.69, Florida Statutes, is amended  
 1463 to read:

1464 713.69 Unlawful to remove property upon which lien has  
 1465 accrued.—It is unlawful for any person to remove any property  
 1466 upon which a lien has accrued under the provisions of s. 713.68  
 1467 from any hotel, apartment house, roominghouse, lodginghouse,  
 1468 boardinghouse or tenement house without first making full  
 1469 payment to the person operating or conducting the same of all  
 1470 sums due and payable for such occupancy or without first having  
 1471 the written consent of such person so conducting or operating  
 1472 such place to so remove such property. Any person violating the  
 1473 provisions of this section ~~shall~~, if the property removed in  
 1474 violation hereof be of the value of less than \$1,000 ~~\$50 or~~  
 1475 ~~less~~, commits ~~be guilty of~~ a misdemeanor of the second degree,

1476 punishable as provided in s. 775.082 or s. 775.083; and if the  
1477 property so removed should be valued at ~~of greater value than~~  
1478 \$1,000 or more ~~\$50~~ then such person commits ~~shall be guilty of~~ a  
1479 felony of the third degree, punishable as provided in s.  
1480 775.082, s. 775.083, or s. 775.084.

1481 Section 25. Paragraphs (a) and (d) of subsection (9) of  
1482 section 775.082, Florida Statutes, are amended to read:

1483 775.082 Penalties; applicability of sentencing structures;  
1484 mandatory minimum sentences for certain reoffenders previously  
1485 released from prison.—

1486 (9) (a) 1. "Prison releasee reoffender" means any defendant  
1487 who commits, or attempts to commit:

- 1488 a. Treason;
- 1489 b. Murder;
- 1490 c. Manslaughter;
- 1491 d. Sexual battery;
- 1492 e. Carjacking;
- 1493 f. Home-invasion robbery;
- 1494 g. Robbery;
- 1495 h. Arson;
- 1496 i. Kidnapping;
- 1497 j. Aggravated assault with a deadly weapon;
- 1498 k. Aggravated battery;
- 1499 l. Aggravated stalking;
- 1500 m. Aircraft piracy;

1501           n. Unlawful throwing, placing, or discharging of a  
 1502 destructive device or bomb;

1503           o. Any felony that involves the use or threat of physical  
 1504 force or violence against an individual;

1505           p. Armed burglary;

1506           q. Burglary of a dwelling or burglary of an occupied  
 1507 structure; or

1508           r. Any felony violation of s. 790.07, s. 800.04, s.  
 1509 827.03, s. 827.071, or s. 847.0135(5);

1510

1511 within 3 years after being released from a state correctional  
 1512 facility operated by the Department of Corrections or a private  
 1513 vendor, a county detention facility following incarceration for  
 1514 an offense for which the sentence pronounced was a prison  
 1515 sentence, or ~~within 3 years after being released from a~~  
 1516 correctional institution of another state, the District of  
 1517 Columbia, the United States, any possession or territory of the  
 1518 United States, or any foreign jurisdiction, following  
 1519 incarceration for an offense for which the sentence is  
 1520 punishable by more than 1 year in this state.

1521           2. "Prison releasee reoffender" also means any defendant  
 1522 who commits or attempts to commit any offense listed in sub-  
 1523 subparagraphs (a)1.a.-r. while the defendant was serving a  
 1524 prison sentence or on escape status from a state correctional  
 1525 facility operated by the Department of Corrections or a private

1526 vendor or while the defendant was on escape status from a  
1527 correctional institution of another state, the District of  
1528 Columbia, the United States, any possession or territory of the  
1529 United States, or any foreign jurisdiction, following  
1530 incarceration for an offense for which the sentence is  
1531 punishable by more than 1 year in this state.

1532 3. If the state attorney determines that a defendant is a  
1533 prison releasee reoffender as defined in subparagraph 1., the  
1534 state attorney may seek to have the court sentence the defendant  
1535 as a prison releasee reoffender. Upon proof from the state  
1536 attorney that establishes by a preponderance of the evidence  
1537 that a defendant is a prison releasee reoffender as defined in  
1538 this section, such defendant is not eligible for sentencing  
1539 under the sentencing guidelines and must be sentenced as  
1540 follows:

1541 a. For a felony punishable by life, by a term of  
1542 imprisonment for life;

1543 b. For a felony of the first degree, by a term of  
1544 imprisonment of 30 years;

1545 c. For a felony of the second degree, by a term of  
1546 imprisonment of 15 years; and

1547 d. For a felony of the third degree, by a term of  
1548 imprisonment of 5 years.

1549 (d)1. It is the intent of the Legislature that offenders  
1550 previously released from prison or a county detention facility

1551 following incarceration for an offense for which the sentence  
1552 pronounced was a prison sentence who meet the criteria in  
1553 paragraph (a) be punished to the fullest extent of the law and  
1554 as provided in this subsection, unless the state attorney  
1555 determines that extenuating circumstances exist which preclude  
1556 the just prosecution of the offender, including whether the  
1557 victim recommends that the offender not be sentenced as provided  
1558 in this subsection.

1559       2. For every case in which the offender meets the criteria  
1560 in paragraph (a) and does not receive the mandatory minimum  
1561 prison sentence, the state attorney must explain the sentencing  
1562 deviation in writing and place such explanation in the case file  
1563 maintained by the state attorney.

1564       Section 26. Paragraph (f) is added to subsection (2) of  
1565 section 784.046, Florida Statutes, to read:

1566       784.046 Action by victim of repeat violence, sexual  
1567 violence, or dating violence for protective injunction; dating  
1568 violence investigations, notice to victims, and reporting;  
1569 pretrial release violations; public records exemption.—

1570       (2) There is created a cause of action for an injunction  
1571 for protection in cases of repeat violence, there is created a  
1572 separate cause of action for an injunction for protection in  
1573 cases of dating violence, and there is created a separate cause  
1574 of action for an injunction for protection in cases of sexual  
1575 violence.

1576 (f) Notwithstanding any other law, attorney fees may not  
 1577 be awarded in any proceeding under this section.

1578 Section 27. Paragraph (d) of subsection (1) of section  
 1579 784.048, Florida Statutes, is amended, and subsections (2), (3),  
 1580 (4), (5), and (7) of that section are republished, to read:

1581 784.048 Stalking; definitions; penalties.—

1582 (1) As used in this section, the term:

1583 (d) "Cyberstalk" means:

1584 1. To engage in a course of conduct to communicate, or to  
 1585 cause to be communicated, words, images, or language by or  
 1586 through the use of electronic mail or electronic communication,  
 1587 directed at a specific person; or

1588 2. To access, or attempt to access the online accounts or  
 1589 Internet-connected home electronic systems of another person  
 1590 without that person's permission,

1591  
 1592 causing substantial emotional distress to that person and  
 1593 serving no legitimate purpose.

1594 (2) A person who willfully, maliciously, and repeatedly  
 1595 follows, harasses, or cyberstalks another person commits the  
 1596 offense of stalking, a misdemeanor of the first degree,  
 1597 punishable as provided in s. 775.082 or s. 775.083.

1598 (3) A person who willfully, maliciously, and repeatedly  
 1599 follows, harasses, or cyberstalks another person and makes a  
 1600 credible threat to that person commits the offense of aggravated



1601 stalking, a felony of the third degree, punishable as provided  
1602 in s. 775.082, s. 775.083, or s. 775.084.

1603 (4) A person who, after an injunction for protection  
1604 against repeat violence, sexual violence, or dating violence  
1605 pursuant to s. 784.046, or an injunction for protection against  
1606 domestic violence pursuant to s. 741.30, or after any other  
1607 court-imposed prohibition of conduct toward the subject person  
1608 or that person's property, knowingly, willfully, maliciously,  
1609 and repeatedly follows, harasses, or cyberstalks another person  
1610 commits the offense of aggravated stalking, a felony of the  
1611 third degree, punishable as provided in s. 775.082, s. 775.083,  
1612 or s. 775.084.

1613 (5) A person who willfully, maliciously, and repeatedly  
1614 follows, harasses, or cyberstalks a child under 16 years of age  
1615 commits the offense of aggravated stalking, a felony of the  
1616 third degree, punishable as provided in s. 775.082, s. 775.083,  
1617 or s. 775.084.

1618 (7) A person who, after having been sentenced for a  
1619 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and  
1620 prohibited from contacting the victim of the offense under s.  
1621 921.244, willfully, maliciously, and repeatedly follows,  
1622 harasses, or cyberstalks the victim commits the offense of  
1623 aggravated stalking, a felony of the third degree, punishable as  
1624 provided in s. 775.082, s. 775.083, or s. 775.084.

1625 Section 28. Paragraph (d) is added to subsection (2) of

1626 section 784.0485, Florida Statutes, to read:

1627 784.0485 Stalking; injunction; powers and duties of court  
 1628 and clerk; petition; notice and hearing; temporary injunction;  
 1629 issuance of injunction; statewide verification system;  
 1630 enforcement.—

1631 (2)

1632 (d) Notwithstanding any other law, attorney fees may not  
 1633 be awarded in any proceeding under this section.

1634 Section 29. Section 784.049, Florida Statutes, is amended  
 1635 to read:

1636 784.049 Sexual cyberharassment.—

1637 (1) The Legislature finds that:

1638 (a) A person depicted in a sexually explicit image taken  
 1639 with the person's consent may retain ~~has~~ a reasonable  
 1640 expectation that the image will remain private despite sharing  
 1641 the image with another person, such as an intimate partner.

1642 (b) It is becoming a common practice for persons to  
 1643 publish a sexually explicit image of another to Internet  
 1644 websites or to disseminate such an image through electronic  
 1645 means without the depicted person's consent, contrary to the  
 1646 depicted person's reasonable expectation of privacy, for no  
 1647 legitimate purpose, with the intent of causing substantial  
 1648 emotional distress to the depicted person.

1649 (c) When such images are published on Internet websites,  
 1650 the images ~~they~~ are able to be viewed indefinitely by persons

1651 worldwide and are able to be easily reproduced and shared.

1652 (d) The publication or dissemination of such images  
1653 through the use of an Internet websites or electronic means  
1654 creates a permanent record of the depicted person's private  
1655 nudity or private sexually explicit conduct.

1656 (e) The existence of such images on Internet websites or  
1657 the dissemination of such images without the consent of all  
1658 parties depicted in the images causes those depicted in such  
1659 images significant psychological harm.

1660 (f) Safeguarding the psychological well-being and privacy  
1661 interests of persons depicted in such images is compelling.

1662 (2) As used in this section, the term:

1663 (a) "Image" includes, but is not limited to, any  
1664 photograph, picture, motion picture, film, video, or  
1665 representation.

1666 (b) "Personal identification information" means any  
1667 information that identifies the individual, and includes, but is  
1668 not limited to, any name, postal or electronic email address,  
1669 telephone number, social security number, date of birth, or any  
1670 unique physical representation ~~has the same meaning as provided~~  
1671 ~~in s. 817.568.~~

1672 (c) "Sexually cyberharass" means to publish to an Internet  
1673 website or disseminate through electronic means to another  
1674 person a sexually explicit image of a person that contains or  
1675 conveys the personal identification information of the depicted

1676 | person ~~to an Internet website~~ without the depicted person's  
1677 | consent, contrary to the depicted person's reasonable  
1678 | expectation that the image would remain private, for no  
1679 | legitimate purpose, with the intent of causing substantial  
1680 | emotional distress to the depicted person. Evidence that the  
1681 | depicted person sent a sexually explicit image to another person  
1682 | does not, on its own, eliminate his or her reasonable  
1683 | expectation of privacy for that image.

1684 | (d) "Sexually explicit image" means any image depicting  
1685 | nudity, as defined in s. 847.001, or depicting a person engaging  
1686 | in sexual conduct, as defined in s. 847.001.

1687 | (3) (a) Except as provided in paragraph (b), a person who  
1688 | willfully and maliciously sexually cyberharasses another person  
1689 | commits a misdemeanor of the first degree, punishable as  
1690 | provided in s. 775.082 or s. 775.083.

1691 | (b) A person who has one prior conviction for sexual  
1692 | cyberharassment and who commits a second or subsequent sexual  
1693 | cyberharassment commits a felony of the third degree, punishable  
1694 | as provided in s. 775.082, s. 775.083, or s. 775.084.

1695 | (4) (a) A law enforcement officer may arrest, without a  
1696 | warrant, any person that he or she has probable cause to believe  
1697 | has violated this section.

1698 | (b) Upon proper affidavits being made, a search warrant  
1699 | may be issued to further investigate violations of this section,  
1700 | including warrants issued to search a private dwelling.

1701 (5) An aggrieved person may initiate a civil action  
1702 against a person who violates this section to obtain all  
1703 appropriate relief in order to prevent or remedy a violation of  
1704 this section, including the following:

1705 (a) Injunctive relief.

1706 (b) Monetary damages to include \$5,000 or actual damages  
1707 incurred as a result of a violation of this section, whichever  
1708 is greater.

1709 (c) Reasonable attorney fees and costs.

1710 (6) The criminal and civil penalties of this section do  
1711 not apply to:

1712 (a) A provider of an interactive computer service as  
1713 defined in 47 U.S.C. s. 230(f), information service as defined  
1714 in 47 U.S.C. s. 153, or communications service as defined in s.  
1715 202.11, that provides the transmission, storage, or caching of  
1716 electronic communications or messages of others; other related  
1717 telecommunications or commercial mobile radio service; or  
1718 content provided by another person; or

1719 (b) A law enforcement officer, as defined in s. 943.10, or  
1720 any local, state, federal, or military law enforcement agency,  
1721 that publishes a sexually explicit image in connection with the  
1722 performance of his or her duties as a law enforcement officer,  
1723 or law enforcement agency.

1724 (7) A violation of this section is committed within this  
1725 state if any conduct that is an element of the offense, or any

1726 | harm to the depicted person resulting from the offense, occurs  
1727 | within this state.

1728 |       Section 30. Subsection (1) of section 790.052, Florida  
1729 | Statutes, is amended to read:

1730 |       790.052 Carrying concealed firearms; off-duty law  
1731 | enforcement officers.-

1732 |       (1) (a) All persons holding active certifications from the  
1733 | Criminal Justice Standards and Training Commission as law  
1734 | enforcement officers or correctional officers as defined in s.  
1735 | 943.10(1), (2), (6), (7), (8), or (9) shall have the right to  
1736 | carry, on or about their persons, concealed firearms, during  
1737 | off-duty hours, at the discretion of their superior officers,  
1738 | and may perform those law enforcement functions that they  
1739 | normally perform during duty hours, utilizing their weapons in a  
1740 | manner which is reasonably expected of on-duty officers in  
1741 | similar situations.

1742 |       (b) All persons holding active certifications from the  
1743 | Criminal Justice Standards and Training Commission as law  
1744 | enforcement officers or correctional officers as defined in s.  
1745 | 943.10(1), (2), (6), (7), (8), or (9), meet the definition of  
1746 | "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

1747 |       (c) All persons who held active certifications from the  
1748 | Criminal Justice Standards and Training Commission as law  
1749 | enforcement officers or correctional officers as defined in s.  
1750 | 943.10(1), (2), (6), (7), (8), or (9) while working for an

1751 employing agency, as defined in s. 943.10(4), but have separated  
1752 from service under the conditions set forth in 18 U.S.C. s.  
1753 926C(c), meet the definition of "qualified retired law  
1754 enforcement officer." ~~However,~~

1755 (d) Nothing in This section does not ~~subsection shall be~~  
1756 ~~construed to~~ limit the right of a law enforcement officer,  
1757 correctional officer, or correctional probation officer to carry  
1758 a concealed firearm off duty as a private citizen under the  
1759 exemption provided in s. 790.06 that allows a law enforcement  
1760 officer, correctional officer, or correctional probation officer  
1761 as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) to  
1762 carry a concealed firearm without a concealed weapon or firearm  
1763 license. The appointing or employing agency or department of an  
1764 officer carrying a concealed firearm as a private citizen under  
1765 s. 790.06 shall not be liable for the use of the firearm in such  
1766 capacity. Nothing herein limits the authority of the appointing  
1767 or employing agency or department from establishing policies  
1768 limiting law enforcement officers or correctional officers from  
1769 carrying concealed firearms during off-duty hours in their  
1770 capacity as appointees or employees of the agency or department.

1771 Section 31. Subsections (5) and (10) of section 790.22,  
1772 Florida Statutes, are amended to read:

1773 790.22 Use of BB guns, air or gas-operated guns, or  
1774 electric weapons or devices by minor under 16; limitation;  
1775 possession of firearms by minor under 18 prohibited; penalties.-

1776 (5) (a) A minor who violates subsection (3) commits a  
1777 misdemeanor of the first degree; for a first offense, may serve  
1778 a period of detention of up to 3 days in a secure detention  
1779 facility; and, in addition to any other penalty provided by law,  
1780 shall be required to perform 100 hours of community service;  
1781 and:

1782 1. If the minor is eligible by reason of age for a driver  
1783 license or driving privilege, the court may ~~shall~~ direct the  
1784 Department of Highway Safety and Motor Vehicles to revoke or to  
1785 withhold issuance of the minor's driver license or driving  
1786 privilege for up to 1 year.

1787 2. If the minor's driver license or driving privilege is  
1788 under suspension or revocation for any reason, the court may  
1789 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1790 to extend the period of suspension or revocation by an  
1791 additional period of up to 1 year.

1792 3. If the minor is ineligible by reason of age for a  
1793 driver license or driving privilege, the court may ~~shall~~ direct  
1794 the Department of Highway Safety and Motor Vehicles to withhold  
1795 issuance of the minor's driver license or driving privilege for  
1796 up to 1 year after the date on which the minor would otherwise  
1797 have become eligible.

1798 (b) For a second or subsequent offense, a minor who  
1799 violates subsection (3) commits a felony of the third degree and  
1800 shall serve a period of detention of up to 15 days in a secure



1801 detention facility and shall be required to perform not less  
 1802 than 100 nor more than 250 hours of community service, and:

1803 1. If the minor is eligible by reason of age for a driver  
 1804 license or driving privilege, the court may ~~shall~~ direct the  
 1805 Department of Highway Safety and Motor Vehicles to revoke or to  
 1806 withhold issuance of the minor's driver license or driving  
 1807 privilege for up to 2 years.

1808 2. If the minor's driver license or driving privilege is  
 1809 under suspension or revocation for any reason, the court may  
 1810 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
 1811 to extend the period of suspension or revocation by an  
 1812 additional period of up to 2 years.

1813 3. If the minor is ineligible by reason of age for a  
 1814 driver license or driving privilege, the court may ~~shall~~ direct  
 1815 the Department of Highway Safety and Motor Vehicles to withhold  
 1816 issuance of the minor's driver license or driving privilege for  
 1817 up to 2 years after the date on which the minor would otherwise  
 1818 have become eligible.

1819  
 1820 For the purposes of this subsection, community service shall be  
 1821 performed, if possible, in a manner involving a hospital  
 1822 emergency room or other medical environment that deals on a  
 1823 regular basis with trauma patients and gunshot wounds.

1824 (10) If a minor is found to have committed an offense  
 1825 under subsection (9), the court shall impose the following

1826 penalties in addition to any penalty imposed under paragraph  
1827 (9) (a) or paragraph (9) (b):

1828 (a) For a first offense:

1829 1. If the minor is eligible by reason of age for a driver  
1830 license or driving privilege, the court may ~~shall~~ direct the  
1831 Department of Highway Safety and Motor Vehicles to revoke or to  
1832 withhold issuance of the minor's driver license or driving  
1833 privilege for up to 1 year.

1834 2. If the minor's driver license or driving privilege is  
1835 under suspension or revocation for any reason, the court may  
1836 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1837 to extend the period of suspension or revocation by an  
1838 additional period for up to 1 year.

1839 3. If the minor is ineligible by reason of age for a  
1840 driver license or driving privilege, the court may ~~shall~~ direct  
1841 the Department of Highway Safety and Motor Vehicles to withhold  
1842 issuance of the minor's driver license or driving privilege for  
1843 up to 1 year after the date on which the minor would otherwise  
1844 have become eligible.

1845 (b) For a second or subsequent offense:

1846 1. If the minor is eligible by reason of age for a driver  
1847 license or driving privilege, the court may ~~shall~~ direct the  
1848 Department of Highway Safety and Motor Vehicles to revoke or to  
1849 withhold issuance of the minor's driver license or driving  
1850 privilege for up to 2 years.

1851           2. If the minor's driver license or driving privilege is  
 1852 under suspension or revocation for any reason, the court may  
 1853 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
 1854 to extend the period of suspension or revocation by an  
 1855 additional period for up to 2 years.

1856           3. If the minor is ineligible by reason of age for a  
 1857 driver license or driving privilege, the court may ~~shall~~ direct  
 1858 the Department of Highway Safety and Motor Vehicles to withhold  
 1859 issuance of the minor's driver license or driving privilege for  
 1860 up to 2 years after the date on which the minor would otherwise  
 1861 have become eligible.

1862           Section 32. Section 800.09, Florida Statutes, is amended  
 1863 to read:

1864           800.09 Lewd or lascivious exhibition in the presence of an  
 1865 employee.—

1866           (1) As used in this section, the term:

1867           (a) "Employee" means:

1868           1. Any person employed by or performing contractual  
 1869 services for a public or private entity operating a state  
 1870 correctional institution or private correctional facility; ~~or~~

1871           2. Any person employed by or performing contractual  
 1872 services for the corporation operating the prison industry  
 1873 enhancement programs or the correctional work programs under  
 1874 part II of chapter 946; ~~The term also includes~~

1875           3. Any person who is a parole examiner with the Florida

1876 Commission on Offender Review; or  
 1877 4. Any person employed at or performing contractual  
 1878 services for a county detention facility.  
 1879 (b) "Facility" means a state correctional institution as  
 1880 defined in s. 944.02, ~~or~~ a private correctional facility as  
 1881 defined in s. 944.710, or a county detention facility as defined  
 1882 in s. 951.23.  
 1883 (2) (a) A person who is detained in a facility may not:  
 1884 1. Intentionally masturbate;  
 1885 2. Intentionally expose the genitals in a lewd or  
 1886 lascivious manner; or  
 1887 3. Intentionally commit any other sexual act that does not  
 1888 involve actual physical or sexual contact with the victim,  
 1889 including, but not limited to, sadomasochistic abuse, sexual  
 1890 bestiality, or the simulation of any act involving sexual  
 1891 activity,  
 1892  
 1893 in the presence of a person he or she knows or reasonably should  
 1894 know is an employee.  
 1895 (b) A person who violates paragraph (a) commits lewd or  
 1896 lascivious exhibition in the presence of an employee, a felony  
 1897 of the third degree, punishable as provided in s. 775.082, s.  
 1898 775.083, or s. 775.084.  
 1899 Section 33. Subsection (7) of section 806.13, Florida  
 1900 Statutes, is amended, and subsection (8) of that section is

1901 republished, to read:

1902 806.13 Criminal mischief; penalties; penalty for minor.—

1903 (7) In addition to any other penalty provided by law, if a  
 1904 minor is found to have committed a delinquent act under this  
 1905 section for placing graffiti on any public property or private  
 1906 property, and:

1907 (a) The minor is eligible by reason of age for a driver  
 1908 license or driving privilege, the court may ~~shall~~ direct the  
 1909 Department of Highway Safety and Motor Vehicles to revoke or  
 1910 withhold issuance of the minor's driver license or driving  
 1911 privilege for not more than 1 year.

1912 (b) The minor's driver license or driving privilege is  
 1913 under suspension or revocation for any reason, the court may  
 1914 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
 1915 to extend the period of suspension or revocation by an  
 1916 additional period of not more than 1 year.

1917 (c) The minor is ineligible by reason of age for a driver  
 1918 license or driving privilege, the court may ~~shall~~ direct the  
 1919 Department of Highway Safety and Motor Vehicles to withhold  
 1920 issuance of the minor's driver license or driving privilege for  
 1921 not more than 1 year after the date on which he or she would  
 1922 otherwise have become eligible.

1923 (8) A minor whose driver license or driving privilege is  
 1924 revoked, suspended, or withheld under subsection (7) may elect  
 1925 to reduce the period of revocation, suspension, or withholding

1926 | by performing community service at the rate of 1 day for each  
 1927 | hour of community service performed. In addition, if the court  
 1928 | determines that due to a family hardship, the minor's driver  
 1929 | license or driving privilege is necessary for employment or  
 1930 | medical purposes of the minor or a member of the minor's family,  
 1931 | the court shall order the minor to perform community service and  
 1932 | reduce the period of revocation, suspension, or withholding at  
 1933 | the rate of 1 day for each hour of community service performed.  
 1934 | As used in this subsection, the term "community service" means  
 1935 | cleaning graffiti from public property.

1936 |         Section 34. Paragraphs (c), (d), and (e) of subsection (2)  
 1937 | and paragraphs (a), (b), and (c) of subsection (3) of section  
 1938 | 812.014, Florida Statutes, are amended to read:

1939 |         812.014 Theft.—

1940 |             (2)

1941 |             (c) It is grand theft of the third degree and a felony of  
 1942 | the third degree, punishable as provided in s. 775.082, s.  
 1943 | 775.083, or s. 775.084, if the property stolen is:

- 1944 |             1. Valued at \$1,000 ~~\$300~~ or more, but less than \$5,000.
- 1945 |             2. Valued at \$5,000 or more, but less than \$10,000.
- 1946 |             3. Valued at \$10,000 or more, but less than \$20,000.
- 1947 |             4. A will, codicil, or other testamentary instrument.
- 1948 |             5. A firearm.
- 1949 |             6. A motor vehicle, except as provided in paragraph (a).
- 1950 |             7. Any commercially farmed animal, including any animal of

1951 the equine, avian, bovine, or swine class or other grazing  
 1952 animal; a bee colony of a registered beekeeper; and aquaculture  
 1953 species raised at a certified aquaculture facility. If the  
 1954 property stolen is a commercially farmed animal, including an  
 1955 animal of the equine, avian, bovine, or swine class or other  
 1956 grazing animal; a bee colony of a registered beekeeper; or an  
 1957 aquaculture species raised at a certified aquaculture facility,  
 1958 a \$10,000 fine shall be imposed.

1959 8. Any fire extinguisher.

1960 9. Any amount of citrus fruit consisting of 2,000 or more  
 1961 individual pieces of fruit.

1962 10. Taken from a designated construction site identified  
 1963 by the posting of a sign as provided for in s. 810.09(2)(d).

1964 11. Any stop sign.

1965 12. Anhydrous ammonia.

1966 13. Any amount of a controlled substance as defined in s.  
 1967 893.02. Notwithstanding any other law, separate judgments and  
 1968 sentences for theft of a controlled substance under this  
 1969 subparagraph and for any applicable possession of controlled  
 1970 substance offense under s. 893.13 or trafficking in controlled  
 1971 substance offense under s. 893.135 may be imposed when all such  
 1972 offenses involve the same amount or amounts of a controlled  
 1973 substance.

1974 14. A utility service under s. 812.14.  
 1975

1976 | However, if the property is stolen within a county that is  
 1977 | subject to a state of emergency declared by the Governor under  
 1978 | chapter 252, the property is stolen after the declaration of  
 1979 | emergency is made, and the perpetration of the theft is  
 1980 | facilitated by conditions arising from the emergency, the  
 1981 | offender commits a felony of the second degree, punishable as  
 1982 | provided in s. 775.082, s. 775.083, or s. 775.084, if the  
 1983 | property is valued at \$5,000 or more, but less than \$10,000, as  
 1984 | provided under subparagraph 2., or if the property is valued at  
 1985 | \$10,000 or more, but less than \$20,000, as provided under  
 1986 | subparagraph 3. As used in this paragraph, the term "conditions  
 1987 | arising from the emergency" means civil unrest, power outages,  
 1988 | curfews, voluntary or mandatory evacuations, or a reduction in  
 1989 | the presence of or the response time for first responders or  
 1990 | homeland security personnel. For purposes of sentencing under  
 1991 | chapter 921, a felony offense that is reclassified under this  
 1992 | paragraph is ranked one level above the ranking under s.  
 1993 | 921.0022 or s. 921.0023 of the offense committed.

1994 |         (d) It is grand theft of the third degree and a felony of  
 1995 | the third degree, punishable as provided in s. 775.082, s.  
 1996 | 775.083, or s. 775.084, if the property stolen is valued at  
 1997 | \$1,000 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken  
 1998 | from a dwelling as defined in s. 810.011(2) or from the  
 1999 | unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

2000 |         (e) Except as provided in paragraph (d), if the property



2001 stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,000  
 2002 ~~\$300~~, the offender commits petit theft of the first degree,  
 2003 punishable as a misdemeanor of the first degree, as provided in  
 2004 s. 775.082 or s. 775.083.

2005 (3) (a) Theft of any property not specified in subsection  
 2006 (2) is petit theft of the second degree and a misdemeanor of the  
 2007 second degree, punishable as provided in s. 775.082 or s.  
 2008 775.083, and as provided in subsection (5), as applicable.

2009 (b) A person who commits petit theft and who has  
 2010 previously been convicted of any theft commits a misdemeanor of  
 2011 the first degree, punishable as provided in s. 775.082 or s.  
 2012 775.083.

2013 (c) A person who commits petit theft and who has  
 2014 previously been convicted two or more times of any theft commits  
 2015 a felony of the third degree, punishable as provided in s.  
 2016 775.082 or s. 775.083.

2017 Section 35. Subsection (8) of section 812.015, Florida  
 2018 Statutes, is amended to read:

2019 812.015 Retail and farm theft; transit fare evasion;  
 2020 mandatory fine; alternative punishment; detention and arrest;  
 2021 exemption from liability for false arrest; resisting arrest;  
 2022 penalties.—

2023 (8) Except as provided in subsection (9), a person who  
 2024 commits retail theft commits a felony of the third degree,  
 2025 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,

2026 if the property stolen is valued at \$1,000 ~~\$300~~ or more, and the  
2027 person:

2028 (a) Individually, or in concert with one or more other  
2029 persons, coordinates the activities of one or more individuals  
2030 in committing the offense, in which case the amount of each  
2031 individual theft is aggregated to determine the value of the  
2032 property stolen;

2033 (b) Individually, or in concert with one or more persons,  
2034 commits theft of any merchandise from one or more locations over  
2035 a 30-day period the aggregate value of which exceeds \$1,000  
2036 ~~Commits theft from more than one location within a 48-hour~~  
2037 ~~period, in which case the amount of each individual theft is~~  
2038 ~~aggregated to determine the value of the property stolen;~~

2039 (c) Acts in concert with one or more other individuals  
2040 within one or more establishments to distract the merchant,  
2041 merchant's employee, or law enforcement officer in order to  
2042 carry out the offense, or acts in other ways to coordinate  
2043 efforts to carry out the offense; or

2044 (d) Commits the offense through the purchase of  
2045 merchandise in a package or box that contains merchandise other  
2046 than, or in addition to, the merchandise purported to be  
2047 contained in the package or box.

2048 Section 36. Section 812.0155, Florida Statutes, is amended  
2049 to read:

2050 812.0155 Driver license suspension as an alternative

2051 sentence for a person under 18 years of age ~~Suspension of driver~~  
2052 ~~license following an adjudication of guilt for theft.-~~

2053 ~~(1) Except as provided in subsections (2) and (3), the~~  
2054 ~~court may order the suspension of the driver license of each~~  
2055 ~~person adjudicated guilty of any misdemeanor violation of s.~~  
2056 ~~812.014 or s. 812.015, regardless of the value of the property~~  
2057 ~~stolen. Upon ordering the suspension of the driver license of~~  
2058 ~~the person adjudicated guilty, the court shall forward the~~  
2059 ~~driver license of the person adjudicated guilty to the~~  
2060 ~~Department of Highway Safety and Motor Vehicles in accordance~~  
2061 ~~with s. 322.25.~~

2062 ~~(a) The first suspension of a driver license under this~~  
2063 ~~subsection shall be for a period of up to 6 months.~~

2064 ~~(b) A second or subsequent suspension of a driver license~~  
2065 ~~under this subsection shall be for 1 year.~~

2066 (1)(2) The court may revoke, suspend, or withhold issuance  
2067 of a driver license of a person less than 18 years of age who  
2068 violates s. 812.014 or s. 812.015 as an alternative to  
2069 sentencing the person to:

2070 (a) Probation as defined in s. 985.03 or commitment to the  
2071 Department of Juvenile Justice, if the person is adjudicated  
2072 delinquent for such violation and has not previously been  
2073 convicted of or adjudicated delinquent for any criminal offense,  
2074 regardless of whether adjudication was withheld.

2075 (b) Probation as defined in s. 985.03, commitment to the

2076 Department of Juvenile Justice, probation as defined in chapter  
2077 948, community control, or incarceration, if the person is  
2078 convicted as an adult of such violation and has not previously  
2079 been convicted of or adjudicated delinquent for any criminal  
2080 offense, regardless of whether adjudication was withheld.

2081 (2)~~(3)~~ As used in this subsection, the term "department"  
2082 means the Department of Highway Safety and Motor Vehicles. A  
2083 court that revokes, suspends, or withholds issuance of a driver  
2084 license under subsection (1)~~(2)~~ shall:

2085 (a) If the person is eligible by reason of age for a  
2086 driver license or driving privilege, direct the department to  
2087 revoke or withhold issuance of the person's driver license or  
2088 driving privilege for not less than 6 months and not more than 1  
2089 year;

2090 (b) If the person's driver license is under suspension or  
2091 revocation for any reason, direct the department to extend the  
2092 period of suspension or revocation by not less than 6 months and  
2093 not more than 1 year; or

2094 (c) If the person is ineligible by reason of age for a  
2095 driver license or driving privilege, direct the department to  
2096 withhold issuance of the person's driver license or driving  
2097 privilege for not less than 6 months and not more than 1 year  
2098 after the date on which the person would otherwise become  
2099 eligible.

2100 (3)~~(4)~~ This section does ~~Subsections (2) and (3) do not~~

2101 preclude the court from imposing any other sanction ~~specified or~~  
 2102 ~~not specified in subsection (2) or subsection (3).~~

2103 ~~(5) A court that suspends the driver license of a person~~  
 2104 ~~pursuant to subsection (1) may direct the Department of Highway~~  
 2105 ~~Safety and Motor Vehicles to issue the person a license for~~  
 2106 ~~driving privilege restricted to business purposes only, as~~  
 2107 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

2108 Section 37. Subsection (1) of section 815.03, Florida  
 2109 Statutes, is amended to read:

2110 815.03 Definitions.—As used in this chapter, unless the  
 2111 context clearly indicates otherwise:

2112 (1) "Access" means to approach, instruct, communicate  
 2113 with, store data in, retrieve data from, or otherwise make use  
 2114 of any resources of a computer, computer system, ~~or~~ computer  
 2115 network, or electronic device.

2116 Section 38. Subsection (2) of section 815.06, Florida  
 2117 Statutes, is amended, and subsection (3) of that section is  
 2118 republished, to read:

2119 815.06 Offenses against users of computers, computer  
 2120 systems, computer networks, and electronic devices.—

2121 (2) A person commits an offense against users of  
 2122 computers, computer systems, computer networks, or electronic  
 2123 devices if he or she willfully, knowingly, and without  
 2124 authorization or exceeding authorization:

2125 (a) Accesses or causes to be accessed any computer,

2126 computer system, computer network, or electronic device with  
2127 knowledge that such access is unauthorized or the manner of use  
2128 exceeds authorization;

2129 (b) Disrupts or denies or causes the denial of the ability  
2130 to transmit data to or from an authorized user of a computer,  
2131 computer system, computer network, or electronic device, which,  
2132 in whole or in part, is owned by, under contract to, or operated  
2133 for, on behalf of, or in conjunction with another;

2134 (c) Destroys, takes, injures, or damages equipment or  
2135 supplies used or intended to be used in a computer, computer  
2136 system, computer network, or electronic device;

2137 (d) Destroys, injures, or damages any computer, computer  
2138 system, computer network, or electronic device;

2139 (e) Introduces any computer contaminant into any computer,  
2140 computer system, computer network, or electronic device; or

2141 (f) Engages in audio or video surveillance of an  
2142 individual by accessing any inherent feature or component of a  
2143 computer, computer system, computer network, or electronic  
2144 device, including accessing the data or information of a  
2145 computer, computer system, computer network, or electronic  
2146 device that is stored by a third party.

2147 (3) (a) Except as provided in paragraphs (b) and (c), a  
2148 person who violates subsection (2) commits a felony of the third  
2149 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
2150 775.084.

2151 (b) A person commits a felony of the second degree,  
 2152 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 2153 if he or she violates subsection (2) and:

2154 1. Damages a computer, computer equipment or supplies, a  
 2155 computer system, or a computer network and the damage or loss is  
 2156 at least \$5,000;

2157 2. Commits the offense for the purpose of devising or  
 2158 executing any scheme or artifice to defraud or obtain property;

2159 3. Interrupts or impairs a governmental operation or  
 2160 public communication, transportation, or supply of water, gas,  
 2161 or other public service; or

2162 4. Intentionally interrupts the transmittal of data to or  
 2163 from, or gains unauthorized access to, a computer, computer  
 2164 system, computer network, or electronic device belonging to any  
 2165 mode of public or private transit, as defined in s. 341.031.

2166 (c) A person who violates subsection (2) commits a felony  
 2167 of the first degree, punishable as provided in s. 775.082, s.  
 2168 775.083, or s. 775.084, if the violation:

2169 1. Endangers human life; or

2170 2. Disrupts a computer, computer system, computer network,  
 2171 or electronic device that affects medical equipment used in the  
 2172 direct administration of medical care or treatment to a person.

2173 Section 39. Section 817.413, Florida Statutes, is amended  
 2174 to read:

2175 817.413 Sale of used motor vehicle goods as new; penalty.—

2176 (1) With respect to a transaction for which any charges  
 2177 will be paid from the proceeds of a motor vehicle insurance  
 2178 policy, ~~and in which the purchase price of motor vehicle goods~~  
 2179 ~~exceeds \$100,~~ it is unlawful for the seller to knowingly  
 2180 misrepresent orally, in writing, or by failure to speak, that  
 2181 the goods are new or original when they are used or repossessed  
 2182 or have been used for sales demonstration.

2183 (2) A person who violates the provisions of this section,  
 2184 if the purchase price of the motor vehicle goods is \$1,000 or  
 2185 more, commits a felony of the third degree, punishable as  
 2186 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
 2187 purchase price of the motor vehicle goods is less than \$1,000,  
 2188 the person commits a misdemeanor of the first degree, punishable  
 2189 as provided in s. 775.082 or s. 775.083.

2190 Section 40. Paragraph (a) of subsection (2) of section  
 2191 831.28, Florida Statutes, is amended to read:

2192 831.28 Counterfeiting a payment instrument; possessing a  
 2193 counterfeit payment instrument; penalties.—

2194 (2) (a) It is unlawful to counterfeit a payment instrument  
 2195 with the intent to defraud a financial institution, account  
 2196 holder, or any other person or organization or for a person to  
 2197 have any counterfeit payment instrument in such person's  
 2198 possession with the intent to defraud a financial institution,  
 2199 account holder, or any other person or organization. Any person  
 2200 who violates this subsection commits a felony of the third



2201 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2202 775.084.

2203 Section 41. Subsections (5) through (10) of section  
 2204 847.011, Florida Statutes, are renumbered as subsections (6)  
 2205 through (11), respectively, and a new subsection (5) is added to  
 2206 that section, to read:

2207 847.011 Prohibition of certain acts in connection with  
 2208 obscene, lewd, etc., materials; penalty.—

2209 (5) (a) 1. A person may not knowingly sell, lend, give away,  
 2210 distribute, transmit, show, or transmute; offer to sell, lend,  
 2211 give away, distribute, transmit, show, or transmute; have in his  
 2212 or her possession, custody, or control with the intent to sell,  
 2213 lend, give away, distribute, transmit, show, or transmute; or  
 2214 advertise in any manner an obscene, child-like sex doll.

2215 2.a. Except as provided in sub-subparagraph b., a person  
 2216 who violates this paragraph commits a felony of the third  
 2217 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2218 775.084.

2219 b. A person who is convicted of violating this paragraph a  
 2220 second or subsequent time commits a felony of the second degree,  
 2221 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2222 (b) 1. A person who knowingly has in his or her possession,  
 2223 custody, or control an obscene, child-like sex doll commits a  
 2224 misdemeanor of the first degree, punishable as provided in s.  
 2225 775.082 or s. 775.083.

2226           2. A person who is convicted of violating this paragraph a  
 2227 second or subsequent time commits a felony of the third degree,  
 2228 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2229           Section 42. Section 849.01, Florida Statutes, is amended  
 2230 to read:

2231           849.01 Keeping gambling houses, etc.—Whoever by herself or  
 2232 himself, her or his servant, clerk or agent, or in any other  
 2233 manner has, keeps, exercises or maintains a gaming table or  
 2234 room, or gaming implements or apparatus, or house, booth, tent,  
 2235 shelter or other place for the purpose of gaming or gambling or  
 2236 in any place of which she or he may directly or indirectly have  
 2237 charge, control or management, either exclusively or with  
 2238 others, procures, suffers or permits any person to play for  
 2239 money or other valuable thing at any game whatever, whether  
 2240 heretofore prohibited or not, commits ~~shall be guilty of a~~  
 2241 misdemeanor ~~felony~~ of the second ~~third~~ degree, punishable as  
 2242 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

2243           Section 43. Subsections (6) and (7) and paragraphs (c) and  
 2244 (d) of subsection (8) of section 877.112, Florida Statutes, are  
 2245 amended to read:

2246           877.112 Nicotine products and nicotine dispensing devices;  
 2247 prohibitions for minors; penalties; civil fines; signage  
 2248 requirements; preemption.—

2249           (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR  
 2250 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any

2251 person under 18 years of age to knowingly possess any nicotine  
2252 product or a nicotine dispensing device. Any person under 18  
2253 years of age who violates this subsection commits a noncriminal  
2254 violation as defined in s. 775.08(3), punishable by:

2255 (a) For a first violation, 16 hours of community service  
2256 or, instead of community service, a \$25 fine. In addition, the  
2257 person must attend a school-approved anti-tobacco and nicotine  
2258 program, if locally available; or

2259 (b) For a second or subsequent violation within 12 weeks  
2260 after ~~of~~ the first violation, a \$25 fine. ~~or~~

2261 ~~(c) For a third or subsequent violation within 12 weeks of~~  
2262 ~~the first violation, the court must direct the Department of~~  
2263 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
2264 ~~suspend or revoke the person's driver license or driving~~  
2265 ~~privilege, as provided in s. 322.056.~~

2266

2267 Any second or subsequent violation not within the 12-week time  
2268 period after the first violation is punishable as provided for a  
2269 first violation.

2270 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for  
2271 any person under 18 years of age to misrepresent his or her age  
2272 or military service for the purpose of inducing a retailer of  
2273 nicotine products or nicotine dispensing devices or an agent or  
2274 employee of such retailer to sell, give, barter, furnish, or  
2275 deliver any nicotine product or nicotine dispensing device, or

2276 to purchase, or attempt to purchase, any nicotine product or  
 2277 nicotine dispensing device from a person or a vending machine.  
 2278 Any person under 18 years of age who violates this subsection  
 2279 commits a noncriminal violation as defined in s. 775.08(3),  
 2280 punishable by:

2281 (a) For a first violation, 16 hours of community service  
 2282 or, instead of community service, a \$25 fine and, in addition,  
 2283 the person must attend a school-approved anti-tobacco and  
 2284 nicotine program, if available; or

2285 (b) For a second violation within 12 weeks of the first  
 2286 violation, a \$25 fine. ~~or~~

2287 ~~(c) For a third or subsequent violation within 12 weeks of~~  
 2288 ~~the first violation, the court must direct the Department of~~  
 2289 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
 2290 ~~suspend or revoke the person's driver license or driving~~  
 2291 ~~privilege, as provided in s. 322.056.~~

2292  
 2293 Any second or subsequent violation not within the 12-week time  
 2294 period after the first violation is punishable as provided for a  
 2295 first violation.

2296 (8) PENALTIES FOR MINORS.—

2297 (c) If a person under 18 years of age is found by the  
 2298 court to have committed a noncriminal violation under this  
 2299 section and that person has failed to complete community  
 2300 service, pay the fine as required by paragraph (6) (a) or

2301 paragraph (7) (a), or attend a school-approved anti-tobacco and  
 2302 nicotine program, if locally available, the court may ~~must~~  
 2303 direct the Department of Highway Safety and Motor Vehicles to  
 2304 withhold issuance of or suspend the driver license or driving  
 2305 privilege of that person for 30 consecutive days.

2306 (d) If a person under 18 years of age is found by the  
 2307 court to have committed a noncriminal violation under this  
 2308 section and that person has failed to pay the applicable fine as  
 2309 required by paragraph (6) (b) or paragraph (7) (b), the court may  
 2310 ~~must~~ direct the Department of Highway Safety and Motor Vehicles  
 2311 to withhold issuance of or suspend the driver license or driving  
 2312 privilege of that person for 45 consecutive days.

2313 Section 44. Paragraph (c) of subsection (1) of section  
 2314 893.135, Florida Statutes, is amended to read:

2315 893.135 Trafficking; mandatory sentences; suspension or  
 2316 reduction of sentences; conspiracy to engage in trafficking.—

2317 (1) Except as authorized in this chapter or in chapter 499  
 2318 and notwithstanding the provisions of s. 893.13:

2319 (c)1. A person who knowingly sells, purchases,  
 2320 manufactures, delivers, or brings into this state, or who is  
 2321 knowingly in actual or constructive possession of, 4 grams or  
 2322 more of any morphine, opium, hydromorphone, or any salt,  
 2323 derivative, isomer, or salt of an isomer thereof, including  
 2324 heroin, as described in s. 893.03(1) (b), (2) (a), (3) (c)3., or  
 2325 (3) (c)4., or 4 grams or more of any mixture containing any such

2326 substance, but less than 30 kilograms of such substance or  
 2327 mixture, commits a felony of the first degree, which felony  
 2328 shall be known as "trafficking in illegal drugs," punishable as  
 2329 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
 2330 quantity involved:

2331 a. Is 4 grams or more, but less than 14 grams, such person  
 2332 shall be sentenced to a mandatory minimum term of imprisonment  
 2333 of 3 years and shall be ordered to pay a fine of \$50,000.

2334 b. Is 14 grams or more, but less than 28 grams, such  
 2335 person shall be sentenced to a mandatory minimum term of  
 2336 imprisonment of 15 years and shall be ordered to pay a fine of  
 2337 \$100,000.

2338 c. Is 28 grams or more, but less than 30 kilograms, such  
 2339 person shall be sentenced to a mandatory minimum term of  
 2340 imprisonment of 25 years and shall be ordered to pay a fine of  
 2341 \$500,000.

2342 2. A person who knowingly sells, purchases, manufactures,  
 2343 delivers, or brings into this state, or who is knowingly in  
 2344 actual or constructive possession of, 28 ~~14~~ grams or more of  
 2345 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
 2346 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28 ~~14~~  
 2347 grams or more of any mixture containing any such substance,  
 2348 commits a felony of the first degree, which felony shall be  
 2349 known as "trafficking in hydrocodone," punishable as provided in  
 2350 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

2351 a. Is 28 ~~14~~ grams or more, but less than 50 ~~28~~ grams, such  
 2352 person shall be sentenced to a mandatory minimum term of  
 2353 imprisonment of 3 years and shall be ordered to pay a fine of  
 2354 \$50,000.

2355 b. Is 50 ~~28~~ grams or more, but less than 100 ~~50~~ grams,  
 2356 such person shall be sentenced to a mandatory minimum term of  
 2357 imprisonment of 7 years and shall be ordered to pay a fine of  
 2358 \$100,000.

2359 c. Is 100 ~~50~~ grams or more, but less than 300 ~~200~~ grams,  
 2360 such person shall be sentenced to a mandatory minimum term of  
 2361 imprisonment of 15 years and shall be ordered to pay a fine of  
 2362 \$500,000.

2363 d. Is 300 ~~200~~ grams or more, but less than 30 kilograms,  
 2364 such person shall be sentenced to a mandatory minimum term of  
 2365 imprisonment of 25 years and shall be ordered to pay a fine of  
 2366 \$750,000.

2367 3. A person who knowingly sells, purchases, manufactures,  
 2368 delivers, or brings into this state, or who is knowingly in  
 2369 actual or constructive possession of, 7 grams or more of  
 2370 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt  
 2371 thereof, or 7 grams or more of any mixture containing any such  
 2372 substance, commits a felony of the first degree, which felony  
 2373 shall be known as "trafficking in oxycodone," punishable as  
 2374 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
 2375 quantity involved:

2376 a. Is 7 grams or more, but less than 14 grams, such person  
 2377 shall be sentenced to a mandatory minimum term of imprisonment  
 2378 of 3 years and shall be ordered to pay a fine of \$50,000.

2379 b. Is 14 grams or more, but less than 25 grams, such  
 2380 person shall be sentenced to a mandatory minimum term of  
 2381 imprisonment of 7 years and shall be ordered to pay a fine of  
 2382 \$100,000.

2383 c. Is 25 grams or more, but less than 100 grams, such  
 2384 person shall be sentenced to a mandatory minimum term of  
 2385 imprisonment of 15 years and shall be ordered to pay a fine of  
 2386 \$500,000.

2387 d. Is 100 grams or more, but less than 30 kilograms, such  
 2388 person shall be sentenced to a mandatory minimum term of  
 2389 imprisonment of 25 years and shall be ordered to pay a fine of  
 2390 \$750,000.

2391 4.a. A person who knowingly sells, purchases,  
 2392 manufactures, delivers, or brings into this state, or who is  
 2393 knowingly in actual or constructive possession of, 4 grams or  
 2394 more of:

2395 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2396 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2397 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2398 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

2399 (V) A fentanyl derivative, as described in s.

2400 893.03(1)(a)62.;



2401 (VI) A controlled substance analog, as described in s.  
 2402 893.0356, of any substance described in sub-sub-subparagraphs  
 2403 (I)-(V); or  
 2404 (VII) A mixture containing any substance described in sub-  
 2405 sub-subparagraphs (I)-(VI),  
 2406  
 2407 commits a felony of the first degree, which felony shall be  
 2408 known as "trafficking in fentanyl," punishable as provided in s.  
 2409 775.082, s. 775.083, or s. 775.084.  
 2410 b. If the quantity involved under sub-subparagraph a.:  
 2411 (I) Is 4 grams or more, but less than 14 grams, such  
 2412 person shall be sentenced to a mandatory minimum term of  
 2413 imprisonment of 3 years, and shall be ordered to pay a fine of  
 2414 \$50,000.  
 2415 (II) Is 14 grams or more, but less than 28 grams, such  
 2416 person shall be sentenced to a mandatory minimum term of  
 2417 imprisonment of 15 years, and shall be ordered to pay a fine of  
 2418 \$100,000.  
 2419 (III) Is 28 grams or more, such person shall be sentenced  
 2420 to a mandatory minimum term of imprisonment of 25 years, and  
 2421 shall be ordered to pay a fine of \$500,000.  
 2422 5. A person who knowingly sells, purchases, manufactures,  
 2423 delivers, or brings into this state, or who is knowingly in  
 2424 actual or constructive possession of, 30 kilograms or more of  
 2425 any morphine, opium, oxycodone, hydrocodone, codeine,

2426 hydromorphone, or any salt, derivative, isomer, or salt of an  
 2427 isomer thereof, including heroin, as described in s.  
 2428 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
 2429 more of any mixture containing any such substance, commits the  
 2430 first degree felony of trafficking in illegal drugs. A person  
 2431 who has been convicted of the first degree felony of trafficking  
 2432 in illegal drugs under this subparagraph shall be punished by  
 2433 life imprisonment and is ineligible for any form of  
 2434 discretionary early release except pardon or executive clemency  
 2435 or conditional medical release under s. 947.149. However, if the  
 2436 court determines that, in addition to committing any act  
 2437 specified in this paragraph:

2438       a. The person intentionally killed an individual or  
 2439 counseled, commanded, induced, procured, or caused the  
 2440 intentional killing of an individual and such killing was the  
 2441 result; or

2442       b. The person's conduct in committing that act led to a  
 2443 natural, though not inevitable, lethal result,  
 2444  
 2445 such person commits the capital felony of trafficking in illegal  
 2446 drugs, punishable as provided in ss. 775.082 and 921.142. A  
 2447 person sentenced for a capital felony under this paragraph shall  
 2448 also be sentenced to pay the maximum fine provided under  
 2449 subparagraph 1.

2450       6. A person who knowingly brings into this state 60

2451 kilograms or more of any morphine, opium, oxycodone,  
 2452 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
 2453 isomer, or salt of an isomer thereof, including heroin, as  
 2454 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
 2455 60 kilograms or more of any mixture containing any such  
 2456 substance, and who knows that the probable result of such  
 2457 importation would be the death of a person, commits capital  
 2458 importation of illegal drugs, a capital felony punishable as  
 2459 provided in ss. 775.082 and 921.142. A person sentenced for a  
 2460 capital felony under this paragraph shall also be sentenced to  
 2461 pay the maximum fine provided under subparagraph 1.

2462 Section 45. Effective upon becoming a law, section 900.05,  
 2463 Florida Statutes, is amended to read:

2464 900.05 Criminal justice data collection.—

2465 (1) LEGISLATIVE FINDINGS AND INTENT.—It is the intent of  
 2466 the Legislature to create a model of uniform criminal justice  
 2467 data collection by requiring local and state criminal justice  
 2468 agencies to report complete, accurate, and timely data, and  
 2469 making such data available to the public. The Legislature finds  
 2470 that it is an important state interest to implement a uniform  
 2471 data collection process and promote criminal justice data  
 2472 transparency.

2473 (2) DEFINITIONS.—As used in this section, the term:

2474 (a) "Annual felony caseload" means the yearly caseload of  
 2475 each full-time state attorney and assistant state attorney, ~~or~~

2476 public defender and assistant public defender, or conflict  
2477 regional counsel and assistant conflict regional counsel for  
2478 cases assigned to the circuit criminal division, based on the  
2479 number of felony cases reported to the Supreme Court under s.  
2480 25.075. The term does not include the appellate caseload of a  
2481 public defender, ~~or~~ assistant public defender, conflict regional  
2482 counsel, or assistant conflict regional counsel. Cases reported  
2483 pursuant to this term must be associated with a case number, and  
2484 each case number must only be reported once regardless of the  
2485 number of attorney assignments that occur during the course of  
2486 litigation. The caseload shall be calculated on June 30th and  
2487 reported once at the beginning of the reporting agency's fiscal  
2488 year.

2489 (b) "Annual felony conflict caseload" means the total  
2490 number of felony cases the public defender or office of criminal  
2491 conflict regional counsel has withdrawn from in the previous  
2492 calendar year. The caseload shall be calculated on June 30th and  
2493 reported once at the beginning of reporting agency's fiscal  
2494 year.

2495 (c) ~~(b)~~ "Annual misdemeanor caseload" means the yearly  
2496 caseload of each full-time state attorney and assistant state  
2497 attorney, ~~or~~ public defender and assistant public defender, or  
2498 conflict regional counsel and assistant conflict regional  
2499 counsel for cases assigned to the county criminal division,  
2500 based on the number of misdemeanor cases reported to the Supreme

2501 Court under s. 25.075. The term does not include the appellate  
2502 caseload of a public defender, ~~or~~ assistant public defender,  
2503 conflict regional counsel, or assistant conflict regional  
2504 counsel. Cases reported pursuant to this term must be associated  
2505 with a case number, and each case number must only be reported  
2506 once regardless of the number of attorney assignments that occur  
2507 during the course of litigation. The caseload shall be  
2508 calculated on June 30th and reported once at the beginning of  
2509 the reporting agency's fiscal year.

2510 (d) "Annual misdemeanor conflict caseload" means the total  
2511 number of misdemeanor cases the public defender or office of  
2512 criminal conflict regional counsel has withdrawn from in the  
2513 previous calendar year. The caseload shall be calculated on June  
2514 30th and reported once at the beginning of the reporting  
2515 agency's fiscal year.

2516 (e) ~~(e)~~ "Attorney assignment date" means the date a court-  
2517 appointed attorney is assigned to the case or, if privately  
2518 retained, the date an attorney files a notice of appearance with  
2519 the clerk of court.

2520 (f) ~~(d)~~ "Attorney withdrawal date" means the date the court  
2521 removes court-appointed counsel from a case or, for a privately  
2522 retained attorney, the date a motion to withdraw is granted by  
2523 the court.

2524 (g) ~~(e)~~ "Case number" means the uniform case identification  
2525 number assigned by the clerk of court to a criminal case.

2526        (h)~~(f)~~ "Case status" means whether a case is open, active,  
2527 inactive, closed, reclosed, or reopened due to a violation of  
2528 probation or community control.

2529        (i)~~(g)~~ "Charge description" means the statement of the  
2530 conduct that is alleged to have been violated, the associated  
2531 statutory section establishing such conduct as criminal, and the  
2532 misdemeanor or felony classification that is provided for in the  
2533 statutory section alleged to have been violated.

2534        (j) "Charge disposition" means the final adjudication for  
2535 each charged crime, including, but not limited to, dismissal by  
2536 state attorney, dismissal by judge, acquittal, no contest plea,  
2537 guilty plea, or guilty finding at trial.

2538        (k)~~(h)~~ "Charge modifier" means an aggravating circumstance  
2539 of an alleged crime that enhances or reclassifies a charge to a  
2540 more serious misdemeanor or felony offense level.

2541        (l)~~(i)~~ "Concurrent or consecutive sentence flag" means an  
2542 indication that a defendant is serving another sentence  
2543 concurrently or consecutively in addition to the sentence for  
2544 which data is being reported.

2545        (m)~~(j)~~ "Daily number of correctional officers" means the  
2546 number of full-time, part-time, and auxiliary correctional  
2547 officers who are actively providing supervision, protection,  
2548 care, custody, and control of inmates in a county detention  
2549 facility or state correctional institution or facility each day.

2550        (n)~~(k)~~ "Defense attorney type" means whether the attorney

2551 is a public defender, regional conflict counsel, or other  
2552 counsel court-appointed for the defendant; the attorney is  
2553 privately retained by the defendant; or the defendant is  
2554 represented pro se.

2555 (o)~~(l)~~ "Deferred prosecution or pretrial diversion  
2556 agreement date" means the date an agreement ~~a contract~~ is signed  
2557 by the parties regarding a defendant's admission into a deferred  
2558 prosecution or pretrial diversion program.

2559 (p)~~(m)~~ "Deferred prosecution or pretrial diversion hearing  
2560 date" means each date that a hearing, including a status  
2561 hearing, is held on a case that is in a deferred prosecution or  
2562 pretrial diversion program, if applicable.

2563 (q)~~(n)~~ "Disciplinary violation and action" means any  
2564 conduct performed by an inmate in violation of the rules of a  
2565 county detention facility or state correctional institution or  
2566 facility that results in the initiation of disciplinary  
2567 proceedings by the custodial entity and the consequences of such  
2568 disciplinary proceedings.

2569 (r)~~(o)~~ "Disposition date" means the date of final  
2570 judgment, adjudication, adjudication withheld, dismissal, or  
2571 nolle prosequi for the case and if different dates apply, the  
2572 disposition dates of each charge.

2573 (s) "Disposition type" means the manner in which the  
2574 charge was closed, including final judgment, adjudication,  
2575 adjudications withheld, dismissal, or nolle prosequi.

2576        ~~(t)-(p)~~ "Domestic violence flag" means an indication that a  
 2577 filed charge involves domestic violence as defined in s. 741.28.

2578        ~~(u)-(q)~~ "Gang affiliation flag" means an indication that a  
 2579 defendant is involved in or associated with a criminal gang as  
 2580 defined in s. 874.03 at the time of the current offense.

2581        ~~(v)-(r)~~ "Gain-time credit earned" means a credit of time  
 2582 awarded to an inmate in a county detention facility in  
 2583 accordance with s. 951.21 ~~s. 951.22~~ or a state correctional  
 2584 institution or facility in accordance with s. 944.275.

2585        ~~(w)-(s)~~ "Habitual offender flag" means an indication that a  
 2586 defendant is a habitual felony offender as defined in s. 775.084  
 2587 or a habitual misdemeanor offender as defined in s. 775.0837.

2588        ~~(x)~~ "Habitual violent felony offender flag" means an  
 2589 indication that a defendant is a habitual violent felony  
 2590 offender as defined in s. 775.084.

2591        ~~(t)~~ "~~Judicial transfer date~~" ~~means a date on which a~~  
 2592 ~~defendant's case is transferred to another court or presiding~~  
 2593 ~~judge.~~

2594        ~~(y)-(u)~~ "Number of contract attorneys representing indigent  
 2595 defendants for the office of the public defender" means the  
 2596 number of attorneys hired on a temporary basis, by contract, to  
 2597 represent indigent clients who were appointed a public defender,  
 2598 whereby the public defender withdraws from the case due to a  
 2599 conflict of interest.

2600        ~~(z)-(v)~~ "Pretrial release violation flag" means an



2601 indication that the defendant has violated the terms of his or  
2602 her pretrial release.

2603 (aa) ~~(w)~~ "Prior incarceration within the state" means any  
2604 prior history of a defendant's incarceration ~~defendant being~~  
2605 ~~incarcerated in a county detention facility or Florida~~ state  
2606 correctional institution or facility.

2607 (bb) "Prison releasee reoffender flag" means an indication  
2608 that the defendant is a prison releasee reoffender as defined in  
2609 s. 775.082 or any other statute.

2610 (cc) ~~(y)~~ "Sexual offender flag" means an indication that a  
2611 defendant was ~~is~~ required to register as a sexual predator as  
2612 defined in s. 775.21 or as a sexual offender as defined in s.  
2613 943.0435.

2614 (dd) ~~(\*)~~ "Tentative release date" means the anticipated  
2615 date that an inmate will be released from incarceration after  
2616 the application of adjustments for any gain-time earned or  
2617 credit for time served.

2618 (ee) "Three-time violent felony offender flag" means an  
2619 indication that the defendant is a three-time violent felony  
2620 offender as defined in s. 775.084 or any other statute.

2621 (ff) "Violent career criminal flag" means an indication  
2622 that the defendant is a violent career criminal as defined in s.  
2623 775.084 or any other statute.

2624 (3) DATA COLLECTION AND REPORTING. ~~Beginning January 1,~~  
2625 ~~2019,~~ An entity required to collect data in accordance with this

2626 subsection shall collect the specified data and ~~required of the~~  
 2627 ~~entity on a biweekly basis. Each entity shall report it the data~~  
 2628 ~~collected~~ in accordance with this subsection to the Department  
 2629 of Law Enforcement on a monthly basis.

2630 (a) Clerk of the court.—Each clerk of court shall collect  
 2631 the following data for each criminal case:

2632 1. Case number.

2633 2. Date that the alleged offense occurred.

2634 ~~3. County in which the offense is alleged to have~~  
 2635 ~~occurred.~~

2636 3.4. Date the defendant is taken into physical custody by  
 2637 a law enforcement agency or is issued a notice to appear on a  
 2638 criminal charge, ~~if such date is different from the date the~~  
 2639 ~~offense is alleged to have occurred.~~

2640 4. Whether the case originated by a notice to appear.

2641 5. Date that the criminal prosecution of a defendant is  
 2642 formally initiated ~~through the filing, with the clerk of the~~  
 2643 ~~court, of an information by the state attorney or an indictment~~  
 2644 ~~issued by a grand jury.~~

2645 6. Arraignment date.

2646 7. Attorney appointment ~~assignment~~ date.

2647 8. Attorney withdrawal date.

2648 9. Case status.

2649 10. Charge disposition.

2650 ~~11.10.~~ Disposition date and disposition type.

- 2651        ~~12.11.~~ Information related to each defendant, including:
- 2652            a. Identifying information, including name, known aliases,
- 2653        date of birth, ~~age,~~ race, ~~or~~ ethnicity, and gender.
- 2654            b. Zip code of last known address ~~primary residence.~~
- 2655            c. Primary language.
- 2656            d. Citizenship.
- 2657            e. Immigration status, if applicable.
- 2658            f. Whether the defendant has been found ~~by a court~~ to be
- 2659        indigent under ~~pursuant to~~ s. 27.52.
- 2660        ~~13.12.~~ Information related to the ~~formal~~ charges filed
- 2661        against the defendant, including:
- 2662            a. Charge description.
- 2663            b. Charge modifier description and statute, if applicable.
- 2664            c. Drug type for each drug charge, if known.
- 2665            d. Qualification for a flag designation as defined in this
- 2666        section, including a domestic violence flag, gang affiliation
- 2667        flag, sexual offender flag, habitual offender flag, habitual
- 2668        violent felony offender flag, ~~or~~ pretrial release violation
- 2669        flag, prison releasee reoffender flag, three-time violent felony
- 2670        offender flag, or violent career criminal flag.
- 2671        ~~14.13.~~ Information related to bail or bond and pretrial
- 2672        release determinations, including the dates of any such
- 2673        determinations:
- 2674            a. Pretrial release determination made at a first
- 2675        appearance hearing that occurs within 24 hours of arrest,

2676 including any ~~all~~ monetary and nonmonetary ~~conditions of~~  
 2677 release.

2678 b. Modification of bail or bond conditions made by a court  
 2679 having jurisdiction to try the defendant or, in the absence of  
 2680 the judge of the trial court, by the circuit court, including  
 2681 modifications to any monetary and nonmonetary ~~conditions of~~  
 2682 release.

2683 c. Cash bail or bond payment, including whether the  
 2684 defendant utilized a bond agent to post a surety bond.

2685 d. Date defendant is released on bail, bond, or pretrial  
 2686 release for the current case.

2687 e. Bail or bond revocation due to a new offense, a failure  
 2688 to appear, or a violation of the terms of bail or bond, if  
 2689 applicable.

2690 ~~15.14.~~ Information related to court dates and dates of  
 2691 motions and appearances, including:

2692 a. Date of any court appearance and the type of proceeding  
 2693 scheduled for each date reported.

2694 b. Date of any failure to appear in court, if applicable.

2695 c. Deferred prosecution or pretrial diversion hearing, if  
 2696 applicable.

2697 ~~e. Judicial transfer date, if applicable.~~

2698 d. Each scheduled trial date.

2699 e. Date that a defendant files a notice to participate in  
 2700 discovery.

2701 f. Speedy trial motion date and each hearing date ~~dates~~,  
 2702 if applicable.

2703 g. Dismissal motion date and each hearing date ~~dates~~, if  
 2704 applicable.

2705 ~~16.15.~~ Defense attorney type.

2706 ~~17.16.~~ Information related to sentencing, including:

2707 a. Date that a court enters a sentence against a  
 2708 defendant.

2709 b. Charge sentenced to, including charge sequence number  
 2710 ~~and~~, charge description, ~~statute, type, and charge class~~  
 2711 ~~severity~~.

2712 c. Sentence type and length imposed by the court in the  
 2713 current case, reported in years, months, and days, including,  
 2714 but not limited to, the total duration of incarceration  
 2715 ~~imprisonment~~ in a county detention facility or state  
 2716 correctional institution or facility, and conditions of  
 2717 probation or community control supervision.

2718 d. Amount of time served in custody by the defendant  
 2719 related to each charge ~~the reported criminal case~~ that is  
 2720 credited at the time of disposition of the charge ~~case~~ to reduce  
 2721 the imposed ~~actual~~ length of time the defendant will serve on  
 2722 the term of incarceration ~~imprisonment~~ that is ordered by the  
 2723 court at disposition.

2724 e. Total amount of court costs ~~fees~~ imposed by the court  
 2725 at ~~the disposition of the case~~ disposition.

2726 ~~f. Outstanding balance of the defendant's court fees~~  
 2727 ~~imposed by the court at disposition of the case.~~

2728 ~~f.g.~~ Total amount of fines imposed by the court at ~~the~~  
 2729 ~~disposition of the case~~ disposition.

2730 ~~h. Outstanding balance of the defendant's fines imposed by~~  
 2731 ~~the court at disposition of the case.~~

2732 ~~g.i.~~ Restitution amount ordered at sentencing, including  
 2733 ~~the amount collected by the court and the amount paid to the~~  
 2734 ~~victim, if applicable.~~

2735 ~~j. Digitized sentencing scoresheet prepared in accordance~~  
 2736 ~~with s. 921.0024.~~

2737 ~~18.17.~~ The sentencing judge ~~number of judges~~ or magistrate  
 2738 ~~magistrates, or the equivalent~~ their equivalents, hearing  
 2739 ~~eases in circuit or county criminal divisions of the~~  
 2740 ~~circuit court. Judges or magistrates, or their equivalents,~~  
 2741 ~~who solely hear appellate cases from the county criminal~~  
 2742 ~~division are not to be reported under this subparagraph.~~

2743 (b) State attorney.—Each state attorney shall collect the  
 2744 following data:

2745 1. Information related to a human victim of a criminal  
 2746 offense, including:

2747 a. Identifying information of the victim, including race,  
 2748 ~~or~~ ethnicity, gender, and age at the time of the offense.

2749 b. Relationship to the offender, if any.

2750 2. Number of full-time prosecutors.

- 2751 3. Number of part-time prosecutors.
- 2752 4. Annual felony caseload.
- 2753 5. Annual misdemeanor caseload.
- 2754 6. Disposition of each referred charge, such as filed,
- 2755 declined, or diverted ~~Any charge referred to the state attorney~~
- 2756 ~~by a law enforcement agency related to an episode of criminal~~
- 2757 ~~activity.~~
- 2758 7. Number of cases in which a no-information was filed.
- 2759 8. Information related to each defendant, including:
- 2760 a. Each charge referred to the state attorney by a law
- 2761 enforcement agency or sworn complainant related to an episode of
- 2762 criminal activity.
- 2763 b. Case number, name, and date of birth.
- 2764 ~~c.~~ b. Drug type for each drug charge, if applicable.
- 2765 d. Deferred prosecution or pretrial diversion agreement
- 2766 date, if applicable.
- 2767 (c) Public defender.—Each public defender shall collect
- 2768 the following data ~~for each criminal case:~~
- 2769 1. Number of full-time public defenders.
- 2770 2. Number of part-time public defenders.
- 2771 3. Number of contract attorneys representing indigent
- 2772 defendants for the office of the public defender.
- 2773 4. Annual felony caseload.
- 2774 5. Annual felony conflict caseload.
- 2775 ~~6.5.~~ Annual misdemeanor caseload.

2776            7. Annual misdemeanor conflict caseload.

2777            (d) County detention facility.—The administrator of each

2778 county detention facility shall collect the following data:

2779            1. Maximum capacity for the county detention facility.

2780            2. Weekly admissions to the county detention facility for

2781 a revocation of probation or community control.

2782            3. Weekly admissions to the county detention facility for

2783 a revocation of pretrial release.

2784            ~~4.3.~~ Daily population of the county detention facility,

2785 including the specific number of inmates in the custody of the

2786 county that:

2787            a. Are awaiting case disposition.

2788            b. Have been sentenced by a court to a term of

2789 incarceration ~~imprisonment~~ in the county detention facility.

2790            c. Have been sentenced by a court to a term of

2791 imprisonment with the Department of Corrections and who are

2792 awaiting transportation to the department.

2793            d. Have a federal detainer, ~~or~~ are awaiting disposition of

2794 a case in federal court, or are awaiting other federal court

2795 disposition.

2796            ~~5.4.~~ Information related to each inmate, including:

2797            a. Identifying information, including name, date of birth,

2798 race, ethnicity, gender, case number, and identification number

2799 assigned by the county detention facility.

2800            ~~b.a.~~ Date when an inmate ~~a defendant~~ is processed and



2801 booked into the county detention facility subsequent to an  
2802 arrest for a new violation of law or for a violation of  
2803 probation, ~~or~~ pretrial release, or community control.

2804 ~~c.b.~~ Reason why an inmate ~~a defendant~~ is processed and  
2805 booked into the county detention facility, including if it is  
2806 ~~for~~ a new law violation, or a violation of probation, ~~or~~  
2807 pretrial release, or community control.

2808 ~~d.e.~~ Qualification for a flag designation as defined in  
2809 this section, including domestic violence flag, gang affiliation  
2810 flag, habitual offender flag, habitual violent felony offender  
2811 flag, pretrial release violation flag, ~~or~~ sexual offender flag,  
2812 prison releasee reoffender flag, three-time violent felony  
2813 offender flag, or violent career criminal flag.

2814 ~~6.5.~~ Total population of the county detention facility at  
2815 year-end. This data must include the same specified  
2816 classifications as subparagraph ~~4.3.~~

2817 ~~7.6.~~ Per diem rate for a county detention facility bed.

2818 ~~8.7.~~ Daily number of correctional officers for the county  
2819 detention facility.

2820 ~~9.8.~~ Annual county detention facility budget. This  
2821 information only needs to be reported once annually at the  
2822 beginning of the county's fiscal year.

2823 ~~10.9.~~ Annual revenue generated for the county from the  
2824 temporary incarceration of federal defendants or inmates.

2825 (e) Department of Corrections.—The Department of

2826 Corrections shall collect the following data:

2827 1. Information related to each inmate, including:

2828 a. Identifying information, including name, date of birth,

2829 race, ~~or~~ ethnicity, gender, case number, and identification

2830 number assigned by the department.

2831 ~~b. Number of children.~~

2832 b.e. Highest education level, ~~including any vocational~~

2833 ~~training.~~

2834 ~~c.d.~~ Date the inmate was admitted to the custody of the

2835 department for his or her current incarceration.

2836 ~~d.e.~~ Current institution placement and the security level

2837 assigned to the institution.

2838 ~~e.f.~~ Custody level assignment.

2839 ~~f.g.~~ Qualification for a flag designation as defined in

2840 this section, including sexual offender flag, habitual offender

2841 flag, habitual violent felony offender flag, prison releasee

2842 reoffender flag, three-time violent felony offender flag,

2843 violent career criminal flag, gang affiliation flag, or

2844 concurrent or consecutive sentence flag.

2845 ~~g.h.~~ County that committed the prisoner to the custody of

2846 the department.

2847 ~~h.i.~~ Whether the reason for admission to the department is

2848 for a new conviction or a violation of probation, community

2849 control, or parole. For an admission for a probation, community

2850 control, or parole violation, the department shall report

2851 whether the violation was technical or based on a new violation  
 2852 of law.

2853 ~~i.j.~~ Specific statutory citation for which the inmate was  
 2854 committed to the department, including, for an inmate convicted  
 2855 of drug trafficking under s. 893.135, the statutory citation for  
 2856 each specific drug trafficked.

2857 ~~j.k.~~ Length of sentence ~~or concurrent or consecutive~~  
 2858 ~~sentences~~ served.

2859 k. Length of concurrent or consecutive sentences served.

2860 l. Tentative release date.

2861 m. Gain time earned under ~~in accordance with~~ s. 944.275.

2862 n. Prior incarceration within the state.

2863 o. Disciplinary violation and action.

2864 p. Participation in rehabilitative or educational programs  
 2865 while in the custody of the department.

2866 q. Digitized sentencing scoresheet prepared in accordance  
 2867 with s. 921.0024.

2868 2. Information about each state correctional institution  
 2869 or facility, including:

2870 a. Budget for each state correctional institution or  
 2871 facility.

2872 b. Daily prison population of all inmates incarcerated in  
 2873 a state correctional institution or facility.

2874 c. Daily number of correctional officers for each state  
 2875 correctional institution or facility.

2876           3. Information related to persons supervised by the  
 2877 department on probation or community control, including:  
 2878           a. Identifying information for each person supervised by  
 2879 the department on probation or community control, including ~~his~~  
 2880 ~~or her~~ name, date of birth, race, ~~or~~ ethnicity, gender sex, case  
 2881 number, and department-assigned case number.  
 2882           b. Length of probation or community control sentence  
 2883 imposed and amount of time that has been served on such  
 2884 sentence.  
 2885           c. Projected termination date for probation or community  
 2886 control.  
 2887           d. Revocation of probation or community control due to a  
 2888 violation, including whether the revocation is due to a  
 2889 technical violation of the conditions of supervision or ~~from the~~  
 2890 commission of a new law violation.  
 2891           4. Per diem rates for:  
 2892           a. Prison bed.  
 2893           b. Probation.  
 2894           c. Community control.  
 2895  
 2896 This information only needs to be reported once annually at the  
 2897 time the most recent per diem rate is published.  
 2898           (f) Justice Administrative Commission.—The Justice  
 2899 Administrative Commission shall collect the following data:  
 2900           1. Number of private registry attorneys representing

2901 indigent adult defendants.

2902 2. Annual felony caseload assigned to private registry

2903 contract attorneys.

2904 3. Annual misdemeanor caseload assigned to private

2905 registry contract attorneys.

2906 (g) Criminal conflict regional counsel.—Each office of

2907 criminal conflict regional counsel shall report the following

2908 data:

2909 1. Number of full-time assistant conflict regional counsel

2910 handling criminal cases.

2911 2. Number of part-time assistant conflict regional counsel

2912 handling criminal cases.

2913 3. Number of contract attorneys representing indigent

2914 adult defendants.

2915 4. Annual felony caseload assigned to contract attorneys.

2916 5. Annual misdemeanor caseload assigned to contract

2917 attorneys.

2918 6. Annual felony conflict caseload.

2919 7. Annual misdemeanor conflict caseload.

2920 8. Annual felony caseload declined or not accepted by

2921 criminal conflict regional counsel due to lack of qualified

2922 assistant regional counsel or due to excessive caseload.

2923 9. Annual misdemeanor caseload declined or not accepted by

2924 criminal conflict regional counsel due to lack of qualified

2925 assistant conflict regional counsel or due to excessive

2926 caseload.

2927 (4) DATA PUBLICLY AVAILABLE. ~~Beginning January 1, 2019,~~  
 2928 The Department of Law Enforcement shall publish datasets in its  
 2929 possession in a modern, open, electronic format that is machine-  
 2930 readable and readily accessible by the public on the  
 2931 department's website. The published data must be searchable, at  
 2932 a minimum, by ~~each~~ data elements, county, circuit, and unique  
 2933 identifier. Beginning March 1, 2019, the department shall  
 2934 publish any ~~begin publishing the~~ data received under subsection  
 2935 (3) ~~(2)~~ in the same modern, open, electronic format that is  
 2936 machine-readable and readily accessible to the public on the  
 2937 department's website. The department shall publish all data  
 2938 received under subsection (3) ~~(2)~~ no later than January 1, 2020,  
 2939 and monthly thereafter ~~July 1, 2019.~~

2940 (5) NONCOMPLIANCE.—Notwithstanding any other provision of  
 2941 law, an entity required to collect and transmit data under  
 2942 subsection (3) ~~paragraph (3)(a) or paragraph (3)(d)~~ which does  
 2943 not comply with the requirements of this section is ineligible  
 2944 to receive funding from the General Appropriations Act, any  
 2945 state grant program administered by the Department of Law  
 2946 Enforcement, or any other state agency for 5 years after the  
 2947 date of noncompliance.

2948 (6) CONFIDENTIALITY.—Information collected by a reporting  
 2949 agency which is exempt and confidential upon collection remains  
 2950 exempt and confidential when reported to the Department of Law

2951 Enforcement under this section.

2952 Section 46. Subsection (3) of section 921.0022, Florida  
 2953 Statutes, is amended to read:

2954 921.0022 Criminal Punishment Code; offense severity  
 2955 ranking chart.—

2956 (3) OFFENSE SEVERITY RANKING CHART

2957 (a) LEVEL 1

2958

Florida	Felony	
Statute	Degree	Description

2959

24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
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2960

212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
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2961

212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than <u>\$1,000</u> <del>\$300</del> but less than \$20,000.
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2962

316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
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2963

2964	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
2965	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
2966	320.26 (1) (a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.
2967	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
2968	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
2969	322.212 (5) (a)	3rd	False application for driver license or identification card.
	414.39 (3) (a)	3rd	Fraudulent misappropriation of



			public assistance funds by employee/official, value more than \$200.
2970	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
2971	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than <u>\$1,000</u> <del>\$300</del> .
2972	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
2973	<del>562.27 (1)</del>	<del>3rd</del>	<del>Possess still or still apparatus.</del>
2974	713.69	3rd	Tenant removes property upon which lien has accrued, value more than <u>\$1,000</u> <del>\$50</del> .
2975	812.014 (3) (c)	3rd	Petit theft (3rd conviction);

2976			theft of any property not specified in subsection (2).
	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
2977			
	815.04 (5) (a)	3rd	Offense against intellectual property (i.e., computer programs, data).
2978			
	817.52 (2)	3rd	Hiring with intent to defraud, motor vehicle services.
2979			
	817.569 (2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
2980			
	826.01	3rd	Bigamy.
2981			
	828.122 (3)	3rd	Fighting or baiting animals.
2982			
	831.04 (1)	3rd	Any erasure, alteration, etc.,

2983			of any replacement deed, map, plat, or other document listed in s. 92.28.
2984	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
2985	832.041(1)	3rd	Stopping payment with intent to defraud \$150 or more.
2986	832.05(2)(b) & (4)(c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
2987	838.15(2)	3rd	Commercial bribe receiving.
2988	838.16	3rd	Commercial bribery.
2989	843.18	3rd	Fleeing by boat to elude a law enforcement officer.

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2990	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
2991	<del>849.01</del>	<del>3rd</del>	<del>Keeping gambling house.</del>
2992	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.
2993	849.23	3rd	Gambling-related machines; "common offender" as to property rights.
2994	849.25 (2)	3rd	Engaging in bookmaking.
2995	860.08	3rd	Interfere with a railroad signal.
2996	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
	893.13 (2) (a) 2.	3rd	Purchase of cannabis.

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2997	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
2998	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.
2999			
3000	(b) LEVEL 2		
3001			
	Florida	Felony	
	Statute	Degree	Description
3002	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
3003	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
3004	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.
3005	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
3006	590.28 (1)	3rd	Intentional burning of lands.
3007	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
3008	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
3009	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
3010	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling;

3011	810.09(2)(e)	3rd	facilitating or furthering burglary.
3012	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
3013	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; <u>\$1,000</u> <del>\$300</del> or more but less than \$5,000.
3014	812.014(2)(d)	3rd	Grand theft, 3rd degree; <u>\$1,000</u> <del>\$100</del> or more but less than <u>\$5,000</u> <del>\$300</del> , taken from unenclosed curtilage of dwelling.
3015	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
3016	817.234(1)(a)2.	3rd	False statement in support of insurance claim.

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3017	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
3018	817.52 (3)	3rd	Failure to redeliver hired vehicle.
3019	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
3020	817.60 (5)	3rd	Dealing in credit cards of another.
3021	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
3022	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.



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3023	831.01	3rd	Forgery.
3024	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
3025	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
3026	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
3027	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
3028	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
3029	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
3030			

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3031	843.08	3rd	False personation.
	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs other than cannabis.
3032	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
3033			
3034	(c) LEVEL 3		
3035			
	Florida	Felony	
	Statute	Degree	Description
3036	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
3037	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
3038	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.

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3039	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
3040	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
3041	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
3042	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
3043	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
3044	327.35(2)(b)	3rd	Felony BUI.
3045	328.05(2)	3rd	Possess, sell, or counterfeit

3046	328.07(4)	3rd	fictitious, stolen, or fraudulent titles or bills of sale of vessels.
3047	376.302(5)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
3048	379.2431 (1)(e)5.	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
3049	379.2431 (1)(e)6.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
			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.
3050	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
3051	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
3052	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
3053	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
3054	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using

			materially false/misleading information.
3055	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
3056	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
3057	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
3058	697.08	3rd	Equity skimming.
3059	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
3060	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
3061	806.10 (2)	3rd	Interferes with or assaults

3062			firefighter in performance of duty.
	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
3063			
	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
3064			
	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
3065			
	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
3066			
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
3067			
	817.233	3rd	Burning to defraud insurer.
3068			

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3069	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
3070	817.234(11) (a)	3rd	Insurance fraud; property value less than \$20,000.
3071	817.236	3rd	Filing a false motor vehicle insurance application.
3072	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
3073	817.413 (2)	3rd	Sale of used goods as new.
3074	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument <u>with intent to defraud.</u>
	831.29	2nd	Possession of instruments for counterfeiting driver licenses



3075	838.021 (3) (b)	3rd	or identification cards. Threatens unlawful harm to public servant.
3076	843.19	3rd	Injure, disable, or kill police dog or horse.
3077	860.15 (3)	3rd	Overcharging for repairs and parts.
3078	870.01 (2)	3rd	Riot; inciting or encouraging.
3079	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).
3080	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

3081	893.13(1)(f)2.	2nd	within 1,000 feet of university.
3082	893.13(4)(c)	3rd	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.
3083	893.13(6)(a)	3rd	Use or hire of minor; deliver to minor other controlled substances.
3084	893.13(7)(a)8.	3rd	Possession of any controlled substance other than felony possession of cannabis.
3085	893.13(7)(a)9.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
			Obtain or attempt to obtain

3086	893.13(7)(a)10.	3rd	controlled substance by fraud, forgery, misrepresentation, etc.
3087	893.13(7)(a)11.	3rd	Affix false or forged label to package of controlled substance.
3088	893.13(8)(a)1.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
3089	893.13(8)(a)2.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
			Employ a trick or scheme in the practitioner's practice to assist a patient, other person,

3090	893.13(8)(a)3.	3rd	or owner of an animal in obtaining a controlled substance.
3091	893.13(8)(a)4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
3092	918.13(1)(a)	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
3093	944.47 (1)(a)1. & 2.	3rd	Alter, destroy, or conceal investigation evidence.
3094	944.47(1)(c)	2nd	Introduce contraband to correctional facility.
			Possess contraband while upon the grounds of a correctional institution.

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3095	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
3096			
3097	(d) LEVEL 4		
3098			
	Florida Statute	Felony Degree	Description
3099			
	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
3100			
	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
3101			
	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell,

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			contraband prescription drugs.
3102			
	517.07 (1)	3rd	Failure to register securities.
3103			
	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
3104			
	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
3105			
	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
3106			
	784.075	3rd	Battery on detention or commitment facility staff.
3107			
	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
3108			
	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
3109			
	784.081 (3)	3rd	Battery on specified official

			or employee.
3110	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
3111	784.083 (3)	3rd	Battery on code inspector.
3112	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
3113	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
3114	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
3115	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering

			to designated person.
3116	787.07	3rd	Human smuggling.
3117	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
3118	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
3119	790.115(2)(c)	3rd	Possessing firearm on school property.
3120	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
3121	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
3122	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied



			conveyance; unarmed; no assault or battery.
3123	810.06	3rd	Burglary; possession of tools.
3124	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
3125	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
3126	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; <u>specified items</u> , <del>a will,</del> <del>firearm,</del> <del>motor vehicle,</del> <del>livestock,</del> <del>etc.</del>
3127	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
3128	817.505 (4) (a)	3rd	Patient brokering.
3129	817.563 (1)	3rd	Sell or deliver substance other than controlled substance

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			agreed upon, excluding s. 893.03(5) drugs.
3130	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
3131	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
3132	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
3133	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
3134	837.02 (1)	3rd	Perjury in official proceedings.
3135	837.021 (1)	3rd	Make contradictory statements in official proceedings.
3136	838.022	3rd	Official misconduct.

3137	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
3138	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
3139	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
3140	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
3141	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
3142	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.

3143	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
3144	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5. drugs).
3145	914.14 (2)	3rd	Witnesses accepting bribes.
3146	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
3147	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
3148	918.12	3rd	Tampering with jurors.
3149	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
3150			

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3151	<u>944.47 (1) (a) 6.</u>	<u>3rd</u>	<u>Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.</u>
3152	<u>951.22 (1) (h), (j), &amp; (k)</u>	<u>3rd</u>	<u>Intoxicating drug, cellular telephone, or instrumentality to aid escape introduced into county detention facility.</u>
3153	(e) LEVEL 5		
3154	Florida Statute	Felony Degree	Description
3155	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
3156	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
3157	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
3158			

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3159	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
3160	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is

3161			suspended or revoked.
3162	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
3163	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
3164	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
3165	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
3166	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
3167	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

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3168	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
3169	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
3170	790.01 (2)	3rd	Carrying a concealed firearm.
3171	790.162	2nd	Threat to throw or discharge destructive device.
3172	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
3173	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
3174	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.



3175	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
3176	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
3177	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
3178	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
3179	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
3180	812.015 (8)	3rd	Retail theft; property stolen is valued at <u>\$1,000</u> <del>\$300</del> or more and one or more specified acts.

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3181	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
3182	812.131 (2) (b)	3rd	Robbery by sudden snatching.
3183	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
3184	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
3185	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
3186	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services

3187	817.611 (2) (a)	2nd	received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
3188	817.625 (2) (b)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
3189	825.1025 (4)	3rd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
3190	827.071 (4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
3191			Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

3192	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
3193	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
3194	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
3195	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
3196	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.

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3197	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
3198	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
3199	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
3200	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
3201	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).
	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.

3202

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.

3203

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

3204			religious services or a specified business site.
	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
3205			
	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
3206			
	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
3207			
3208	(f) LEVEL 6		
3209			
	Florida	Felony	
	Statute	Degree	Description
3210			
	316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily

3211			injury.
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
3212			
	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
3213			
	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
3214			
	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
3215			
	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
3216			
	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
3217			



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3218	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
3219	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
3220	784.041	3rd	Felony battery; domestic battery by strangulation.
3221	784.048 (3)	3rd	Aggravated stalking; credible threat.
3222	784.048 (5)	3rd	Aggravated stalking of person under 16.
3223	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
3224	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
3225	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.

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3226	784.081 (2)	2nd	Aggravated assault on specified official or employee.
3227	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
3228	784.083 (2)	2nd	Aggravated assault on code inspector.
3229	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
3230	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
3231	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or

			violence to state property, or use of firearms in violent manner.
3232	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
3233	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
3234	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
3235	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.
3236	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
3237	806.031 (2)	2nd	Arson resulting in great bodily

			harm to firefighter or any other person.
3238	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
3239	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
3240	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
3241	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
3242	812.015 (9) (a)	2nd	Retail theft; property stolen <u>\$1,000</u> <del>\$300</del> or more; second or subsequent conviction.
3243	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.

3244	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
3245	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
3246	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
3247	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
3248	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
3249	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
3250	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
3251			

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3252	827.03 (2) (c)	3rd	Abuse of a child.
3253	827.03 (2) (d)	3rd	Neglect of a child.
3254	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
3255	836.05	2nd	Threats; extortion.
3256	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
3257	843.12	3rd	Aids or assists person to escape.
3258	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
	847.012	3rd	Knowingly using a minor in the production of materials harmful

			to minors.
3259	847.0135 (2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
3260	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
3261	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.
3262	944.40	2nd	Escapes.
3263	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
3264	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.





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3273	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
3274	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
3275	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
3276	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
3277	456.065 (2)	3rd	Practicing a health care profession without a license.
3278	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
	458.327 (1)	3rd	Practicing medicine without a

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			license.
3279	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
3280	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
3281	461.012 (1)	3rd	Practicing podiatric medicine without a license.
3282	462.17	3rd	Practicing naturopathy without a license.
3283	463.015 (1)	3rd	Practicing optometry without a license.
3284	464.016 (1)	3rd	Practicing nursing without a license.
3285	465.015 (2)	3rd	Practicing pharmacy without a license.
3286	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.

3287	467.201	3rd	Practicing midwifery without a license.
3288	468.366	3rd	Delivering respiratory care services without a license.
3289	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
3290	483.901 (7)	3rd	Practicing medical physics without a license.
3291	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
3292	484.053	3rd	Dispensing hearing aids without a license.
3293	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.
3294	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.
3295	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
3296	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
3297	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
3298	775.21 (10) (b)	3rd	Sexual predator working where

3299			children regularly congregate.
	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
3300			
	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
3301			
	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
3302			
	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
3303			
	782.072	2nd	Killing of a human being by the

			operation of a vessel in a reckless manner (vessel homicide).
3304	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
3305	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
3306	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
3307	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
3308	784.048 (7)	3rd	Aggravated stalking; violation of court order.
3309	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
3310	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility

3311			staff.
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
3312			
	784.081 (1)	1st	Aggravated battery on specified official or employee.
3313			
	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
3314			
	784.083 (1)	1st	Aggravated battery on code inspector.
3315			
	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
3316			
	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.
3317			

3318	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
3319	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
3320	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
3321	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
3322	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.



3323	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
3324	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.
3325	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
3326	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
3327	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
3328	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.
3329	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
3330	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
3331	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
3332	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
3333	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.

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3334	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
3335	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
3336	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
3337	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
3338	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
3339	812.0145 (2) (a)	1st	Theft from person 65 years of

			age or older; \$50,000 or more.
3340	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
3341	812.131 (2) (a)	2nd	Robbery by sudden snatching.
3342	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
3343	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
3344	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
3345	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
3346	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.

3347	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
3348	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
3349	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
3350	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
3351	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.

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3352	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
3353	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
3354	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
3355	838.015	2nd	Bribery.
3356	838.016	2nd	Unlawful compensation or reward for official behavior.
3357	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
3358	838.22	2nd	Bid tampering.
3359	843.0855 (2)	3rd	Impersonation of a public officer or employee.

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3360	843.0855 (3)	3rd	Unlawful simulation of legal process.
3361	843.0855 (4)	3rd	Intimidation of a public officer or employee.
3362	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
3363	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
3364	872.06	2nd	Abuse of a dead human body.
3365	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
3366	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

3367

893.13(1)(c)1.            1st    Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

3368

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.

3369

893.13(4)(a)              1st    Use or hire of minor; deliver to minor other controlled substance.



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3370	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
3371	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
3372	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
3373	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, <u>28</u> <del>14</del> grams or more, less than <u>50</u> <del>28</del> grams.
3374	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, <u>50</u> <del>28</del> grams or more, less than <u>100</u> <del>50</del> grams.
3375	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
3376			

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3377	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
3378	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
3379	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
3380	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
3381	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
3382	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
	893.135	1st	Trafficking in gamma-

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3383	(1) (h) 1.a.		hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.a.		1 kilogram or more, less than 5 kilograms.
3384			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.a.		10 grams or more, less than 200 grams.
3385			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.a.		cannabinoids, 280 grams or more, less than 500 grams.
3386			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.b.		cannabinoids, 500 grams or more, less than 1,000 grams.
3387			
	893.135	1st	Trafficking in n-benzyl
	(1) (n) 2.a.		phenethylamines, 14 grams or more, less than 100 grams.
3388			
	893.1351(2)	2nd	Possession of place for

			trafficking in or manufacturing of controlled substance.
3389	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
3390	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
3391	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
3392	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
3393	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting

3394	943.0435 (13)	3rd	requirements.
3395	943.0435 (14)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3396	944.607 (9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
3397	944.607 (10) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
3398	944.607 (12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
			Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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3399	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
3400	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
3401	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
3402	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
3403			
3404	(h) LEVEL 8		
3405			
	Florida	Felony	Description

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	Statute	Degree	
3406	316.193 (3) (c) 3. a.	2nd	DUI manslaughter.
3407	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
3408	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
3409	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
3410	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
3411	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.
3412	560.125 (5) (b)	2nd	Money transmitter business by

3413	655.50 (10) (b) 2.	2nd	<p>unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.</p> <p>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</p>
3414	777.03 (2) (a)	1st	<p>Accessory after the fact, capital felony.</p>
3415	782.04 (4)	2nd	<p>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.</p>
3416	782.051 (2)	1st	<p>Attempted felony murder while</p>



3417	782.071(1)(b)	1st	perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
3418	782.072(2)	1st	Committing vehicular homicide and failing to render aid or give information.
3419	787.06(3)(a)1.	1st	Committing vessel homicide and failing to render aid or give information.
3420	787.06(3)(b)	1st	Human trafficking for labor and services of a child.
3421	787.06(3)(c)2.	1st	Human trafficking using coercion for commercial sexual activity of an adult.
3422	787.06(3)(e)1.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
			Human trafficking for labor and services by the transfer or

3423	787.06(3)(f)2.	1st	transport of a child from outside Florida to within the state.
3424	790.161(3)	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
3425	794.011(5)(a)	1st	Discharging a destructive device which results in bodily harm or property damage.
3426	794.011(5)(b)	2nd	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
			Sexual battery; victim and offender 18 years of age or older; offender does not use

3427	794.011 (5) (c)	2nd	physical force likely to cause serious injury.
3428	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
3429	794.08 (3)	2nd	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
3430	800.04 (4) (b)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
3431	800.04 (4) (c)	1st	Lewd or lascivious battery.
			Lewd or lascivious battery; offender 18 years of age or

			older; prior conviction for specified sex offense.
3432	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
3433	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
3434	810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
3435	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
3436	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
3437	812.13(2)(b)	1st	Robbery with a weapon.
3438	812.135(2)(c)	1st	Home-invasion robbery, no

			firearm, deadly weapon, or other weapon.
3439	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
3440	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
3441	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
3442	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
3443	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.

3444	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
3445	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
3446	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
3447	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
3448	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
3449	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
3450			

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3451	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
3452	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
3453	860.16	1st	Aircraft piracy.
3454	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) .
3455	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .
3456	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .

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3457	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
3458	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
3459	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
3460	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, <u>100</u> <del>50</del> grams or more, less than <u>300</u> <del>200</del> grams.
3461	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
3462	893.135 (1) (c) 4.b. (II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
	893.135	1st	Trafficking in phencyclidine,



3463	(1) (d) 1.b.	1st	200 grams or more, less than 400 grams.
3464	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
3465	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, 28 grams or more, less than 200 grams.
3466	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
3467	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
3468	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
	893.135	1st	Trafficking in Phenethylamines,

3469	(1) (k) 2.b.		200 grams or more, less than 400 grams.
3470	893.135 (1) (m) 2.c.	1st	Trafficking in synthetic cannabinoids, 1,000 grams or more, less than 30 kilograms.
3471	893.135 (1) (n) 2.b.	1st	Trafficking in n-benzyl phenethylamines, 100 grams or more, less than 200 grams.
3472	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
3473	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
3474	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

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3475	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
3476	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
3477	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
3478	(i) LEVEL 9		
3479	Florida	Felony	
3480	Statute	Degree	Description
3481	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
	327.35	1st	BUI manslaughter; failing to

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3482	(3) (c) 3.b.		render aid or give information.
	409.920	1st	Medicaid provider fraud;
3483	(2) (b) 1.c.		\$50,000 or more.
	499.0051 (8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
3484			
	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
3485			
	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
3486			
	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
3487			
	775.0844	1st	Aggravated white collar crime.

3488	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
3489	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.
3490	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
3491	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
3492	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
3493			

3494	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
3495	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
3496	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.
3497	787.06 (3) (c) 1.	1st	Human trafficking for labor and services of an unauthorized alien child.
	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.

3498	787.06(3)(f)1.	1st,PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
3499	790.161	1st	Attempted capital destructive device offense.
3500	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
3501	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
3502	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
3503	794.011(4)(a)	1st,PBL	Sexual battery, certain circumstances; victim 12 years

3504	794.011(4)(b)	1st	of age or older but younger than 18 years; offender 18 years or older.
3505	794.011(4)(c)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
3506	794.011(4)(d)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
3507	794.011(8)(b)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
3508			Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.



3509	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
3510	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
3511	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
3512	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
3513	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
3514	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document;

3515	817.535 (5) (b)	1st	defendant is incarcerated or under supervision.
3516	817.568 (7)	2nd, PBL	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
3517	827.03 (2) (a)	1st	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.
3518	847.0145 (1)	1st	Aggravated child abuse.
3519	847.0145 (2)	1st	Selling, or otherwise transferring custody or control, of a minor.
			Purchasing, or otherwise obtaining custody or control,

			of a minor.
3520	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.
3521	893.135	1st	Attempted capital trafficking offense.
3522	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
3523	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
3524	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
3525	893.135	1st	Trafficking in hydrocodone, <u>300</u>

3526	(1) (c) 2.d.		<del>200</del> grams or more, less than 30 kilograms.
	893.135	1st	Trafficking in oxycodone, 100
	(1) (c) 3.d.		grams or more, less than 30 kilograms.
3527			
	893.135	1st	Trafficking in fentanyl, 28
			grams or more.
	(1) (c) 4.b. (III)		
3528			
	893.135	1st	Trafficking in phencyclidine,
	(1) (d) 1.c.		400 grams or more.
3529			
	893.135	1st	Trafficking in methaqualone, 25
	(1) (e) 1.c.		kilograms or more.
3530			
	893.135	1st	Trafficking in amphetamine, 200
	(1) (f) 1.c.		grams or more.
3531			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.c.		hydroxybutyric acid (GHB), 10
			kilograms or more.
3532			
	893.135	1st	Trafficking in 1,4-Butanediol,

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3533	(1) (j) 1.c.		10 kilograms or more.
3534	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
3535	893.135 (1) (m) 2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.
3536	893.135 (1) (n) 2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
3537	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
3538	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
3539	(j) LEVEL 10		
3540			

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	Florida Statute	Felony Degree	Description
3541	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
3542	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.
3543	782.07 (3)	1st	Aggravated manslaughter of a child.
3544	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
3545	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.
3546	787.06 (3) (g)	Life	Human trafficking for commercial sexual activity of a

3547 child under the age of 18 or  
 mentally defective or  
 incapacitated person.

3548 787.06(4) (a) Life Selling or buying of minors  
 into human trafficking.

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.

3549 812.135(2) (a) 1st, PBL Home-invasion robbery with  
 firearm or other deadly weapon.

3550 876.32 1st Treason against the state.

3551

3552 Section 47. Section 943.0578, Florida Statutes, is created  
 3553 to read:

3554 943.0578 Lawful Self-Defense Expunction.—

3555 (1) Notwithstanding the eligibility requirements defined  
 3556 in s. 943.0585(1) and (2), the department shall issue a  
 3557 certificate of eligibility for expunction under this section to  
 3558 a person who is the subject of a criminal history record if that

3559 person has obtained, and submitted to the department, on a form  
3560 provided by the department, a written, certified statement from  
3561 the appropriate state attorney or statewide prosecutor which  
3562 states whether an information, indictment, or other charging  
3563 document was not filed or was dismissed by the state attorney,  
3564 or dismissed by the court, because it was found that the person  
3565 acted in lawful self-defense pursuant to chapter 776.

3566 (2) Each petition to expunge a criminal history record  
3567 pursuant to this section must be accompanied by:

3568 (a) A valid certificate of eligibility for expunction  
3569 issued by the department pursuant to this section.

3570 (b) The petitioner's sworn statement attesting that the  
3571 petitioner is eligible for such an expunction to the best of his  
3572 or her knowledge or belief.

3573

3574 Any person who knowingly provides false information on such  
3575 sworn statement to the court commits a felony of the third  
3576 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
3577 775.084.

3578 (3) This section does not confer any right to the  
3579 expunction of a criminal history record, and any request for  
3580 expunction of a criminal history record may be denied at the  
3581 discretion of the court.

3582 (4) Section 943.0585(5) and (6) shall apply to expunction  
3583 ordered under this section.



3584           (5) The department shall adopt rules to establish  
 3585 procedures for applying for and issuing a certificate of  
 3586 eligibility for expunction under this section.

3587           Section 48. The catchline of section 943.0581, Florida  
 3588 Statutes, is amended, and the section is republished, to read:

3589           943.0581 Administrative expunction for arrests made  
 3590 contrary to law or by mistake.—

3591           (1) Notwithstanding any law dealing generally with the  
 3592 preservation and destruction of public records, the department  
 3593 may adopt a rule pursuant to chapter 120 for the administrative  
 3594 expunction of any nonjudicial record of an arrest of a minor or  
 3595 an adult made contrary to law or by mistake.

3596           (2) A law enforcement agency shall apply to the department  
 3597 in the manner prescribed by rule for the administrative  
 3598 expunction of any nonjudicial record of any arrest of a minor or  
 3599 an adult who is subsequently determined by the agency, at its  
 3600 discretion, or by the final order of a court of competent  
 3601 jurisdiction, to have been arrested contrary to law or by  
 3602 mistake.

3603           (3) An adult or, in the case of a minor child, the parent  
 3604 or legal guardian of the minor child, may apply to the  
 3605 department in the manner prescribed by rule for the  
 3606 administrative expunction of any nonjudicial record of an arrest  
 3607 alleged to have been made contrary to law or by mistake,  
 3608 provided that the application is supported by the endorsement of

3609 the head of the arresting agency or his or her designee or the  
3610 state attorney of the judicial circuit in which the arrest  
3611 occurred or his or her designee.

3612 (4) An application for administrative expunction shall  
3613 include the date and time of the arrest, the name of the person  
3614 arrested, the offender-based tracking system (OBTS) number, and  
3615 the crime or crimes charged. The application shall be on the  
3616 submitting agency's letterhead and shall be signed by the head  
3617 of the submitting agency or his or her designee.

3618 (5) If the person was arrested on a warrant, capias, or  
3619 pickup order, a request for an administrative expunction may be  
3620 made by the sheriff of the county in which the warrant, capias,  
3621 or pickup order was issued or his or her designee or by the  
3622 state attorney of the judicial circuit in which the warrant,  
3623 capias, or pickup order was issued or his or her designee.

3624 (6) An application or endorsement under this section is  
3625 not admissible as evidence in any judicial or administrative  
3626 proceeding and may not be construed in any way as an admission  
3627 of liability in connection with an arrest.

3628 Section 49. Section 943.0584, Florida Statutes, is created  
3629 to read:

3630 943.0584 Criminal history records ineligible for court-  
3631 ordered expunction or court-ordered sealing.-

3632 (1) As used in this section, the term "conviction" means a  
3633 determination of guilt which is the result of a trial or the

3634 entry of a plea of guilty or nolo contendere, regardless of  
3635 whether adjudication is withheld, or if the defendant was a  
3636 minor, a finding that the defendant committed or pled guilty or  
3637 nolo contendere to committing a delinquent act, regardless of  
3638 whether adjudication of delinquency is withheld.

3639 (2) A criminal history record is ineligible for a  
3640 certificate of eligibility for expunction or a court-ordered  
3641 expunction pursuant to s. 943.0585 or a certificate of  
3642 eligibility for sealing or a court-ordered sealing pursuant to  
3643 s. 943.059 if the record is a conviction, information,  
3644 indictment, notice to appear, or arrest for any of the following  
3645 offenses:

3646 (a) Sexual misconduct, as defined in s. 393.135, s.  
3647 394.4593, or s. 916.1075;

3648 (b) Illegal use of explosives, as defined in chapter 552;

3649 (c) Terrorism, as defined in s. 775.30;

3650 (d) Murder, as defined in s. 782.04, s. 782.065, or s.  
3651 782.09;

3652 (e) Manslaughter or homicide, as defined in s. 782.07, s.  
3653 782.071, or s. 782.072;

3654 (f) Assault, or battery as defined in ss. 784.011 and  
3655 784.03, respectively, of one family or household member by  
3656 another family or household member, as defined in s. 741.28(3);

3657 (g) Aggravated assault, as defined in s. 784.021;

3658 (h) Felony battery, domestic battery by strangulation or

3659 aggravated battery, as defined in s. 784.03, s. 784.041, or s.  
 3660 784.045;  
 3661 (i) Stalking or aggravated stalking, as defined in s.  
 3662 784.048;  
 3663 (j) Luring or enticing a child, as defined in s. 787.025;  
 3664 (k) Human trafficking, as defined in s. 787.06;  
 3665 (l) Kidnapping or false imprisonment, as defined in s.  
 3666 787.01 or s. 787.02;  
 3667 (m) Any offense defined in chapter 794;  
 3668 (n) Procuring a person under the age of 18 for  
 3669 prostitution, as defined in former s. 796.03;  
 3670 (o) Lewd or lascivious offenses committed upon or in the  
 3671 presence of persons less than 16 years of age, as defined in s.  
 3672 800.04;  
 3673 (p) Arson, as defined in s. 806.01;  
 3674 (q) Burglary of a dwelling, as defined in s. 810.02;  
 3675 (r) Voyeurism or video voyeurism, as defined in s. 810.14  
 3676 or s. 810.145;  
 3677 (s) Robbery or robbery by sudden snatching, as defined in  
 3678 s. 812.13 or s. 812.131;  
 3679 (t) Carjacking, as defined in s. 812.133;  
 3680 (u) Home invasion robbery, as defined in s. 812.135;  
 3681 (v) A violation of the Florida Communications Fraud Act,  
 3682 s. 817.034;  
 3683 (w) Abuse of an elderly person or disabled adult, or

3684 aggravated abuse of an elderly person or disabled adult, as  
 3685 defined in s. 825.102;  
 3686 (x) Lewd or lascivious offenses committed upon or in the  
 3687 presence of an elderly person or disabled person, as defined in  
 3688 s. 825.1025;  
 3689 (y) Child abuse or aggravated child abuse, as defined in  
 3690 s. 827.03;  
 3691 (z) Sexual performance by a child, as defined in s.  
 3692 827.071;  
 3693 (aa) Any offense defined in chapter 839;  
 3694 (bb) Certain acts in connection with obscenity, as defined  
 3695 in s. 847.0133;  
 3696 (cc) Any offense defined in s. 847.0135;  
 3697 (dd) Selling or buying of minors, as defined in s.  
 3698 847.0145;  
 3699 (ee) Aircraft piracy, as defined in s. 860.16;  
 3700 (ff) Manufacturing a controlled substance in violation of  
 3701 chapter 893;  
 3702 (gg) Drug trafficking, as defined in s. 893.135;  
 3703 (hh) Any violation specified as a predicate offense for  
 3704 registration as a sexual predator pursuant to s. 775.21, or  
 3705 sexual offender pursuant to s. 943.0435, without regard to  
 3706 whether that offense alone is sufficient to require such  
 3707 registration.  
 3708 Section 50. Section 943.0585, Florida Statutes, is amended

3709 to read:

3710 (Substantial rewording of section. See s. 943.0585, F.S.,  
3711 for present text.)

3712 943.0585 Court-ordered expunction of criminal history  
3713 records.—

3714 (1) ELIGIBILITY.—A person is eligible to petition a court  
3715 to expunge a criminal history record when:

3716 (a) An indictment, information, or other charging document  
3717 was not filed or issued in the case giving rise to the criminal  
3718 history record.

3719 (b) If an indictment, information, or other charging  
3720 document was filed or issued in the case giving rise to the  
3721 criminal history record, it was dismissed or nolle prosequi by  
3722 the state attorney or statewide prosecutor, or was dismissed by  
3723 a court of competent jurisdiction, or a judgment of acquittal  
3724 was rendered by a judge, or a verdict of not guilty was rendered  
3725 by a judge or jury.

3726 (c) The person is not seeking to expunge a criminal  
3727 history record that is ineligible for court-ordered expunction  
3728 pursuant to s. 943.0584.

3729 (d) The person has never, as of the date the application  
3730 for a certificate of expunction is filed, been adjudicated  
3731 guilty in this state of a criminal offense or been adjudicated  
3732 delinquent in this state for committing any felony or any of the  
3733 following misdemeanors, unless the record of such adjudication

3734 | of delinquency has been expunged pursuant to s. 943.0515:  
 3735 |       1. Assault, as defined in s. 784.011;  
 3736 |       2. Battery, as defined in s. 784.03;  
 3737 |       3. Assault on a law enforcement officer, a firefighter, or  
 3738 | other specified officers, as defined in s. 784.07(2)(a);  
 3739 |       4. Carrying a concealed weapon, as defined in s.  
 3740 | 790.01(1);  
 3741 |       5. Open carrying of a weapon, as defined in s. 790.053;  
 3742 |       6. Unlawful possession or discharge of a weapon or firearm  
 3743 | at a school-sponsored event or on school property, as defined in  
 3744 | s. 790.115;  
 3745 |       7. Unlawful use of destructive devices or bombs, as  
 3746 | defined in s. 790.1615(1);  
 3747 |       8. Unlawful possession of a firearm, as defined in s.  
 3748 | 790.22(5);  
 3749 |       9. Exposure of sexual organs, as defined in s. 800.03;  
 3750 |       10. Arson, as defined in s. 806.031(1);  
 3751 |       11. Petit theft, as defined in s. 812.014(3);  
 3752 |       12. Neglect of a child, as defined in s. 827.03(1)(e); or  
 3753 |       13. Cruelty to animals, as defined in s. 828.12(1).  
 3754 |       (e) The person has not been adjudicated guilty of, or  
 3755 | adjudicated delinquent for committing, any of the acts stemming  
 3756 | from the arrest or alleged criminal activity to which the  
 3757 | petition pertains.  
 3758 |       (f) The person is no longer under court supervision

3759 applicable to the disposition of arrest or alleged criminal  
3760 activity to which the petition to expunge pertains.

3761 (g) The person has never secured a prior sealing or  
3762 expunction of a criminal history record under this section, s.  
3763 943.0459, former s. 893.14, former s. 901.33, or former s.  
3764 943.058, unless expunction is sought of a criminal history  
3765 record previously sealed for 10 years pursuant to paragraph (h)  
3766 and the record is otherwise eligible for expunction.

3767 (h) The person has previously obtained a court order  
3768 sealing the criminal history record under this section, former  
3769 s. 893.14, former s. 901.33, or former s. 943.058 for a minimum  
3770 of 10 years because adjudication was withheld or because all  
3771 charges related to the arrest or alleged criminal activity to  
3772 which the petition to expunge pertains were not dismissed before  
3773 trial, without regard to whether the outcome of the trial was  
3774 other than an adjudication of guilt. The requirement for the  
3775 record to have previously been sealed for a minimum of 10 years  
3776 does not apply when a plea was not entered or all charges  
3777 related to the arrest or alleged criminal activity to which the  
3778 petition to expunge pertains were dismissed before trial or a  
3779 judgment of acquittal was rendered by a judge or a verdict of  
3780 not guilty was rendered by a judge or jury.

3781 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court  
3782 to expunge a criminal history record, a person seeking to  
3783 expunge a criminal history record shall apply to the department



3784 for a certificate of eligibility for expunction. The department  
3785 shall adopt rules to establish procedures for applying for and  
3786 issuing a certificate of eligibility for expunction.

3787 (a) The department shall issue a certificate of  
3788 eligibility for expunction to a person who is the subject of a  
3789 criminal history record if that person:

3790 1. Satisfies the eligibility criteria in paragraphs  
3791 (1) (a)-(h) and is not ineligible under s. 943.0584.

3792 2. Has submitted to the department a written certified  
3793 statement from the appropriate state attorney or statewide  
3794 prosecutor which confirms the criminal history record complies  
3795 with the criteria in paragraph (1) (a) or paragraph (1) (b) and  
3796 (c).

3797 3. Has submitted to the department a certified copy of the  
3798 disposition of the charge to which the petition to expunge  
3799 pertains.

3800 4. Remits a \$75 processing fee to the department for  
3801 placement in the Department of Law Enforcement Operating Trust  
3802 Fund, unless the executive director waives such fee.

3803 (b) A certificate of eligibility for expunction is valid  
3804 for 12 months after the date stamped on the certificate when  
3805 issued by the department. After that time, the petitioner must  
3806 reapply to the department for a new certificate of eligibility.  
3807 The petitioner's status and the law in effect at the time of the  
3808 renewal application determines the petitioner's eligibility.

3809 (3) PETITION.—Each petition to expunge a criminal history  
3810 record must be accompanied by:

3811 (a) A valid certificate of eligibility issued by the  
3812 department.

3813 (b) The petitioner's sworn statement that he or she:

3814 1. Satisfies the eligibility requirements for expunction  
3815 in subsection (1).

3816 2. Is eligible for expunction to the best of his or her  
3817 knowledge and does not have any other petition to seal or  
3818 expunge a criminal history record pending before any court.

3819  
3820 A person who knowingly provides false information on such sworn  
3821 statement commits a felony of the third degree, punishable as  
3822 provided in s. 775.082, s. 775.083, or s. 775.084.

3823 (4) COURT AUTHORITY.—

3824 (a) The courts of this state have jurisdiction over their  
3825 own procedures, including the maintenance, expunction, and  
3826 correction of judicial records containing criminal history  
3827 information to the extent that such procedures are not  
3828 inconsistent with the conditions, responsibilities, and duties  
3829 established by this section.

3830 (b) A court of competent jurisdiction may order a criminal  
3831 justice agency to expunge the criminal history record of a minor  
3832 or an adult who complies with the requirements of this section.  
3833 The court shall not order a criminal justice agency to expunge a

3834 criminal history record until the person seeking to expunge a  
3835 criminal history record has applied for and received a  
3836 certificate of eligibility under subsection (2).

3837 (c) The court may only order expunction of a criminal  
3838 history record pertaining to one arrest or one incident of  
3839 alleged criminal activity, except that the court may order the  
3840 expunction of a criminal history record pertaining to more than  
3841 one arrest if the additional arrests directly relate to the  
3842 original arrest. If the court intends to order the expunction of  
3843 records pertaining to such additional arrests, such intent must  
3844 be specified in the order. A criminal justice agency may not  
3845 expunge any record pertaining to such additional arrests if the  
3846 order to expunge does not articulate the intention of the court  
3847 to expunge a record pertaining to more than one arrest. This  
3848 section does not prevent the court from ordering the expunction  
3849 of only a portion of a criminal history record pertaining to one  
3850 arrest or one incident of alleged criminal activity.

3851 (d) Notwithstanding any law to the contrary, a criminal  
3852 justice agency may comply with laws, court orders, and official  
3853 requests of other jurisdictions relating to expunction,  
3854 correction, or confidential handling of criminal history records  
3855 or information derived therefrom.

3856 (e) This section does not confer any right to expunction  
3857 of any criminal history record, and any request for expunction  
3858 of a criminal history record may be denied at the sole

3859 discretion of the court.

3860 (5) PROCESSING OF A PETITION OR AN ORDER.—

3861 (a) In judicial proceedings under this section, a copy of  
3862 the completed petition to expunge shall be served upon the  
3863 appropriate state attorney or the statewide prosecutor and upon  
3864 the arresting agency; however, it is not necessary to make any  
3865 agency other than the state a party. The appropriate state  
3866 attorney or the statewide prosecutor and the arresting agency  
3867 may respond to the court regarding the completed petition to  
3868 expunge.

3869 (b) If relief is granted by the court, the clerk of the  
3870 court shall certify copies of the order to the appropriate state  
3871 attorney or the statewide prosecutor and the arresting agency.  
3872 The arresting agency shall forward the order to any other agency  
3873 to which the arresting agency disseminated the criminal history  
3874 record information to which the order pertains. The department  
3875 shall forward the order to expunge to the Federal Bureau of  
3876 Investigation. The clerk of the court shall certify a copy of  
3877 the order to any other agency which the records of the court  
3878 reflect has received the criminal history record from the court.

3879 (c) The department or any other criminal justice agency is  
3880 not required to act on an order to expunge entered by a court  
3881 when such order does not comply with the requirements of this  
3882 section. Upon receipt of such an order, the department must  
3883 notify the issuing court, the appropriate state attorney or

3884 statewide prosecutor, the petitioner or the petitioner's  
3885 attorney, and the arresting agency of the reason for  
3886 noncompliance. The appropriate state attorney or statewide  
3887 prosecutor shall take action within 60 days to correct the  
3888 record and petition the court to void the order. No cause of  
3889 action, including contempt of court, shall arise against any  
3890 criminal justice agency for failure to comply with an order to  
3891 expunge when the petitioner for such order failed to obtain the  
3892 certificate of eligibility as required by this section or such  
3893 order does not otherwise comply with the requirements of this  
3894 section.

3895 (6) EFFECT OF EXPUNCTION ORDER.—

3896 (a) Any criminal history record of a minor or an adult  
3897 which is ordered expunged by a court of competent jurisdiction  
3898 pursuant to this section must be physically destroyed or  
3899 obliterated by any criminal justice agency having custody of  
3900 such record; except that any criminal history record in the  
3901 custody of the department must be retained in all cases. A  
3902 criminal history record ordered expunged that is retained by the  
3903 department is confidential and exempt from the provisions of s.  
3904 119.07(1) and s. 24(a), Art. I of the State Constitution and not  
3905 available to any person or entity except upon order of a court  
3906 of competent jurisdiction. A criminal justice agency may retain  
3907 a notation indicating compliance with an order to expunge.

3908 (b) The person who is the subject of a criminal history

3909 record that is expunged under this section or under other  
3910 provisions of law, including former s. 893.14, former s. 901.33,  
3911 and former s. 943.058, may lawfully deny or fail to acknowledge  
3912 the arrests covered by the expunged record, except when the  
3913 subject of the record:

3914 1. Is a candidate for employment with a criminal justice  
3915 agency;

3916 2. Is a defendant in a criminal prosecution;

3917 3. Concurrently or subsequently petitions for relief under  
3918 this section, s. 943.0583, or s. 943.059;

3919 4. Is a candidate for admission to The Florida Bar;

3920 5. Is seeking to be employed or licensed by or to contract  
3921 with the Department of Children and Families, the Division of  
3922 Vocational Rehabilitation within the Department of Education,  
3923 the Agency for Health Care Administration, the Agency for  
3924 Persons with Disabilities, the Department of Health, the  
3925 Department of Elderly Affairs, or the Department of Juvenile  
3926 Justice or to be employed or used by such contractor or licensee  
3927 in a sensitive position having direct contact with children, the  
3928 disabled, or the elderly;

3929 6. Is seeking to be employed or licensed by the Department  
3930 of Education, any district school board, any university  
3931 laboratory school, any charter school, any private or parochial  
3932 school, or any local governmental entity that licenses child  
3933 care facilities;

3934 7. Is seeking to be licensed by the Division of Insurance  
3935 Agent and Agency Services within the Department of Financial  
3936 Services; or

3937 8. Is seeking to be appointed as a guardian pursuant to s.  
3938 744.3125.

3939 (c) Subject to the exceptions in paragraph (b), a person  
3940 who has been granted an expunction under this section, former s.  
3941 893.14, former s. 901.33, or former s. 943.058 may not be held  
3942 under any provision of law of this state to commit perjury or to  
3943 be otherwise liable for giving a false statement by reason of  
3944 such person's failure to recite or acknowledge an expunged  
3945 criminal history record.

3946 (d) Information relating to the existence of an expunged  
3947 criminal history record which is provided in accordance with  
3948 paragraph (a) is confidential and exempt from the provisions of  
3949 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
3950 except that the department shall disclose the existence of a  
3951 criminal history record ordered expunged to the entities set  
3952 forth in subparagraphs (b)1., 4., 5., 6., 7., and 8. for their  
3953 respective licensing, access authorization, and employment  
3954 purposes, and to criminal justice agencies for their respective  
3955 criminal justice purposes. It is unlawful for any employee of an  
3956 entity set forth in subparagraph (b)1., 4., 5., 6., 7., or 8. to  
3957 disclose information relating to the existence of an expunged  
3958 criminal history record of a person seeking employment, access

3959 authorization, or licensure with such entity or contractor,  
 3960 except to the person to whom the criminal history record relates  
 3961 or to persons having direct responsibility for employment,  
 3962 access authorization, or licensure decisions. Any person who  
 3963 violates this paragraph commits a misdemeanor of the first  
 3964 degree, punishable as provided in s. 775.082 or s. 775.083.

3965 Section 51. Section 943.059, Florida Statutes, is amended  
 3966 to read:

3967 (Substantial rewording of section. See s. 943.059, F.S.,  
 3968 for present text.)

3969 943.059 Court-ordered sealing of criminal history  
 3970 records.—

3971 (1) ELIGIBILITY.—A person is eligible to petition a court  
 3972 to seal a criminal history record when:

3973 (a) The criminal history record is not ineligible for  
 3974 court-ordered sealing under s. 943.0584;

3975 (b) The person has never, before the date the application  
 3976 for a certificate of eligibility is filed, been adjudicated  
 3977 guilty in this state of a criminal offense, or been adjudicated  
 3978 delinquent in this state for committing any felony or any of the  
 3979 following misdemeanor offenses, unless the record of such  
 3980 adjudication of delinquency has been expunged pursuant to s.  
 3981 943.0515:

3982 1. Assault, as defined in s. 784.011;

3983 2. Battery, as defined in s. 784.03;



- 3984        3. Assault on a law enforcement officer, a firefighter, or  
 3985 other specified officers, as defined in s. 784.07(2)(a);  
 3986        4. Carrying a concealed weapon, as defined in s.  
 3987 790.01(1);  
 3988        5. Open carrying of a weapon, as defined in s. 790.053;  
 3989        6. Unlawful possession or discharge of a weapon or firearm  
 3990 at a school-sponsored event or on school property, as defined in  
 3991 s. 790.115;  
 3992        7. Unlawful use of destructive devices or bombs, as  
 3993 defined in s. 790.1615(1);  
 3994        8. Unlawful possession of a firearm by a minor, as defined  
 3995 in s. 790.22(5);  
 3996        9. Exposure of sexual organs, as defined in s. 800.03;  
 3997        10. Arson, as defined in s. 806.031(1);  
 3998        11. Petit theft, as defined in s. 812.014(3);  
 3999        12. Neglect of a child, as defined in s. 827.03(1)(e); or  
 4000        13. Cruelty to animals, as defined in s. 828.12(10).  
 4001        (c) The person has not been adjudicated guilty of, or  
 4002 adjudicated delinquent for committing, any of the acts stemming  
 4003 from the arrest or alleged criminal activity to which the  
 4004 petition to seal pertains.  
 4005        (d) The person is no longer under court supervision  
 4006 applicable to the disposition of arrest or alleged criminal  
 4007 activity to which the petition to seal pertains.  
 4008        (e) The person has never secured a prior sealing or

4009 expunction of a criminal history record under this section, s.  
4010 943.0585, former s. 893.14, former s. 901.33, or former s.  
4011 943.058.

4012 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the  
4013 court to seal a criminal history record, a person seeking to  
4014 seal a criminal history record shall apply to the department for  
4015 a certificate of eligibility for sealing. The department shall  
4016 adopt rules relating to the application for and issuance of  
4017 certificates of eligibility for sealing.

4018 (a) The department shall issue a certificate of  
4019 eligibility for sealing to a person who is the subject of a  
4020 criminal history record if that person:

4021 1. Satisfies the eligibility criteria in paragraphs  
4022 (1) (a)-(e) and is not ineligible for court-ordered sealing under  
4023 s. 943.0584.

4024 2. Has submitted to the department a certified copy of the  
4025 disposition of charge to which the petition pertains.

4026 3. Remits a \$75 processing fee to the department for  
4027 placement in the Department of Law Enforcement Operating Trust  
4028 Fund, unless the executive directors waives such fee.

4029 (b) A certificate of eligibility for sealing is valid for  
4030 12 months after the date stamped on the certificate when issued  
4031 by the department. After that time, the petitioner must reapply  
4032 to the department for a new certificate of eligibility. The  
4033 status of the applicant and the law in effect at the time of the

4034 renewal application determines the petitioner's eligibility.

4035 (3) PETITION.—Each petition to a court to seal a criminal  
4036 history record is complete only when accompanied by:

4037 (a) A valid certificate of eligibility issued by the  
4038 department pursuant to this section.

4039 (b) The petitioner's sworn statement that the petitioner:

4040 1. Satisfies the eligibility requirements for sealing in  
4041 subsection (1).

4042 2. Is eligible for sealing to the best of his or her  
4043 knowledge and does not have any other petition to seal or  
4044 expunge a criminal history record pending before any court.

4045  
4046 Any person who knowingly provides false information on such  
4047 sworn statement to the court commits a felony of the third  
4048 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
4049 775.084.

4050 (4) COURT AUTHORITY.—

4051 (a) The courts of this state have jurisdiction over their  
4052 own procedures, including the maintenance, sealing, and  
4053 correction of judicial records containing criminal history  
4054 information to the extent that such procedures are not  
4055 inconsistent with the conditions, responsibilities, and duties  
4056 established by this section.

4057 (b) Any court of competent jurisdiction may order a  
4058 criminal justice agency to seal the criminal history record of a

4059 minor or an adult who complies with the requirements of this  
4060 section. The court shall not order a criminal justice agency to  
4061 seal a criminal history record until the person seeking to seal  
4062 a criminal history record has applied for and received a  
4063 certificate of eligibility pursuant to subsection (2).

4064 (c) The court may only order the sealing of a criminal  
4065 history record pertaining to one arrest or one incident of  
4066 alleged criminal activity, except the court may order the  
4067 sealing of a criminal history record pertaining to more than one  
4068 arrest if the additional arrests directly relate to the original  
4069 arrest. If the court intends to order the sealing of records  
4070 pertaining to such additional arrests, such intent must be  
4071 specified in the order. A criminal justice agency may not seal  
4072 any record pertaining to such additional arrests if the order to  
4073 seal does not articulate the intention of the court to seal a  
4074 record pertaining to more than one arrest. This section does not  
4075 prevent the court from ordering the sealing of only a portion of  
4076 a criminal history record pertaining to one arrest or one  
4077 incident of alleged criminal activity.

4078 (d) Notwithstanding any law to the contrary, a criminal  
4079 justice agency may comply with laws, court orders, and official  
4080 requests of other jurisdictions relating to sealing, correction,  
4081 or confidential handling of criminal history records or  
4082 information derived therefrom.

4083 (e) This section does not confer any right to the sealing

4084 of any criminal history record, and any request for sealing of a  
4085 criminal history record may be denied at the sole discretion of  
4086 the court.

4087 (5) PROCESSING OF A PETITION OR ORDER.—

4088 (a) In judicial proceedings under this section, a copy of  
4089 the completed petition to seal shall be served upon the  
4090 appropriate state attorney or the statewide prosecutor and upon  
4091 the arresting agency; however, it is not necessary to make any  
4092 agency other than the state a party. The appropriate state  
4093 attorney or the statewide prosecutor and the arresting agency  
4094 may respond to the court regarding the completed petition to  
4095 seal.

4096 (b) If relief is granted by the court, the clerk of the  
4097 court shall certify copies of the order to the appropriate state  
4098 attorney or the statewide prosecutor and the arresting agency.  
4099 The arresting agency is responsible for forwarding the order to  
4100 any other agency to which the arresting agency disseminated the  
4101 criminal history record information to which the order pertains.  
4102 The department shall forward the order to seal to the Federal  
4103 Bureau of Investigation. The clerk of the court shall certify a  
4104 copy of the order to any other agency which the records of the  
4105 court reflect has received the criminal history record from the  
4106 court.

4107 (c) The department or any other criminal justice agency is  
4108 not required to act on an order to seal entered by a court when

4109 such order does not comply with the requirements of this  
4110 section. Upon receipt of such an order, the department must  
4111 notify the issuing court, the appropriate state attorney or  
4112 statewide prosecutor, the petitioner or the petitioner's  
4113 attorney, and the arresting agency of the reason for  
4114 noncompliance. The appropriate state attorney or statewide  
4115 prosecutor shall take action within 60 days to correct the  
4116 record and petition the court to void the order. No cause of  
4117 action, including contempt of court, shall arise against any  
4118 criminal justice agency for failure to comply with an order to  
4119 seal when the petitioner for such order failed to obtain the  
4120 certificate of eligibility as required by this section or such  
4121 order does not otherwise comply with the requirements of this  
4122 section.

4123 (6) EFFECT OF ORDER.—

4124 (a) A criminal history record of a minor or an adult which  
4125 is ordered sealed by a court pursuant to this section is  
4126 confidential and exempt from the provisions of s. 119.07(1) and  
4127 s. 24(a), Art. I of the State Constitution and is available only  
4128 to the following persons:

- 4129 1. The subject of the record;
- 4130 2. The subject's attorney;
- 4131 3. Criminal justice agencies for their respective criminal  
4132 justice purposes, which include conducting a criminal history  
4133 background check for approval of firearms purchases or transfers

4134 as authorized by state or federal law;

4135 4. Judges in the state courts system for the purpose of  
4136 assisting them in their case-related decision making  
4137 responsibilities, as set forth in s. 943.053(5); or

4138 5. To those entities set forth in subparagraphs (b)1., 4.,  
4139 5., 6., 8., 9., and 10. for their respective licensing access  
4140 authorization and employment purposes.

4141 (b) The subject of the criminal history record sealed  
4142 under this section or under other provisions of law, including  
4143 former s. 893.14, former s. 901.33, and former s. 943.058, may  
4144 lawfully deny or fail to acknowledge the arrests covered by the  
4145 sealed record, except when the subject of the record:

4146 1. Is a candidate for employment with a criminal justice  
4147 agency;

4148 2. Is a defendant in a criminal prosecution;

4149 3. Concurrently or subsequently petitions for relief under  
4150 this section, s. 943.0583 or s. 943.0585;

4151 4. Is a candidate for admission to the Florida Bar;

4152 5. Is seeking to be employed or licensed by or to contract  
4153 with the Department of Children and Families, the Division of  
4154 Vocational Rehabilitation within the Department of Education,  
4155 the Agency for Health Care Administration, the Agency for  
4156 Persons with Disabilities, the Department of Health, the  
4157 Department of Elderly Affairs, or the Department of Juvenile  
4158 Justice or to be employed or used by such contractor or licensee

4159 in a sensitive position having direct contact with children, the  
4160 disabled, or the elderly;

4161 6. Is seeking to be employed or licensed by the Department  
4162 of Education, a district school board, a university laboratory  
4163 school, a charter school, a private or parochial school, or a  
4164 local governmental entity that licenses child care facilities;

4165 7. Is attempting to purchase a firearm from a licensed  
4166 importer, licensed manufacturer, or licensed dealer and is  
4167 subject to a criminal history check under state or federal law;

4168 8. Is seeking to be licensed by the Division of Insurance  
4169 Agent and Agency Services within the Department of Financial  
4170 Services;

4171 9. Is seeking to be appointed as a guardian pursuant to s.  
4172 744.3125; or

4173 10. Is seeking to be licensed by the Bureau of License  
4174 Issuance of the Division of Licensing within the Department of  
4175 Agriculture and Consumer Services to carry a concealed weapon or  
4176 concealed firearm. This subparagraph applies only in the  
4177 determination of an applicant's eligibility under s. 790.06.

4178 (c) Subject to the exceptions in paragraph (b), a person  
4179 who has been granted a sealing under this section, former s.  
4180 893.14, former s. 901.33, or former s. 943.058 may not be held  
4181 under any provision of law of this state to commit perjury or to  
4182 be otherwise liable for giving a false statement by reason of  
4183 such person's failure to recite or acknowledge a sealed criminal



4184 history record.

4185 (d) Information relating to the existence of a sealed  
4186 criminal record provided in accordance with paragraph (b) is  
4187 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
4188 of the State Constitution, except that the department shall  
4189 disclose the sealed criminal history record to the entities set  
4190 forth in subparagraphs (b)1., 4., 5., 6., 8., 9., and 10., for  
4191 their respective licensing, access authorization, and employment  
4192 purposes. An employee of an entity set forth in subparagraph  
4193 (b)1., 4., 5., 6., 8., 9., or 10. may not disclose information  
4194 relating to the existence of a sealed criminal history record of  
4195 a person seeking employment, access authorization, or licensure  
4196 with such entity or contractor, except to the person to whom the  
4197 criminal history record relates or to persons having direct  
4198 responsibility for employment, access authorization, or  
4199 licensure decisions. A person who violates this paragraph  
4200 commits a misdemeanor of the first degree, punishable as  
4201 provided in s. 775.082 or s. 775.083.

4202 Section 52. Section 943.0595, Florida Statutes, is created  
4203 to read:

4204 943.0595 AUTOMATIC SEALING OF CRIMINAL HISTORY RECORDS.—

4205 (1) RULEMAKING.—Notwithstanding any law dealing generally  
4206 with the preservation and destruction of public records, the  
4207 department shall adopt rules addressing the automatic sealing of  
4208 any criminal history record of a minor or adult described in

4209 this section.

4210 (2) ELIGIBILITY.—

4211 (a) The department shall automatically seal a criminal  
4212 history record that does not result from an indictment,  
4213 information, or other charging document for a forcible felony  
4214 defined in s. 776.08, when:

4215 1. An indictment, information, or other charging document  
4216 was not filed or issued in the case giving rise to the criminal  
4217 history record.

4218 2. An indictment, information, or other charging document  
4219 was filed in the case giving rise to the criminal history  
4220 record, but was dismissed or nolle prosequi by the state  
4221 attorney or statewide prosecutor, or was dismissed by a court of  
4222 competent jurisdiction. However, a person is not eligible for  
4223 automatic sealing under this section if the dismissal was  
4224 pursuant to s. 916.145 or s. 985.19.

4225 3. A not guilty verdict was rendered by a judge or jury.  
4226 However, a person is not eligible for automatic sealing under  
4227 this section if the defendant was found not guilty by reason of  
4228 insanity.

4229 4. A judgment of acquittal was rendered by a judge.

4230 (b) There is no limitation on the number of times a person  
4231 may obtain an automatic sealing for a criminal history record  
4232 described in paragraph (a).

4233 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

4234        (a) Upon the disposition of a criminal case resulting in a  
4235 criminal history record eligible for automatic sealing under  
4236 paragraph (2) (a), the clerk of the court shall transmit a  
4237 certified copy of the disposition of the criminal history record  
4238 to the department, which shall seal the criminal history record  
4239 upon receipt of the certified copy.

4240        (b) Automatic sealing of a criminal history record does  
4241 not require sealing by the court or other criminal justice  
4242 agencies, or that such record be surrendered to the court, and  
4243 such record shall continue to be maintained by the department  
4244 and other criminal justice agencies.

4245        (c) Except as provided in this section, automatic sealing  
4246 of a criminal history record shall have the same effect, and the  
4247 department may disclose such a record in the same manner, as a  
4248 record sealed under s. 943.059.

4249        Section 53. Paragraph (b) of subsection (1) of section  
4250 943.325, Florida Statutes, is amended to read:

4251        943.325 DNA database.—

4252        (1) LEGISLATIVE INTENT.—

4253        (b) The Legislature also finds that upon establishment of  
4254 the Florida DNA database, a match between casework evidence DNA  
4255 samples from a criminal investigation and DNA samples from a  
4256 state or federal DNA database of certain offenders may be used  
4257 to find probable cause for the issuance of a warrant for arrest  
4258 or to obtain the DNA sample from an offender.

4259 Section 54. Effective upon this act becoming a law,  
4260 subsections (9) and (10) are added to section 943.6871, Florida  
4261 Statutes, to read:

4262 943.6871 Criminal justice data transparency.—In order to  
4263 facilitate the availability of comparable and uniform criminal  
4264 justice data, the department shall:

4265 (9) Keep all information received by the department under  
4266 s. 900.05, that is exempt and confidential when collected by the  
4267 reporting agency, exempt and confidential for purposes of this  
4268 section and s. 900.05.

4269 (10) (a) By October 1, 2019, assist the Criminal and  
4270 Juvenile Justice Information Systems Council to develop  
4271 specifications for a uniform arrest affidavit to be used by each  
4272 state, county, and municipal law enforcement agency to  
4273 facilitate complete, accurate, and timely collection and  
4274 reporting of data from each criminal offense arrest. The uniform  
4275 arrest affidavit shall include, at a minimum:

- 4276 1. Identification of the arrestee.  
4277 2. Details of the arrest, including each charge.  
4278 3. Details of each vehicle and item seized at the time of  
4279 arrest.  
4280 4. Juvenile arrestee information.  
4281 5. Release information.

4282  
4283 The uniform arrest affidavit specifications shall also include

4284 guidelines for developing a uniform criminal charge and  
4285 disposition statute crosswalk table to be used by each law  
4286 enforcement agency, state attorney, and jail administrator; and  
4287 guidelines for developing a uniform criminal disposition and  
4288 sentencing statute crosswalk table to be used by each clerk of  
4289 court.

4290 (b) By January 1, 2020, subject to appropriation, the  
4291 department shall procure a uniform arrest affidavit, a uniform  
4292 criminal charge and disposition statute crosswalk table, and a  
4293 uniform criminal disposition and sentencing statute crosswalk  
4294 table following the specifications developed under paragraph  
4295 (a). The department shall provide training on use of the  
4296 affidavit and crosswalk tables to each state, county, and  
4297 municipal law enforcement agency, clerk of court, state  
4298 attorney, and jail administrator, as appropriate.

4299 (c) By July 1, 2020, each state, county, and municipal law  
4300 enforcement agency must use the uniform arrest affidavit; each  
4301 state attorney and jail administrator must use the uniform  
4302 criminal charge and statute crosswalk table; and each clerk of  
4303 court must use the uniform criminal disposition and sentencing  
4304 statute crosswalk table.

4305 Section 55. Section 944.40, Florida Statutes, is amended  
4306 to read:

4307 944.40 Escapes; penalty.—Any prisoner confined in, or  
4308 released on furlough from, any prison, jail, private

4309 | correctional facility, road camp, or other penal institution,  
 4310 | whether operated by the state, a county, or a municipality, or  
 4311 | operated under a contract with the state, a county, or a  
 4312 | municipality, working upon the public roads, or being  
 4313 | transported to or from a place of confinement who escapes or  
 4314 | attempts to escape from such confinement commits a felony of the  
 4315 | second degree, punishable as provided in s. 775.082, s. 775.083,  
 4316 | or s. 775.084. The punishment of imprisonment imposed under this  
 4317 | section shall run consecutive to any former sentence imposed  
 4318 | upon any prisoner.

4319 |         Section 56. Subsection (2) of section 944.47, Florida  
 4320 | Statutes, is amended to read:

4321 |             944.47 Introduction, removal, or possession of contraband  
 4322 | ~~certain articles unlawful~~; penalty.—

4323 |             (2) (a) A person who violates ~~any provision of~~ this section  
 4324 | as it pertains to an article of contraband described in  
 4325 | subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph  
 4326 | (1)(a)6. commits a felony of the third degree, punishable as  
 4327 | provided in s. 775.082, s. 775.083, or s. 775.084. Otherwise ~~In~~  
 4328 | ~~all other cases~~, a violation of ~~a provision of~~ this section is  
 4329 | ~~constitutes~~ a felony of the second degree, punishable as  
 4330 | provided in s. 775.082, s. 775.083, or s. 775.084.

4331 |             (b) A violation of this section by an employee, as defined  
 4332 | in s. 944.115(2)(b), who uses or attempts to use the powers,  
 4333 | rights, privileges, duties, or position of his or her employment

4334 in the commission of the violation is ranked one level above the  
4335 ranking specified in s. 921.0022 or s. 921.0023 for the offense  
4336 committed.

4337 Section 57. Section 944.704, Florida Statutes, is amended  
4338 to read:

4339 944.704 Staff who provide transition assistance; duties.-

4340 (1) The department shall provide a transition assistance  
4341 specialist at each of the major institutions.

4342 (2) The department may increase the number of transition  
4343 assistance specialists in proportion to the number of inmates  
4344 served at each of the major institutions and may increase the  
4345 number of employment specialists per judicial circuit based on  
4346 the number of released inmates served under community  
4347 supervision in that circuit, subject to appropriations.

4348 (3) The transition assistance specialists' ~~whose~~ duties  
4349 include, but are not limited to:

4350 (a) ~~(1)~~ Coordinating delivery of transition assistance  
4351 program services at the institution and at the community  
4352 correctional centers authorized pursuant to s. 945.091(1)(b).

4353 (b) ~~(2)~~ Assisting in the development of each inmate's  
4354 postrelease plan.

4355 (c) ~~(3)~~ Obtaining job placement information. Such  
4356 information must include identifying any job assignment  
4357 credentialing or industry certifications for which the inmate is  
4358 eligible.

4359            ~~(d)(4)~~ Providing a written medical discharge plan and  
4360 referral to a county health department.

4361            ~~(e)(5)~~ For an inmate who is known to be HIV positive,  
4362 providing a 30-day supply of all HIV/AIDS-related medication  
4363 that the inmate is taking before ~~prior to~~ release, if required  
4364 under protocols of the Department of Corrections and treatment  
4365 guidelines of the United States Department of Health and Human  
4366 Services.

4367            ~~(f)(6)~~ Facilitating placement in a private transition  
4368 housing program, if requested by any eligible inmate. If an  
4369 inmate who is nearing his or her date of release requests  
4370 placement in a contracted substance abuse transition housing  
4371 program, the transition assistance specialist shall inform the  
4372 inmate of program availability and assess the inmate's need and  
4373 suitability for transition housing assistance. If an inmate is  
4374 approved for placement, the specialist shall assist the inmate  
4375 and coordinate the release of the inmate with the selected  
4376 program. If an inmate requests and is approved for placement in  
4377 a contracted faith-based substance abuse transition housing  
4378 program, the specialist must consult with the chaplain before  
4379 ~~prior to~~ such placement. In selecting inmates who are nearing  
4380 their date of release for placement in a faith-based program,  
4381 the department shall ensure that an inmate's faith orientation,  
4382 or lack thereof, will not be considered in determining admission  
4383 to the program and that the program does not attempt to convert



4384 an inmate toward a particular faith or religious preference.

4385 (g) ~~(7)~~ Providing a photo identification card to all  
 4386 inmates prior to their release.

4387 (4) ~~A~~ The transition assistance specialist may not be a  
 4388 correctional officer or correctional probation officer as  
 4389 defined in s. 943.10.

4390 Section 58. Section 944.705, Florida Statutes, is amended  
 4391 to read:

4392 944.705 Release orientation program.—

4393 (1) The department shall provide participation in a  
 4394 standardized release orientation program to every eligible  
 4395 inmate.

4396 (2) The release orientation program instruction must  
 4397 include, but is not limited to:

4398 (a) Employment skills.

4399 (b) Money management skills.

4400 (c) Personal development and planning.

4401 (d) Special needs.

4402 (e) Community reentry concerns.

4403 (f) Community reentry support.

4404 (g) Any other appropriate instruction to ensure the  
 4405 inmate's successful reentry into the community.

4406 (3) (a) The department shall establish a toll-free hotline  
 4407 for the benefit of released inmates. The hotline shall provide  
 4408 information to released inmates seeking to obtain post-release

4409 referrals for community based reentry services.

4410 (b) Before an inmate's release, the department shall  
4411 provide the inmate with a comprehensive community reentry  
4412 resource directory, which must be organized by county and  
4413 include the name, address, telephone number, and a description  
4414 of the services offered by each reentry service provider. The  
4415 directory must also include the name, address, and telephone  
4416 number of existing portals of entry and the toll-free hotline  
4417 number required by paragraph (a).

4418 (c) The department shall expand the use of a department-  
4419 approved risk and needs assessment system to provide inmates and  
4420 offenders with community-specific reentry service provider  
4421 referrals.

4422 (4)-(3) Any inmate who claims to be a victim of domestic  
4423 violence as defined in s. 741.28 shall receive, as part of the  
4424 release orientation program, referral to the nearest domestic  
4425 violence center certified under chapter 39.

4426 (5)-(4) The department shall conduct a needs assessment of  
4427 every inmate to determine which, if any, basic support services  
4428 the inmate needs after release.

4429 (6)-(5) The department may contract with public or private  
4430 entities, including faith-based service groups, for the  
4431 provision of all or part of the services pursuant to this  
4432 section.

4433 (7)-(6)(a) The department shall notify every inmate, in no

4434 less than 18-point type in the inmate's release documents, that  
4435 the inmate may be sentenced pursuant to s. 775.082(9) if the  
4436 inmate commits any felony offense described in s. 775.082(9)  
4437 within 3 years after the inmate's release. This notice must be  
4438 prefaced by the word "WARNING" in boldfaced type.

4439 (b) Nothing in this section precludes the sentencing of a  
4440 person pursuant to s. 775.082(9), nor shall evidence that the  
4441 department failed to provide this notice prohibit a person from  
4442 being sentenced pursuant to s. 775.082(9). The state shall not  
4443 be required to demonstrate that a person received any notice  
4444 from the department in order for the court to impose a sentence  
4445 pursuant to s. 775.082(9).

4446 (8) A nonprofit faith-based, business, professional,  
4447 civic, or community organization may to apply for registration  
4448 with the department to provide inmate reentry services. Reentry  
4449 services include, but are not limited to, counseling; providing  
4450 information on housing and job placement; money management  
4451 assistance; and programs addressing substance abuse, mental  
4452 health, or co-occurring conditions.

4453 (9) The department shall adopt policies and procedures for  
4454 screening, approving, and registering an organization that  
4455 applies under subsection (8). The department may deny approval  
4456 and registration of an organization or a representative from an  
4457 organization if it determines that the organization or  
4458 representative does not meet the department's policies and

4459 procedures.

4460 (10) The department may contract with a public or private  
4461 educational institution's Veteran Advocacy Clinic or Veteran  
4462 Legal Clinic to assist qualified veteran inmates in applying for  
4463 veteran's benefits upon release.

4464 (11) The department may contract with public or private  
4465 organizations to establish transitional employment programs that  
4466 provide employment opportunities for released inmates.

4467 (12) The department shall adopt rules to implement this  
4468 section.

4469 Section 59. Subsections (4) through (6) of section  
4470 944.801, Florida Statutes, are renumbered as subsections (6)  
4471 through (8), respectively, and new subsections (4) and (5) are  
4472 added to that section, to read:

4473 944.801 Education for state prisoners.—

4474 (4) The department may expand the use of job assignment  
4475 credentialing and industry certifications.

4476 (5) The Correctional Education Program may establish a  
4477 Prison Entrepreneurship Program and adopt procedures for  
4478 admitting student inmates. If the department elects to develop  
4479 the program, it must include at least 180 days of in-prison  
4480 education. Program curriculum must include a component on  
4481 developing a business plan, procedures for graduation and  
4482 certification of successful student inmates, and at least 90  
4483 days of transitional and postrelease continuing education

4484 services. Transitional and postrelease continuing education  
4485 services may be offered to program graduates on a voluntary  
4486 basis and must not be a requirement for completion of the  
4487 program. The department shall enter into agreements with public  
4488 or private colleges, universities, or other non-profit entities  
4489 to implement the program. The program must be funded within  
4490 existing resources.

4491 Section 60. Subsection (1) of section 948.001, Florida  
4492 Statutes, is amended to read:

4493 948.001 Definitions.—As used in this chapter, the term:

4494 (1) "Administrative probation" means a form of no contact,  
4495 nonreporting supervision. A court may order administrative  
4496 probation, or the Department of Corrections may transfer an  
4497 offender to administrative probation, in which an offender who  
4498 presents a low risk of harm to the community may, upon  
4499 satisfactory completion of half the term of probation, be  
4500 transferred by the Department of Corrections to this type of  
4501 reduced level of supervision, as provided in s. 948.013.

4502 Section 61. Subsection (1) of section 948.013, Florida  
4503 Statutes, is amended to read:

4504 948.013 Administrative probation.—

4505 (1) The Department of Corrections may transfer an offender  
4506 to administrative probation if he or she presents a low risk of  
4507 harm to the community and has satisfactorily completed at least  
4508 half of the probation term. The department ~~of Corrections~~ may

4509 establish procedures for transferring an offender to  
4510 administrative probation. The department may collect an initial  
4511 processing fee of up to \$50 for each probationer transferred to  
4512 administrative probation. The offender is exempt from further  
4513 payment for the cost of supervision as required in s. 948.09.

4514 Section 62. Subsections (4) through (6) are added to  
4515 section 948.04, Florida Statutes, to read:

4516 948.04 Period of probation; duty of probationer; early  
4517 termination.—

4518 (4) For offenders sentenced to probation on or after  
4519 October 1, 2019, except as provided in subsection (5), the  
4520 court, upon motion by the probationer or probation officer,  
4521 shall either early terminate the probationer's supervision or  
4522 convert the supervisory term to administrative probation if:

4523 (a) The probationer has completed at least half of the  
4524 term of probation to which he or she was sentenced.

4525 (b) The probationer has successfully completed all other  
4526 conditions of probation.

4527 (c) The court has not found the probationer in violation  
4528 of probation pursuant to a filed affidavit of violation of  
4529 probation at any point during the current supervisory term.

4530 (d) The parties did not specifically exclude the  
4531 possibility of early termination or conversion to administrative  
4532 probation as part of a negotiated sentence.

4533 (e) The probationer does not qualify as a violent felony

4534 offender of special concern under s. 948.06(8)(b).

4535 (5) Upon making written findings that continued reporting  
4536 probation is necessary to protect the community or the interests  
4537 of justice, the court may decline to early terminate the  
4538 probationary term or convert the term to administrative  
4539 probation for a probationer who is otherwise eligible under  
4540 subsection (4).

4541 (6) Subsections (4) and (5) do not apply to an offender on  
4542 community control. If an offender on community control is  
4543 subsequently placed on probation, he or she must complete half  
4544 of the probationary term to which he or she was sentenced,  
4545 without receiving credit for time served on community control,  
4546 before being eligible for mandatory early termination or  
4547 conversion to administrative probation under this section.

4548 Section 63. Section 948.05, Florida Statutes, is amended  
4549 to read:

4550 948.05 Court to admonish or commend probationer or offender  
4551 in community control; graduated incentives.—

4552 (1) A court may at any time cause a probationer or  
4553 offender in community control to appear before it to be  
4554 admonished or commended, and, when satisfied that its action  
4555 will be for the best interests of justice and the welfare of  
4556 society, it may discharge the probationer or offender in  
4557 community control from further supervision.

4558 (2) The department shall implement a system of graduated

4559 incentives to promote compliance with the terms of supervision  
4560 and prioritize the highest levels of supervision for  
4561 probationers or offenders presenting the greatest risk of  
4562 recidivism.

4563 (a) As part of the graduated incentives system, the  
4564 department may, without leave of court, offer the following  
4565 incentives to a compliant probationer or offender:

4566 1. Up to 25 percent reduction of required community  
4567 service hours;

4568 2. Waiver of supervision fees;

4569 3. Reduction in frequency of reporting;

4570 4. Permission to report by mail or phone; or

4571 5. Transfer of an eligible offender to administrative  
4572 probation as permitted under s. 948.013.

4573 (b) The department may also incentivize positive behavior  
4574 and compliance with recommendations to the court to modify the  
4575 terms of supervision, including recommending:

4576 1. Permission to travel;

4577 2. Reduction of supervision type;

4578 3. Modification or cessation of curfew;

4579 4. Reduction or cessation of substance abuse testing; or

4580 5. Early termination of supervision.

4581 (c) A probationer or an offender who commits a subsequent  
4582 violation of probation may forfeit any previously earned  
4583 probation incentive, as determined appropriate by his or her



4584 probation officer.

4585 Section 64. Paragraphs (c) through (g) of subsection (1)  
4586 of section 948.06, Florida Statutes, are redesignated as  
4587 paragraphs (d) through (h) respectively, present paragraph (h)  
4588 of subsection (1) and subsection (2) are amended, and a new  
4589 paragraph (c) of subsection (1) and subsection (9) are added to  
4590 that section, to read:

4591 948.06 Violation of probation or community control;  
4592 revocation; modification; continuance; failure to pay  
4593 restitution or cost of supervision.—

4594 (1)

4595 (c) If a probationer or offender on community control  
4596 commits a technical violation, the probation officer shall  
4597 determine whether he or she is eligible for the alternative  
4598 sanctioning program under subsection (9). If the probationer or  
4599 offender on community control is eligible, the probation officer  
4600 may proceed with the alternative sanctioning program in lieu of  
4601 filing an affidavit of violation with the court. For purposes of  
4602 this section, the term "technical violation" means an alleged  
4603 violation of supervision that is not a new felony offense,  
4604 misdemeanor offense, or criminal traffic offense.

4605 ~~(h)1. The chief judge of each judicial circuit, in~~  
4606 ~~consultation with the state attorney, the public defender, and~~  
4607 ~~the department, may establish an alternative sanctioning program~~  
4608 ~~in which the department, after receiving court approval, may~~

4609 ~~enforce specified sanctions for certain technical violations of~~  
4610 ~~supervision. For purposes of this paragraph, the term "technical~~  
4611 ~~violation" means any alleged violation of supervision that is~~  
4612 ~~not a new felony offense, misdemeanor offense, or criminal~~  
4613 ~~traffic offense.~~

4614 ~~2. To establish an alternative sanctioning program, the~~  
4615 ~~chief judge must issue an administrative order specifying:~~

4616 ~~a. Eligibility criteria.~~

4617 ~~b. The technical violations that are eligible for the~~  
4618 ~~program.~~

4619 ~~c. The sanctions that may be recommended by a probation~~  
4620 ~~officer for each technical violation.~~

4621 ~~d. The process for reporting technical violations through~~  
4622 ~~the alternative sanctioning program, including approved forms.~~

4623 ~~3. If an offender is alleged to have committed a technical~~  
4624 ~~violation of supervision that is eligible for the program, the~~  
4625 ~~offender may:~~

4626 ~~a. Waive participation in the alternative sanctioning~~  
4627 ~~program, in which case the probation officer may submit a~~  
4628 ~~violation report, affidavit, and warrant to the court in~~  
4629 ~~accordance with this section; or~~

4630 ~~b. Elect to participate in the alternative sanctioning~~  
4631 ~~program after receiving written notice of an alleged technical~~  
4632 ~~violation and a disclosure of the evidence against the offender,~~  
4633 ~~admit to the technical violation, agree to comply with the~~

4634 ~~probation officer's recommended sanction if subsequently ordered~~  
4635 ~~by the court, and agree to waive the right to:~~

- 4636 ~~(I) Be represented by legal counsel.~~
- 4637 ~~(II) Require the state to prove his or her guilt before a~~  
4638 ~~neutral and detached hearing body.~~
- 4639 ~~(III) Subpoena witnesses and present to a judge evidence~~  
4640 ~~in his or her defense.~~
- 4641 ~~(IV) Confront and cross-examine adverse witnesses.~~
- 4642 ~~(V) Receive a written statement from a factfinder as to~~  
4643 ~~the evidence relied on and the reasons for the sanction imposed.~~

4644 ~~4. If the offender admits to committing the technical~~  
4645 ~~violation and agrees with the probation officer's recommended~~  
4646 ~~sanction, the probation officer must, before imposing the~~  
4647 ~~sanction, submit the recommended sanction to the court as well~~  
4648 ~~as documentation reflecting the offender's admission to the~~  
4649 ~~technical violation and agreement with the recommended sanction.~~

4650 ~~5. The court may impose the recommended sanction or may~~  
4651 ~~direct the department to submit a violation report, affidavit,~~  
4652 ~~and warrant to the court in accordance with this section.~~

4653 ~~6. An offender's participation in an alternative~~  
4654 ~~sanctioning program is voluntary. The offender may elect to~~  
4655 ~~waive or discontinue participation in an alternative sanctioning~~  
4656 ~~program at any time before the issuance of a court order~~  
4657 ~~imposing the recommended sanction.~~

4658 ~~7. If an offender waives or discontinues participation in~~

4659 ~~an alternative sanctioning program, the probation officer may~~  
4660 ~~submit a violation report, affidavit, and warrant to the court~~  
4661 ~~in accordance with this section. The offender's prior admission~~  
4662 ~~to the technical violation may not be used as evidence in~~  
4663 ~~subsequent proceedings.~~

4664 (2) (a) The court, upon the probationer or offender being  
4665 brought before it, shall advise him or her of such charge of  
4666 violation and, if such charge is admitted to be true, may  
4667 forthwith revoke, modify, or continue the probation or community  
4668 control or place the probationer into a community control  
4669 program.

4670 (b) If probation or community control is revoked, the  
4671 court shall adjudge the probationer or offender guilty of the  
4672 offense charged and proven or admitted, unless he or she has  
4673 previously been adjudged guilty, and impose any sentence which  
4674 it might have originally imposed before placing the probationer  
4675 on probation or the offender into community control.

4676 (c) If such violation of probation or community control is  
4677 not admitted by the probationer or offender, the court may  
4678 commit him or her or release him or her with or without bail to  
4679 await further hearing, or it may dismiss the charge of probation  
4680 or community control violation.

4681 (d) If such charge is not at that time admitted by the  
4682 probationer or offender and if it is not dismissed, the court,  
4683 as soon as may be practicable, shall give the probationer or

4684 offender an opportunity to be fully heard on his or her behalf  
4685 in person or by counsel.

4686 (e) After such hearing, the court may revoke, modify, or  
4687 continue the probation or community control or place the  
4688 probationer into community control. If such probation or  
4689 community control is revoked, the court shall adjudge the  
4690 probationer or offender guilty of the offense charged and proven  
4691 or admitted, unless he or she has previously been adjudged  
4692 guilty, and impose any sentence which it might have originally  
4693 imposed before placing the probationer or offender on probation  
4694 or into community control.

4695 (f) 1. Except as provided in subparagraph 3. or upon waiver  
4696 by the offender, the court shall modify or continue a  
4697 probationary term upon finding a probationer in violation under  
4698 the following circumstances:

4699 a. The term of supervision is probation.

4700 b. The probationer does not qualify as a violent felony  
4701 offender of special concern, as defined in paragraph (8)(b).

4702 c. The violation is a low-risk technical violation, as  
4703 defined in paragraph (9)(b).

4704 d. The court has not previously found the probationer in  
4705 violation of his or her probation pursuant to a filed violation  
4706 of probation affidavit during the current term of supervision. A  
4707 probationer who has successfully completed sanctions through the  
4708 alternative sanctioning program is eligible for mandatory

4709 modification or continuation of his or her probation.

4710 2. Upon modifying probation under subparagraph 1., the  
4711 court may include in the sentence a maximum of 90 days in county  
4712 jail as a special condition of probation.

4713 3. Notwithstanding s. 921.0024, if a probationer has less  
4714 than 90 days of supervision remaining on his or her term of  
4715 probation and meets the criteria for mandatory modification or  
4716 continuation in subparagraph 1., the court may revoke probation  
4717 and sentence the probationer to a maximum of 90 days in county  
4718 jail.

4719 4. For purposes of imposing a jail sentence under this  
4720 paragraph only, the court may grant credit only for time served  
4721 in the county jail since the probationer's most recent arrest  
4722 for the violation. However, the court may not order the  
4723 probationer to a total term of incarceration greater than the  
4724 maximum provided by s. 775.082.

4725 (g) Notwithstanding s. 775.082, when a period of probation  
4726 or community control has been tolled, upon revocation or  
4727 modification of the probation or community control, the court  
4728 may impose a sanction with a term that when combined with the  
4729 amount of supervision served and tolled, exceeds the term  
4730 permissible pursuant to s. 775.082 for a term up to the amount  
4731 of the tolled period of supervision.

4732 (h) ~~(g)~~ If the court dismisses an affidavit alleging a  
4733 violation of probation or community control, the offender's

4734 probation or community control shall continue as previously  
4735 imposed, and the offender shall receive credit for all tolled  
4736 time against his or her term of probation or community control.

4737 (i)~~(h)~~1. For each case in which the offender admits to  
4738 committing a violation or is found to have committed a  
4739 violation, the department shall provide the court with a  
4740 recommendation as to disposition by the court. The department  
4741 shall provide the reasons for its recommendation and include an  
4742 evaluation of:

4743 a. The appropriateness or inappropriateness of community  
4744 facilities, programs, or services for treating or supervising  
4745 the offender;

4746 b. The ability or inability of the department to provide  
4747 an adequate level of supervision of the offender in the  
4748 community and a statement of what constitutes an adequate level  
4749 of supervision; and

4750 c. The existence of treatment modalities that the offender  
4751 could use but that do not currently exist in the community.

4752 2. The report must also include a summary of the  
4753 offender's prior supervision history, including the offender's  
4754 prior participation in treatment, educational, and vocational  
4755 programs, and any other actions by or circumstances concerning  
4756 the offender which are relevant.

4757 3. The court may specify whether the recommendation or  
4758 report must be oral or written and may waive the requirement for

4759 a report in an individual case or a class of cases. This  
4760 paragraph does not prohibit the department from making any other  
4761 report or recommendation that is provided for by law or  
4762 requested by the court.

4763 (j)~~(i)~~1. Notwithstanding s. 921.0024 and effective for  
4764 offenses committed on or after July 1, 2009, the court may order  
4765 the defendant to successfully complete a postadjudicatory  
4766 treatment-based drug court program if:

4767 a. The court finds or the offender admits that the  
4768 offender has violated his or her community control or probation;

4769 b. The offender's Criminal Punishment Code scoresheet  
4770 total sentence points under s. 921.0024 are 60 points or fewer  
4771 after including points for the violation;

4772 c. The underlying offense is a nonviolent felony. As used  
4773 in this subsection, the term "nonviolent felony" means a third  
4774 degree felony violation under chapter 810 or any other felony  
4775 offense that is not a forcible felony as defined in s. 776.08;

4776 d. The court determines that the offender is amenable to  
4777 the services of a postadjudicatory treatment-based drug court  
4778 program;

4779 e. The court has explained the purpose of the program to  
4780 the offender and the offender has agreed to participate; and

4781 f. The offender is otherwise qualified to participate in  
4782 the program under the provisions of s. 397.334(3).

4783 2. After the court orders the modification of community



4784 control or probation, the original sentencing court shall  
4785 relinquish jurisdiction of the offender's case to the  
4786 postadjudicatory treatment-based drug court program until the  
4787 offender is no longer active in the program, the case is  
4788 returned to the sentencing court due to the offender's  
4789 termination from the program for failure to comply with the  
4790 terms thereof, or the offender's sentence is completed.

4791 (k)~~(j)~~1. Notwithstanding s. 921.0024 and effective for  
4792 offenses committed on or after July 1, 2016, the court may order  
4793 the offender to successfully complete a postadjudicatory mental  
4794 health court program under s. 394.47892 or a military veterans  
4795 and servicemembers court program under s. 394.47891 if:

4796 a. The court finds or the offender admits that the  
4797 offender has violated his or her community control or probation;

4798 b. The underlying offense is a nonviolent felony. As used  
4799 in this subsection, the term "nonviolent felony" means a third  
4800 degree felony violation under chapter 810 or any other felony  
4801 offense that is not a forcible felony as defined in s. 776.08.  
4802 Offenders charged with resisting an officer with violence under  
4803 s. 843.01, battery on a law enforcement officer under s. 784.07,  
4804 or aggravated assault may participate in the mental health court  
4805 program if the court so orders after the victim is given his or  
4806 her right to provide testimony or written statement to the court  
4807 as provided in s. 921.143;

4808 c. The court determines that the offender is amenable to

4809 the services of a postadjudicatory mental health court program,  
4810 including taking prescribed medications, or a military veterans  
4811 and servicemembers court program;

4812 d. The court explains the purpose of the program to the  
4813 offender and the offender agrees to participate; and

4814 e. The offender is otherwise qualified to participate in a  
4815 postadjudicatory mental health court program under s.  
4816 394.47892(4) or a military veterans and servicemembers court  
4817 program under s. 394.47891.

4818 2. After the court orders the modification of community  
4819 control or probation, the original sentencing court shall  
4820 relinquish jurisdiction of the offender's case to the  
4821 postadjudicatory mental health court program until the offender  
4822 is no longer active in the program, the case is returned to the  
4823 sentencing court due to the offender's termination from the  
4824 program for failure to comply with the terms thereof, or the  
4825 offender's sentence is completed.

4826 (9) (a) For a first or second low-risk violation, as  
4827 defined in paragraph (b), within the current term of  
4828 supervision, a probation officer may offer an eligible  
4829 probationer one or more of the following as an alternative  
4830 sanction:

4831 1. Up to 5 days in the county jail.

4832 2. Up to 50 additional community service hours.

4833 3. Counseling or treatment.

- 4834        4. Support group attendance.
- 4835        5. Drug testing.
- 4836        6. Loss of travel or other privileges.
- 4837        7. Curfew for up to 30 days.
- 4838        8. House arrest for up to 30 days.
- 4839        9. Any other sanction specified by administrative order of  
 4840 the chief judge of the circuit. However, in no circumstance  
 4841 shall participation in an alternative sanctioning program  
 4842 convert a withheld adjudication to an adjudication of guilt.
- 4843        (b) When committed by a probationer, a low-risk violation  
 4844 includes:
- 4845            1. Positive drug or alcohol test result.
- 4846            2. Failure to report to the probation office.
- 4847            3. Failure to report a change in address or other required  
 4848 information.
- 4849            4. Failure to attend a required class, treatment or  
 4850 counseling session, or meeting.
- 4851            5. Failure to submit to a drug or alcohol test.
- 4852            6. Curfew violation.
- 4853            7. Failure to meet a monthly quota on any required  
 4854 probation condition, including, but not limited to, making  
 4855 restitution payments, payment of court costs, and completing  
 4856 community service hours.
- 4857            8. Leaving the county without permission.
- 4858            9. Failure to report a change in employment.

- 4859        10. Associating with a person engaged in criminal  
 4860 activity.
- 4861        11. Any other violation specified by administrative order  
 4862 of the chief judge of the circuit.
- 4863        (c) For a first time moderate-risk violation, as defined  
 4864 in paragraph (d), within the current term of supervision, a  
 4865 probation officer, with supervisor approval, may offer an  
 4866 eligible probationer or offender on community control one or  
 4867 more of the following as an alternative sanction:
- 4868            1. Up to 21 days in the county jail.  
 4869            2. Curfew for up to 90 days.  
 4870            3. House arrest for up to 90 days.  
 4871            4. Electronic monitoring for up to 90 days.  
 4872            5. Residential treatment for up to 90 days.  
 4873            6. Any other sanction available for a low-risk violation.  
 4874            7. Any other sanction specified by administrative order of  
 4875 the chief judge of the circuit.
- 4876        (d) A moderate-risk violation includes:
- 4877            1. A violation listed under paragraph (b) when committed  
 4878 by an offender on community control;
- 4879            2. Failure to remain at an approved residence by an  
 4880 offender on community control;
- 4881            3. A third violation listed under paragraph (b) by a  
 4882 probationer within the current term of supervision; or
- 4883            4. Any other violation specified by administrative order

4884 of the chief judge of the circuit. However, in no circumstance  
4885 shall participation in an alternative sanctioning program  
4886 convert a withheld adjudication to an adjudication of guilt.

4887 (e) A probationer or offender on community control is not  
4888 eligible for an alternative sanction if:

4889 1. He or she is a violent felony offender of special  
4890 concern, as defined in paragraph (8) (b).

4891 2. The violation is a felony, misdemeanor, or criminal  
4892 traffic offense.

4893 3. The violation is absconding.

4894 4. The violation is for a failure to comply with a no-  
4895 contact or stay-away order.

4896 5. The violation is not identified as low-risk or  
4897 moderate-risk under this paragraph or by administrative order.

4898 6. He or she has a prior moderate-risk level violation  
4899 during the current term of supervision.

4900 7. He or she has three or more prior low-risk level  
4901 violations during the current term of supervision.

4902 8. The term of supervision is scheduled to terminate in  
4903 less than 90 days.

4904 9. The terms of the sentence prohibit alternative  
4905 sanctioning.

4906 (f) If a probationer or offender on community control is  
4907 eligible for the alternative sanctioning program, he or she may:

4908 1. Waive participation in the program, in which case the

4909 probation officer may submit a violation report, affidavit, and  
4910 warrant to the court; or

4911 2. Elect to participate in the program after receiving  
4912 written notice of an alleged technical violation and disclosure  
4913 of the evidence against him or her, admit to the technical  
4914 violation, agree to comply with the probation officer's  
4915 recommended sanction if subsequently ordered by the court, and  
4916 agree to waive the right to:

4917 a. Be represented by legal counsel.

4918 b. Require the state to prove his or her guilt before a  
4919 neutral and detached hearing body.

4920 c. Subpoena witnesses and present to a judge evidence in  
4921 his or her defense.

4922 d. Confront and cross-examine adverse witnesses.

4923 e. Receive a written statement from a judge as to the  
4924 evidence relied on and the reasons for the sanction imposed.

4925 (g) If the probationer or offender on community control  
4926 admits to committing the technical violation and agrees with the  
4927 probation officer's recommended sanction, the probation officer  
4928 shall, before imposing the sanction, submit the recommended  
4929 sanction to the court with documentation reflecting the  
4930 probationer's admission to the technical violation and agreement  
4931 with the recommended sanction.

4932 (h) The court may impose the recommended sanction or  
4933 direct the department to submit a violation report, affidavit,

4934 and warrant to the court.

4935 (i) An offender's participation in the alternative  
4936 sanctioning program is voluntary. The probationer or offender on  
4937 community control may waive or discontinue participation in the  
4938 program at any time before the court imposes a recommended  
4939 sanction.

4940 (j) If a probationer or offender on community control  
4941 waives or discontinues participation in the alternative  
4942 sanctioning program or fails to successfully complete all  
4943 alternative sanctions within 90 days of imposition or within the  
4944 timeframe specified in the agreed upon sanction, the probation  
4945 officer may submit a violation report, affidavit, and warrant to  
4946 the court. A prior admission by the probationer or offender on  
4947 community control to a technical violation may not be used as  
4948 evidence in subsequent proceedings.

4949 (k) Each judicial circuit shall establish an alternative  
4950 sanctioning program as provided in this subsection. The chief  
4951 judge of each judicial circuit may, by administrative order,  
4952 define additional sanctions or eligibility criteria and specify  
4953 the process for reporting technical violations through the  
4954 alternative sanctioning program.

4955 Section 65. Subsection (6) and paragraph (a) and  
4956 subsection (7) of section 948.08, Florida Statutes, are amended  
4957 to read:

4958 948.08 Pretrial intervention program.—

4959 (6) (a) For purposes of this subsection, the term  
4960 "nonviolent felony" means a third degree felony violation of  
4961 chapter 810 or any other felony offense that is not a forcible  
4962 felony as defined in s. 776.08.

4963 (b) Notwithstanding any provision of this section, a  
4964 ~~person who is charged with a nonviolent felony and is identified~~  
4965 ~~as having a substance abuse problem or is charged with a felony~~  
4966 ~~of the second or third degree for purchase or possession of a~~  
4967 ~~controlled substance under chapter 893, prostitution, tampering~~  
4968 ~~with evidence, solicitation for purchase of a controlled~~  
4969 ~~substance, or obtaining a prescription by fraud; who has not~~  
4970 ~~been charged with a crime involving violence, including, but not~~  
4971 ~~limited to, murder, sexual battery, robbery, carjacking, home-~~  
4972 ~~invasion robbery, or any other crime involving violence; and who~~  
4973 ~~has not previously been convicted of a felony~~ is eligible for  
4974 voluntary admission into a pretrial substance abuse education  
4975 and treatment intervention program, including a treatment-based  
4976 drug court program established pursuant to s. 397.334, approved  
4977 by the chief judge of the circuit, for a period of not less than  
4978 1 year in duration, if he or she:

4979 1. Is identified as having a substance abuse problem and  
4980 is amenable to treatment.

4981 2. Is charged with a nonviolent felony.

4982 3. Has never been charged with a crime involving violence  
4983 including, but not limited to, murder, sexual battery, robbery,



4984 carjacking, home-invasion robbery, or any other crime involving  
4985 violence.

4986 4. Has two or fewer felony convictions, provided that the  
4987 prior convictions are for nonviolent felonies only.

4988 (c) Upon motion of either party or the court's own motion,  
4989 and with the agreement of the defendant, the court shall admit  
4990 an eligible person into a pretrial substance abuse education and  
4991 treatment intervention program, except:

4992 1. If a defendant was previously offered admission to a  
4993 pretrial substance abuse education and treatment intervention  
4994 program at any time prior to trial and the defendant rejected  
4995 that offer on the record, then the court or the state attorney  
4996 may deny the defendant's admission to such a program.

4997 2. If the state attorney believes that the facts and  
4998 circumstances of the case suggest the defendant's involvement in  
4999 the dealing and selling of controlled substances, the court  
5000 shall hold a preadmission hearing. If the state attorney  
5001 establishes, by a preponderance of the evidence at such hearing,  
5002 that the defendant was involved in the dealing or selling of  
5003 controlled substances, the court shall deny the defendant's  
5004 admission into a pretrial intervention program.

5005 3. If the defendant has two or fewer prior felony  
5006 convictions as provided in subparagraph (b)4., the court may  
5007 deny admission to such a program in its discretion.

5008 (d) ~~(b)~~ While enrolled in a pretrial intervention program

5009 | authorized by this subsection, the participant is subject to a  
 5010 | coordinated strategy developed by a drug court team under s.  
 5011 | 397.334(4). The coordinated strategy may include a protocol of  
 5012 | sanctions that may be imposed upon the participant for  
 5013 | noncompliance with program rules. The protocol of sanctions may  
 5014 | include, but is not limited to, placement in a substance abuse  
 5015 | treatment program offered by a licensed service provider as  
 5016 | defined in s. 397.311 or in a jail-based treatment program or  
 5017 | serving a period of incarceration within the time limits  
 5018 | established for contempt of court. The coordinated strategy must  
 5019 | be provided in writing to the participant before the participant  
 5020 | agrees to enter into a pretrial treatment-based drug court  
 5021 | program or other pretrial intervention program. Any person whose  
 5022 | charges are dismissed after successful completion of the  
 5023 | treatment-based drug court program, if otherwise eligible, may  
 5024 | have his or her arrest record and plea of nolo contendere to the  
 5025 | dismissed charges expunged under s. 943.0585.

5026 | (e)~~(e)~~ At the end of the pretrial intervention period, the  
 5027 | court shall consider the recommendation of the administrator  
 5028 | pursuant to subsection (5) and the recommendation of the state  
 5029 | attorney as to disposition of the pending charges. The court  
 5030 | shall determine, by written finding, whether the defendant has  
 5031 | successfully completed the pretrial intervention program.  
 5032 | Notwithstanding the coordinated strategy developed by a drug  
 5033 | court team pursuant to s. 397.334(4), if the court finds that

5034 the defendant has not successfully completed the pretrial  
5035 intervention program, the court may order the person to continue  
5036 in education and treatment, which may include substance abuse  
5037 treatment programs offered by licensed service providers as  
5038 defined in s. 397.311 or jail-based treatment programs, or order  
5039 that the charges revert to normal channels for prosecution. The  
5040 court shall dismiss the charges upon a finding that the  
5041 defendant has successfully completed the pretrial intervention  
5042 program.

5043 (f)~~(d)~~ Any entity, whether public or private, providing a  
5044 pretrial substance abuse education and treatment intervention  
5045 program under this subsection must contract with the county or  
5046 appropriate governmental entity, and the terms of the contract  
5047 must include, but need not be limited to, the requirements  
5048 established for private entities under s. 948.15(3).

5049 (7) (a) Notwithstanding any provision of this section, a  
5050 person who is charged with a felony, other than a felony listed  
5051 in s. 948.06(8)(c), and identified as a veteran, as defined in  
5052 s. 1.01, including a veteran who is discharged or released under  
5053 a general discharge, or servicemember, as defined in s. 250.01;  
5054 an individual who is a current or former United States  
5055 Department of Defense contractor, provided any separation was  
5056 not due to the former contractor's bad conduct; or an individual  
5057 who is a current or former military member of a foreign allied  
5058 country, provided any discharge was the equivalent of an

5059 honorable or general discharge, who suffers from a military  
5060 service-related mental illness, traumatic brain injury,  
5061 substance abuse disorder, or psychological problem, is eligible  
5062 for voluntary admission into a pretrial veterans' treatment  
5063 intervention program approved by the chief judge of the circuit,  
5064 upon motion of either party or the court's own motion, except:

5065 1. If a defendant was previously offered admission to a  
5066 pretrial veterans' treatment intervention program at any time  
5067 before trial and the defendant rejected that offer on the  
5068 record, the court may deny the defendant's admission to such a  
5069 program.

5070 2. If a defendant previously entered a court-ordered  
5071 veterans' treatment program, the court may deny the defendant's  
5072 admission into the pretrial veterans' treatment program.

5073 Section 66. Section 948.081, Florida Statutes, is created  
5074 to read:

5075 948.081 Community court programs.—

5076 (1) Each judicial circuit may establish a community court  
5077 program for defendants charged with certain misdemeanor  
5078 offenses. Each community court shall, at a minimum:

5079 (a) Adopt a nonadversarial approach.

5080 (b) Establish an advisory committee to recommend solutions  
5081 and sanctions in each case.

5082 (c) Provide for judicial leadership and interaction.

5083 (d) In each particular case, consider the needs of the

5084 victim, consider individualized treatment services for the  
5085 defendant, and monitor the defendant's compliance.

5086 (2) The chief judge of the judicial circuit shall, by  
5087 administrative order, specify each misdemeanor offense eligible  
5088 for the community court program. In making such determination,  
5089 the chief judge shall consider the particular needs and concerns  
5090 of the communities within the judicial circuit.

5091 (3) A defendant's entry into any community court program  
5092 shall be voluntary.

5093 (4) The chief judge shall appoint a community court  
5094 resource coordinator, who shall:

5095 (a) Coordinate the responsibilities of the participating  
5096 agencies and service providers.

5097 (b) Provide case management services.

5098 (c) Monitor compliance by defendants with court  
5099 requirements.

5100 (d) Manage the collection of data for program evaluation  
5101 and accountability.

5102 (5) The chief judge of the judicial circuit shall appoint  
5103 members to an advisory committee for each community court. The  
5104 members of the advisory committee must include, at a minimum:

5105 (a) The chief judge or a community court judge designated  
5106 by the chief judge, who shall serve as chair.

5107 (b) The state attorney or his or her designee.

5108 (c) The public defender or his or her designee.

5109 | (d) The community court resource coordinator.  
5110 |  
5111 | The committee may also include community stakeholders, treatment  
5112 | representatives, and other persons the chair deems appropriate.  
5113 | (6) The advisory committee shall review each defendant's  
5114 | case. Each committee member may make recommendations to the  
5115 | judge, including appropriate sanctions and treatment solutions  
5116 | for the defendant. The judge shall consider such recommendations  
5117 | and make the final decision concerning sanctions and treatment  
5118 | with respect to each defendant.  
5119 | (7) Each judicial circuit shall report client-level and  
5120 | programmatic data to the Office of State Courts Administrator  
5121 | annually for program evaluation. Client-level data include  
5122 | primary offenses resulting in the community court referral or  
5123 | sentence, treatment compliance, completion status, reasons for  
5124 | failing to complete the program, offenses committed during  
5125 | treatment and sanctions imposed, frequency of court appearances,  
5126 | and units of service. Programmatic data include referral and  
5127 | screening procedures, eligibility criteria, type and duration of  
5128 | treatment offered, and residential treatment resources.  
5129 | (8) The Department of Corrections, Department of Juvenile  
5130 | Justice, Department of Health, Department of Law Enforcement,  
5131 | Department of Education, law enforcement agencies, and other  
5132 | government entities involved in the criminal justice system  
5133 | shall support such community court programs.

5134       (9) Community court program funding must be secured from  
5135 sources other than the state for costs not assumed by the state  
5136 under s. 29.004. However, this subsection does not preclude the  
5137 use of funds provided for treatment and other services through  
5138 state executive branch agencies.

5139       Section 67. Paragraph (a) of subsection (2) of section  
5140 948.16, Florida Statutes, is amended to read:

5141       948.16 Misdemeanor pretrial substance abuse education and  
5142 treatment intervention program; misdemeanor pretrial veterans'  
5143 treatment intervention program; misdemeanor pretrial mental  
5144 health court program.-

5145       (2) (a) A veteran, as defined in s. 1.01, including a  
5146 veteran who is discharged or released under a general discharge,  
5147 or servicemember, as defined in s. 250.01; an individual who is  
5148 a current or former United States Department of Defense  
5149 contractor, provided any separation was not due to the former  
5150 contractor's bad conduct; or an individual who is a current or  
5151 former military member of a foreign allied country, provided any  
5152 discharge was the equivalent of an honorable or general  
5153 discharge, who suffers from a military service-related mental  
5154 illness, traumatic brain injury, substance abuse disorder, or  
5155 psychological problem, and who is charged with a misdemeanor is  
5156 eligible for voluntary admission into a misdemeanor pretrial  
5157 veterans' treatment intervention program approved by the chief  
5158 judge of the circuit, for a period based on the program's

5159 requirements and the treatment plan for the offender, upon  
5160 motion of either party or the court's own motion. However, the  
5161 court may deny the defendant admission into a misdemeanor  
5162 pretrial veterans' treatment intervention program if the  
5163 defendant has previously entered a court-ordered veterans'  
5164 treatment program.

5165 Section 68. Subsection (2) of section 948.21, Florida  
5166 Statutes, is amended to read:

5167 948.21 Condition of probation or community control;  
5168 military servicemembers, ~~and~~ veterans, and others.—

5169 (2) Effective for a probationer or community controllee  
5170 whose crime is committed on or after July 1, 2016, and who is a  
5171 veteran, as defined in s. 1.01, including a veteran who is  
5172 discharged or released under a general discharge, or  
5173 servicemember, as defined in s. 250.01; an individual who is a  
5174 current or former United States Department of Defense  
5175 contractor, provided any separation was not due to the former  
5176 contractor's bad conduct; or an individual who is a current or  
5177 former military member of a foreign allied country, provided any  
5178 discharge was the equivalent of an honorable or general  
5179 discharge, who suffers from a military service-related mental  
5180 illness, traumatic brain injury, substance abuse disorder, or  
5181 psychological problem, the court may, in addition to any other  
5182 conditions imposed, impose a condition requiring the probationer  
5183 or community controllee to participate in a treatment program



5184 | capable of treating the probationer or community controllee's  
 5185 | mental illness, traumatic brain injury, substance abuse  
 5186 | disorder, or psychological problem.

5187 | Section 69. Section 951.22, Florida Statutes, is amended  
 5188 | to read:

5189 | 951.22 County detention facilities; contraband articles.-

5190 | (1) It is unlawful, except through regular channels as  
 5191 | duly authorized by the sheriff or officer in charge, to  
 5192 | introduce into or possess upon the grounds of any county  
 5193 | detention facility as defined in s. 951.23 or to give to or  
 5194 | receive from any inmate of any such facility wherever said  
 5195 | inmate is located at the time or to take or to attempt to take  
 5196 | or send therefrom any of the following articles, which are  
 5197 | ~~hereby declared to be~~ contraband:

5198 | ~~(a) for the purposes of this act, to wit:~~ Any written or  
 5199 | recorded communication. This paragraph does not apply to any  
 5200 | document or correspondence exchanged between a lawyer,  
 5201 | paralegal, or other legal staff, and an inmate at a detention  
 5202 | facility if such document or correspondence is otherwise  
 5203 | lawfully possessed and disseminated and relates to the legal  
 5204 | representation of the inmate.†

5205 | (b) Any currency or coin.†

5206 | (c) Any article of food or clothing.†

5207 | (d) Any tobacco products as defined in s. 210.25(12).†

5208 | (e) Any cigarette as defined in s. 210.01(1).†

5209           (f) Any cigar.~~†~~  
 5210           (g) Any intoxicating beverage or beverage that ~~which~~ causes  
 5211 or may cause an intoxicating effect.~~†~~  
 5212           (h) Any narcotic, hypnotic, or excitative drug or drug of  
 5213 any kind or nature, including nasal inhalators, sleeping pills,  
 5214 barbiturates, and controlled substances as defined in s.  
 5215 893.02(4).~~†~~  
 5216           (i) Any firearm or any instrumentality customarily used or  
 5217 which is intended to be used as a dangerous weapon.~~†~~ ~~and~~  
 5218           (j) Any instrumentality of any nature which ~~that~~ may be or  
 5219 is intended to be used as an aid in effecting or attempting to  
 5220 effect an escape from a county facility.  
 5221           (k) Any cellular telephone or other portable communication  
 5222 device as described in s. 944.47(1)(a)6. The term does not  
 5223 include any device that has communication capabilities which has  
 5224 been approved or issued by the sheriff or officer in charge for  
 5225 investigative or institutional security purposes or for  
 5226 conducting other official business.  
 5227           (2) A person who ~~Whoever~~ violates paragraph (1)(a),  
 5228 paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph  
 5229 (1)(e), paragraph (1)(f), or paragraph (1)(g) commits a  
 5230 misdemeanor of the first degree, punishable as provided in s.  
 5231 775.082 or s. 775.083. A person who violates paragraph (1)(h),  
 5232 paragraph (1)(i), paragraph (1)(j), or paragraph (1)(k) commits  
 5233 subsection (1) shall be guilty of a felony of the third degree,

5234 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

5235 Section 70. Subsection (1) of section 958.04, Florida  
 5236 Statutes, is amended to read:

5237 958.04 Judicial disposition of youthful offenders.—

5238 (1) The court may sentence as a youthful offender any  
 5239 person:

5240 (a) Who is at least 18 years of age or who has been  
 5241 transferred for prosecution to the criminal division of the  
 5242 circuit court pursuant to chapter 985;

5243 (b) Who is found guilty of or who has tendered, and the  
 5244 court has accepted, a plea of nolo contendere or guilty to a  
 5245 crime that is, under the laws of this state, a felony if such  
 5246 crime was committed before the defendant turned 21 years of age  
 5247 ~~the offender is younger than 21 years of age at the time~~  
 5248 ~~sentence is imposed;~~ and

5249 (c) Who has not previously been classified as a youthful  
 5250 offender under the provisions of this act; however, a person who  
 5251 has been found guilty of a capital or life felony may not be  
 5252 sentenced as a youthful offender under this act.

5253 Section 71. Section 960.07, Florida Statutes, are amended  
 5254 to read:

5255 960.07 Filing of claims for compensation.—

5256 (1) A claim for compensation may be filed by a person  
 5257 eligible for compensation as provided in s. 960.065 or, if such  
 5258 person is a minor, by his or her parent or guardian or, if the

5259 | person entitled to make a claim is mentally incompetent, by the  
 5260 | person's guardian or such other individual authorized to  
 5261 | administer his or her estate.

5262 |         (2) Except as provided in subsections ~~subsection~~ (3) and  
 5263 | (4), a claim must be filed in accordance with this subsection.  
 5264 | ~~not later than 1 year after:~~

5265 |             (a)1. A claim arising from a crime occurring before  
 5266 | October 1, 2019, must be filed within 1 year of:

5267 |             a. The occurrence of the crime upon which the claim is  
 5268 | based.

5269 |             b. ~~(b)~~ The death of the victim or intervenor.

5270 |             c. ~~(c)~~ The death of the victim or intervenor is determined  
 5271 | to be the result of a crime, and the crime occurred after June  
 5272 | 30, 1994.

5273 |  
 5274 |             2. ~~However,~~ For good cause the department may extend the  
 5275 | time for filing a claim under subparagraph 1. for a period not  
 5276 | exceeding 2 years after such occurrence.

5277 |             (b)1. A claim arising from a crime occurring on or after  
 5278 | October 1, 2019, must be filed within 3 years after the later  
 5279 | of:

5280 |             a. The occurrence of the crime upon which the claim is  
 5281 | based.

5282 |             b. The death of the victim or intervenor.

5283 |             c. The death of the victim or intervenor is determined to

5284 be the result of the crime.

5285 2. For good cause the department may extend the time for  
5286 filing a claim under subparagraph 1. for a period not to exceed  
5287 5 years after such occurrence.

5288 (3) Notwithstanding the provisions of subsection (2) ~~and~~  
5289 ~~regardless of when the crime occurred~~, if the victim or  
5290 intervenor was under the age of 18 at the time the crime upon  
5291 which the claim is based occurred, a claim may be filed in  
5292 accordance with this subsection.

5293 (a) The victim's or intervenor's parent or guardian may  
5294 file a claim on behalf of the victim or intervenor while the  
5295 victim or intervenor is less than 18 years of age; ~~or~~

5296 (b) For a claim arising from a crime that occurred before  
5297 October 1, 2019, when a victim or intervenor who was under the  
5298 age of 18 at the time the crime occurred reaches the age of 18,  
5299 the victim or intervenor has 1 year ~~within which~~ to file a  
5300 claim; or

5301 (c) For a claim arising from a crime occurring on or after  
5302 October 1, 2019, when a victim or intervenor who was under the  
5303 age of 18 at the time the crime occurred reaches the age of 18,  
5304 the victim or intervenor has 3 years to file a claim.

5305  
5306 For good cause, the department may extend the time period  
5307 allowed for filing a claim under paragraph (b) for an additional  
5308 period not to exceed 1 year or under paragraph (c) for an

5309 additional period not to exceed 2 years.

5310 (4) The provisions of subsection (2) notwithstanding, ~~and~~  
 5311 ~~regardless of when the crime occurred,~~ a victim of a sexually  
 5312 violent offense as defined in s. 394.912, may file a claim for  
 5313 compensation for counseling or other mental health services  
 5314 within:

5315 (a) One ± year after the filing of a petition under s.  
 5316 394.914, to involuntarily civilly commit the individual who  
 5317 perpetrated the sexually violent offense, if the claim arises  
 5318 from a crime committed before October 1, 2019; or

5319 (b) Three years after the filing of petition under s.  
 5320 394.914, to involuntarily civilly commit the individual who  
 5321 perpetrated the sexually violent offense, if the claim arises  
 5322 from a crime committed on or after October 1, 2019.

5323 Section 72. Paragraph (b) of subsection (1) of section  
 5324 960.13, Florida Statutes, is amended to read:

5325 960.13 Awards.—

5326 (1)

5327 (b) In no case may an award be made when the record shows  
 5328 that such report was made more than:

5329 1. Seventy-two 72 hours after the occurrence of such  
 5330 crime, if the crime occurred before October 1, 2019; or

5331 2. Five days after the occurrence of such crime, if the  
 5332 crime occurred on or after October 1, 2019,  
 5333

5334 unless the department, for good cause shown, finds the delay to  
 5335 have been justified. The department, upon finding that any  
 5336 claimant or award recipient has not duly cooperated with the  
 5337 state attorney, all law enforcement agencies, and the  
 5338 department, may deny, reduce, or withdraw any award, as the case  
 5339 may be.

5340 Section 73. Paragraph (b) of subsection (1) of section  
 5341 960.195, Florida Statutes, is amended to read:

5342 960.195 Awards to elderly persons or disabled adults for  
 5343 property loss.—

5344 (1) Notwithstanding the criteria in s. 960.13, for crime  
 5345 victim compensation awards, the department may award a maximum  
 5346 of \$500 on any one claim and a lifetime maximum of \$1,000 on all  
 5347 claims to elderly persons or disabled adults who suffer a  
 5348 property loss that causes a substantial diminution in their  
 5349 quality of life when:

5350 (b) The criminal or delinquent act is reported to law  
 5351 enforcement authorities within:

5352 1. Seventy-two ~~72~~ hours, if such crime or act occurred  
 5353 before October 1, 2019; or

5354 2. Five days, if such crime or act occurred on or after  
 5355 October 1, 2019,

5356  
 5357 unless the department, for good cause shown, finds the delay to  
 5358 have been justified;

5359 Section 74. Section 960.196, Florida Statutes, is amended  
 5360 to read:

5361 960.196 Relocation assistance for victims of human  
 5362 trafficking.—

5363 (1) Notwithstanding the criteria specified in ss.  
 5364 960.07(2) and 960.13 for crime victim compensation awards, the  
 5365 department may award a one-time payment of up to \$1,500 for any  
 5366 one claim and a lifetime maximum of \$3,000 to a victim of human  
 5367 trafficking who needs urgent assistance to escape from an unsafe  
 5368 environment directly related to the human trafficking offense.

5369 (2) In order for an award to be granted to a victim for  
 5370 relocation assistance:

5371 (a) There must be proof that a human trafficking offense,  
 5372 as described in s. 787.06(3)(b), (d), (f), or (g), was  
 5373 committed.

5374 (b)1. For a crime occurring before October 1, 2019, the  
 5375 crime must be reported to the proper authorities and the claim  
 5376 must be filed within 1 year, or 2 years with good cause, after  
 5377 the date of the last human trafficking offense, as described in  
 5378 s. 787.06(3)(b), (d), (f), or (g).

5379 2. For a crime occurring on or after October 1, 2019, the  
 5380 crime must be reported to the proper authorities and the claim  
 5381 must be filed within 3 years, or 5 years with good cause, after  
 5382 the date of the last human trafficking offense, as described in  
 5383 s. 787.06(3)(b), (d), (f), or (g).



5384           3. In a case that exceeds the reporting and filing ~~2-year~~  
 5385 requirement due to an active and ongoing investigation, a state  
 5386 attorney, statewide prosecutor, or federal prosecutor may  
 5387 certify in writing a human trafficking victim's need to relocate  
 5388 from an unsafe environment due to the threat of future violence  
 5389 which is directly related to the human trafficking offense.

5390           (c) The victim's need must be certified by a certified  
 5391 domestic violence or rape crisis center in this state, except as  
 5392 provided in paragraph (b). The center's certification must  
 5393 assert that the victim is cooperating with the proper  
 5394 authorities and must include documentation that the victim has  
 5395 developed a safety plan.

5396           (3) Relocation payments for a human trafficking claim  
 5397 shall be denied if the department has previously approved or  
 5398 paid out a domestic violence or sexual battery relocation claim  
 5399 under s. 960.198 or s. 960.199 to the same victim regarding the  
 5400 same incident.

5401           Section 75. Subsection (2) of section 985.557, Florida  
 5402 Statutes, is amended to read:

5403           985.557 Direct filing of an information; discretionary ~~and~~  
 5404 ~~mandatory~~ criteria.—

5405           ~~(2) MANDATORY DIRECT FILE.—~~

5406           ~~(a) With respect to any child who was 16 or 17 years of~~  
 5407 ~~age at the time the alleged offense was committed, the state~~  
 5408 ~~attorney shall file an information if the child has been~~

5409 ~~previously adjudicated delinquent for an act classified as a~~  
5410 ~~felony, which adjudication was for the commission of, attempt to~~  
5411 ~~commit, or conspiracy to commit murder, sexual battery, armed or~~  
5412 ~~strong-armed robbery, carjacking, home-invasion robbery,~~  
5413 ~~aggravated battery, or aggravated assault, and the child is~~  
5414 ~~currently charged with a second or subsequent violent crime~~  
5415 ~~against a person.~~

5416 ~~(b) With respect to any child 16 or 17 years of age at the~~  
5417 ~~time an offense classified as a forcible felony, as defined in~~  
5418 ~~s. 776.08, was committed, the state attorney shall file an~~  
5419 ~~information if the child has previously been adjudicated~~  
5420 ~~delinquent or had adjudication withheld for three acts~~  
5421 ~~classified as felonies each of which occurred at least 45 days~~  
5422 ~~apart from each other. This paragraph does not apply when the~~  
5423 ~~state attorney has good cause to believe that exceptional~~  
5424 ~~circumstances exist which preclude the just prosecution of the~~  
5425 ~~juvenile in adult court.~~

5426 ~~(c) The state attorney must file an information if a~~  
5427 ~~child, regardless of the child's age at the time the alleged~~  
5428 ~~offense was committed, is alleged to have committed an act that~~  
5429 ~~would be a violation of law if the child were an adult, that~~  
5430 ~~involves stealing a motor vehicle, including, but not limited~~  
5431 ~~to, a violation of s. 812.133, relating to carjacking, or s.~~  
5432 ~~812.014(2)(c)6., relating to grand theft of a motor vehicle, and~~  
5433 ~~while the child was in possession of the stolen motor vehicle~~

5434 ~~the child caused serious bodily injury to or the death of a~~  
5435 ~~person who was not involved in the underlying offense. For~~  
5436 ~~purposes of this section, the driver and all willing passengers~~  
5437 ~~in the stolen motor vehicle at the time such serious bodily~~  
5438 ~~injury or death is inflicted shall also be subject to mandatory~~  
5439 ~~transfer to adult court. "Stolen motor vehicle," for the~~  
5440 ~~purposes of this section, means a motor vehicle that has been~~  
5441 ~~the subject of any criminal wrongful taking. For purposes of~~  
5442 ~~this section, "willing passengers" means all willing passengers~~  
5443 ~~who have participated in the underlying offense.~~

5444 ~~(d)1. With respect to any child who was 16 or 17 years of~~  
5445 ~~age at the time the alleged offense was committed, the state~~  
5446 ~~attorney shall file an information if the child has been charged~~  
5447 ~~with committing or attempting to commit an offense listed in s.~~  
5448 ~~775.087(2) (a)1.a. p., and, during the commission of or attempt~~  
5449 ~~to commit the offense, the child:~~

5450 ~~a. Actually possessed a firearm or destructive device, as~~  
5451 ~~those terms are defined in s. 790.001.~~

5452 ~~b. Discharged a firearm or destructive device, as~~  
5453 ~~described in s. 775.087(2) (a)2.~~

5454 ~~e. Discharged a firearm or destructive device, as~~  
5455 ~~described in s. 775.087(2) (a)3., and, as a result of the~~  
5456 ~~discharge, death or great bodily harm was inflicted upon any~~  
5457 ~~person.~~

5458 ~~2. Upon transfer, any child who is:~~

5459 ~~a. Charged under sub-subparagraph 1.a. and who has been~~  
5460 ~~previously adjudicated or had adjudication withheld for a~~  
5461 ~~forcible felony offense or any offense involving a firearm, or~~  
5462 ~~who has been previously placed in a residential commitment~~  
5463 ~~program, shall be subject to sentencing under s. 775.087(2)(a),~~  
5464 ~~notwithstanding s. 985.565.~~

5465 ~~b. Charged under sub-subparagraph 1.b. or sub-subparagraph~~  
5466 ~~1.c., shall be subject to sentencing under s. 775.087(2)(a),~~  
5467 ~~notwithstanding s. 985.565.~~

5468 ~~3. Upon transfer, any child who is charged under this~~  
5469 ~~paragraph, but who does not meet the requirements specified in~~  
5470 ~~subparagraph 2., shall be sentenced under s. 985.565; however,~~  
5471 ~~if the court imposes a juvenile sanction, the court must commit~~  
5472 ~~the child to a high-risk or maximum-risk juvenile facility.~~

5473 ~~4. This paragraph shall not apply if the state attorney~~  
5474 ~~has good cause to believe that exceptional circumstances exist~~  
5475 ~~that preclude the just prosecution of the child in adult court.~~

5476 ~~5. The Department of Corrections shall make every~~  
5477 ~~reasonable effort to ensure that any child 16 or 17 years of age~~  
5478 ~~who is convicted and sentenced under this paragraph be~~  
5479 ~~completely separated such that there is no physical contact with~~  
5480 ~~adult offenders in the facility, to the extent that it is~~  
5481 ~~consistent with chapter 958.~~

5482 Section 76. Paragraphs (a) and (b) of subsection (4) of  
5483 section 985.565, Florida Statutes, are amended to read:

5484           985.565 Sentencing powers; procedures; alternatives for  
 5485 juveniles prosecuted as adults.—  
 5486           (4) SENTENCING ALTERNATIVES.—  
 5487           (a) Adult sanctions.—  
 5488           1. Cases prosecuted on indictment.—If the child is found  
 5489 to have committed the offense punishable by death or life  
 5490 imprisonment, the child shall be sentenced as an adult. If the  
 5491 juvenile is not found to have committed the indictable offense  
 5492 but is found to have committed a lesser included offense or any  
 5493 other offense for which he or she was indicted as a part of the  
 5494 criminal episode, the court may sentence as follows:  
 5495           a. As an adult;  
 5496           b. Under chapter 958; or  
 5497           c. As a juvenile under this section.  
 5498           2. Other cases.—If a child who has been transferred for  
 5499 criminal prosecution pursuant to information or waiver of  
 5500 juvenile court jurisdiction is found to have committed a  
 5501 violation of state law or a lesser included offense for which he  
 5502 or she was charged as a part of the criminal episode, the court  
 5503 may sentence as follows:  
 5504           a. As an adult;  
 5505           b. Under chapter 958; or  
 5506           c. As a juvenile under this section.  
 5507           3. Notwithstanding any other provision to the contrary, if  
 5508 the state attorney is required to file a motion to transfer and

5509 certify the juvenile for prosecution as an adult under s.  
5510 985.556(3) and that motion is granted, ~~or if the state attorney~~  
5511 ~~is required to file an information under s. 985.557(2)(a) or~~  
5512 ~~(b)~~, the court must impose adult sanctions.

5513 4. Any sentence imposing adult sanctions is presumed  
5514 appropriate, and the court is not required to set forth specific  
5515 findings or enumerate the criteria in this subsection as any  
5516 basis for its decision to impose adult sanctions.

5517 5. When a child has been transferred for criminal  
5518 prosecution as an adult and has been found to have committed a  
5519 violation of state law, the disposition of the case may include  
5520 the enforcement of any restitution ordered in any juvenile  
5521 proceeding.

5522 (b) Juvenile sanctions.—For juveniles transferred to adult  
5523 court but who do not qualify for such transfer under s.  
5524 985.556(3) ~~or s. 985.557(2)(a) or (b)~~, the court may impose  
5525 juvenile sanctions under this paragraph. If juvenile sentences  
5526 are imposed, the court shall, under this paragraph, adjudge the  
5527 child to have committed a delinquent act. Adjudication of  
5528 delinquency shall not be deemed a conviction, nor shall it  
5529 operate to impose any of the civil disabilities ordinarily  
5530 resulting from a conviction. The court shall impose an adult  
5531 sanction or a juvenile sanction and may not sentence the child  
5532 to a combination of adult and juvenile punishments. An adult  
5533 sanction or a juvenile sanction may include enforcement of an

5534 order of restitution or probation previously ordered in any  
5535 juvenile proceeding. However, if the court imposes a juvenile  
5536 sanction and the department determines that the sanction is  
5537 unsuitable for the child, the department shall return custody of  
5538 the child to the sentencing court for further proceedings,  
5539 including the imposition of adult sanctions. Upon adjudicating a  
5540 child delinquent under subsection (1), the court may:

5541 1. Place the child in a probation program under the  
5542 supervision of the department for an indeterminate period of  
5543 time until the child reaches the age of 19 years or sooner if  
5544 discharged by order of the court.

5545 2. Commit the child to the department for treatment in an  
5546 appropriate program for children for an indeterminate period of  
5547 time until the child is 21 or sooner if discharged by the  
5548 department. The department shall notify the court of its intent  
5549 to discharge no later than 14 days prior to discharge. Failure  
5550 of the court to timely respond to the department's notice shall  
5551 be considered approval for discharge.

5552 3. Order disposition under ss. 985.435, 985.437, 985.439,  
5553 985.441, 985.45, and 985.455 as an alternative to youthful  
5554 offender or adult sentencing if the court determines not to  
5555 impose youthful offender or adult sanctions.

5556

5557 It is the intent of the Legislature that the criteria and  
5558 guidelines in this subsection are mandatory and that a

5559 | determination of disposition under this subsection is subject to  
5560 | the right of the child to appellate review under s. 985.534.

5561 |       Section 77. Except as otherwise expressly provided in this  
5562 | act and except for this section, which shall take effect upon  
5563 | this act becoming a law, this act shall take effect October 1,  
5564 | 2019.