Senator Brandes moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

16.555 Crime Stoppers Trust Fund; rulemaking.—

(4)

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

(5)

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

1. An arrest.
2. The recovery of stolen property.
3. The recovery of illegal narcotics.
4. The recovery of the body of a homicide victim.
5. The recovery of a human trafficking victim or a missing person connected to criminal activity.
6. The recovery of an illegal firearm or an illegal weapon on a K-12 school campus.
7. The prevention of a terrorist act.
8. The solving and closing of a criminal case involving a homicide or other violent felony offense that remains unsolved for 1 year or more after being reported to a law enforcement agency and that has no viable and unexplored investigatory leads.

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

16.557 Crime stoppers organizations; disclosure of privileged communications or protected information.
(1) As used in this section, the term:

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

(b) “Privileged communication” means the act of providing information to a crime stoppers organization for the purpose of reporting alleged criminal activity.

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

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

(b) This subsection does not apply to:

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

2. A law enforcement officer or an employee of a law enforcement agency or the Department of Legal Affairs when he or she is acting within the scope of his or her official duties.
(c) This subsection does not limit the right of any criminal defendant to criminal discovery.

Section 3. Effective July 1, 2019, section 25.025, Florida Statutes, is created to read:

25.025 Headquarters.—

(1)(a) A Supreme Court justice who permanently resides outside Leon County shall, if he or she so requests, have a district court of appeal courthouse, a county courthouse, or another appropriate facility in his or her district of residence designated as his or her official headquarters pursuant to s. 112.061. This official headquarters may serve only as the justice’s private chambers.

(b) A justice for whom an official headquarters is designated in his or her district of residence under this subsection is eligible for subsistence at a rate to be established by the Chief Justice for each day or partial day that the justice is at the Supreme Court Building for the conduct of the business of the court. In addition to the subsistence allowance, a justice is eligible for reimbursement for transportation expenses as provided in s. 112.061(7) for travel between the justice’s official headquarters and the Supreme Court Building for the conduct of the business of the court.

(c) Payment of subsistence and reimbursement for transportation expenses relating to travel between a justice’s official headquarters and the Supreme Court Building must be made to the extent that appropriated funds are available, as determined by the Chief Justice.

(2) The Chief Justice shall coordinate with each affected
justice and other state and local officials as necessary to implement paragraph (1)(a).

(3)(a) This section does not require a county to provide space in a county courthouse for a justice. A county may enter into an agreement with the Supreme Court governing the use of space in a county courthouse.

(b) The Supreme Court may not use state funds to lease space in a district court of appeal courthouse, county courthouse, or other facility to allow a justice to establish an official headquarters pursuant to subsection (1).

Section 4. Section 43.51, Florida Statutes, is created to read:

43.51 Problem-solving court reports.—

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

(2) For purposes of this section, the term “problem-solving court” includes, but is not limited to, a drug court pursuant to s. 397.334, s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans’ and servicemembers’ court pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; a community court pursuant to
s. 948.081; or a delinquency pretrial intervention court program pursuant to s. 985.345.

Section 5. Subsection (8) is added to section 57.105, Florida Statutes, to read:

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

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

Section 6. Paragraph (c) of subsection (1) of section 61.13016, Florida Statutes, is amended to read:

61.13016 Suspension of driver licenses and motor vehicle registrations.—

(1) The driver license and motor vehicle registration of a support obligor who is delinquent in payment or who has failed to comply with subpoenas or a similar order to appear or show cause relating to paternity or support proceedings may be suspended. When an obligor is 15 days delinquent making a payment in support or failure to comply with a subpoena, order to appear, order to show cause, or similar order in IV-D cases, the Title IV-D agency may provide notice to the obligor of the delinquency or failure to comply with a subpoena, order to appear, order to show cause, or similar order and the intent to suspend by regular United States mail that is posted to the obligor’s last address of record with the Department of Highway
Safety and Motor Vehicles. When an obligor is 15 days delinquent in making a payment in support in non-IV-D cases, and upon the request of the obligee, the depository or the clerk of the court must provide notice to the obligor of the delinquency and the intent to suspend by regular United States mail that is posted to the obligor’s last address of record with the Department of Highway Safety and Motor Vehicles. In either case, the notice must state:

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

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

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

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

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

e. Demonstrates that he or she is disabled and incapable of self-support or that he or she receives benefits under the federal Supplemental Security Income program or Social Security Disability Insurance program;
f. Demonstrates that he or she receives temporary cash assistance pursuant to chapter 414; or

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

2. Pays any applicable delinquency fees.

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

Section 7. Subsection (2) of section 212.15, Florida Statutes, is amended to read:

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

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

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

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

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

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

Section 8. Subsection (3) of section 287.095, Florida Statutes, is amended to read:

287.095 Department of Corrections; prison industry programs.—

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

Section 9. Present subsections (41) through (46) of section 322.01, Florida Statutes, are redesignated as subsections (42) through (47), respectively, and a new subsection (41) is added
to that section, to read:

322.01 Definitions.—As used in this chapter:

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

Section 10. Subsections (1) through (4) of section 322.055, Florida Statutes, are amended to read:

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

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

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

(3) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person’s driver license or driving privilege is already under suspension or revocation for any reason, the court shall direct the department to extend the period of such suspension or revocation by an additional period of 6 months or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. However, the court may, upon finding a compelling circumstance to warrant an exception in its sound discretion, direct the department to issue a license for driving privilege restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall a restricted license be available until 6 months of the suspension or revocation period has expired.

(4) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is ineligible by reason of age for a driver license or
driving privilege, the court shall direct the department to withhold issuance of such person’s driver license or driving privilege for a period of 6 months after the date that he or she would otherwise have become eligible or until he or she becomes eligible by reason of age for a driver license and is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Families. However, the court may, upon finding a compelling circumstance to warrant an exception in its sound discretion, direct the department to issue a license for driving privilege restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall a restricted license be available until 6 months of the suspension or revocation period has expired.

Section 11. Section 322.056, Florida Statutes, is amended to read:

322.056 Mandatory revocation or suspension of, or delay of eligibility for, driver license for persons under age 18 found guilty of certain alcohol, drug, or tobacco offenses; prohibition.—

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

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

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

2. Two years, for a subsequent violation.

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

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

2. Two years, for a subsequent violation.

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

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

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

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

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

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

1. For the first violation, for 30 days.

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

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

1. For the first violation, for 30 days.

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

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

1. For the first violation, for 30 days.
2. For the second violation within 12 weeks of the first violation, for 45 days.

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

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

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

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

Section 12. Section 322.057, Florida Statutes, is repealed.

Section 13. Subsections (2), (4), (7), paragraph (a) of subsection (8), paragraph (a) of subsection (9), subsection (10), and paragraph (a) of subsection (11) of section 322.34,
Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Whether the person’s driver license is suspended or revoked, or the person is under suspension or revocation equivalent status.

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

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

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

(9)(a) A motor vehicle that is driven by a person under the influence of alcohol or drugs in violation of s. 316.193 is subject to seizure and forfeiture under ss. 932.701-932.7062 and
is subject to liens for recovering, towing, or storing vehicles under s. 713.78 if, at the time of the offense, the person’s driver license is suspended, revoked, or canceled, or suspension or revocation equivalent status was imposed, as a result of a prior conviction for driving under the influence.

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

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

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

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

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

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

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

(b)1. Upon a first conviction for knowingly driving while his or her license is suspended, revoked, or canceled, or while under suspension or revocation equivalent status, for any of the
underlying violations listed in subparagraphs (a)1.–6., a person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

Section 14. Section 322.75, Florida Statutes, is created to read:

322.75 Driver License Reinstatement Days.—

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

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

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

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

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

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

(5) A person is not eligible for reinstatement under the
program if his or her driver license is suspended or revoked due
to:
   (a) The person’s failure to fulfill a court-ordered child
   support obligation;
   (b) A violation of s. 316.193;
   (c) The person’s failure to complete a driver training
   program, driver improvement course, or alcohol or substance
   abuse education or evaluation program required under s. 316.192,
   s. 316.193, s. 322.2616, s. 322.271, or s. 322.264;
   (d) A traffic-related felony; or
   (e) The person being designated as a habitual traffic
   offender under s. 322.264.
   (6) The clerk of court and the Department of Highway Safety
   and Motor Vehicles shall verify any information necessary for
   reinstatement of a driver license under the program.
   (7) The clerk of court must collect and report to the
   Florida Clerks of Court Operations Corporation all of the
   following:
      (a) Number of cases paid in full.
      (b) Number of cases put on a payment plan.
      (c) Number of driver license reinstatements.
      (d) Number of driver licenses made eligible for
      reinstatement.
      (e) Amount of fees and costs collected, reported by the
      entity receiving the funds. The Florida Clerks of Court
      Operations Corporation must report the aggregate funds received
      by the clerks of court, the local governmental entities, and
      state entities, including the General Revenue Fund.
      (f) The personnel, operating, security, and other
expenditures incurred by the clerk of court.

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

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

Section 15. Subsection (2) of section 394.917, Florida Statutes, is amended to read:

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

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

Section 16. Subsection (2) of section 397.334, Florida Statutes, is amended to read:

397.334 Treatment-based drug court programs.—

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

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

455.213 General licensing provisions.—

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

(3)(a) Notwithstanding any other law, the applicable board
shall use the process in this subsection for review of an
applicant’s criminal record to determine his or her eligibility
for licensure as:
1. A barber under chapter 476;
2. A cosmetologist or cosmetology specialist under chapter 477;
3. Any of the following construction professions under chapter 489:
   a. Air-conditioning contractor;
   b. Electrical contractor;
   c. Mechanical contractor;
   d. Plumbing contractor;
   e. Pollutant storage systems contractor;
   f. Roofing contractor;
   g. Sheet metal contractor;
   h. Solar contractor;
   i. Swimming pool and spa contractor;
   j. Underground utility and excavation contractor; or
   k. Other specialty contractors; or
4. Any other profession for which the department issues a license, provided the profession is offered in to inmates in any correctional institution or correctional facility as vocational training or through an industry certification program.

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

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

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

2. After a license application is approved, the applicable board may stay the issuance of a license until the applicant is lawfully released from confinement or supervision and the applicant notifies the applicable board of such release. The applicable board must verify the applicant’s release with the Department of Corrections before it issues a license.

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

4. If an applicant is confined or under supervision, the Department of Corrections and the applicable board shall cooperate and coordinate to facilitate the appearance of the applicant at a board meeting or agency hearing in person, by teleconference, or by video conference, as appropriate.
(d) Each applicable board shall compile a list of crimes that, if committed and regardless of adjudication, do not relate to the practice of the profession or the ability to practice the profession and do not constitute grounds for denial of a license. This list must be made available on the department’s website and updated annually. Beginning October 1, 2019, each applicable board shall compile a list of crimes that although reported by an applicant for licensure, were not used as a basis for denial. The list must identify for each such license application the crime reported and the date of conviction and whether there was a finding of guilt, a plea, or an adjudication entered or the date of sentencing.

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

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

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

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

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

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

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

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

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

489.126 Moneys received by contractors.—

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

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

2. (b) Start the work within 90 days after the date all necessary permits for work, if any, are issued, unless the contractor has just cause for failing to apply for the necessary permits, starting the work, or refunding the payment, or unless the person who made the payment agreed, in writing, to a longer period to apply for the necessary permits or start the work or to longer periods for both.

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

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

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

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

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

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

3. The contractor failed to perform for the 90-day period
or such period that is mutually agreed upon and specified in the
contract without just cause or terminated the contract without
proper notification to the owner.
   a. Proper notification of termination for purposes of this
   subparagraph must be made by the contractor in the form of a
   letter that includes the reason for termination of the contract
   or the reason for failure to perform sent via certified mail,
   return receipt requested, mailed to the address of the owner
   listed in the contracting agreement. If no written agreement
   exists, the letter must be mailed to the address where the work
   was to be performed or the address listed on the permit, if
   applicable.
   b. If a contractor fails to comply with paragraph (a),
   written demand must be made to the contractor in the form of a
   letter that includes a demand to perform work, or refund the
   money received in excess of the value of the work performed,
   sent via certified mail, return receipt requested, mailed to the
   address listed in the contracting agreement. If there is no
   address for the contractor listed in the contracting agreement,
   or no agreement exists, the letter must be mailed to the address
   listed with the department for licensing purposes or the local
   construction industry licensing board, if applicable.
   c. It may be inferred that a contractor does not have just
   cause if the contractor fails to perform work, or refund the
   money received in excess of the value of the work performed,
   within 30 days after receiving a written demand to perform the
   work, or refund the money received in excess of the value of the
work performed, from the person who made the payment, for an
additional 30-day period after the date of mailing of
notification as specified in paragraph (c), to perform any work
for which he or she contracted,
gives rise to an inference that the money in excess of the value
of the work performed was taken with the intent to defraud.

(c) Notification as contemplated in paragraph (b) consists
of a certified letter, return receipt requested, mailed to the
address of the contractor as listed in the written contracting
agreement. The letter must indicate that the contractor has
failed to perform any work for a 60-day period, that the failure
to perform the work was not the result of the owner’s
termination of the contract or a material breach of the contract
by the owner, and that the contractor must recommence
construction within 30 days after the date of mailing of the
letter. If there is no address for the contractor listed in the
written contracting agreement, or no written agreement exists,
the letter must be mailed to the address of the contractor
listed in the building permit application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

489.553 Administration of part; registration qualifications; examination.—

(7) Notwithstanding any other law, a conviction, or any other adjudication, for a crime more than 5 years before the date the application is received by the department or other applicable authority may not be grounds for denial of registration. For purposes of this subsection, the term “conviction” means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld. This subsection does not limit a board from considering an applicant’s criminal history that includes any crime listed in s. 775.21(4)(a)1. or s. 776.08 at any time, but only if such criminal history has been found to relate to the practice of the applicable profession, or any crime if it has been found to relate to good moral character.
(8)(a) A person may apply to be registered before his or her lawful release from confinement or supervision. The department or other applicable authority may not charge an applicant an additional fee for being confined or under supervision. The department or other applicable authority may not deny an application for registration solely on the basis of the applicant’s current confinement or supervision.

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

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

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

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

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

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

500.451 Horse meat; offenses.—

(1) It is unlawful for any person to:

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

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

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

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

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

(1) Any person who obtains food, lodging, or other accommodations having a value of less than $1,000 or more, such person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; if such food, lodging, or other accommodations have a value of $1,000 or more, such person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

562.11 Selling, giving, or serving alcoholic beverages to person under age 21; providing a proper name; misrepresenting or misstating age or age of another to induce licensee to serve alcoholic beverages to person under 21; penalties.—
(1)(a) A person may not sell, give, serve, or permit to be served alcoholic beverages to a person under 21 years of age or permit a person under 21 years of age to consume such beverages on the licensed premises. A person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates this paragraph a second or subsequent time within 1 year after a prior conviction commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

(c) In addition to any other penalty imposed for a
violation of this subsection, if a person uses a driver license
or identification card issued by the Department of Highway
Safety and Motor Vehicles in violation of this subsection, the
court:
1. may order the person to participate in public service or
a community work project for a period not to exceed 40 hours;
and
2. Shall direct the Department of Highway Safety and Motor
Vehicles to withhold issuance of, or suspend or revoke, the
person’s driver license or driving privilege, as provided in s.
322.056.

Section 24. Subsection (3) of section 562.111, Florida
Statutes, is amended to read:
562.111 Possession of alcoholic beverages by persons under
age 21 prohibited.—

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

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

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

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

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

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

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

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

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

(8) Any person violating any provisions of this section of the law commits shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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

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

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

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

(c) For a third or subsequent violation within 12 weeks of the first violation, the court must direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend or revoke the person’s driver license or driving privilege, as provided in s. 322.056.
Any second or subsequent violation not within the 12-week time period after the first violation is punishable as provided for a first violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Treason;

b. Murder;

c. Manslaughter;

d. Sexual battery;

e. Carjacking;

f. Home-invasion robbery;
g. Robbery;
h. Arson;

i. Kidnapping;

j. Aggravated assault with a deadly weapon;

k. Aggravated battery;

l. Aggravated stalking;

m. Aircraft piracy;

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

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

p. Armed burglary;

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

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

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

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

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

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

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

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

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

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

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

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

784.048 Stalking; definitions; penalties.—
(1) As used in this section, the term:
(d) “Cyberstalk” means:
1. To engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person; or
2. To access, or attempt to access, the online accounts or Internet-connected home electronic systems of another person without that person’s permission,

causing substantial emotional distress to that person and serving no legitimate purpose.
(2) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the
offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

(7) A person who, after having been sentenced for a violation of s. 794.011, s. 800.04, or s. 847.0135(5) and prohibited from contacting the victim of the offense under s. 921.244, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks the victim commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
Section 32. Subsection (1) of section 790.052, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

1. If the minor is eligible by reason of age for a driver license or driving privilege, the court may direct the Department of Highway Safety and Motor Vehicles to revoke or to
withhold issuance of the minor’s driver license or driving privilege for up to 1 year.

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

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

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

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

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

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

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

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

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

(a) For a first offense:

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

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

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

(b) For a second or subsequent offense:

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

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

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

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

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

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

(a) "Employee" means:

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

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

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

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

(b) “Facility” means a state correctional institution as defined in s. 944.02, or a private correctional facility as defined in s. 944.710, or a county detention facility as defined in s. 951.23.

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

1. Intentionally masturbate;

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

3. Intentionally commit any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity,

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

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

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

806.13 Criminal mischief; penalties; penalty for minor.—

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

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

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

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

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

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

   812.014 Theft.—
   (2)
           (c) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is:
           1. Valued at $750 or more, but less than $5,000.
           2. Valued at $5,000 or more, but less than $10,000.
           3. Valued at $10,000 or more, but less than $20,000.
           4. A will, codicil, or other testamentary instrument.
           5. A firearm.
           6. A motor vehicle, except as provided in paragraph (a).
           7. Any commercially farmed animal, including any animal of the equine, avian, bovine, or swine class or other grazing animal; a bee colony of a registered beekeeper; and aquaculture species raised at a certified aquaculture facility. If the property stolen is a commercially farmed animal, including an animal of the equine, avian, bovine, or swine class or other grazing animal; a bee colony of a registered beekeeper; or an aquaculture species raised at a certified aquaculture facility, a $10,000 fine shall be imposed.
8. Any fire extinguisher that, at the time of the taking, was installed in any building for the purpose of fire prevention and control. This subparagraph does not apply to a fire extinguisher taken from the inventory at a point-of-sale business.

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

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

11. Any stop sign.


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

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

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

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

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

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

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

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

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

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

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

(d) Acts in concert with one or more other individuals
within one or more establishments to distract the merchant,
merchant’s employee, or law enforcement officer in order to
carry out the offense, or acts in other ways to coordinate
efforts to carry out the offense; or

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

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

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

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

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

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

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

Section 38. Section 812.0155, Florida Statutes, is amended
to read:
812.0155 Driver license suspension as an alternative sentence for a person under 18 years of age

1839 Suspension of driver license following an adjudication of guilt for theft.—
1840
1841 (1) Except as provided in subsections (2) and (3), the court may order the suspension of the driver license of each person adjudicated guilty of any misdemeanor violation of s. 812.014 or s. 812.015, regardless of the value of the property stolen. Upon ordering the suspension of the driver license of the person adjudicated guilty, the court shall forward the driver license of the person adjudicated guilty to the Department of Highway Safety and Motor Vehicles in accordance with s. 322.25.
1842
1843 (a) The first suspension of a driver license under this subsection shall be for a period of up to 6 months.
1844
1845 (b) A second or subsequent suspension of a driver license under this subsection shall be for 1 year.
1846
1847 (1) (2) The court may revoke, suspend, or withhold issuance of a driver license of a person less than 18 years of age who violates s. 812.014 or s. 812.015 as an alternative to sentencing the person to:
1849
1850 (a) Probation as defined in s. 985.03 or commitment to the Department of Juvenile Justice, if the person is adjudicated delinquent for such violation and has not previously been convicted of or adjudicated delinquent for any criminal offense, regardless of whether adjudication was withheld.
1852
1853 (b) Probation as defined in s. 985.03, commitment to the Department of Juvenile Justice, probation as defined in chapter 948, community control, or incarceration, if the person is convicted as an adult of such violation and has not previously
been convicted of or adjudicated delinquent for any criminal
offense, regardless of whether adjudication was withheld.

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

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

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

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

(3) This section does not

Subsections (2) and (3) do not
preclude the court from imposing any other sanction specified or
not specified in subsection (2) or subsection (3).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Endangers human life; or
2. Disrupts a computer, computer system, computer network, or electronic device that affects medical equipment used in the direct administration of medical care or treatment to a person.

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

817.413 Sale of used motor vehicle goods as new; penalty.—
(1) With respect to a transaction for which any charges will be paid from the proceeds of a motor vehicle insurance policy, and in which the purchase price of motor vehicle goods exceeds $100, it is unlawful for the seller to knowingly misrepresent orally, in writing, or by failure to speak, that the goods are new or original when they are used or repossessed or have been used for sales demonstration.

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

Section 42. Paragraph (a) of subsection (2) of section 831.28, Florida Statutes, is amended to read:
831.28 Counterfeiting a payment instrument; possessing a counterfeit payment instrument; penalties.—
(2)(a) It is unlawful to counterfeit a payment instrument with the intent to defraud a financial institution, account
holder, or any other person or organization or for a person to have any counterfeit payment instrument in such person’s possession with the intent to defraud a financial institution, an account holder, or any other person or organization. Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) PENALTIES FOR MINORS.—

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

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

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

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

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

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

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

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

c. Is 28 grams or more, but less than 30 kilograms, such
person shall be sentenced to a mandatory minimum term of 2100 imprisonment of 25 years and shall be ordered to pay a fine of 2101 $500,000.

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

a. Is 28 grams or more, but less than 50 grams, such person shall be sentenced to a mandatory minimum term of 2112 imprisonment of 3 years and shall be ordered to pay a fine of 2113 $50,000.

b. Is 50 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of 2117 imprisonment of 7 years and shall be ordered to pay a fine of 2119 $100,000.

c. Is 100 grams or more, but less than 300 grams, such person shall be sentenced to a mandatory minimum term of 2121 imprisonment of 15 years and shall be ordered to pay a fine of 2123 $500,000.

d. Is 300 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of 2124 imprisonment of 25 years and shall be ordered to pay a fine of 2127 $750,000.

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

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

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

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

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

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

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

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

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

(IV) Sufentanil, as described in s. 893.03(2)(b)30.;
(V) A fentanyl derivative, as described in s. 893.03(1)(a)62.;

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

(VII) A mixture containing any substance described in sub-sub-subparagraphs (I)-(VI), commits a felony of the first degree, which felony shall be known as “trafficking in fentanyl,” punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

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

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

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

900.05 Criminal justice data collection.—

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

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

(a) “Annual felony caseload” means the yearly caseload of each full-time state attorney and assistant state attorney, public defender and assistant public defender, or regional conflict counsel and assistant regional conflict counsel for cases assigned to the circuit criminal division, based on the number of felony cases reported to the Supreme Court under s. 25.075. The term does not include the appellate caseload of a public defender, assistant public defender, regional conflict counsel, or assistant regional conflict counsel. Cases reported pursuant to this term must be associated with a case number, and each case number must only be reported once regardless of the number of attorney assignments that occur during the course of litigation. The caseload shall be calculated on June 30 and reported once at the beginning of the reporting agency’s fiscal year.
(b) “Annual felony conflict caseload” means the total number of felony cases the office of the public defender or office of regional conflict counsel has declined or withdrawn from in the previous calendar year due to lack of qualified counsel or due to excessive caseload. The caseload shall be calculated on June 30 and reported once at the beginning of the reporting agency’s fiscal year.

(c) “Annual misdemeanor caseload” means the yearly caseload of each full-time state attorney and assistant state attorney, or public defender and assistant public defender, or regional conflict counsel and assistant regional conflict counsel for cases assigned to the county criminal division, based on the number of misdemeanor cases reported to the Supreme Court under s. 25.075. The term does not include the appellate caseload of a public defender, or assistant public defender, or regional conflict counsel, or assistant regional conflict counsel. Cases reported pursuant to this term must be associated with a case number, and each case number must only be reported once regardless of the number of attorney assignments that occur during the course of litigation. The caseload shall be calculated on June 30 and reported once at the beginning of the reporting agency’s fiscal year.

(d) “Annual misdemeanor conflict caseload” means the total number of misdemeanor cases the office of the public defender or office of regional conflict counsel has declined or withdrawn from in the previous calendar year due to lack of qualified counsel or due to excessive caseload. The caseload shall be calculated on June 30 and reported once at the beginning of the reporting agency’s fiscal year.
“(e) “Attorney assignment date” means the date a court-appointed attorney is assigned to the case or, if privately retained, the date an attorney files a notice of appearance with the clerk of court.

“(f) “Attorney withdrawal date” means the date the court removes court-appointed counsel from a case or, for a privately retained attorney, the date a motion to withdraw is granted by the court.

“(g) “Case number” means the uniform case identification number assigned by the clerk of court to a criminal case.

“(h) “Case status” means whether a case is open, active, inactive, closed, reclosed, or reopened due to a violation of probation or community control.

“(i) “Charge description” means the statement of the conduct that is alleged to have been violated, the associated statutory section establishing such conduct as criminal, and the misdemeanor or felony classification that is provided for in the statutory section alleged to have been violated.

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

“(k) “Charge modifier” means an aggravating circumstance of an alleged crime that enhances or reclassifies a charge to a more serious misdemeanor or felony offense level.

“(l) “Concurrent or consecutive sentence flag” means an indication that a defendant is serving another sentence concurrently or consecutively in addition to the sentence for which data is being reported.
(m) “Daily number of correctional officers” means the number of full-time, part-time, and auxiliary correctional officers who are actively providing supervision, protection, care, custody, and control of inmates in a county detention facility or state correctional institution or facility each day.

(n) “Defense attorney type” means whether the attorney is a public defender, regional conflict counsel, or other counsel court-appointed for the defendant; the attorney is privately retained by the defendant; or the defendant is represented pro se.

(o) “Deferred prosecution or pretrial diversion agreement date” means the date an agreement is signed by the parties regarding a defendant’s admission into a deferred prosecution or pretrial diversion program.

(p) “Deferred prosecution or pretrial diversion hearing date” means each date that a hearing, including a status hearing, is held on a case that is in a deferred prosecution or pretrial diversion program, if applicable.

(q) “Disciplinary violation and action” means any conduct performed by an inmate in violation of the rules of a county detention facility or state correctional institution or facility that results in the initiation of disciplinary proceedings by the custodial entity and the consequences of such disciplinary proceedings.

(r) “Disposition date” means the date of final judgment, adjudication, adjudication withheld, dismissal, or nolle prossequi for the case and if different dates apply, the disposition dates of each charge.

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

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

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

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

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

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

(t) "Judicial transfer date" means a date on which a defendant’s case is transferred to another court or presiding judge.

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

(z) "Pretrial release violation flag" means an indication that the defendant has violated the terms of his or her pretrial release.
(aa) “Prior incarceration within the state” means any prior history of a defendant’s incarceration defendant being incarcerated in a county detention facility or state correctional institution or facility.

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

(dd) “Tentative release date” means the anticipated date that an inmate will be released from incarceration after the application of adjustments for any gain-time earned or credit for time served.

(cc) “Sexual offender flag” means an indication that a defendant was is required to register as a sexual predator as defined in s. 775.21 or as a sexual offender as defined in s. 943.0435.

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

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

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

(a) Clerk of the court.—Each clerk of court shall collect the following data for each criminal case:
1. Case number.
2. Date that the alleged offense occurred.
3. County in which the offense is alleged to have occurred.
4. Date the defendant is taken into physical custody by a law enforcement agency or is issued a notice to appear on a criminal charge, if such date is different from the date the offense is alleged to have occurred.
5. Whether the case originated by notice to appear.
6. Date that the criminal prosecution of a defendant is formally initiated through the filing, with the clerk of the court, of an information by the state attorney or an indictment issued by a grand jury.
7. Arraignment date.
8. Attorney appointment assignment date.
9. Attorney withdrawal date.
10. Case status.
11. Charge disposition.
12. Disposition date and disposition type.
13. Information related to each defendant, including:
   a. Identifying information, including name, known aliases, date of birth, age, race, or ethnicity, and gender.
   b. Zip code of last known address primary residence.
   c. Primary language.
   d. Citizenship.
   e. Immigration status, if applicable.
   f. Whether the defendant has been found by a court to be indigent under pursuant to s. 27.52.
14. Information related to the formal charges filed against the defendant, including:
a. Charge description.

b. Charge modifier description and statute, if applicable.

c. Drug type for each drug charge, if known.

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

14. Information related to bail or bond and pretrial release determinations, including the dates of any such determinations:

a. Pretrial release determination made at a first appearance hearing that occurs within 24 hours of arrest, including any all monetary and nonmonetary conditions of release.

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

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

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

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

15. Information related to court dates and dates of
motions and appearances, including:

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

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

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

d. Each scheduled trial date.

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

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

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


17. Information related to sentencing, including:

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

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

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

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

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

f. Outstanding balance of the defendant’s court fees imposed by the court at disposition of the case.

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

h. Outstanding balance of the defendant’s fines imposed by the court at disposition of the case.

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

j. Digitized sentencing scoresheet prepared in accordance with s. 921.0024.

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

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

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

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

b. Relationship to the offender, if any.
2. Number of full-time prosecutors.
3. Number of part-time prosecutors.
4. Annual felony caseload.
5. Annual misdemeanor caseload.
6. Disposition of each referred charge, such as filed, declined, or diverted. Any charge referred to the state attorney by a law enforcement agency related to an episode of criminal activity.
7. Number of cases in which a no-information was filed.
8. Information related to each defendant, including:
   a. Each charge referred to the state attorney by a law enforcement agency or sworn complainant related to an episode of criminal activity.
      b. Case number, name, and date of birth.
      c. Drug type for each drug charge, if applicable.
      d. Deferred prosecution or pretrial diversion agreement date, if applicable.

   (c) Public defender.—Each public defender shall collect the following data for each criminal case:
   1. Number of full-time public defenders.
   2. Number of part-time public defenders.
   3. Number of contract attorneys representing indigent defendants for the office of the public defender.
   4. Annual felony caseload.
   5. Annual felony conflict caseload.
   6. Annual misdemeanor caseload.
   7. Annual misdemeanor conflict caseload.

(d) County detention facility.—The administrator of each county detention facility shall collect the following data:
1. Maximum capacity for the county detention facility.
2. Weekly admissions to the county detention facility for a revocation of probation or community control.
3. Weekly admissions to the county detention facility for a revocation of pretrial release.
4. Daily population of the county detention facility, including the specific number of inmates in the custody of the county that:
   a. Are awaiting case disposition.
   b. Have been sentenced by a court to a term of incarceration imprisonment in the county detention facility.
   c. Have been sentenced by a court to a term of imprisonment with the Department of Corrections and who are awaiting transportation to the department.
   d. Have a federal detainer, or are awaiting disposition of a case in federal court, or are awaiting other federal disposition.
5. Information related to each inmate, including:
   a. Identifying information, including name, date of birth, race, ethnicity, gender, case number, and identification number assigned by the county detention facility.
   b. Date when an inmate a defendant is processed and booked into the county detention facility subsequent to an arrest for a new violation of law, or for a violation of probation or community control, or for a violation of pretrial release.
   c. Reason why an inmate a defendant is processed and booked into the county detention facility, including if it is for a new law violation, or a violation of probation or
community control, or a violation of pretrial release.

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

6. Total population of the county detention facility at year-end. This data must include the same specified classifications as subparagraph 3.

7. Per diem rate for a county detention facility bed.

8. Daily number of correctional officers for the county detention facility.

9. Annual county detention facility budget. This information only needs to be reported once annually at the beginning of the county’s fiscal year.

10. Annual revenue generated for the county from the temporary incarceration of federal defendants or inmates.

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

1. Information related to each inmate, including:
   a. Identifying information, including name, date of birth, race, ethnicity, gender, case number, and identification number assigned by the department.
   b. Number of children.
   c. Highest education level, including any vocational training.
   c. Date the inmate was admitted to the custody of the department for his or her current incarceration.
d. Current institution placement and the security level assigned to the institution.
e. Custody level assignment.
f. Qualification for a flag designation as defined in this section, including sexual offender flag, habitual offender flag, habitual violent felony offender flag, prison releasee reoffender flag, three-time violent felony offender flag, violent career criminal flag, gang affiliation flag, or concurrent or consecutive sentence flag.
g. County that committed the prisoner to the custody of the department.
h. Whether the reason for admission to the department is for a new conviction or a violation of probation, community control, or parole. For an admission for a probation, community control, or parole violation, the department shall report whether the violation was technical or based on a new violation of law.
i. Specific statutory citation for which the inmate was committed to the department, including, for an inmate convicted of drug trafficking under s. 893.135, the statutory citation for each specific drug trafficked.
j. Length of sentence served.
k. Length of sentence or concurrent or consecutive sentences served.
l. Tentative release date.
m. Gain time earned in accordance with s. 944.275.
n. Prior incarceration within the state.
o. Disciplinary violation and action.
p. Participation in rehabilitative or educational programs
while in the custody of the department.

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

2. Information about each state correctional institution or facility, including:
   a. Budget for each state correctional institution or facility.
   b. Daily prison population of all inmates incarcerated in a state correctional institution or facility.
   c. Daily number of correctional officers for each state correctional institution or facility.

3. Information related to persons supervised by the department on probation or community control, including:
   a. Identifying information for each person supervised by the department on probation or community control, including his or her name, date of birth, race, or ethnicity, gender, case number, and department-assigned case number.
   b. Length of probation or community control sentence imposed and amount of time that has been served on such sentence.
   c. Projected termination date for probation or community control.
   d. Revocation of probation or community control due to a violation, including whether the revocation is due to a technical violation of the conditions of supervision or from the commission of a new law violation.

4. Per diem rates for:
   a. Prison bed.
   b. Probation.
c. Community control.

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

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

1. Number of private registry attorneys representing indigent adult defendants.
2. Annual felony caseload assigned to private registry contract attorneys.
3. Annual misdemeanor caseload assigned to private registry contract attorneys.

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

1. Number of full-time assistant regional conflict counsel handling criminal cases.
2. Number of part-time assistant regional conflict counsel handling criminal cases.
3. Number of contract attorneys representing indigent adult defendants.
4. Annual felony caseload.
5. Annual felony caseload assigned to contract attorneys.
6. Annual felony conflict caseload.
7. Annual misdemeanor caseload.
8. Annual misdemeanor caseload assigned to contract attorneys.

(4) DATA PUBLICLY AVAILABLE.—Beginning January 1, 2019, The
Department of Law Enforcement shall publish datasets in its possession in a modern, open, electronic format that is machine-readable and readily accessible by the public on the department’s website. The published data must be searchable, at a minimum, by each data element, county, circuit, and unique identifier. Beginning March 1, 2019, the department shall publish the data received under subsection (3) in the same modern, open, electronic format that is machine-readable and readily accessible to the public on the department’s website. The department shall publish all data received under subsection (3) no later than January 1, 2020, and monthly thereafter.

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

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

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

943.0578 Lawful self-defense expunction.—

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

(2) Each petition to expunge a criminal history record
pursuant to this section must be accompanied by:
(a) A valid certificate of eligibility for expunction
issued by the department pursuant to this section; and
(b) The petitioner’s sworn statement attesting that the
petitioner is eligible for such an expunction to the best of his
or her knowledge or belief.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) A criminal history record is ineligible for a
certificate of eligibility for expunction or a court-ordered
expunction pursuant to s. 943.0585 or a certificate of
eligibility for sealing or a court-ordered sealing pursuant to
s. 943.059 if the record is a conviction for any of the
following offenses:
(a) Sexual misconduct, as defined in s. 393.135, s. 394.4593, or s. 916.1075;
(b) Illegal use of explosives, as defined in chapter 552;
(c) Terrorism, as defined in s. 775.30;
(d) Murder, as defined in s. 782.04, s. 782.065, or s. 782.09;
(e) Manslaughter or homicide, as defined in s. 782.07, s. 782.071, or s. 782.072;
(f) Assault or battery, as defined in ss. 784.011 and 784.03, respectively, of one family or household member by another family or household member, as defined in s. 741.28(3);
(g) Aggravated assault, as defined in s. 784.021;
(h) Felony battery, domestic battery by strangulation, or aggravated battery, as defined in s. 784.03, s. 784.041, and s. 784.045, respectively;
(i) Stalking or aggravated stalking, as defined in s. 784.048;
(j) Luring or enticing a child, as defined in s. 787.025;
(k) Human trafficking, as defined in s. 787.06;
(l) Kidnapping or false imprisonment, as defined in s. 787.01 or s. 787.02;
(m) Any offense defined in chapter 794;
(n) Procuring a person less than 18 years of age for prostitution, as defined in former s. 796.03;
(o) Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age, as defined in s. 800.04;
(p) Arson, as defined in s. 806.01.
(q) Burglary of a dwelling, as defined in s. 810.02;
(r) Voyeurism or video voyeurism, as defined in s. 810.14 and s. 810.145, respectively;
(s) Robbery or robbery by sudden snatching, as defined in s. 812.13 and s. 812.131, respectively;
(t) Carjacking, as defined in s. 812.133;
(u) Home-invasion robbery, as defined in s. 812.135;
(v) A violation of the Florida Communications Fraud Act, as provided in s. 817.034;
(w) Abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult, as defined in s. 825.102;
(x) Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person, as defined in s. 825.1025;
(y) Child abuse or aggravated child abuse, as defined in s. 827.03;
(z) Sexual performance by a child, as defined in s. 827.071;
(aa) Any offense defined in chapter 839;
(bb) Certain acts in connection with obscenity, as defined in s. 847.0133;
(cc) Any offense defined in s. 847.0135;
(dd) Selling or buying of minors, as defined in s. 847.0145;
(ee) Aircraft piracy, as defined in s. 860.16;
(ff) Manufacturing a controlled substance in violation of chapter 893;
(gg) Drug trafficking, as defined in s. 893.135; or
(hh) Any violation specified as a predicate offense for registration as a sexual predator pursuant to s. 775.21, or sexual offender pursuant to s. 943.0435, without regard to whether that offense alone is sufficient to require such registration.

Section 50. Section 943.0585, Florida Statutes, is amended to read:

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

943.0585 Court-ordered expunction of criminal history records.—

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

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

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

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

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

1. Assault, as defined in s. 784.011;
2. Battery, as defined in s. 784.03;
3. Assault on a law enforcement officer, a firefighter, or
other specified officers, as defined in s. 784.07(2)(a);
4. Carrying a concealed weapon, as defined in s. 790.01(1);
5. Open carrying of a weapon, as defined in s. 790.053;
6. Unlawful possession or discharge of a weapon or firearm
at a school-sponsored event or on school property, as defined in
s. 790.115;
7. Unlawful use of destructive devices or bombs, as defined
in s. 790.1615(1);
8. Unlawful possession of a firearm, as defined in s.
790.22(5);
9. Exposure of sexual organs, as defined in s. 800.03;
10. Arson, as defined in s. 806.031(1);
11. Petit theft, as defined in s. 812.014(3);
12. Neglect of a child, as defined in s. 827.03(1)(e); or
13. Cruelty to animals, as defined in s. 828.12(1).
(e) The person has not been adjudicated guilty of, or
adjudicated delinquent for committing, any of the acts stemming
from the arrest or alleged criminal activity to which the
petition pertains.
(f) The person is no longer under court supervision
applicable to the disposition of arrest or alleged criminal
activity to which the petition to expunge pertains.
(g) The person has never secured a prior sealing or
expunction of a criminal history record under this section, s. 943.059, former s. 893.14, former s. 901.33, or former s. 943.058, unless expunction is sought of a criminal history record previously sealed for 10 years pursuant to paragraph (h) and the record is otherwise eligible for expunction.

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

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

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

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

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

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

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

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

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

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

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

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

2. Is eligible for expunction to the best of his or her knowledge and does not have any other petition to seal or expunge a criminal history record pending before any court.
A person who knowingly provides false information on such sworn statement commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) COURT AUTHORITY.—

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

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

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

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

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

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

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

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

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

(6) EFFECT OF EXPUNCTION ORDER.—

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

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

1. Is a candidate for employment with a criminal justice agency;
2. Is a defendant in a criminal prosecution;
3. Concurrently or subsequently petitions for relief under this section, s. 943.0583, or s. 943.059;
4. Is a candidate for admission to The Florida Bar;
5. Is seeking to be employed or licensed by or to contract with the Department of Children and Families, the Division of Vocational Rehabilitation within the Department of Education, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Health, the Department of Elderly Affairs, or the Department of Juvenile Justice or to be employed or used by such contractor or licensee in a sensitive position having direct contact with children, the disabled, or the elderly;
6. Is seeking to be employed or licensed by the Department of Education, any district school board, any university laboratory school, any charter school, any private or parochial school, or any local governmental entity that licenses child care facilities;
7. Is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial
8. Is seeking to be appointed as a guardian pursuant to s. 744.3125.

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

(d) Information relating to the existence of an expunged criminal history record which is provided in accordance with paragraph (a) is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that the department shall disclose the existence of a criminal history record ordered expunged to the entities set forth in subparagraphs (b)1., 4., 5., 6., 7., and 8. for their respective licensing, access authorization, and employment purposes and to criminal justice agencies for their respective criminal justice purposes. It is unlawful for any employee of an entity set forth in subparagraph (b)1., 4., 5., 6., 7., or 8. to disclose information relating to the existence of an expunged criminal history record of a person seeking employment, access authorization, or licensure with such entity or contractor, except to the person to whom the criminal history record relates or to persons having direct responsibility for employment, access authorization, or licensure decisions. A person who violates this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
Section 51. Section 943.059, Florida Statutes, is amended to read:

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

943.059 Court-ordered sealing of criminal history records.—

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

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

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

1. Assault, as defined in s. 784.011;
2. Battery, as defined in s. 784.03;
3. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a);
4. Carrying a concealed weapon, as defined in s. 790.01(1);
5. Open carrying of a weapon, as defined in s. 790.053;
6. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as defined in s. 790.115;
7. Unlawful use of destructive devices or bombs, as defined in s. 790.161(1);
8. Unlawful possession of a firearm by a minor, as defined in s. 790.22(5);
9. Exposure of sexual organs, as defined in s. 800.03;
10. Arson, as defined in s. 806.031(1);
11. Petit theft, as defined in s. 812.014(3);
12. Neglect of a child, as defined in s. 827.03(1)(e); or
13. Cruelty to animals, as defined in s. 828.12(10).

(c) The person has not been adjudicated guilty of, or
adjudicated delinquent for committing, any of the acts stemming
from the arrest or alleged criminal activity to which the
petition to seal pertains.

(d) The person is no longer under court supervision
applicable to the disposition of arrest or alleged criminal
activity to which the petition to seal pertains.

(e) The person has never secured a prior sealing or
expunction of a criminal history record under this section, s.
943.0585, former s. 893.14, former s. 901.33, or former s.
943.058.

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

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

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

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

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

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

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

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

(b) The petitioner’s sworn statement that the petitioner:
1. Satisfies the eligibility requirements for sealing in
subsection (1).

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

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

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

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

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

(d) Notwithstanding any law to the contrary, a criminal
justice agency may comply with laws, court orders, and official
requests of other jurisdictions relating to sealing, correction,
or confidential handling of criminal history records or
information derived therefrom.
(e) This section does not confer any right to the sealing of any criminal history record, and any request for sealing of a criminal history record may be denied at the sole discretion of the court.

(5) PROCESSING OF A PETITION OR ORDER.–

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

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

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

(6) EFFECT OF ORDER.—

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

1. The subject of the record;
2. The subject’s attorney;
3. Criminal justice agencies for their respective criminal justice purposes, which include conducting a criminal history background check for approval of firearms purchases or transfers as authorized by state or federal law;
4. Judges in the state courts system for the purpose of assisting them in their case-related decisionmaking responsibilities, as set forth in s. 943.053(5); or
5. To those entities set forth in subparagraphs (b)1., 4., 5., 6., 8., 9., and 10. for their respective licensing access authorization and employment purposes.
(b) The subject of the criminal history record sealed under this section or under other provisions of law, including former s. 893.14, former s. 901.33, and former s. 943.058, may lawfully deny or fail to acknowledge the arrests covered by the sealed record, except when the subject of the record:

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

2. Is a defendant in a criminal prosecution;

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

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

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

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

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

8. Is seeking to be licensed by the Division of Insurance Agent and Agency Services within the Department of Financial
9. Is seeking to be appointed as a guardian pursuant to s. 744.3125; or
10. Is seeking to be licensed by the Bureau of License Issuance of the Division of Licensing within the Department of Agriculture and Consumer Services to carry a concealed weapon or concealed firearm. This subparagraph applies only in the determination of an applicant’s eligibility under s. 790.06.

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

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

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

943.0595 Automatic sealing of criminal history records.—
(1) RULEMAKING.—Notwithstanding any law dealing generally with the preservation and destruction of public records, the department shall adopt rules addressing the automatic sealing of any criminal history record of a minor or adult described in this section.

(2) ELIGIBILITY.—
(a) The department shall automatically seal a criminal history record that does not result from an indictment, information, or other charging document for a forcible felony as defined in s. 776.08 or for an offense enumerated in s. 943.0435(1)(h)1.a.(I), if:
1. An indictment, information, or other charging document was not filed or issued in the case giving rise to the criminal history record.
2. An indictment, information, or other charging document was filed in the case giving rise to the criminal history record, but was dismissed or nolle prosequi by the state attorney or statewide prosecutor or was dismissed by a court of competent jurisdiction. However, a person is not eligible for automatic sealing under this section if the dismissal was pursuant to s. 916.145 or s. 985.19.
3. A not guilty verdict was rendered by a judge or jury.
However, a person is not eligible for automatic sealing under this section if the defendant was found not guilty by reason of insanity.

4. A judgment of acquittal was rendered by a judge.
   (b) There is no limitation on the number of times a person may obtain an automatic sealing for a criminal history record described in paragraph (a).

(3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—
   (a) Upon the disposition of a criminal case resulting in a criminal history record eligible for automatic sealing under paragraph (2)(a), the clerk of the court shall transmit a certified copy of the disposition of the criminal history record to the department, which shall seal the criminal history record upon receipt of the certified copy.
   (b) Automatic sealing of a criminal history record does not require sealing by the court or other criminal justice agencies, or that such record be surrendered to the court, and such record shall continue to be maintained by the department and other criminal justice agencies.
   (c) Except as provided in this section, automatic sealing of a criminal history record shall have the same effect, and the department may disclose such a record in the same manner, as a record sealed under s. 943.059.

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

943.6871 Criminal justice data transparency.—In order to facilitate the availability of comparable and uniform criminal justice data, the department shall:
(9) Keep all information received by the department under s. 900.05 which is confidential and exempt when collected by the reporting agency confidential and exempt for purposes of this section and s. 900.05.

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

1. Identification of the arrestee.
2. Details of the arrest, including each charge.
3. Details of each vehicle and item seized at the time of arrest.
5. Release information.

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

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

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

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

944.40 Escapes; penalty.—Any prisoner confined in, or
released on furlough from, any prison, jail, private
correctional facility, road camp, or other penal institution,
whether operated by the state, a county, or a municipality, or
operated under a contract with the state, a county, or a
municipality, working upon the public roads, or being
transported to or from a place of confinement who escapes or
attempts to escape from such confinement commits a felony of the
second degree, punishable as provided in s. 775.082, s. 775.083,
or s. 775.084. The punishment of imprisonment imposed under this
section shall run consecutive to any former sentence imposed
upon any prisoner.

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

944.47 Introduction, removal, or possession of contraband
certain articles unlawful; penalty.—
(2) (a) A person who violates any provision of this section as it pertains to an article of contraband described in subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph (1)(a)6. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Otherwise in all other cases, a violation of a provision of this section is constituted a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

944.704 Staff who provide transition assistance; duties.—
(1) The department shall provide a transition assistance specialist at each of the major institutions.

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

(3) The transition assistance specialists’ duties include, but are not limited to:

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

(b) Assisting in the development of each inmate’s
postrelease plan.

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

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

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

(f) Facilitating placement in a private transition
housing program, if requested by any eligible inmate. If an
inmate who is nearing his or her date of release requests
placement in a contracted substance abuse transition housing
program, the transition assistance specialist shall inform the
inmate of program availability and assess the inmate’s need and
suitability for transition housing assistance. If an inmate is
approved for placement, the specialist shall assist the inmate
and coordinate the release of the inmate with the selected
program. If an inmate requests and is approved for placement in
a contracted faith-based substance abuse transition housing
program, the specialist must consult with the chaplain before
prior to such placement. In selecting inmates who are nearing
their date of release for placement in a faith-based program,
the department shall ensure that an inmate’s faith orientation, or lack thereof, will not be considered in determining admission to the program and that the program does not attempt to convert an inmate toward a particular faith or religious preference.

(g) Providing a photo identification card to all inmates before their release.

(4) A transition assistance specialist may not be a correctional officer or correctional probation officer as defined in s. 943.10.

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

944.705 Release orientation program.—

(a) The department shall establish a toll-free hotline for the benefit of released inmates. The hotline shall provide information to released inmates seeking to obtain post-release referrals for community-based reentry services.

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

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

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

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

(10) The department may contract with a public or private educational institution’s veteran advocacy clinic or veteran legal clinic to assist qualified veteran inmates in applying for veterans’ benefits upon release.

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

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

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

944.801 Education for state prisoners.—
(4) The department may expand the use of job assignment credentialing and industry certifications.

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

(6) The Correctional education Program may work in cooperation with the Department of Agriculture and Consumer Services, Florida Forestry Service Division, and the Florida Department of Financial Services, Division of State Fire Marshall to develop a program for implementation within state correctional institutions or correctional facilities to train and certify inmates as firefighters. The program should include, but not be limited to, certification of inmates as state forest staff trained to help protect homes, forestland, and natural resources from the effects of wildfires throughout the state.
Statutes, is amended to read:

948.001 Definitions.—As used in this chapter, the term:
(1) “Administrative probation” means a form of no contact, nonreporting supervision. A court may order administrative probation, or the Department of Corrections may transfer an offender to administrative probation, as provided in s. 948.013 in which an offender who presents a low risk of harm to the community may, upon satisfactory completion of half the term of probation, be transferred by the Department of Corrections to this type of reduced level of supervision, as provided in s. 948.013.

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

948.013 Administrative probation.—
(1) The Department of Corrections may transfer an offender to administrative probation if he or she presents a low risk of harm to the community and has satisfactorily completed at least half of his or her probation term. The department of Corrections may establish procedures for transferring an offender to administrative probation. The department may collect an initial processing fee of up to $50 for each probationer transferred to administrative probation. The offender is exempt from further payment for the cost of supervision as required in s. 948.09.

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

948.04 Period of probation; duty of probationer; early termination; conversion of term.—
(4) Except as provided in subsection (5), for defendants sentenced to probation on or after October 1, 2019, the court,
upon motion by the probationer or the probation officer, shall
either early terminate the probationer’s supervision or convert
the supervisory term to administrative probation if all of the
following requirements are met:

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

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

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

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

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

(5) Upon making written findings that continued reporting
probation is necessary to protect the community or the interests
of justice, the court may decline to early terminate the
probationary term or convert the term to administrative
probation for a probationer who is otherwise eligible under
subsection (4).

(6) Subsections (4) and (5) do not apply to an offender on
community control. If an offender on community control is
subsequently placed on probation, he or she must complete half
of the probationary term to which he or she was sentenced,
without receiving credit for time served on community control,
before being eligible for mandatory early termination or
conversion to administrative probation under this section.
Section 62. Section 948.05, Florida Statutes, is amended to read:

948.05 Court to admonish or commend probationer or offender in community control: graduated incentives.—

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

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

(a) As part of the graduated incentives system, the department may, without leave of court, offer the following incentives to a compliant probationer or offender in community control:

1. Up to 25 percent reduction of required community service hours;
2. Waiver of supervision fees;
3. Reduction in frequency of reporting;
4. Permission to report by mail or telephone; or
5. Transfer of an eligible offender to administrative probation as authorized under s. 948.013.

(b) The department may also incentivize positive behavior and compliance with recommendations to the court to modify the terms of supervision, including recommending:
1. Permission to travel;
2. Reduction of supervision type;
3. Modification or cessation of curfew;
4. Reduction or cessation of substance abuse testing; or
5. Early termination of supervision.
(c) A probationer or offender who commits a subsequent violation of probation may forfeit any previously earned probation incentive, as determined appropriate by his or her probation officer.

Section 63. Present paragraphs (c) through (g) of subsection (1) of section 948.06, Florida Statutes, are redesignated as paragraphs (d) through (h), respectively, a new paragraph (c) is added to that subsection, and present paragraph (h) of that subsection is amended, present paragraphs (f) through (j) of subsection (2) are redesignated as paragraphs (g) through (k), respectively, and a new paragraph (f) is added to that subsection, and subsection (9) is added to that section, to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—
(1)
(c) If a probationer or offender on community control commits a technical violation, the probation officer shall determine whether the probationer or offender on community control is eligible for the alternative sanctioning program under subsection (9). If the probation officer determines that the probationer or offender on community control is eligible, the probation officer may proceed with the alternative
sanctioning program in lieu of filing an affidavit of violation with the court. For purposes of this section, the term “technical violation” means an alleged violation of supervision that is not a new felony offense, misdemeanor offense, or criminal traffic offense.

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

2. To establish an alternative sanctioning program, the chief judge must issue an administrative order specifying:
   a. Eligibility criteria.
   b. The technical violations that are eligible for the program.
   c. The sanctions that may be recommended by a probation officer for each technical violation.
   d. The process for reporting technical violations through the alternative sanctioning program, including approved forms.

3. If an offender is alleged to have committed a technical violation of supervision that is eligible for the program, the offender may:
   a. Waive participation in the alternative sanctioning program, in which case the probation officer may submit a violation report, affidavit, and warrant to the court in
accordance with this section; or

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

(I) Be represented by legal counsel.

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

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

(IV) Confront and cross-examine adverse witnesses.

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

4. If the offender admits to committing the technical violation and agrees with the probation officer’s recommended sanction, the probation officer must, before imposing the sanction, submit the recommended sanction to the court as well as documentation reflecting the offender’s admission to the technical violation and agreement with the recommended sanction.

5. The court may impose the recommended sanction or may direct the department to submit a violation report, affidavit, and warrant to the court in accordance with this section.

6. An offender’s participation in an alternative sanctioning program is voluntary. The offender may elect to waive or discontinue participation in an alternative sanctioning program at any time before the issuance of a court order imposing the recommended sanction.
7. If an offender waives or discontinues participation in an alternative sanctioning program, the probation officer may submit a violation report, affidavit, and warrant to the court in accordance with this section. The offender’s prior admission to the technical violation may not be used as evidence in subsequent proceedings.

(2)

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

a. The term of supervision is probation.

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

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

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

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

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

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

(9)(a) Each judicial circuit shall establish an alternative sanctioning program as provided in this subsection. The chief judge of each judicial circuit may, by administrative order, define additional sanctions or eligibility criteria and specify the process for reporting technical violations through the alternative sanctioning program. Any sanctions recommended for imposition through an alternative sanctions program must be submitted to the court by the probation officer for approval before imposing the sanction.

(b) As used in this subsection, the term “low-risk violation,” when committed by a probationer, means any of the following:

1. A positive drug or alcohol test result.
2. Failure to report to the probation office.
3. Failure to report a change in address or other required information.
4. Failure to attend a required class, treatment or counseling session, or meeting.
5. Failure to submit to a drug or alcohol test.
6. A violation of curfew.
7. Failure to meet a monthly quota on any required
probation condition, including, but not limited to, making
restitution payments, paying court costs, or completing
community service hours.

8. Leaving the county without permission.
9. Failure to report a change in employment.
10. Associating with a person engaged in criminal activity.
11. Any other violation as determined by administrative
order of the chief judge of the circuit.

(c) As used in this subsection, the term “moderate-risk
violation” means any of the following:
  1. A violation identified in paragraph (b), when committed
by an offender on community control.
  2. Failure to remain at an approved residence by an
offender on community control.
  3. A third violation identified in paragraph (b) by a
probationer within the current term of supervision.
  4. Any other violation as determined by administrative
order of the chief judge of the circuit.

(d) A probationer or offender on community control is not
eligible for an alternative sanction if:
  1. He or she is a violent felony offender of special
concern as defined in paragraph (8)(b);
  2. The violation is a felony, misdemeanor, or criminal
traffic offense;
  3. The violation is absconding;
  4. The violation is of a stay-away order or no-contact
order;
  5. The violation is not identified as low-risk or moderate-
risk under this subsection or by administrative order;
6. He or she has a prior moderate-risk level violation during the current term of supervision;

7. He or she has three prior low-risk level violations during the same term of supervision;

8. The term of supervision is scheduled to terminate in less than 90 days; or

9. The terms of the sentence prohibit alternative sanctioning.

(e) For a first or second low-risk violation, as defined in paragraph (b), within the current term of supervision, a probation officer may offer an eligible probationer one or more of the following as an alternative sanction:

1. Up to 5 days in the county jail.
2. Up to 50 additional community service hours.
4. Support group attendance.
5. Drug testing.
6. Loss of travel or other privileges.
7. Curfew for up to 30 days.
8. House arrest for up to 30 days.
9.a. Any other sanction as determined by administrative order of the chief judge of the circuit.

b. However, in no circumstance shall participation in an alternative sanctioning program convert a withheld adjudication to an adjudication of guilt.

(f) For a first moderate-risk violation, as defined in paragraph (c), within the current term of supervision, a probation officer, with a supervisor’s approval, may offer an eligible probationer or offender on community control one or
more of the following as an alternative sanction:

1. Up to 21 days in the county jail.
2. Curfew for up to 90 days.
3. House arrest for up to 90 days.
4. Electronic monitoring for up to 90 days.
5. Residential treatment for up to 90 days.
6. Any other sanction available for a low-risk violation.
7.a. Any other sanction as determined by administrative order of the chief judge of the circuit.
    b. However, in no circumstance shall participation in an alternative sanctioning program convert a withheld adjudication to an adjudication of guilt.

(g) The participation of a probationer or an offender on community control in the program is voluntary. The probationer or offender on community control may waive or discontinue participation in the program at any time before the court imposes a recommended sanction.

(h) 1. If a probationer or offender on community control is eligible for the alternative sanctioning program under this subsection, he or she may:
   a. Waive participation in the program, in which case the probation officer may submit a violation report, affidavit, and warrant to the court; or
   b. Elect to participate in the program after receiving written notice of an alleged technical violation and disclosure of the evidence against him or her, and admit the technical violation, agree to comply with the probation officer’s recommended sanction if subsequently ordered by the court, and agree to waive the right to:
(I) Be represented by legal counsel.

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

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

(IV) Confront and cross-examine adverse witnesses.

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

2. If the probationer or offender on community control admits to committing the technical violation and agrees with the probation officer’s recommended sanction, the probation officer must, before imposing the sanction, submit the recommended sanction to the court with documentation reflecting the probationer’s admission to the technical violation and agreement with the recommended sanction.

   (i) The court may impose the recommended sanction or direct the department to submit a violation report, affidavit, and warrant to the court.

   (j) If a probationer or offender on community control waives or discontinues participation in the program or fails to successfully complete all alternative sanctions within 90 days after imposition or within the timeframe specified in the agreed-upon sanction, the probation officer may submit a violation report, affidavit, and warrant to the court. A prior admission by the probationer or offender on community control to a technical violation may not be used as evidence in subsequent proceedings.

Section 64. Subsection (6) of section 948.08, Florida Statutes, is amended to read:
948.08 Pretrial intervention program.—

(6)(a) For purposes of this subsection, the term “nonviolent felony” means a third degree felony violation of chapter 810 or any other felony offense that is not a forcible felony as defined in s. 776.08.

(b) Notwithstanding any provision of this section, a person who is charged with a nonviolent felony and is identified as having a substance abuse problem or is charged with a felony of the second or third degree for purchase or possession of a controlled substance under chapter 893, prostitution, tampering with evidence, solicitation for purchase of a controlled substance, or obtaining a prescription by fraud, who has not been charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, or any other crime involving violence; and who has not previously been convicted of a felony is eligible for voluntary admission into a pretrial substance abuse education and treatment intervention program, including a treatment-based drug court program established pursuant to s. 397.334, approved by the chief judge of the circuit, for a period of not less than 1 year in duration, if he or she:

1. Is identified as having a substance abuse problem and is amenable to treatment.

2. Is charged with a nonviolent felony.

3. Has never been charged with a crime involving violence, including, but not limited to, murder, sexual battery, robbery, carjacking, home-invasion robbery, or any other crime involving violence.

4. Has two or fewer felony convictions, provided that the
prior convictions are for nonviolent felonies.

(c) Upon motion of either party or the court’s own motion, and with the agreement of the defendant, the court shall admit an eligible person into a pretrial substance abuse education and treatment intervention program, except:

1. If a defendant was previously offered admission to a pretrial substance abuse education and treatment intervention program at any time before trial and the defendant rejected that offer on the record, then the court or the state attorney may deny the defendant’s admission to such a program.

2. If the state attorney believes that the facts and circumstances of the case suggest the defendant’s involvement in the dealing and selling of controlled substances, the court shall hold a preadmission hearing. If the state attorney establishes, by a preponderance of the evidence at such hearing, that the defendant was involved in the dealing or selling of controlled substances, the court shall deny the defendant’s admission into a pretrial intervention program.

3. If the defendant has two or fewer prior felony convictions as provided in subparagraph (b)4., the court, in its discretion, may deny admission to such a program.

(d)(b) While enrolled in a pretrial intervention program authorized by this subsection, the participant is subject to a coordinated strategy developed by a drug court team under s. 397.334(4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as
defined in s. 397.311 or in a jail-based treatment program or serving a period of incarceration within the time limits established for contempt of court. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a pretrial treatment-based drug court program or other pretrial intervention program. Any person whose charges are dismissed after successful completion of the treatment-based drug court program, if otherwise eligible, may have his or her arrest record and plea of nolo contendere to the dismissed charges expunged under s. 943.0585.

(e) At the end of the pretrial intervention period, the court shall consider the recommendation of the administrator pursuant to subsection (5) and the recommendation of the state attorney as to disposition of the pending charges. The court shall determine, by written finding, whether the defendant has successfully completed the pretrial intervention program. Notwithstanding the coordinated strategy developed by a drug court team pursuant to s. 397.334(4), if the court finds that the defendant has not successfully completed the pretrial intervention program, the court may order the person to continue in education and treatment, which may include substance abuse treatment programs offered by licensed service providers as defined in s. 397.311 or jail-based treatment programs, or order that the charges revert to normal channels for prosecution. The court shall dismiss the charges upon a finding that the defendant has successfully completed the pretrial intervention program.

(f) Any entity, whether public or private, providing a pretrial substance abuse education and treatment intervention
program under this subsection must contract with the county or
appropriate governmental entity, and the terms of the contract
must include, but need not be limited to, the requirements
established for private entities under s. 948.15(3).

Section 65. Section 948.081, Florida Statutes, is created
to read:

948.081 Community court programs.—
(1) Each judicial circuit may establish a community court
program for defendants charged with certain misdemeanor
offenses. Each community court shall, at a minimum:

(a) Adopt a nonadversarial approach.
(b) Establish an advisory committee to recommend solutions
and sanctions in each case.
(c) Provide for judicial leadership and interaction.
(d) In each particular case, consider the needs of the
victim, consider individualized treatment services for the
defendant, and monitor the defendant’s compliance.

(2) The chief judge of the judicial circuit, by
administrative order, shall specify each misdemeanor offense
eligible for the community court program. In making such
determination, the chief judge shall consider the particular
needs and concerns of the communities within the judicial
circuit.

(3) A defendant’s entry into any community court program
must be voluntary.

(4) The chief judge shall appoint a community court
resource coordinator, who shall:

(a) Coordinate the responsibilities of the participating
agencies and service providers.
(b) Provide case management services.
(c) Monitor compliance by defendants with court requirements.
(d) Manage the collection of data for program evaluation and accountability.

(5) The chief judge of the judicial circuit shall appoint members to an advisory committee for each community court. The members of the advisory committee must include, at a minimum:
(a) The chief judge or a community court judge designated by the chief judge, who shall serve as chair.
(b) The state attorney or his or her designee.
(c) The public defender or his or her designee.
(d) The community court resource coordinator.

The committee may also include community stakeholders, treatment representatives, and other persons the chair deems appropriate.

(6) The advisory committee shall review each defendant’s case. Each committee member may make recommendations to the judge, including appropriate sanctions and treatment solutions for the defendant. The judge shall consider such recommendations and make the final decision concerning sanctions and treatment with respect to each defendant.

(7) Each judicial circuit shall report client-level and programmatic data to the Office of the State Courts Administrator annually for program evaluation. Client-level data include primary offenses resulting in the community court referral or sentence, treatment compliance, completion status, reasons for failing to complete the program, offenses committed during treatment and sanctions imposed, frequency of court
appearances, and units of service. Programmatic data include referral and screening procedures, eligibility criteria, type and duration of treatment offered, and residential treatment resources.

(8) The Department of Corrections, the Department of Juvenile Justice, the Department of Health, the Department of Law Enforcement, the Department of Education, law enforcement agencies, and other governmental entities involved in the criminal justice system shall support such community court programs.

(9) Community court program funding must be secured from sources other than the state for costs not assumed by the state under s. 29.004. However, this subsection does not preclude the use of funds provided for treatment and other services through state executive branch agencies.

Section 66. Section 951.22, Florida Statutes, is amended to read:

951.22 County detention facilities; contraband articles.—
(1) It is unlawful, except through regular channels as duly authorized by the sheriff or officer in charge, to introduce into or possess upon the grounds of any county detention facility as defined in s. 951.23 or to give to or receive from any inmate of any such facility wherever said inmate is located at the time or to take or to attempt to take or send therefrom any of the following articles, which are hereby declared to be contraband:

(a) for the purposes of this act, to wit: Any written or recorded communication. This paragraph does not apply to any document or correspondence exchanged between a lawyer,
paralegal, or other legal staff and an inmate at a detention facility if the document or correspondence is otherwise lawfully possessed and disseminated and relates to the legal representation of the inmate.†

(b) Any currency or coin.†

(c) Any article of food or clothing.†

(d) Any tobacco products as defined in s. 210.25(12).†

(e) Any cigarette as defined in s. 210.01(1).†

(f) Any cigar.†

(g) Any intoxicating beverage or beverage that causes or may cause an intoxicating effect.†

(h) Any narcotic, hypnotic, or excitative drug or drug of any kind or nature, including nasal inhalators, sleeping pills, barbiturates, and controlled substances as defined in s. 893.02(4).†

(i) Any firearm or any instrumentality customarily used or which is intended to be used as a dangerous weapon.† and

(j) Any instrumentality of any nature which may be or is intended to be used as an aid in effecting or attempting to effect an escape from a county facility.

(k) Any cellular telephone or other portable communication device as described in s. 944.47(1)(a)6. The term does not include any device that has communication capabilities which has been approved or issued by the sheriff or officer in charge for investigative or institutional security purposes or for conducting other official business.

(2) A person who violates paragraph (1)(a), paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph (1)(e), paragraph (1)(f), or paragraph (1)(g) commits a
misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who violates paragraph (1)(h), paragraph (1)(i), paragraph (1)(j), or paragraph (1)(k) commits subsection (1) shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 67. Subsection (1) of section 958.04, Florida Statutes, is amended to read:

958.04 Judicial disposition of youthful offenders.—
(1) The court may sentence as a youthful offender any person:
   (a) Who is at least 18 years of age or who has been transferred for prosecution to the criminal division of the circuit court pursuant to chapter 985;
   (b) Who is found guilty of or who has tendered, and the court has accepted, a plea of nolo contendere or guilty to a crime that is, under the laws of this state, a felony if such crime was committed before the defendant turned 21 years of age the offender is younger than 21 years of age at the time sentence is imposed; and
   (c) Who has not previously been classified as a youthful offender under the provisions of this act; however, a person who has been found guilty of a capital or life felony may not be sentenced as a youthful offender under this act.

Section 68. Section 960.07, Florida Statutes, is amended to read:

960.07 Filing of claims for compensation.—
(1) A claim for compensation may be filed by a person eligible for compensation as provided in s. 960.065 or, if such person is a minor, by his or her parent or guardian or, if the
person entitled to make a claim is mentally incompetent, by the person’s guardian or such other individual authorized to administer his or her estate.

(2) Except as provided in subsections (3) and (4), a claim must be filed in accordance with this subsection. not later than 1 year after:

(a) 1. A claim arising from a crime occurring before October 1, 2019, must be filed within 1 year after:
  a. The occurrence of the crime upon which the claim is based.
  b. The death of the victim or intervenor.
  c. The death of the victim or intervenor is determined to be the result of a crime, and the crime occurred after June 30, 1994.

  2. However, For good cause the department may extend the time for filing a claim under subparagraph 1. for a period not exceeding 2 years after such occurrence.

(b) 1. A claim arising from a crime occurring on or after October 1, 2019, must be filed within 3 years after the later of:
  a. The occurrence of the crime upon which the claim is based;
  b. The death of the victim or intervenor; or
  c. The death of the victim or intervenor is determined to be the result of the crime.

  2. For good cause the department may extend the time for filing a claim under subparagraph 1. for a period not to exceed 5 years after such occurrence.

(3) Notwithstanding the provisions of subsection (2) and
regardless of when the crime occurred, if the victim or intervenor was under the age of 18 at the time the crime upon which the claim is based occurred, a claim may be filed in accordance with this subsection.

(a) The victim’s or intervenor’s parent or guardian may file a claim on behalf of the victim or intervenor while the victim or intervenor is less than 18 years of age; or

(b) For a claim arising from a crime that occurred before October 1, 2019, when a victim or intervenor who was under the age of 18 at the time the crime occurred reaches the age of 18, the victim or intervenor has 1 year within which to file a claim; or

(c) For a claim arising from a crime occurring on or after October 1, 2019, when a victim or intervenor who was under the age of 18 at the time the crime occurred reaches the age of 18, the victim or intervenor has 3 years to file a claim.

For good cause, the department may extend the time period allowed for filing a claim under paragraph (b) for an additional period not to exceed 1 year or under paragraph (c) for an additional period not to exceed 2 years.

(4) The provisions of subsection (2) notwithstanding, and regardless of when the crime occurred, a victim of a sexually violent offense as defined in s. 394.912, may file a claim for compensation for counseling or other mental health services within:

(a) One year after the filing of a petition under s. 394.914, to involuntarily civilly commit the individual who perpetrated the sexually violent offense, if the claim arises
from a crime committed before October 1, 2019; or
(b) Three years after the filing of petition under s. 394.914, to involuntarily civilly commit the individual who perpetrated the sexually violent offense, if the claim arises from a crime committed on or after October 1, 2019.

Section 69. Paragraph (b) of subsection (1) of section 960.13, Florida Statutes, is amended to read:

960.13 Awards.—

(1)

(b) In no case may an award be made when the record shows that such report was made more than:

1. Seventy-two 72 hours after the occurrence of such crime, if the crime occurred before October 1, 2019; or

2. Five days after the occurrence of such crime, if the crime occurred on or after October 1, 2019,

unless the department, for good cause shown, finds the delay to have been justified. The department, upon finding that any claimant or award recipient has not duly cooperated with the state attorney, all law enforcement agencies, and the department, may deny, reduce, or withdraw any award, as the case may be.

Section 70. Subsection (1) of section 960.195, Florida Statutes, is amended to read:

960.195 Awards to elderly persons or disabled adults for property loss.—

(1) Notwithstanding the criteria in s. 960.13, for crime victim compensation awards, the department may award a maximum of $500 on any one claim and a lifetime maximum of $1,000 on all
claims to elderly persons or disabled adults who suffer a property loss that causes a substantial diminution in their quality of life when:

(a) There is proof that a criminal or delinquent act was committed;
(b) The criminal or delinquent act is reported to law enforcement authorities within:
   1. Seventy-two 72 hours, if such crime or act occurred before October 1, 2019; or
   2. Five days, if such crime or act occurred on or after October 1, 2019,

unless the department, for good cause shown, finds the delay to have been justified;
(c) There is proof that the tangible personal property in question belonged to the claimant;
(d) The claimant did not contribute to the criminal or delinquent act;
(e) There is no other source of reimbursement or indemnification available to the claimant; and
(f) The claimant would not be able to replace the tangible personal property in question without incurring a serious financial hardship.

Section 71. Section 960.196, Florida Statutes, is amended to read:

960.196 Relocation assistance for victims of human trafficking.—
(1) Notwithstanding the criteria specified in ss. 960.07(2) and 960.13 for crime victim compensation awards, the department

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may award a one-time payment of up to $1,500 for any one claim
and a lifetime maximum of $3,000 to a victim of human
trafficking who needs urgent assistance to escape from an unsafe
environment directly related to the human trafficking offense.

(2) In order for an award to be granted to a victim for
relocation assistance:

(a) There must be proof that a human trafficking offense,
as described in s. 787.06(3)(b), (d), (f), or (g), was
committed.

(b) 1. For a crime occurring before October 1, 2019, the
crime must be reported to the proper authorities and the claim
must be filed within 1 year, or 2 years with good cause, after
the date of the last human trafficking offense, as described in
s. 787.06(3)(b), (d), (f), or (g).

2. For a crime occurring on or after October 1, 2019, the
crime must be reported to the proper authorities and the claim
must be filed within 3 years, or 5 years with good cause, after
the date of the last human trafficking offense, as described in
s. 787.06(3)(b), (d), (f), or (g).

3. In a case that exceeds the reporting and filing 2-year
requirement due to an active and ongoing investigation, a state
attorney, statewide prosecutor, or federal prosecutor may
certify in writing a human trafficking victim’s need to relocate
from an unsafe environment due to the threat of future violence
which is directly related to the human trafficking offense.

(c) The victim’s need must be certified by a certified
domestic violence or rape crisis center in this state, except as
provided in paragraph (b). The center’s certification must
assert that the victim is cooperating with the proper
authorities and must include documentation that the victim has developed a safety plan.

(3) Relocation payments for a human trafficking claim shall be denied if the department has previously approved or paid out a domestic violence or sexual battery relocation claim under s. 960.198 or s. 960.199 to the same victim regarding the same incident.

Section 72. Subsection (2) of section 960.28, Florida Statutes, is amended to read:

960.28 Payment for victims’ initial forensic physical examinations.—

(2) The Crime Victims’ Services Office of the department shall pay for medical expenses connected with an initial forensic physical examination of a victim of sexual battery as defined in chapter 794 or a lewd or lascivious offense as defined in chapter 800. Such payment shall be made regardless of whether the victim is covered by health or disability insurance and whether the victim participates in the criminal justice system or cooperates with law enforcement. The payment shall be made only out of moneys allocated to the Crime Victims’ Services Office for the purposes of this section, and the payment may not exceed $1,000 with respect to any violation. The department shall develop and maintain separate protocols for the initial forensic physical examination of adults and children. Payment under this section is limited to medical expenses connected with the initial forensic physical examination, and payment may be made to a medical provider using an examiner qualified under part I of chapter 464, excluding s. 464.003(14); chapter 458; or chapter 459. Payment made to the medical provider by the
department shall be considered by the provider as payment in full for the initial forensic physical examination associated with the collection of evidence. The victim may not be required to pay, directly or indirectly, the cost of an initial forensic physical examination performed in accordance with this section.

Section 73. Effective upon this act becoming a law, paragraphs (c), (d), and (f) of subsection (2) of section 985.12, Florida Statutes, are amended to read:

985.12 Civil citation or similar prearrest diversion programs.—

(2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

(c) The state attorney of each circuit shall operate a civil citation or similar prearrest diversion program in each circuit. A sheriff, police department, county, municipality, locally authorized entity, or public or private educational institution may continue to operate an independent civil citation or similar prearrest diversion program that is in operation as of October 1, 2018, if the independent program is reviewed by the state attorney of the applicable circuit and he or she determines that the independent program is substantially similar to the civil citation or similar prearrest diversion program developed by the circuit. If the state attorney determines that the independent program is not substantially similar to the civil citation or similar prearrest diversion program developed by the circuit, the operator of the independent diversion program may revise the program and the state attorney may conduct an additional review of the independent program.
(d) A judicial circuit may model an existing sheriff’s, police department’s, county’s, municipality’s, locally authorized entity’s, or public or private educational institution’s independent civil citation or similar prearrest diversion program in developing the civil citation or similar prearrest diversion program for the circuit.

(f) Each civil citation or similar prearrest diversion program shall enter the appropriate youth data into the Juvenile Justice Information System Prevention Web within 7 days after the admission of the youth into the program. A copy of each civil citation or similar prearrest diversion program notice issued under this section shall be provided to the department, and the department shall enter appropriate information into the juvenile offender information system.

Section 74. Effective upon this act becoming a law, subsection (2) and paragraph (c) of subsection (3) of section 985.126, Florida Statutes, are amended to read:

985.126 Diversion programs; data collection; denial of participation or expunged record.—

(2) Upon issuance of documentation requiring a minor to participate in a diversion program, before or without an arrest, the issuing law enforcement officer shall send a copy of such documentation to the entity designated to operate the diversion program and to the department, which shall enter such information into the Juvenile Justice Information System Prevention Web within 7 days after the youth’s admission into the program.

(3)

(c) The data required pursuant to paragraph (a) shall be
entered into the Juvenile Justice Information System Prevention Web within 7 days after the youth’s admission into the program submitted to the department quarterly.

Section 75. Effective upon this act becoming a law, paragraph (f) of subsection (1) of section 985.145, Florida Statutes, is amended to read:

985.145 Responsibilities of the department during intake; screenings and assessments.—

(1) The department shall serve as the primary case manager for the purpose of managing, coordinating, and monitoring the services provided to the child. Each program administrator within the Department of Children and Families shall cooperate with the primary case manager in carrying out the duties and responsibilities described in this section. In addition to duties specified in other sections and through departmental rules, the department shall be responsible for the following:

(f) Prevention web. For a child with a first-time misdemeanor offense, the department shall enter all related information into the Juvenile Justice Information System Prevention Web until such time as formal charges are filed. If formal charges are not filed, the information shall remain in the Juvenile Justice Information System Prevention Web until removed pursuant to department policies.

Section 76. Subsection (2) of section 985.557, Florida Statutes, is amended to read:

985.557 Direct filing of an information; discretionary and mandatory criteria.—

(2) MANDATORY DIRECT FILE.—

(a) With respect to any child who was 16 or 17 years of age
at the time the alleged offense was committed, the state attorney shall file an information if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, or aggravated assault, and the child is currently charged with a second or subsequent violent crime against a person.

(b) With respect to any child 16 or 17 years of age at the time an offense classified as a forcible felony, as defined in s. 776.08, was committed, the state attorney shall file an information if the child has previously been adjudicated delinquent or had adjudication withheld for three acts classified as felonies each of which occurred at least 45 days apart from each other. This paragraph does not apply when the state attorney has good cause to believe that exceptional circumstances exist which preclude the just prosecution of the juvenile in adult court.

(c) The state attorney must file an information if a child, regardless of the child’s age at the time the alleged offense was committed, is alleged to have committed an act that would be a violation of law if the child were an adult, that involves stealing a motor vehicle, including, but not limited to, a violation of s. 812.133, relating to carjacking, or s. 812.014(2)(c)6., relating to grand theft of a motor vehicle, and while the child was in possession of the stolen motor vehicle the child caused serious bodily injury to or the death of a person who was not involved in the underlying offense. For
purposes of this section, the driver and all willing passengers
in the stolen motor vehicle at the time such serious bodily
injury or death is inflicted shall also be subject to mandatory
transfer to adult court. “Stolen motor vehicle,” for the
purposes of this section, means a motor vehicle that has been
the subject of any criminal wrongful taking. For purposes of
this section, “willing passengers” means all willing passengers
who have participated in the underlying offense.

(d)1. With respect to any child who was 16 or 17 years of
age at the time the alleged offense was committed, the state
attorney shall file an information if the child has been charged
with committing or attempting to commit an offense listed in s.
775.087(2)(a)1.a.-p., and, during the commission of or attempt
to commit the offense, the child:

a. Actually possessed a firearm or destructive device, as
these terms are defined in s. 790.001.
b. Discharged a firearm or destructive device, as described
in s. 775.087(2)(a)2.
c. Discharged a firearm or destructive device, as described
in s. 775.087(2)(a)3., and, as a result of the discharge, death
or great bodily harm was inflicted upon any person.

2. Upon transfer, any child who is:

a. Charged under sub-subparagraph 1.a. and who has been
previously adjudicated or had adjudication withheld for a
forcible felony offense or any offense involving a firearm, or
who has been previously placed in a residential commitment
program, shall be subject to sentencing under s. 775.087(2)(a),
notwithstanding s. 985.565.
b. Charged under sub-subparagraph 1.b. or sub-subparagraph
1.c., shall be subject to sentencing under s. 775.087(2)(a), notwithstanding s. 985.565.

3. Upon transfer, any child who is charged under this paragraph, but who does not meet the requirements specified in subparagraph 2., shall be sentenced under s. 985.565; however, if the court imposes a juvenile sanction, the court must commit the child to a high-risk or maximum-risk juvenile facility.

4. This paragraph shall not apply if the state attorney has good cause to believe that exceptional circumstances exist that preclude the just prosecution of the child in adult court.

5. The Department of Corrections shall make every reasonable effort to ensure that any child 16 or 17 years of age who is convicted and sentenced under this paragraph be completely separated such that there is no physical contact with adult offenders in the facility, to the extent that it is consistent with chapter 958.

Section 77. Subsection (3) of section 776.09, Florida Statutes, is amended to read:

776.09 Retention of records pertaining to persons found to be acting in lawful self-defense; expunction of criminal history records.—

(3) Under either condition described in subsection (1) or subsection (2), the person accused may apply for a certificate of eligibility to expunge the associated criminal history record, pursuant to s. 943.0578 or 943.0585(5), notwithstanding the eligibility requirements prescribed in s. 943.0585(1) or 943.0585(1)(b) or (2).

Section 78. Paragraph (c) of subsection (3) of section 943.053, Florida Statutes, is amended to read:
943.053 Dissemination of criminal justice information; fees.—

(3)

(c)1. Criminal history information relating to juveniles, including criminal history information consisting in whole or in part of information that is confidential and exempt under paragraph (b), shall be available to:

a. A criminal justice agency for criminal justice purposes on a priority basis and free of charge;

b. The person to whom the record relates, or his or her attorney;

c. The parent, guardian, or legal custodian of the person to whom the record relates, provided such person has not reached the age of majority, been emancipated by a court, or been legally married; or

d. An agency or entity specified in s. 943.0585(6) or s. 943.059(4), for the purposes specified therein, and to any person within such agency or entity who has direct responsibility for employment, access authorization, or licensure decisions.

2. After providing the program with all known personal identifying information, the criminal history information relating to a juvenile which is not confidential and exempt under this subsection may be released to the private sector and noncriminal justice agencies not specified in s. 943.0585(6) or s. 943.059(4) in the same manner as provided in paragraph (a). Criminal history information relating to a juvenile which is not confidential and exempt under this subsection is the entire criminal history information relating
to a juvenile who satisfies any of the criteria listed in sub-
subparagraphs (b)1.a.–d., except for any portion of such
juvenile’s criminal history record which has been expunged or
sealed under any law applicable to such record.

3. All criminal history information relating to juveniles,
other than that provided to criminal justice agencies for
criminal justice purposes, shall be provided upon tender of fees
as established in this subsection and in the manner prescribed
by rule of the Department of Law Enforcement.

Section 79. Paragraph (b) of subsection (2) of section
943.0582, Florida Statutes, is amended to read:
943.0582 Diversion program expunction.—
(2) As used in this section, the term:
(b) “Expunction” has the same meaning ascribed in and
effect as s. 943.0585, except that:
1. Section 943.0585(6)(b) does The provisions of s.
943.0585(4)(a) do not apply, except that the criminal history
record of a person whose record is expunged pursuant to this
section shall be made available only to criminal justice
agencies for the purpose of:
   a. Determining eligibility for diversion programs;
   b. A criminal investigation; or
   c. Making a prosecutorial decision under s. 985.15.
2. Records maintained by local criminal justice agencies in
the county in which the arrest occurred that are eligible for
expunction pursuant to this section shall be sealed as the term
is used in s. 943.059.

Section 80. Paragraphs (a) and (b) of subsection (4) of
section 985.565, Florida Statutes, are amended to read:
985.565 Sentencing powers; procedures; alternatives for juveniles prosecuted as adults.—

(4) SENTENCING ALTERNATIVES.—

(a) Adult sanctions.—

1. Cases prosecuted on indictment.—If the child is found to have committed the offense punishable by death or life imprisonment, the child shall be sentenced as an adult. If the juvenile is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he or she was indicted as a part of the criminal episode, the court may sentence as follows:

   a. As an adult;

   b. Under chapter 958; or

   c. As a juvenile under this section.

2. Other cases.—If a child who has been transferred for criminal prosecution pursuant to information or waiver of juvenile court jurisdiction is found to have committed a violation of state law or a lesser included offense for which he or she was charged as a part of the criminal episode, the court may sentence as follows:

   a. As an adult;

   b. Under chapter 958; or

   c. As a juvenile under this section.

3. Notwithstanding any other provision to the contrary, if the state attorney is required to file a motion to transfer and certify the juvenile for prosecution as an adult under s. 985.556(3) and that motion is granted, or if the state attorney is required to file an information under s. 985.557(2)(a) or (b), the court must impose adult sanctions.
4. Any sentence imposing adult sanctions is presumed appropriate, and the court is not required to set forth specific findings or enumerate the criteria in this subsection as any basis for its decision to impose adult sanctions.

5. When a child has been transferred for criminal prosecution as an adult and has been found to have committed a violation of state law, the disposition of the case may include the enforcement of any restitution ordered in any juvenile proceeding.

(b) Juvenile sanctions.—For juveniles transferred to adult court but who do not qualify for such transfer under s. 985.556(3) or s. 985.557(2)(a) or (b), the court may impose juvenile sanctions under this paragraph. If juvenile sentences are imposed, the court shall, under this paragraph, adjudge the child to have committed a delinquent act. Adjudication of delinquency may not be deemed a conviction, nor shall it operate to impose any of the civil disabilities ordinarily resulting from a conviction. The court shall impose an adult sanction or a juvenile sanction and may not sentence the child to a combination of adult and juvenile punishments. An adult sanction or a juvenile sanction may include enforcement of an order of restitution or probation previously ordered in any juvenile proceeding. However, if the court imposes a juvenile sanction and the department determines that the sanction is unsuitable for the child, the department shall return custody of the child to the sentencing court for further proceedings, including the imposition of adult sanctions. Upon adjudicating a child delinquent under subsection (1), the court may:

1. Place the child in a probation program under the
supervision of the department for an indeterminate period of

time until the child reaches the age of 19 years or sooner if
discharged by order of the court.

2. Commit the child to the department for treatment in an

appropriate program for children for an indeterminate period of
time until the child is 21 or sooner if discharged by the
department. The department shall notify the court of its intent
to discharge no later than 14 days before prior to discharge.

Failure of the court to timely respond to the department’s
notice shall be considered approval for discharge.

3. Order disposition under ss. 985.435, 985.437, 985.439,
985.441, 985.45, and 985.455 as an alternative to youthful
offender or adult sentencing if the court determines not to
impose youthful offender or adult sanctions.

It is the intent of the Legislature that the criteria and
guidelines in this subsection are mandatory and that a
determination of disposition under this subsection is subject to
the right of the child to appellate review under s. 985.534.

Section 81. Subsection (3) of section 921.0022, Florida
Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking
chart.—

(3) OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

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<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
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<tbody>
<tr>
<td>24.118(3)(a)</td>
<td>Counterfeit or altered state lottery ticket.</td>
<td></td>
</tr>
<tr>
<td>212.054(2)(b)</td>
<td>Discretionary sales surtax; limitations, administration, and collection.</td>
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<tr>
<td>212.15(2)(b)</td>
<td>Failure to remit sales taxes, amount $1,000 or more greater than $300 but less than $20,000.</td>
<td></td>
</tr>
<tr>
<td>316.1935(1)</td>
<td>Fleeing or attempting to elude law enforcement officer.</td>
<td></td>
</tr>
<tr>
<td>319.30(5)</td>
<td>Sell, exchange, give away certificate of title or identification number plate.</td>
<td></td>
</tr>
<tr>
<td>319.35(1)(a)</td>
<td>Tamper, adjust, change, etc., an odometer.</td>
<td></td>
</tr>
<tr>
<td>320.26(1)(a)</td>
<td>Counterfeit, manufacture, or sell registration license plates or validation stickers.</td>
<td></td>
</tr>
<tr>
<td>322.212</td>
<td>Possession of forged,</td>
<td></td>
</tr>
</tbody>
</table>
(1)(a)-(c) stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.

322.212(4) 3rd Supply or aid in supplying unauthorized driver license or identification card.

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.

443.071(1) 3rd False statement or representation to obtain or increase reemployment assistance benefits.

509.151(1) 3rd Defraud an innkeeper, food or lodging value $1,000 or more greater than $300.

517.302(1) 3rd Violation of the Florida Securities and Investor...
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<tr>
<th>Section</th>
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</thead>
<tbody>
<tr>
<td>562.27(1)</td>
<td>3rd</td>
<td>Possess still or still apparatus.</td>
</tr>
<tr>
<td>713.69</td>
<td>3rd</td>
<td>Tenant removes property upon which lien has accrued, value $1,000 or more than $50.</td>
</tr>
<tr>
<td>812.014(3)(c)</td>
<td>3rd</td>
<td>Petit theft (3rd conviction); theft of any property not specified in subsection (2).</td>
</tr>
<tr>
<td>812.081(2)</td>
<td>3rd</td>
<td>Unlawfully makes or causes to be made a reproduction of a trade secret.</td>
</tr>
<tr>
<td>815.04(5)(a)</td>
<td>3rd</td>
<td>Offense against intellectual property (i.e., computer programs, data).</td>
</tr>
<tr>
<td>817.52(2)</td>
<td>3rd</td>
<td>Hiring with intent to defraud, motor vehicle services.</td>
</tr>
<tr>
<td>817.569(2)</td>
<td>3rd</td>
<td>Use of public record or public records information</td>
</tr>
<tr>
<td>Code</td>
<td>3rd</td>
<td>Description</td>
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<tr>
<td>826.01</td>
<td></td>
<td>Bigamy.</td>
</tr>
<tr>
<td>828.122(3)</td>
<td></td>
<td>Fighting or baiting animals.</td>
</tr>
<tr>
<td>831.04(1)</td>
<td></td>
<td>Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.</td>
</tr>
<tr>
<td>831.31(1)(a)</td>
<td></td>
<td>Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.</td>
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<tr>
<td>832.041(1)</td>
<td></td>
<td>Stopping payment with intent to defraud $150 or more.</td>
</tr>
<tr>
<td>832.05(2)(b) &amp; (4)(c)</td>
<td></td>
<td>Knowing, making, issuing worthless checks $150 or more or obtaining property in return for worthless check $150 or more.</td>
</tr>
<tr>
<td>838.15(2)</td>
<td></td>
<td>Commercial bribe receiving.</td>
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<tr>
<td>Florida Senate - 2019</td>
<td>SENATOR AMENDMENT</td>
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<tr>
<td>Bill No. CS for HB 7125</td>
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<th>Code</th>
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<tr>
<td>838.16</td>
<td>3rd</td>
<td>Commercial bribery.</td>
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<td>843.18</td>
<td>3rd</td>
<td>Fleeing by boat to elude a law enforcement officer.</td>
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</tr>
<tr>
<td>847.011(1)(a)</td>
<td>3rd</td>
<td>Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).</td>
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<tr>
<td>849.01</td>
<td>3rd</td>
<td>Keeping gambling house.</td>
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<tr>
<td>849.09(1)(a)-(d)</td>
<td>3rd</td>
<td>Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.</td>
<td></td>
</tr>
<tr>
<td>849.23</td>
<td>3rd</td>
<td>Gambling-related machines; “common offender” as to property rights.</td>
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<tr>
<td>849.25(2)</td>
<td>3rd</td>
<td>Engaging in bookmaking.</td>
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<tr>
<td>860.08</td>
<td>3rd</td>
<td>Interfere with a railroad signal.</td>
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<tr>
<td>860.13(1)(a)</td>
<td>3rd</td>
<td>Operate aircraft while under the influence.</td>
<td></td>
</tr>
</tbody>
</table>
893.13(2)(a)2. 3rd  Purchase of cannabis.

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

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

(b) LEVEL 2

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<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
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<tr>
<td>379.2431(1)(e)3.</td>
<td>3rd</td>
<td>Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.</td>
</tr>
<tr>
<td>379.2431(1)(e)4.</td>
<td>3rd</td>
<td>Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.</td>
</tr>
<tr>
<td>403.413(6)(c)</td>
<td>3rd</td>
<td>Dumps waste litter</td>
</tr>
</tbody>
</table>
exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.

517.07(2) 3rd Failure to furnish a prospectus meeting requirements.

590.28(1) 3rd Intentional burning of lands.

784.05(3) 3rd Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

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

806.13(1)(b)3. 3rd Criminal mischief; damage $1,000 or more to public communication or any other public
Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

Trespassing on posted commercial horticulture property.

Grand theft, 3rd degree; $750 or more but less than $5,000.

Grand theft, 3rd degree; $100 or more but less than $750, taken from unenclosed curtilage of dwelling.

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

False statement in support of insurance.
Florida Senate - 2019
Bill No. CS for HB 7125

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<thead>
<tr>
<th>Statute Reference</th>
<th>Grade</th>
<th>Description</th>
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<tbody>
<tr>
<td>817.481(3)(a)</td>
<td>3rd</td>
<td>Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over $300.</td>
</tr>
<tr>
<td>817.52(3)</td>
<td>3rd</td>
<td>Failure to redeliver hired vehicle.</td>
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<tr>
<td>817.54</td>
<td>3rd</td>
<td>With intent to defraud, obtain mortgage note, etc., by false representation.</td>
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<tr>
<td>817.60(5)</td>
<td>3rd</td>
<td>Dealing in credit cards of another.</td>
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<tr>
<td>817.60(6)(a)</td>
<td>3rd</td>
<td>Forgery; purchase goods, services with false card.</td>
</tr>
<tr>
<td>817.61</td>
<td>3rd</td>
<td>Fraudulent use of credit cards over $100 or more within 6 months.</td>
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<tr>
<td>826.04</td>
<td>3rd</td>
<td>Knowingly marries or has sexual intercourse with</td>
</tr>
</tbody>
</table>
person to whom related.

831.01 3rd Forgery.

831.02 3rd Uttering forged instrument; utters or publishes alteration with intent to defraud.

831.07 3rd Forging bank bills, checks, drafts, or promissory notes.

831.08 3rd Possessing 10 or more forged notes, bills, checks, or drafts.

831.09 3rd Uttering forged notes, bills, checks, drafts, or promissory notes.

831.11 3rd Bringing into the state forged bank bills, checks, drafts, or notes.

832.05(3)(a) 3rd Cashing or depositing item with intent to defraud.
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.

893.147(2)  3rd  Manufacture or delivery of drug paraphernalia.

(c) LEVEL 3

Florida Statute  Felony Degree Description

119.10(2)(b)  3rd  Unlawful use of confidential information from police reports.

316.066  3rd  Unlawfully obtaining or using confidential crash reports.
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<tr>
<th>Florida Senate - 2019</th>
<th>SENATOR AMENDMENT</th>
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<tr>
<td>Bill No. CS for HB 7125</td>
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<tr>
<th>Section</th>
<th>Degree</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>316.193(2)(b)</td>
<td>3rd</td>
<td>Felony DUI, 3rd conviction.</td>
</tr>
<tr>
<td>316.1935(2)</td>
<td>3rd</td>
<td>Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.</td>
</tr>
<tr>
<td>319.30(4)</td>
<td>3rd</td>
<td>Possession by junkyard of motor vehicle with identification number plate removed.</td>
</tr>
<tr>
<td>319.33(1)(a)</td>
<td>3rd</td>
<td>Alter or forge any certificate of title to a motor vehicle or mobile home.</td>
</tr>
<tr>
<td>319.33(1)(c)</td>
<td>3rd</td>
<td>Procure or pass title on stolen vehicle.</td>
</tr>
<tr>
<td>319.33(4)</td>
<td>3rd</td>
<td>With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.</td>
</tr>
<tr>
<td>327.35(2)(b)</td>
<td>3rd</td>
<td>Felony BUI.</td>
</tr>
</tbody>
</table>

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

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

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

379.2431 (1)(e)5. 3rd  Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

379.2431 3rd  Possessing any marine
(1)(e)6. turtle species or
hatchling, or parts
thereof, or the nest of any
marine turtle species
described in the Marine
Turtle Protection Act.

3971 379.2431 3rd Soliciting to commit or
(1)(e)7. conspiring to commit a
violation of the Marine
Turtle Protection Act.

4972 400.9935(4)(a)
or (b) 3rd Operating a clinic, or
offering services requiring
licensure, without a
license.

4973 400.9935(4)(e) 3rd Filing a false license
application or other
required information or
failing to report
information.

4974 440.1051(3) 3rd False report of workers’
compensation fraud or
retaliation for making such
a report.

4975 501.001(2)(b) 2nd Tampers with a consumer
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<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>624.401(4)(a)</td>
<td>Transacting insurance without a certificate of authority.</td>
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<tr>
<td>624.401(4)(b)1.</td>
<td>Transacting insurance without a certificate of authority; premium collected less than $20,000.</td>
</tr>
<tr>
<td>626.902(1)(a) &amp; (b)</td>
<td>Representing an unauthorized insurer.</td>
</tr>
<tr>
<td>697.08</td>
<td>Equity skimming.</td>
</tr>
<tr>
<td>790.15(3)</td>
<td>Person directs another to discharge firearm from a vehicle.</td>
</tr>
<tr>
<td>806.10(1)</td>
<td>Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.</td>
</tr>
<tr>
<td>Section</td>
<td>Degree</td>
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<tr>
<td>806.10(2)</td>
<td>3rd</td>
</tr>
<tr>
<td>810.09(2)(c)</td>
<td>3rd</td>
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<tr>
<td>812.014(2)(c)2.</td>
<td>3rd</td>
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<tr>
<td>812.0145(2)(c)</td>
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<tr>
<td>812.015(8)(b)</td>
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<tr>
<td>815.04(5)(b)</td>
<td>2nd</td>
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<tr>
<td>817.034(4)(a)3.</td>
<td>3rd</td>
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<td>Code</td>
<td>Degree</td>
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<tr>
<td>817.233</td>
<td>3rd</td>
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<td>817.234</td>
<td>3rd</td>
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<tr>
<td>817.234(11)(a)</td>
<td>3rd</td>
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<tr>
<td>817.236</td>
<td>3rd</td>
</tr>
<tr>
<td>817.2361</td>
<td>3rd</td>
</tr>
<tr>
<td>817.413(2)</td>
<td>3rd</td>
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<tr>
<td>831.28(2)(a)</td>
<td>3rd</td>
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<td>Section</td>
<td>Degree</td>
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<tr>
<td>831.29</td>
<td>2nd</td>
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<tr>
<td>838.021(3)(b)</td>
<td>3rd</td>
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<tr>
<td>843.19</td>
<td>3rd</td>
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<tr>
<td>860.15(3)</td>
<td>3rd</td>
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<td>870.01(2)</td>
<td>3rd</td>
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<tr>
<td>893.13(1)(a)2</td>
<td>3rd</td>
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<td>893.13(1)(d)2</td>
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<td>893.13(1)(f)2.</td>
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<td>893.13(6)(a)</td>
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<tr>
<td>893.13(7)(a)8.</td>
<td>3rd</td>
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</tbody>
</table>
893.13(7)(a)9.  3rd  Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

893.13(7)(a)10.  3rd  Affix false or forged label to package of controlled substance.

893.13(7)(a)11.  3rd  Furnish false or fraudulent material information on any document or record required by chapter 893.

893.13(8)(a)1.  3rd  Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner’s practice.

893.13(8)(a)2.  3rd  Employ a trick or scheme in the practitioner’s practice to assist a patient, other
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<tr>
<th>Section</th>
<th>Law</th>
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<tbody>
<tr>
<td>893.13(8)(a)3.</td>
<td>3rd</td>
<td>Knowingly write a prescription for a controlled substance for a fictitious person.</td>
</tr>
<tr>
<td>893.13(8)(a)4.</td>
<td>3rd</td>
<td>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.</td>
</tr>
<tr>
<td>918.13(1)(a)</td>
<td>3rd</td>
<td>Alter, destroy, or conceal investigation evidence.</td>
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<tr>
<td>944.47(1)(a)1. &amp; 2.</td>
<td>3rd</td>
<td>Introduce contraband to correctional facility.</td>
</tr>
<tr>
<td>944.47(1)(c)</td>
<td>2nd</td>
<td>Possess contraband while upon the grounds of a correctional institution.</td>
</tr>
<tr>
<td>985.721</td>
<td>3rd</td>
<td>Escapes from a juvenile</td>
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</table>
facility (secure detention or residential commitment facility).

(d) LEVEL 4

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<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
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<tbody>
<tr>
<td>316.1935(3)(a)</td>
<td>2nd</td>
<td>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.</td>
</tr>
<tr>
<td>499.0051(1)</td>
<td>3rd</td>
<td>Failure to maintain or deliver transaction history, transaction information, or transaction statements.</td>
</tr>
<tr>
<td>499.0051(5)</td>
<td>2nd</td>
<td>Knowing sale or delivery, or possession with intent to sell, contraband prescription</td>
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<tr>
<td>4825</td>
<td>4826</td>
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<tr>
<td>517.07(1)</td>
<td>3rd Failure to register securities.</td>
<td></td>
</tr>
<tr>
<td>517.12(1)</td>
<td>3rd Failure of dealer, associated person, or issuer of securities to register.</td>
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<td>810.02(4)(a)</td>
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<td>817.625(2)(a)</td>
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<td>828.125(1)</td>
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<td>837.02(1)</td>
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<td>843.021</td>
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<td>843.025</td>
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<td>893.13(2)(a)1.</td>
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<td>914.14(2)</td>
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<td>918.12</td>
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<td>944.47(1)(a)6.</td>
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<td>951.22(1)(h), (j), &amp; (k)</td>
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(e) LEVEL 5
<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>316.027(2)(a)</td>
<td>3rd</td>
<td>Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.</td>
</tr>
<tr>
<td>316.1935(4)(a)</td>
<td>2nd</td>
<td>Aggravated fleeing or eluding.</td>
</tr>
<tr>
<td>316.80(2)</td>
<td>2nd</td>
<td>Unlawful conveyance of fuel; obtaining fuel fraudulently.</td>
</tr>
<tr>
<td>322.34(6)</td>
<td>3rd</td>
<td>Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.</td>
</tr>
<tr>
<td>327.30(5)</td>
<td>3rd</td>
<td>Vessel accidents involving personal injury; leaving scene.</td>
</tr>
<tr>
<td>379.365(2)(c)1.</td>
<td>3rd</td>
<td>Violation of rules relating to: willful</td>
</tr>
</tbody>
</table>
molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

379.367(4) 3rd Willful molestation of a commercial harvester’s spiny lobster trap, line, or buoy.
379.407(5)(b)3.  3rd  Possession of 100 or more undersized spiny lobsters.

381.0041(11)(b)  3rd  Donate blood, plasma, or organs knowing HIV positive.

440.10(1)(g)  2nd  Failure to obtain workers’ compensation coverage.

440.105(5)  2nd  Unlawful solicitation for the purpose of making workers’ compensation claims.

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

624.401(4)(b)2.  2nd  Transacting insurance without a certificate or authority; premium
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<tr>
<th>Statute Number</th>
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<tbody>
<tr>
<td>626.902(1)(c)</td>
<td>2nd</td>
<td>Representing an unauthorized insurer; repeat offender.</td>
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<tr>
<td>790.01(2)</td>
<td>3rd</td>
<td>Carrying a concealed firearm.</td>
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<tr>
<td>790.162</td>
<td>2nd</td>
<td>Threat to throw or discharge destructive device.</td>
</tr>
<tr>
<td>790.163(1)</td>
<td>2nd</td>
<td>False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.</td>
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<tr>
<td>790.221(1)</td>
<td>2nd</td>
<td>Possession of short-barreled shotgun or machine gun.</td>
</tr>
<tr>
<td>790.23</td>
<td>2nd</td>
<td>Felons in possession of firearms, ammunition, or electronic weapons or devices.</td>
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</tr>
<tr>
<td>796.05(1)</td>
<td>2nd</td>
<td>Live on earnings of a prostitute; 1st offense.</td>
</tr>
<tr>
<td>800.04(6)(c)</td>
<td>3rd</td>
<td>Lewd or lascivious conduct; offender less than 18 years of age.</td>
</tr>
<tr>
<td>800.04(7)(b)</td>
<td>2nd</td>
<td>Lewd or lascivious exhibition; offender 18 years of age or older.</td>
</tr>
<tr>
<td>806.111(1)</td>
<td>3rd</td>
<td>Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.</td>
</tr>
<tr>
<td>812.0145(2)(b)</td>
<td>2nd</td>
<td>Theft from person 65 years of age or older; $10,000 or more but less than $50,000.</td>
</tr>
<tr>
<td>812.015(8)(a), (c), (d), &amp; (e)</td>
<td>3rd</td>
<td>Retail theft; property stolen is valued at $750 or $300 or more and one or more specified acts.</td>
</tr>
<tr>
<td>812.019(1)</td>
<td>2nd</td>
<td>Stolen property; dealing in or trafficking in.</td>
</tr>
<tr>
<td>Section</td>
<td>Grade</td>
<td>Description</td>
</tr>
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</tr>
<tr>
<td>812.131(2)(b)</td>
<td>3rd</td>
<td>Robbery by sudden snatching.</td>
</tr>
<tr>
<td>812.16(2)</td>
<td>3rd</td>
<td>Owning, operating, or conducting a chop shop.</td>
</tr>
<tr>
<td>817.034(4)(a)2.</td>
<td>2nd</td>
<td>Communications fraud, value $20,000 to $50,000.</td>
</tr>
<tr>
<td>817.234(11)(b)</td>
<td>2nd</td>
<td>Insurance fraud; property value $20,000 or more but less than $100,000.</td>
</tr>
<tr>
<td>817.2341(1), (2)(a) &amp; (3)(a)</td>
<td>3rd</td>
<td>Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.</td>
</tr>
<tr>
<td>817.568(2)(b)</td>
<td>2nd</td>
<td>Fraudulent use of personal identification information; value of benefit, services</td>
</tr>
</tbody>
</table>
received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.

4911 817.611(2)(a) 2nd Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

4912 817.625(2)(b) 2nd Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

4913 825.1025(4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

4914 827.071(4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which
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<tr>
<th>Section</th>
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<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>827.071(5)</td>
<td>3rd</td>
<td>Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.</td>
</tr>
<tr>
<td>828.12(2)</td>
<td>3rd</td>
<td>Tortures any animal with intent to inflict intense pain, serious physical injury, or death.</td>
</tr>
<tr>
<td>839.13(2)(b)</td>
<td>2nd</td>
<td>Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.</td>
</tr>
<tr>
<td>843.01</td>
<td>3rd</td>
<td>Resist officer with violence to person; resist arrest with violence.</td>
</tr>
<tr>
<td>847.0135(5)(b)</td>
<td>2nd</td>
<td>Lewd or lascivious exhibition using includes sexual conduct by a child.</td>
</tr>
<tr>
<td>Section</td>
<td>Grade</td>
<td>Description</td>
</tr>
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<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>847.0137 (2) &amp; (3)</td>
<td>3rd</td>
<td>Transmission of pornography by electronic device or equipment.</td>
</tr>
<tr>
<td>847.0138 (2) &amp; (3)</td>
<td>3rd</td>
<td>Transmission of material harmful to minors to a minor by electronic device or equipment.</td>
</tr>
<tr>
<td>874.05(1)(b)</td>
<td>2nd</td>
<td>Encouraging or recruiting another to join a criminal gang; second or subsequent offense.</td>
</tr>
<tr>
<td>874.05(2)(a)</td>
<td>2nd</td>
<td>Encouraging or recruiting person under 13 years of age to join a criminal gang.</td>
</tr>
<tr>
<td>893.13(1)(a)1</td>
<td>2nd</td>
<td>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c))5.</td>
</tr>
</tbody>
</table>
4925
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.

4926
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.

4927
893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited
under s. 893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)6.,
(2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10.,
(3), or (4) within 1,000
feet of property used
for religious services
or a specified business
site.

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.

893.13(4)(b)  2nd  Use or hire of minor;
deliver to minor other
controlled substance.

893.1351(1)  3rd  Ownership, lease, or
rental for trafficking
in or manufacturing of
controlled substance.
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<tr>
<th>Florida Statute</th>
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<th>Description</th>
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<tbody>
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<td>316.027(2)(b)</td>
<td>2nd</td>
<td>Leaving the scene of a crash involving serious bodily injury.</td>
</tr>
<tr>
<td>316.193(2)(b)</td>
<td>3rd</td>
<td>Felony DUI, 4th or subsequent conviction.</td>
</tr>
<tr>
<td>400.9935(4)(c)</td>
<td>2nd</td>
<td>Operating a clinic, or offering services requiring licensure, without a license.</td>
</tr>
<tr>
<td>499.0051(2)</td>
<td>2nd</td>
<td>Knowing forgery of transaction history, transaction information, or transaction statement.</td>
</tr>
<tr>
<td>499.0051(3)</td>
<td>2nd</td>
<td>Knowing purchase or receipt of prescription drug from unauthorized person.</td>
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<tr>
<td>Section</td>
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<td>Description</td>
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</tr>
<tr>
<td>499.0051(4)</td>
<td>2nd</td>
<td>Knowing sale or transfer of prescription drug to unauthorized person.</td>
</tr>
<tr>
<td>775.0875(1)</td>
<td>3rd</td>
<td>Taking firearm from law enforcement officer.</td>
</tr>
<tr>
<td>784.021(1)(a)</td>
<td>3rd</td>
<td>Aggravated assault; deadly weapon without intent to kill.</td>
</tr>
<tr>
<td>784.021(1)(b)</td>
<td>3rd</td>
<td>Aggravated assault; intent to commit felony.</td>
</tr>
<tr>
<td>784.041</td>
<td>3rd</td>
<td>Felony battery; domestic battery by strangulation.</td>
</tr>
<tr>
<td>784.048(3)</td>
<td>3rd</td>
<td>Aggravated stalking; credible threat.</td>
</tr>
<tr>
<td>784.048(5)</td>
<td>3rd</td>
<td>Aggravated stalking of person under 16.</td>
</tr>
<tr>
<td>784.07(2)(c)</td>
<td>2nd</td>
<td>Aggravated assault on law enforcement officer.</td>
</tr>
</tbody>
</table>
| 784.074(1)(b) | 2nd | Aggravated assault on sexually violent
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<thead>
<tr>
<th>Code</th>
<th>Section</th>
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<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>784.08(2)(b)</td>
<td>2nd</td>
<td>784.08(2)(b)</td>
<td>2nd Aggravated assault on a person 65 years of age or older.</td>
</tr>
<tr>
<td>784.081(2)</td>
<td>2nd</td>
<td>784.081(2)</td>
<td>2nd Aggravated assault on specified official or employee.</td>
</tr>
<tr>
<td>784.082(2)</td>
<td>2nd</td>
<td>784.082(2)</td>
<td>2nd Aggravated assault by detained person on visitor or other detainee.</td>
</tr>
<tr>
<td>784.083(2)</td>
<td>2nd</td>
<td>784.083(2)</td>
<td>2nd Aggravated assault on code inspector.</td>
</tr>
<tr>
<td>787.02(2)</td>
<td>3rd</td>
<td>787.02(2)</td>
<td>3rd False imprisonment; restraining with purpose other than those in s. 787.01.</td>
</tr>
<tr>
<td>790.115(2)(d)</td>
<td>2nd</td>
<td>790.115(2)(d)</td>
<td>2nd Discharging firearm or weapon on school property.</td>
</tr>
<tr>
<td>790.161(2)</td>
<td>2nd</td>
<td>790.161(2)</td>
<td>2nd Make, possess, or throw predators facility staff.</td>
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<tr>
<td>Section</td>
<td>Degree</td>
<td>Description</td>
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<tr>
<td>790.164(1)</td>
<td>2nd</td>
<td>False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.</td>
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<tr>
<td>790.19</td>
<td>2nd</td>
<td>Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.</td>
<td></td>
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<tr>
<td>794.011(8)(a)</td>
<td>3rd</td>
<td>Solicitation of minor to participate in sexual activity by custodial adult.</td>
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<tr>
<td>794.05(1)</td>
<td>2nd</td>
<td>Unlawful sexual activity with specified minor.</td>
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</tr>
<tr>
<td>800.04(5)(d)</td>
<td>3rd</td>
<td>Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years</td>
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</tr>
<tr>
<td>Section</td>
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</tr>
<tr>
<td>800.04(6)(b)</td>
<td>2nd Lewd or lascivious conduct; offender 18 years of age or older.</td>
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</tr>
<tr>
<td>806.031(2)</td>
<td>2nd Arson resulting in great bodily harm to firefighter or any other person.</td>
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</tr>
<tr>
<td>810.02(3)(c)</td>
<td>2nd Burglary of occupied structure; unarmed; no assault or battery.</td>
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</tr>
<tr>
<td>810.145(8)(b)</td>
<td>2nd Video voyeurism; certain minor victims; 2nd or subsequent offense.</td>
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</tr>
<tr>
<td>812.014(2)(b)</td>
<td>2nd Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.</td>
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</tr>
<tr>
<td>812.014(6)</td>
<td>2nd Theft; property stolen $3,000 or more; coordination of others.</td>
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<tr>
<td>Paragraph</td>
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<td>Degree</td>
<td>Description</td>
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</tr>
<tr>
<td>4968</td>
<td>812.015(9)(a)</td>
<td>2nd</td>
<td>Retail theft; property stolen $750-$300 or more; second or subsequent conviction.</td>
</tr>
<tr>
<td>4969</td>
<td>812.015(9)(b)</td>
<td>2nd</td>
<td>Retail theft; aggregated property stolen within 30 days is $3,000 or more; coordination of others.</td>
</tr>
<tr>
<td>4970</td>
<td>812.13(2)(c)</td>
<td>2nd</td>
<td>Robbery, no firearm or other weapon (strong-arm robbery).</td>
</tr>
<tr>
<td>4971</td>
<td>817.4821(5)</td>
<td>2nd</td>
<td>Possess cloning paraphernalia with intent to create cloned cellular telephones.</td>
</tr>
<tr>
<td>4972</td>
<td>817.505(4)(b)</td>
<td>2nd</td>
<td>Patient brokering; 10 or more patients.</td>
</tr>
<tr>
<td>4973</td>
<td>825.102(1)</td>
<td>3rd</td>
<td>Abuse of an elderly person or disabled adult.</td>
</tr>
<tr>
<td>4973</td>
<td>825.102(3)(c)</td>
<td>3rd</td>
<td>Neglect of an elderly person or disabled adult.</td>
</tr>
</tbody>
</table>
adult.

825.1025(3) 3rd Lewd or lascivious molestation of an elderly person or disabled adult.

825.103(3)(c) 3rd Exploiting an elderly person or disabled adult and property is valued at less than $10,000.

827.03(2)(c) 3rd Abuse of a child.

827.03(2)(d) 3rd Neglect of a child.

827.071(2) & (3) 2nd Use or induce a child in a sexual performance, or promote or direct such performance.

836.05 2nd Threats; extortion.

836.10 2nd Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.

843.12 3rd Aids or assists person
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</thead>
<tbody>
<tr>
<td>847.011</td>
<td>3rd</td>
<td>Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.</td>
</tr>
<tr>
<td>847.012</td>
<td>3rd</td>
<td>Knowingly using a minor in the production of materials harmful to minors.</td>
</tr>
<tr>
<td>847.0135(2)</td>
<td>3rd</td>
<td>Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.</td>
</tr>
<tr>
<td>914.23</td>
<td>2nd</td>
<td>Retaliation against a witness, victim, or informant, with bodily injury.</td>
</tr>
</tbody>
</table>
| 944.35(3)(a)2. | 3rd    | Committing malicious battery upon or inflicting cruel or inhuman treatment on an
<table>
<thead>
<tr>
<th>Florida Statute</th>
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</thead>
<tbody>
<tr>
<td>316.027(2)(c)</td>
<td>1st</td>
<td>1st Accident involving death, inmate or offender on community supervision, resulting in great bodily harm.</td>
</tr>
<tr>
<td>944.40</td>
<td>2nd</td>
<td>Escapes.</td>
</tr>
<tr>
<td>944.46</td>
<td>3rd</td>
<td>Harboring, concealing, aiding escaped prisoners.</td>
</tr>
<tr>
<td>944.47(1)(a)5.</td>
<td>2nd</td>
<td>Introduction of contraband (firearm, weapon, or explosive) into correctional facility.</td>
</tr>
<tr>
<td>951.22(1)(i)</td>
<td>3rd</td>
<td>Intoxicating drug, Firearm, or weapon introduced into county detention facility.</td>
</tr>
</tbody>
</table>

(g) LEVEL 7
failure to stop; leaving scene.

316.193(3)(c)2.  3rd  DUI resulting in serious bodily injury.

316.1935(3)(b)  1st  Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

327.35(3)(c)2.  3rd  Vessel BUI resulting in serious bodily injury.

402.319(2)  2nd  Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

409.920  3rd  Medicaid provider fraud; $10,000 or less.

(2)(b)1.a.
<table>
<thead>
<tr>
<th>Section</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>409.920</td>
<td>2nd</td>
<td>Medicaid provider fraud; more than $10,000, but less than $50,000.</td>
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<td>456.065(2)</td>
<td>3rd</td>
<td>Practicing a health care profession without a license.</td>
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<tr>
<td>456.065(2)</td>
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<td>Practicing a health care profession without a license which results in serious bodily injury.</td>
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<td>458.327(1)</td>
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<td>Practicing medicine without a license.</td>
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<td>459.013(1)</td>
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<td>Practicing osteopathic medicine without a license.</td>
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<td>460.411(1)</td>
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<td>Practicing chiropractic medicine without a license.</td>
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<td>461.012(1)</td>
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<td>Practicing podiatric medicine without a license.</td>
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<tr>
<td>462.17</td>
<td>Practicing naturopathy without a license.</td>
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<td>463.015(1)</td>
<td>Practicing optometry without a license.</td>
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<td>464.016(1)</td>
<td>Practicing nursing without a license.</td>
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<td>465.015(2)</td>
<td>Practicing pharmacy without a license.</td>
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<td>466.026(1)</td>
<td>Practicing dentistry or dental hygiene without a license.</td>
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<td>Practicing midwifery without a license.</td>
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<td>Delivering respiratory care services without a license.</td>
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<td>483.828(1)</td>
<td>Practicing as clinical laboratory personnel without a license.</td>
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<td>483.901(7)</td>
<td>Practicing medical physics without a license.</td>
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<td>484.013(1)(c)</td>
<td>3rd</td>
<td>Preparing or dispensing optical devices without a prescription.</td>
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<td>484.053</td>
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<td>Dispensing hearing aids without a license.</td>
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<td>494.0018(2)</td>
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<td>Conviction of any violation of chapter 494 in which the total money and</td>
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<td></td>
<td>property unlawfully obtained exceeded $50,000 and there were five or more</td>
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<tr>
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<td></td>
<td>victims.</td>
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<tr>
<td>560.123(8)(b)</td>
<td>3rd</td>
<td>Failure to report currency or payment instruments exceeding $300 but less</td>
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<tr>
<td>(b)1.</td>
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<td>than $20,000 by a money services business.</td>
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<td>560.125(5)(a)</td>
<td>3rd</td>
<td>Money services business by unauthorized person, currency or payment</td>
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<td>instruments exceeding $300 but less than $20,000.</td>
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<td>655.50(10)(b)</td>
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<tr>
<td>782.071</td>
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<td>Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).</td>
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<td>782.072</td>
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<td>Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).</td>
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<td>784.045(1)(b)</td>
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<td>Aggravated battery; perpetrator aware victim pregnant.</td>
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</table>
| 784.048(4)  | 3rd    | Aggravated stalking; violation of injunction or
court order.

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<td>784.07(2)(d)</td>
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<td>784.074(1)(a)</td>
<td>1st Aggravated battery on sexually violent predators facility staff.</td>
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<td>784.082(1)</td>
<td>1st Aggravated battery by detained person on visitor or other detainee.</td>
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<td>784.083(1)</td>
<td>1st Aggravated battery on code inspector.</td>
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<tr>
<td>787.06(3)(a)2.</td>
<td>1st Human trafficking using coercion for labor and</td>
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services of an adult.

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.

790.07(4)  1st  Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

790.16(1)  1st  Discharge of a machine gun under specified circumstances.

790.165(2)  2nd  Manufacture, sell, possess, or deliver hoax bomb.

790.165(3)  2nd  Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

790.166(3)  2nd  Possessing, selling,
using, or attempting to use a hoax weapon of mass destruction.

Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

Live on earnings of a prostitute; 2nd offense.

Live on earnings of a prostitute; 3rd and subsequent offense.
5053

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<tr>
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<td>Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.</td>
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<tr>
<td>800.04(5)(c)2</td>
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<td>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.</td>
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<td>800.04(5)(e)</td>
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<td>806.01(2)</td>
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<tr>
<td>810.02(3)(b)</td>
<td>2nd</td>
<td>Burglary of unoccupied dwelling; unarmed; no assault or battery.</td>
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<td>810.02(3)(d)</td>
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<td>Burglary of occupied conveyance; unarmed; no assault or battery.</td>
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<td>810.02(3)(e)</td>
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<td>Burglary of authorized emergency vehicle.</td>
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<td>812.014(2)(a)1.</td>
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<td>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.</td>
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<td>812.014(2)(b)2.</td>
<td>2nd</td>
<td>Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.</td>
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<tr>
<td>812.014(2)(b)4.</td>
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<td>Property stolen, law enforcement equipment from authorized emergency vehicle.</td>
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<td>Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.</td>
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<td>812.131(2)(a)</td>
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<td>SENATOR AMENDMENT</td>
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### Amendment Details

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<td>1st</td>
<td>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.</td>
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<td>817.535(2)(a)</td>
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<tr>
<td>825.103(3)(b)</td>
<td>2nd</td>
<td>Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000.</td>
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<td>Bribery.</td>
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<td>838.016</td>
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<td>Code</td>
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<td>838.021(3)(a)</td>
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<td>Unlawful simulation of legal process.</td>
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<td>Intimidation of a public officer or employee.</td>
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<td>Solicitation of a child, via a computer service, to commit an unlawful sex act.</td>
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<td>Traveling to meet a minor to commit an unlawful sex act.</td>
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<td>872.06</td>
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<td>Abuse of a dead human body.</td>
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| 874.05(2)(b)    | 1st   | Encouraging or recruiting
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<tr>
<td>874.10</td>
<td>1st,PBL</td>
<td>Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.</td>
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<tr>
<td>893.13(1)(c)1.</td>
<td>1st</td>
<td>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.</td>
</tr>
<tr>
<td>893.13(1)(e)1.</td>
<td>1st</td>
<td>Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b),</td>
</tr>
</tbody>
</table>
(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.

5095 893.13(4)(a) 1st Use or hire of minor; deliver to minor other controlled substance.

5096 893.135(1)(a) 1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

5097 893.135 (1)(b) 1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

5098 893.135 (1)(c) 1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

5099 893.135 (1)(c) 2.a. 1st Trafficking in hydrocodone, 28-14 grams or more, less than 50-28 grams.

5100 893.135 (1)(c) 2.b. 1st Trafficking in hydrocodone, 50-28 grams
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<th>Drug</th>
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<td>(1)(c)3.a.</td>
<td>7 - 14 grams</td>
<td>Oxycodone</td>
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<tr>
<td>893.135</td>
<td>(1)(c)3.b.</td>
<td>14 - 25 grams</td>
<td>Oxycodone</td>
</tr>
<tr>
<td>893.135</td>
<td>(1)(c)4.b.(I)</td>
<td>4 - 14 grams</td>
<td>Fentanyl</td>
</tr>
<tr>
<td>893.135</td>
<td>(1)(d)1.a.</td>
<td>28 - 200 grams</td>
<td>Phencyclidine</td>
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<tr>
<td>893.135(1)</td>
<td>(e)1.</td>
<td>200 - 5 kg</td>
<td>Methaqualone</td>
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<tr>
<td>893.135(1)</td>
<td>(f)1.</td>
<td>14 - 28 grams</td>
<td>Amphetamine</td>
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<td>893.135</td>
<td></td>
<td></td>
<td>Methaqualone</td>
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or more, less than 100 grams.
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<td>(1)(g)1.a.</td>
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<tr>
<td>(1)(h)1.a.</td>
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<tr>
<td>893.135</td>
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<td>(1)(j)1.a.</td>
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<tr>
<td>(1)(k)2.a.</td>
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<tr>
<td>893.135</td>
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<tr>
<td>(1)(m)2.a.</td>
</tr>
<tr>
<td>893.135</td>
</tr>
<tr>
<td>(1)(m)2.b.</td>
</tr>
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<td>893.135</td>
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</tbody>
</table>
Possession of place for trafficking in or manufacturing of controlled substance.

Money laundering, financial transactions exceeding $300 but less than $20,000.

Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.

Sexual offender vacating permanent residence; failure to comply with reporting requirements.

Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
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<td>943.0435(13)</td>
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<td>Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.</td>
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<tr>
<td>943.0435(14)</td>
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<td>Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.</td>
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<tr>
<td>944.607(9)</td>
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<td>Sexual offender; failure to comply with reporting requirements.</td>
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<tr>
<td>944.607(10)(a)</td>
<td>3rd</td>
<td>Sexual offender; failure to submit to the taking of a digitized photograph.</td>
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<tr>
<td>944.607(12)</td>
<td>3rd</td>
<td>Failure to report or providing false</td>
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information about a sexual offender; harbor or conceal a sexual offender.

5125
944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

5126
985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

5127
985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

5128
985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
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<td>Knowing trafficking in contraband prescription drugs.</td>
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<td>499.0051(7)</td>
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<tr>
<td>560.125(5)(b)</td>
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<td>Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding $20,000, but less than $100,000.</td>
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<td>655.50(10)(b)2</td>
<td>2nd</td>
<td>Failure to report financial transactions totaling or exceeding $20,000, but less than $100,000 by financial institutions.</td>
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<td>1st</td>
<td>Accessory after the fact, capital felony.</td>
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<td>782.04(4)</td>
<td>2nd</td>
<td>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</td>
</tr>
<tr>
<td>Section</td>
<td>Degree of Offense</td>
<td>Description</td>
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<tr>
<td>782.051(2)</td>
<td>1st</td>
<td>Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).</td>
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<tr>
<td>782.071(1)(b)</td>
<td>1st</td>
<td>Committing vehicular homicide and failing to render aid or give information.</td>
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<td>787.06(3)(a)1.</td>
<td>1st</td>
<td>Human trafficking for labor and services of a child.</td>
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<tr>
<td>787.06(3)(b)</td>
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<tr>
<td>787.06(3)(c)2.</td>
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<td>Human trafficking using</td>
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coercion for labor and services of an unauthorized alien adult.

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<tr>
<th>Statute</th>
<th>Description</th>
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<tbody>
<tr>
<td>787.06(3)(e)1.</td>
<td>Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.</td>
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<td>787.06(3)(f)2.</td>
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<td>794.011(5)(a)</td>
<td>Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not</td>
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<tr>
<td>794.011(5)(b)</td>
<td>2nd</td>
</tr>
<tr>
<td>794.011(5)(c)</td>
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<tr>
<td>794.011(5)(d)</td>
<td>1st</td>
</tr>
<tr>
<td>794.08(3)</td>
<td>2nd</td>
</tr>
</tbody>
</table>
state.

800.04(4)(b)  2nd  Lewd or lascivious battery.

800.04(4)(c)  1st  Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.

806.01(1)  1st  Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

810.02(2)(a)  1st,PBL  Burglary with assault or battery.

810.02(2)(b)  1st,PBL  Burglary; armed with explosives or dangerous weapon.

810.02(2)(c)  1st  Burglary of a dwelling or structure causing structural damage or $1,000 or more property damage.
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<thead>
<tr>
<th>Section</th>
<th>Degree</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>812.014(2)(a)2</td>
<td>1st</td>
<td>Property stolen; cargo valued at $50,000 or more, grand theft in 1st degree.</td>
</tr>
<tr>
<td>812.13(2)(b)</td>
<td>1st</td>
<td>Robbery with a weapon.</td>
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<tr>
<td>812.135(2)(c)</td>
<td>1st</td>
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<tr>
<td>817.505(4)(c)</td>
<td>1st</td>
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<tr>
<td>817.535(2)(b)</td>
<td>2nd</td>
<td>Filing false lien or other unauthorized document; second or subsequent offense.</td>
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<tr>
<td>817.535(3)(a)</td>
<td>2nd</td>
<td>Filing false lien or other unauthorized document; property owner is a public officer or employee.</td>
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</table>
| 817.535(4)(a)1   | 2nd    | Filing false lien or other unauthorized document; defendant is
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<tr>
<th>Code</th>
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<th>Description</th>
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<tr>
<td>817.535(5)(a)</td>
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<td>Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.</td>
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</tr>
<tr>
<td>825.103(3)(a)</td>
<td>1st</td>
<td>Exploiting an elderly person or disabled adult and property is valued at $50,000 or more.</td>
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<tr>
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<tr>
<td>837.021(2)</td>
<td>2nd</td>
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<tr>
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<td>860.16</td>
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<td>893.13(1)(b)</td>
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<td>Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).</td>
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<tr>
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<tr>
<td>893.13(2)(b)</td>
<td>1st Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).</td>
<td></td>
</tr>
<tr>
<td>893.13(6)(c)</td>
<td>1st Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).</td>
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<tr>
<td>893.135(1)(a)2.</td>
<td>1st Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.</td>
<td></td>
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<tr>
<td>893.135(1)(b)1.b.</td>
<td>1st Trafficking in cocaine, more than 200 grams, less than 400 grams.</td>
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<tr>
<td>893.135(1)(c)1.b.</td>
<td>1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams.</td>
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<tr>
<td>893.135(1)(c)2.c.</td>
<td>1st Trafficking in hydrocodone, 100-500 grams or more, less than 300-200 grams.</td>
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<tr>
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<tr>
<td>893.135</td>
<td>1st</td>
<td>Trafficking in fentanyl, 14 grams or more, less than 28 grams.</td>
</tr>
<tr>
<td>893.135</td>
<td>1st</td>
<td>Trafficking in phencyclidine, 200 grams or more, less than 400 grams.</td>
</tr>
<tr>
<td>893.135</td>
<td>1st</td>
<td>Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.</td>
</tr>
<tr>
<td>893.135</td>
<td>1st</td>
<td>Trafficking in amphetamine, 28 grams or more, less than 200 grams.</td>
</tr>
<tr>
<td>893.135</td>
<td>1st</td>
<td>Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.</td>
</tr>
<tr>
<td>893.135</td>
<td>1st</td>
<td>Trafficking in gamma-hydroxybutyric acid</td>
</tr>
<tr>
<td>Statute</td>
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<td>Count</td>
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<tr>
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</tr>
<tr>
<td>893.135</td>
<td>1(j)1.b.</td>
<td>1st</td>
</tr>
<tr>
<td>893.135</td>
<td>1(k)2.b.</td>
<td>1st</td>
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<tr>
<td>893.135</td>
<td>1(m)2.c.</td>
<td>1st</td>
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<tr>
<td>893.135</td>
<td>1(n)2.b.</td>
<td>1st</td>
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<tr>
<td>893.1351(3)</td>
<td></td>
<td>1st</td>
</tr>
</tbody>
</table>

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4/30/2019 11:00:38 AM 24-05144-19
895.03(1)  1st  Use or invest proceeds derived from pattern of racketeering activity.

895.03(2)  1st  Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

895.03(3)  1st  Conduct or participate in any enterprise through pattern of racketeering activity.

896.101(5)(b)  2nd  Money laundering, financial transactions totaling or exceeding $20,000, but less than $100,000.

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.

### LEVEL 9

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<td>DUI manslaughter; failing to render aid or give information.</td>
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<td>1st</td>
<td>BUI manslaughter; failing to render aid or give information.</td>
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<td>409.920 (2)(b)1.c.</td>
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<td>Medicaid provider fraud; $50,000 or more.</td>
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<td>499.0051(8)</td>
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<td>Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.</td>
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<td>560.123(8)(b)3.</td>
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<tr>
<td>5213</td>
<td>560.125(5)(c)</td>
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<td>1st,PBL</td>
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<tr>
<td>Section</td>
<td>Description</td>
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<td></td>
</tr>
<tr>
<td>782.051(1)</td>
<td>1st, PBL</td>
<td>Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).</td>
</tr>
<tr>
<td>782.07(2)</td>
<td>1st</td>
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<td>787.01(1)(a)1.</td>
<td>1st, PBL</td>
<td>Kidnapping; hold for ransom or reward or as a shield or hostage.</td>
</tr>
<tr>
<td>787.01(1)(a)2.</td>
<td>1st, PBL</td>
<td>Kidnapping with intent to commit or facilitate commission of any felony.</td>
</tr>
<tr>
<td>787.01(1)(a)4.</td>
<td>1st, PBL</td>
<td>Kidnapping with intent to interfere with performance of any governmental or political function.</td>
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<tr>
<td>787.02(3)(a)</td>
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<td>False imprisonment; child under age 13; perpetrator also commits aggravated specified felonies.</td>
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<td>5224</td>
<td>787.06(3)(c)1.</td>
<td>1st</td>
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<tr>
<td>5225</td>
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<tr>
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<tr>
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<td>790.161</td>
<td>1st</td>
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<tr>
<td>5228</td>
<td>790.166(2)</td>
<td>1st,PBL</td>
</tr>
</tbody>
</table>
destruction.

794.011(2)  1st  Attempted sexual battery; victim less than 12 years of age.

794.011(2)  Life  Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

794.011(4)(a)  1st, PBL  Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.

794.011(4)(b)  1st  Sexual battery, certain circumstances; victim and offender 18 years of age or older.

794.011(4)(c)  1st  Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
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<tr>
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<tbody>
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<td>794.011(4)(d)</td>
<td>1st,PBL</td>
<td>Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.</td>
</tr>
<tr>
<td>794.011(8)(b)</td>
<td>1st,PBL</td>
<td>Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.</td>
</tr>
<tr>
<td>794.08(2)</td>
<td>1st</td>
<td>Female genital mutilation; victim younger than 18 years of age.</td>
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<tr>
<td>800.04(5)(b)</td>
<td>Life</td>
<td>Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.</td>
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<tr>
<td>812.13(2)(a)</td>
<td>1st,PBL</td>
<td>Robbery with firearm or other deadly weapon.</td>
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<td>812.133(2)(a)</td>
<td>1st,PBL</td>
<td>Carjacking; firearm or other deadly weapon.</td>
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<td>Date</td>
<td>Description</td>
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</tr>
<tr>
<td>812.135(2)(b)</td>
<td>1st Home-invasion robbery with weapon.</td>
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<tr>
<td>817.535(3)(b)</td>
<td>1st Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.</td>
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<tr>
<td>817.535(4)(a)2.</td>
<td>1st Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.</td>
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<tr>
<td>817.535(5)(b)</td>
<td>1st Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.</td>
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</tr>
<tr>
<td>817.568(7)</td>
<td>2nd, PBL Fraudulent use of personal identification information of an</td>
<td></td>
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</tbody>
</table>
individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.

<table>
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<tr>
<th>827.03(2)(a)</th>
<th>1st</th>
<th>Aggravated child abuse.</th>
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<td>1st</td>
<td>Selling, or otherwise transferring custody or control, of a minor.</td>
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<tr>
<td>847.0145(2)</td>
<td>1st</td>
<td>Purchasing, or otherwise obtaining custody or control, of a minor.</td>
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<td>859.01</td>
<td>1st</td>
<td>Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.</td>
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<tr>
<td>893.135</td>
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<td>Attempted capital trafficking offense.</td>
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<tr>
<td>893.135(1)(a)</td>
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<td>Trafficking in cannabis, more than 10,000 lbs.</td>
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</table>
5251
893.135  1st Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
     (1)(b)1.c.

5252
893.135  1st Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
     (1)(c)1.c.

5253
893.135  1st Trafficking in hydrocodone, 300 grams or more, less than 30 kilograms.
     (1)(c)2.d.

5254
893.135  1st Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
     (1)(c)3.d.

5255
893.135  1st Trafficking in fentanyl, 28 grams or more.
     (1)(c)4.b.(III)

5256
893.135  1st Trafficking in phencyclidine, 400 grams or more.
     (1)(d)1.c.

5257
893.135  1st Trafficking in methaqualone, 25 kilograms or more.
     (1)(e)1.c.
893.135 (1)(f)1.c. 1st Trafficking in amphetamine, 200 grams or more.

893.135 (1)(h)1.c. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

893.135 (1)(j)1.c. 1st Trafficking in 1,4-Butanediol, 10 kilograms or more.

893.135 (1)(k)2.c. 1st Trafficking in Phenethylamines, 400 grams or more.

893.135 (1)(m)2.d. 1st Trafficking in synthetic cannabinoids, 30 kilograms or more.

893.135 (1)(n)2.c. 1st Trafficking in n-benzyl phenethylamines, 200 grams or more.

896.101(5)(c) 1st Money laundering, financial instruments totaling or exceeding
<table>
<thead>
<tr>
<th>Statute</th>
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<th>Description</th>
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<tbody>
<tr>
<td>896.104(4)(a)3.</td>
<td>1st</td>
<td>Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding $100,000.</td>
</tr>
<tr>
<td>499.0051(9)</td>
<td>1st</td>
<td>Knowing sale or purchase of contraband prescription drugs resulting in death.</td>
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<tr>
<td>782.04(2)</td>
<td>1st,PBL</td>
<td>Unlawful killing of human; act is homicide, unpremeditated.</td>
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<td>782.07(3)</td>
<td>1st</td>
<td>Aggravated manslaughter of a child.</td>
</tr>
<tr>
<td>787.01(1)(a)3.</td>
<td>1st,PBL</td>
<td>Kidnapping; inflict bodily harm upon or</td>
</tr>
</tbody>
</table>
terrorize victim.

5274

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.

5275

787.06(3)(g) Life Human trafficking for commercial sexual activity of a child under the age of 18 or mentally defective or incapacitated person.

5276

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

5277

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.

5278

812.135(2)(a) 1st,PBL Home-invasion robbery
Section 82. For the purpose of incorporating the amendment made by this act to section 322.056, Florida Statutes, in a reference thereto, subsection (11) of section 322.05, Florida Statutes, is reenacted to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(11) To any person who is ineligible under s. 322.056.

Section 83. For the purpose of incorporating the amendment made by this act to section 322.34, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 316.027, Florida Statutes, is reenacted to read:

316.027 Crash involving death or personal injuries.—

(2) (c) The driver of a vehicle involved in a crash occurring on public or private property which results in the death of a person shall immediately stop the vehicle at the scene of the crash, or as close thereto as possible, and shall remain at the scene of the crash until he or she has fulfilled the requirements of s. 316.062. A person who is arrested for a violation of this paragraph and who has previously been convicted of a violation of this section, s. 316.061, s. 316.191, or s. 316.193, or a felony violation of s. 322.34,
shall be held in custody until brought before the court for admittance to bail in accordance with chapter 903. A person who willfully violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and shall be sentenced to a mandatory minimum term of imprisonment of 4 years. A person who willfully commits such a violation while driving under the influence as set forth in s. 316.193(1) shall be sentenced to a mandatory minimum term of imprisonment of 4 years.

Section 84. For the purpose of incorporating the amendment made by this act to section 322.34, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 907.041, Florida Statutes, is reenacted to read:

907.041 Pretrial detention and release.—

(4) PRETRIAL DETENTION.—

(c) The court may order pretrial detention if it finds a substantial probability, based on a defendant’s past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any of the following circumstances exist:

1. The defendant has previously violated conditions of release and that no further conditions of release are reasonably likely to assure the defendant’s appearance at subsequent proceedings;

2. The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted or conspired to do so, and that no condition of release will reasonably prevent the obstruction of the judicial process;

3. The defendant is charged with trafficking in controlled
substances as defined by s. 893.135, that there is a substantial probability that the defendant has committed the offense, and that no conditions of release will reasonably assure the defendant’s appearance at subsequent criminal proceedings;

4. The defendant is charged with DUI manslaughter, as defined by s. 316.193, and that there is a substantial probability that the defendant committed the crime and that the defendant poses a threat of harm to the community; conditions that would support a finding by the court pursuant to this subparagraph that the defendant poses a threat of harm to the community include, but are not limited to, any of the following:

a. The defendant has previously been convicted of any crime under s. 316.193, or of any crime in any other state or territory of the United States that is substantially similar to any crime under s. 316.193;

b. The defendant was driving with a suspended driver license when the charged crime was committed; or

c. The defendant has previously been found guilty of, or has had adjudication of guilt withheld for, driving while the defendant’s driver license was suspended or revoked in violation of s. 322.34;

5. The defendant poses the threat of harm to the community. The court may so conclude, if it finds that the defendant is presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard for the safety of the community, and that there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons;
6. The defendant was on probation, parole, or other release pending completion of sentence or on pretrial release for a dangerous crime at the time the current offense was committed;

7. The defendant has violated one or more conditions of pretrial release or bond for the offense currently before the court and the violation, in the discretion of the court, supports a finding that no conditions of release can reasonably protect the community from risk of physical harm to persons or assure the presence of the accused at trial; or

8.a. The defendant has ever been sentenced pursuant to s. 775.082(9) or s. 775.084 as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal, or the state attorney files a notice seeking that the defendant be sentenced pursuant to s. 775.082(9) or s. 775.084, as a prison releasee reoffender, habitual violent felony offender, three-time violent felony offender, or violent career criminal;

b. There is a substantial probability that the defendant committed the offense; and

c. There are no conditions of release that can reasonably protect the community from risk of physical harm or ensure the presence of the accused at trial.

Section 85. For the purpose of incorporating the amendment made by this act to section 509.151, Florida Statutes, in a reference thereto, section 509.161, Florida Statutes, is reenacted to read:

509.161 Rules of evidence in prosecutions.—In prosecutions under s. 509.151, proof that lodging, food, or other accommodations were obtained by false pretense; by false or
fictitious show of baggage or other property; by absconding
without paying or offering to pay for such food, lodging, or
accommodations; or by surreptitiously removing or attempting to
remove baggage shall constitute prima facie evidence of
fraudulent intent. If the operator of the establishment has
probable cause to believe, and does believe, that any person has
obtained food, lodging, or other accommodations at such
establishment with intent to defraud the operator thereof, the
failure to make payment upon demand therefor, there being no
dispute as to the amount owed, shall constitute prima facie
evidence of fraudulent intent in such prosecutions.

Section 86. For the purpose of incorporating the amendment
made by this act to section 784.048, Florida Statutes, in a
reference thereto, paragraph (c) of subsection (2) of section
790.065, Florida Statutes, is reenacted to read:

790.065 Sale and delivery of firearms.—
(2) Upon receipt of a request for a criminal history record
check, the Department of Law Enforcement shall, during the
licensee’s call or by return call, forthwith:
(c)1. Review any records available to it to determine
whether the potential buyer or transferee has been indicted or
has had an information filed against her or him for an offense
that is a felony under either state or federal law, or, as
mandated by federal law, has had an injunction for protection
against domestic violence entered against the potential buyer or
transferee under s. 741.30, has had an injunction for protection
against repeat violence entered against the potential buyer or
transferee under s. 784.046, or has been arrested for a
dangerous crime as specified in s. 907.041(4)(a) or for any of
the following enumerated offenses:

a. Criminal anarchy under ss. 876.01 and 876.02.
b. Extortion under s. 836.05.
c. Explosives violations under s. 552.22(1) and (2).
d. Controlled substances violations under chapter 893.
e. Resisting an officer with violence under s. 843.01.
f. Weapons and firearms violations under this chapter.
g. Treason under s. 876.32.
h. Assisting self-murder under s. 782.08.
i. Sabotage under s. 876.38.
j. Stalking or aggravated stalking under s. 784.048.

If the review indicates any such indictment, information, or arrest, the department shall provide to the licensee a conditional nonapproval number.

2. Within 24 working hours, the department shall determine the disposition of the indictment, information, or arrest and inform the licensee as to whether the potential buyer is prohibited from receiving or possessing a firearm. For purposes of this paragraph, “working hours” means the hours from 8 a.m. to 5 p.m. Monday through Friday, excluding legal holidays.

3. The office of the clerk of court, at no charge to the department, shall respond to any department request for data on the disposition of the indictment, information, or arrest as soon as possible, but in no event later than 8 working hours.

4. The department shall determine as quickly as possible within the allotted time period whether the potential buyer is prohibited from receiving or possessing a firearm.

5. If the potential buyer is not so prohibited, or if the
department cannot determine the disposition information within
the allotted time period, the department shall provide the
licensee with a conditional approval number.

6. If the buyer is so prohibited, the conditional
nonapproval number shall become a nonapproval number.

7. The department shall continue its attempts to obtain the
disposition information and may retain a record of all approval
numbers granted without sufficient disposition information. If
the department later obtains disposition information which
indicates:

   a. That the potential buyer is not prohibited from owning a
firearm, it shall treat the record of the transaction in
accordance with this section; or

   b. That the potential buyer is prohibited from owning a
firearm, it shall immediately revoke the conditional approval
number and notify local law enforcement.

8. During the time that disposition of the indictment,
information, or arrest is pending and until the department is
notified by the potential buyer that there has been a final
disposition of the indictment, information, or arrest, the
conditional nonapproval number shall remain in effect.

Section 87. For the purpose of incorporating the amendment
made by this act to section 784.048, Florida Statutes, in a
reference thereto, subsection (1) of section 794.056, Florida
Statutes, is reenacted to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within
the Department of Health for the purpose of providing funds for
rape crisis centers in this state. Trust fund moneys shall be
used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 88. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, subsection (4) of section 847.0141, Florida Statutes, is reenacted to read:

847.0141 Sexting; prohibited acts; penalties.—

(4) This section does not prohibit the prosecution of a minor for a violation of any law of this state if the photograph or video that depicts nudity also includes the depiction of sexual conduct or sexual excitement, and does not prohibit the prosecution of a minor for stalking under s. 784.048.
Section 89. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, subsection (5) of section 901.41, Florida Statutes, is reenacted to read:

901.41 Prearrest diversion programs.—
(5) ELIGIBILITY.—A violent misdemeanor, a misdemeanor crime of domestic violence, as defined in s. 741.28, or a misdemeanor under s. 741.29, s. 741.31, s. 784.046, s. 784.047, s. 784.048, s. 784.0487, or s. 784.049 does not qualify for a civil citation or prearrest diversion program.

Section 90. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, section 938.08, Florida Statutes, is reenacted to read:

938.08 Additional cost to fund programs in domestic violence.—In addition to any sanction imposed for a violation of s. 784.011, s. 784.021, s. 784.03, s. 784.041, s. 784.045, s. 784.048, s. 784.07, s. 784.08, s. 784.081, s. 784.082, s. 784.083, s. 784.085, s. 794.011, or for any offense of domestic violence described in s. 741.28, the court shall impose a surcharge of $201. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of $85 of the surcharge shall be deposited into the Domestic Violence Trust Fund established in s. 741.01. The clerk of the court shall retain $1 of each surcharge that the clerk of the court collects as a service charge of the clerk’s office. The remainder of the surcharge shall be provided to the governing board of the county and must be used only to defray the costs of incarcerating persons sentenced under s.
741.283 and provide additional training to law enforcement personnel in combating domestic violence.

Section 91. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, section 938.085, Florida Statutes, is reenacted to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of $151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of $150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain $1 of each surcharge that the clerk of the court collects as a service charge of the clerk’s office.

Section 92. For the purpose of incorporating the amendment
made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (c) of subsection (8) of section 948.06, Florida Statutes, is reenacted to read:

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

(8)

(c) For purposes of this section, the term “qualifying offense” means any of the following:

1. Kidnapping or attempted kidnapping under s. 787.01, false imprisonment of a child under the age of 13 under s. 787.02(3), or luring or enticing a child under s. 787.025(2)(b) or (c).

2. Murder or attempted murder under s. 782.04, attempted felony murder under s. 782.051, or manslaughter under s. 782.07.

3. Aggravated battery or attempted aggravated battery under s. 784.045.

4. Sexual battery or attempted sexual battery under s. 794.011(2), (3), (4), or (8)(b) or (c).

5. Lewd or lascivious battery or attempted lewd or lascivious battery under s. 800.04(4), lewd or lascivious molestation under s. 800.04(5)(b) or (c), lewd or lascivious conduct under s. 800.04(6)(b), lewd or lascivious exhibition under s. 800.04(7)(b), or lewd or lascivious exhibition on computer under s. 847.0135(5)(b).

6. Robbery or attempted robbery under s. 812.13, carjacking or attempted carjacking under s. 812.133, or home invasion robbery or attempted home invasion robbery under s. 812.135.

7. Lewd or lascivious offense upon or in the presence of an
elderly or disabled person or attempted lewd or lascivious
offense upon or in the presence of an elderly or disabled person
under s. 825.1025.

8. Sexual performance by a child or attempted sexual
performance by a child under s. 827.071.

9. Computer pornography under s. 847.0135(2) or (3),
transmission of child pornography under s. 847.0137, or selling
or buying of minors under s. 847.0145.

10. Poisoning food or water under s. 859.01.
11. Abuse of a dead human body under s. 872.06.
12. Any burglary offense or attempted burglary offense that
is either a first degree felony or second degree felony under s.
810.02(2) or (3).

13. Arson or attempted arson under s. 806.01(1).
15. Aggravated stalking under s. 784.048(3), (4), (5), or
(7).
16. Aircraft piracy under s. 860.16.
17. Unlawful throwing, placing, or discharging of a
destructive device or bomb under s. 790.161(2), (3), or (4).
18. Treason under s. 876.32.
19. Any offense committed in another jurisdiction which
would be an offense listed in this paragraph if that offense had
been committed in this state.

Section 93. For the purpose of incorporating the amendment
made by this act to section 784.048, Florida Statutes, in a
reference thereto, subsection (1) of section 948.062, Florida
Statutes, is reenacted to read:

948.062 Reviewing and reporting serious offenses committed
by offenders placed on probation or community control.—

(1) The department shall review the circumstances related to an offender placed on probation or community control who has been arrested while on supervision for the following offenses:

(a) Any murder as provided in s. 782.04;
(b) Any sexual battery as provided in s. 794.011 or s. 794.023;
(c) Any sexual performance by a child as provided in s. 827.071;
(d) Any kidnapping, false imprisonment, or luring of a child as provided in s. 787.01, s. 787.02, or s. 787.025;
(e) Any lewd and lascivious battery or lewd and lascivious molestation as provided in s. 800.04(4) or (5);
(f) Any aggravated child abuse as provided in s. 827.03(2)(a);
(g) Any robbery with a firearm or other deadly weapon, home invasion robbery, or carjacking as provided in s. 812.13(2)(a), s. 812.135, or s. 812.133;
(h) Any aggravated stalking as provided in s. 784.048(3), (4), or (5);
(i) Any forcible felony as provided in s. 776.08, committed by a person on probation or community control who is designated as a sexual predator; or
(j) Any DUI manslaughter as provided in s. 316.193(3)(c), or vehicular or vessel homicide as provided in s. 782.071 or s. 782.072, committed by a person who is on probation or community control for an offense involving death or injury resulting from a driving incident.

Section 94. For the purpose of incorporating the amendment
made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 960.001, Florida Statutes, is reenacted to read:

960.001 Guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems.—

(1) The Department of Legal Affairs, the state attorneys, the Department of Corrections, the Department of Juvenile Justice, the Florida Commission on Offender Review, the State Courts Administrator and circuit court administrators, the Department of Law Enforcement, and every sheriff’s department, police department, or other law enforcement agency as defined in s. 943.10(4) shall develop and implement guidelines for the use of their respective agencies, which guidelines are consistent with the purposes of this act and s. 16(b), Art. I of the State Constitution and are designed to implement s. 16(b), Art. I of the State Constitution and to achieve the following objectives:

(b) Information for purposes of notifying victim or appropriate next of kin of victim or other designated contact of victim.—In the case of a homicide, pursuant to chapter 782; or a sexual offense, pursuant to chapter 794; or an attempted murder or sexual offense, pursuant to chapter 777; or stalking, pursuant to s. 784.048; or domestic violence, pursuant to s. 25.385:

1. The arresting law enforcement officer or personnel of an organization that provides assistance to a victim or to the appropriate next of kin of the victim or other designated contact must request that the victim or appropriate next of kin of the victim or other designated contact complete a victim notification card. However, the victim or appropriate next of
kin of the victim or other designated contact may choose not to
complete the victim notification card.

2. Unless the victim or the appropriate next of kin of the
victim or other designated contact waives the option to complete
the victim notification card, a copy of the victim notification
card must be filed with the incident report or warrant in the
sheriff’s office of the jurisdiction in which the incident
report or warrant originated. The notification card shall, at a
minimum, consist of:

   a. The name, address, and phone number of the victim; or
   b. The name, address, and phone number of the appropriate
      next of kin of the victim; or
   c. The name, address, and telephone number of a designated
      contact other than the victim or appropriate next of kin of the
      victim; and
   d. Any relevant identification or case numbers assigned to
      the case.

3. The chief administrator, or a person designated by the
chief administrator, of a county jail, municipal jail, juvenile
detention facility, or residential commitment facility shall
make a reasonable attempt to notify the alleged victim or
appropriate next of kin of the alleged victim or other
designated contact within 4 hours following the release of the
defendant on bail or, in the case of a juvenile offender, upon
the release from residential detention or commitment. If the
chief administrator, or designee, is unable to contact the
alleged victim or appropriate next of kin of the alleged victim
or other designated contact by telephone, the chief
administrator, or designee, must send to the alleged victim or
appropriate next of kin of the alleged victim or other designated contact a written notification of the defendant’s release.

4. Unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, the information contained on the victim notification card must be sent by the chief administrator, or designee, of the appropriate facility to the subsequent correctional or residential commitment facility following the sentencing and incarceration of the defendant, and unless otherwise requested by the victim or the appropriate next of kin of the victim or other designated contact, he or she must be notified of the release of the defendant from incarceration as provided by law.

5. If the defendant was arrested pursuant to a warrant issued or taken into custody pursuant to s. 985.101 in a jurisdiction other than the jurisdiction in which the defendant is being released, and the alleged victim or appropriate next of kin of the alleged victim or other designated contact does not waive the option for notification of release, the chief correctional officer or chief administrator of the facility releasing the defendant shall make a reasonable attempt to immediately notify the chief correctional officer of the jurisdiction in which the warrant was issued or the juvenile was taken into custody pursuant to s. 985.101, and the chief correctional officer of that jurisdiction shall make a reasonable attempt to notify the alleged victim or appropriate next of kin of the alleged victim or other designated contact, as provided in this paragraph, that the defendant has been or will be released.
Section 95. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 985.265, Florida Statutes, is reenacted to read:

985.265 Detention transfer and release; education; adult jails.—

(3)

(b) When a juvenile is released from secure detention or transferred to nonsecure detention, detention staff shall immediately notify the appropriate law enforcement agency, school personnel, and victim if the juvenile is charged with committing any of the following offenses or attempting to commit any of the following offenses:

1. Murder, under s. 782.04;
2. Sexual battery, under chapter 794;
3. Stalking, under s. 784.048; or
4. Domestic violence, as defined in s. 741.28.

Section 96. For the purpose of incorporating the amendment made by this act to section 784.048, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 1006.147, Florida Statutes, is reenacted to read:

1006.147 Bullying and harassment prohibited.—

(3) For purposes of this section:

(e) Definitions in s. 815.03 and the definition in s. 784.048(1)(d) relating to stalking are applicable to this section.

Section 97. For the purpose of incorporating the amendment made by this act to section 806.13, Florida Statutes, in a reference thereto, subsection (1) of section 316.0775, Florida
Statutes, is reenacted to read:

316.0775 Interference with official traffic control devices or railroad signs or signals.—

(1) A person may not, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. A violation of this subsection is a criminal violation pursuant to s. 318.17 and shall be punishable as set forth in s. 806.13 related to criminal mischief and graffiti, beginning on or after July 1, 2000.

Section 98. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (10) of section 95.18, Florida Statutes, is reenacted to read:

95.18 Real property actions; adverse possession without color of title.—

(10) A person who occupies or attempts to occupy a residential structure solely by claim of adverse possession under this section and offers the property for lease to another commits theft under s. 812.014.

Section 99. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 373.6055, Florida Statutes, is reenacted to read:

373.6055 Criminal history checks for certain water management district employees and others.—

(3)

(c) In addition to other requirements for employment or
access established by any water management district pursuant to its water management district’s security plan for buildings, facilities, and structures, each water management district’s security plan shall provide that:

1. Any person who has within the past 7 years been convicted, regardless of whether adjudication was withheld, for a forcible felony as defined in s. 776.08; an act of terrorism as defined in s. 775.30; planting of a hoax bomb as provided in s. 790.165; any violation involving the manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction or hoax weapon of mass destruction as provided in s. 790.166; dealing in stolen property; any violation of s. 893.135; any violation involving the sale, manufacturing, delivery, or possession with intent to sell, manufacture, or deliver a controlled substance; burglary; robbery; any felony violation of s. 812.014; any violation of s. 790.07; any crime an element of which includes use or possession of a firearm; any conviction for any similar offenses under the laws of another jurisdiction; or conviction for conspiracy to commit any of the listed offenses may not be qualified for initial employment within or authorized regular access to buildings, facilities, or structures defined in the water management district’s security plan as restricted access areas.

2. Any person who has at any time been convicted of any of the offenses listed in subparagraph 1. may not be qualified for initial employment within or authorized regular access to buildings, facilities, or structures defined in the water management district’s security plan as restricted access areas unless, after release from incarceration and any supervision
imposed as a sentence, the person remained free from a
subsequent conviction, regardless of whether adjudication was
withheld, for any of the listed offenses for a period of at
least 7 years prior to the employment or access date under
consideration.

Section 100. For the purpose of incorporating the amendment
made by this act to section 812.014, Florida Statutes, in a
reference thereto, subsection (3) of section 400.9935, Florida
Statutes, is reenacted to read:

400.9935 Clinic responsibilities.—
(3) A charge or reimbursement claim made by or on behalf of
a clinic that is required to be licensed under this part but
that is not so licensed, or that is otherwise operating in
violation of this part, regardless of whether a service is
rendered or whether the charge or reimbursement claim is paid,
is an unlawful charge and is noncompensable and unenforceable. A
person who knowingly makes or causes to be made an unlawful
charge commits theft within the meaning of and punishable as
provided in s. 812.014.

Section 101. For the purpose of incorporating the amendment
made by this act to section 812.014, Florida Statutes, in a
reference thereto, subsection (10) of section 550.6305, Florida
Statutes, is reenacted to read:

550.6305 Intertrack wagering; guest track payments;
accounting rules.—
(10) All races or games conducted at a permitholder’s
facility, all broadcasts of such races or games, and all
broadcast rights relating thereto are owned by the permitholder
at whose facility such races or games are conducted and
constitute the permitholder’s property as defined in s. 812.012(4). Transmission, reception of a transmission, exhibition, use, or other appropriation of such races or games, broadcasts of such races or games, or broadcast rights relating thereto without the written consent of the permitholder constitutes a theft of such property under s. 812.014; and in addition to the penal sanctions contained in s. 812.014, the permitholder has the right to avail itself of the civil remedies specified in ss. 772.104, 772.11, and 812.035 in addition to any other remedies available under applicable state or federal law.

Section 102. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 627.743, Florida Statutes, is reenacted to read:

627.743 Payment of third-party claims.—

(2) When making any payment on a third party claim for damage to an automobile for a partial loss, the insurer shall have printed on the loss estimate, if prepared by the insurer, the following: “Failure to use the insurance proceeds in accordance with the security agreement, if any, could be a violation of s. 812.014, Florida Statutes. If you have any questions, contact your lending institution.” However, this subsection does not apply if the insurer does not prepare the loss estimate.

Section 103. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 634.421, Florida Statutes, is reenacted to read:

634.421 Reporting and accounting for funds.—
(2) Any sales representative who, not being entitled thereto, diverts or appropriates funds or any portion thereof to her or his own use commits theft as provided in s. 812.014.

Section 104. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (2) of section 642.038, Florida Statutes, is reenacted to read:

642.038 Reporting and accounting for funds.—

(2) Any sales representative who, not being entitled thereto, diverts or appropriates such funds or any portion thereof to his or her own use commits theft as provided in s. 812.014.

Section 105. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (4) of section 705.102, Florida Statutes, is reenacted to read:

705.102 Reporting lost or abandoned property.—

(4) Any person who unlawfully appropriates such lost or abandoned property to his or her own use or refuses to deliver such property when required commits theft as defined in s. 812.014, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 106. For the purpose of incorporating the amendment made by this act to section 812.014, Florida Statutes, in a reference thereto, subsection (7) of section 812.14, Florida Statutes, is reenacted to read:

812.14 Trespass and larceny with relation to utility fixtures; theft of utility services.—

(7) An owner, lessor, or sublessor who willfully violates
subsection (5) commits a misdemeanor of the first degree,
punishable as provided in s. 775.082 or s. 775.083. Prosecution
for a violation of subsection (5) does not preclude prosecution
for theft pursuant to subsection (8) or s. 812.014.

Section 107. For the purpose of incorporating the amendment
made by this act to section 812.014, Florida Statutes, in a
reference thereto, subsection (3) of section 893.138, Florida
Statutes, is reenacted to read:

893.138 Local administrative action to abate drug-related,
prostitution-related, or stolen-property-related public
nuisances and criminal gang activity.—

(3) Any pain-management clinic, as described in s. 458.3265
or s. 459.0137, which has been used on more than two occasions
within a 6-month period as the site of a violation of:

(a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
relating to assault and battery;

(b) Section 810.02, relating to burglary;

(c) Section 812.014, relating to theft;

(d) Section 812.131, relating to robbery by sudden
snatching; or

(e) Section 893.13, relating to the unlawful distribution
of controlled substances,

may be declared to be a public nuisance, and such nuisance may
be abated pursuant to the procedures provided in this section.

Section 108. For the purpose of incorporating the amendment
made by this act to section 812.015, Florida Statutes, in a
reference thereto, subsection (5) of section 538.09, Florida
Statutes, is reenacted to read:
538.09 Registration.—

(5) In addition to the fine provided in subsection (4), registration under this section may be denied or any registration granted may be revoked, restricted, or suspended by the department if the department determines that the applicant or registrant:

(a) Has violated any provision of this chapter or any rule or order made pursuant to this chapter;

(b) Has made a material false statement in the application for registration;

(c) Has been guilty of a fraudulent act in connection with any purchase or sale or has been or is engaged in or is about to engage in any practice, purchase, or sale which is fraudulent or in violation of the law;

(d) Has made a misrepresentation or false statement to, or concealed any essential or material fact from, any person in making any purchase or sale;

(e) Is making purchases or sales through any business associate not registered in compliance with the provisions of this chapter;

(f) Has, within the preceding 10-year period for new registrants who apply for registration on or after October 1, 2006, been convicted of, or has entered a plea of guilty or nolo contendere to, or had adjudication withheld for, a crime against the laws of this state or any other state or of the United States which relates to registration as a secondhand dealer or which involves theft, larceny, dealing in stolen property, receiving stolen property, burglary, embezzlement, obtaining property by false pretenses, possession of altered property, any
felony drug offense, any violation of s. 812.015, or any
fraudulent dealing;

(g) Has had a final judgment entered against her or him in
a civil action upon grounds of fraud, embezzlement,
misrepresentation, or deceit; or

(h) Has failed to pay any sales tax owed to the Department
of Revenue.

In the event the department determines to deny an application or
revoke a registration, it shall enter a final order with its
findings on the register of secondhand dealers and their
business associates, if any; and denial, suspension, or
revocation of the registration of a secondhand dealer shall also
deny, suspend, or revoke the registration of such secondhand
dealer’s business associates.

Section 109. For the purpose of incorporating the amendment
made by this act to section 812.015, Florida Statutes, in a
reference thereto, subsection (2) of section 538.23, Florida
Statutes, is reenacted to read:

538.23 Violations and penalties.—

(2) A secondary metals recycler is presumed to know upon
receipt of stolen regulated metals property in a purchase
transaction that the regulated metals property has been stolen
from another if the secondary metals recycler knowingly and
intentionally fails to maintain the information required in s.
538.19 and shall, upon conviction of a violation of s. 812.015,
be punished as provided in s. 812.014(2) or (3).

Section 110. For the purpose of incorporating the amendment
made by this act to section 815.03, Florida Statutes, in a
reference thereto, paragraph (e) of subsection (3) of section 601.147, Florida Statutes, is reenacted to read:

1006.147 Bullying and harassment prohibited.—

(3) For purposes of this section:

(e) Definitions in s. 815.03 and the definition in s. 784.048(1)(d) relating to stalking are applicable to this section.

Section 111. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in a reference thereto, subsection (2) of section 316.80, Florida Statutes, is reenacted to read:

316.80 Unlawful conveyance of fuel; obtaining fuel fraudulently.—

(2) A person who violates subsection (1) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she has attempted to or has fraudulently obtained motor or diesel fuel by:

(a) Presenting a credit card or a credit card account number in violation of ss. 817.57-817.685;

(b) Using unauthorized access to any computer network in violation of s. 815.06; or

(c) Using a fraudulently scanned or lost or stolen payment access device, whether credit card or contactless device.

Section 112. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in references thereto, subsections (1) and (2) of section 775.30, Florida Statutes, are reenacted to read:

775.30 Terrorism; defined; penalties.—

(1) As used in this chapter and the Florida Criminal Code,
the terms “terrorism” or “terrorist activity” mean an activity that:

(a) Involves:
   1. A violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or
   2. A violation of s. 815.06; and
(b) Is intended to:
   1. Intimidate, injure, or coerce a civilian population;
   2. Influence the policy of a government by intimidation or coercion; or
   3. Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

(2) A person who violates s. 782.04(1)(a)1. or (2), s. 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s. 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16, s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s. 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s. 859.01, or s. 876.34, in furtherance of intimidating or coercing the policy of a government, or in furtherance of affecting the conduct of a government by mass destruction, assassination, or kidnapping, commits the crime of terrorism, a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 113. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in a reference thereto, subsection (2) of section 775.33, Florida Statutes, is reenacted to read:

775.33 Providing material support or resources for
terrorism or to terrorist organizations.—

(2) A person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person:

(a) Provides material support or resources or conceals or disguises the nature, location, source, or ownership of the material support or resources, knowing or intending that the support or resources are to be used in preparation for or in carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s. 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s. 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32, s. 876.34, or s. 876.36;

(b) Conceals an escape from the commission of a violation of paragraph (a); or

(c) Attempts or conspires to commit a violation of paragraph (a).

Section 114. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in a reference thereto, subsection (5) of section 782.04, Florida Statutes, is reenacted to read:

782.04 Murder.—

(5) As used in this section, the term “terrorism” means an activity that:

(a)1. Involves a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or

2. Involves a violation of s. 815.06; and

(b) Is intended to:

1. Intimidate, injure, or coerce a civilian population;
2. Influence the policy of a government by intimidation or coercion; or
3. Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

Section 115. For the purpose of incorporating the amendment made by this act to section 815.06, Florida Statutes, in a reference thereto, subsection (3) of section 934.07, Florida Statutes, is reenacted to read:

934.07 Authorization for interception of wire, oral, or electronic communications.—
(3) As used in this section, the term “terrorism” means an activity that:
(a) 1. Involves a violent act or an act dangerous to human life which is a violation of the criminal laws of this state or of the United States; or
2. Involves a violation of s. 815.06; and
(b) Is intended to:
1. Intimidate, injure, or coerce a civilian population;
2. Influence the policy of a government by intimidation or coercion; or
3. Affect the conduct of government through destruction of property, assassination, murder, kidnapping, or aircraft piracy.

Section 116. For the purpose of incorporating the amendment made by this act to section 849.01, Florida Statutes, in a reference thereto, section 849.02, Florida Statutes, is reenacted to read:

849.02 Agents or employees of keeper of gambling house.—Whoever acts as servant, clerk, agent, or employee of any person in the violation of s. 849.01 shall be punished in the manner
and to the extent therein mentioned.

Section 117. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 373.6055, Florida Statutes, is reenacted to read:

373.6055 Criminal history checks for certain water management district employees and others.—

(3)

(c) In addition to other requirements for employment or access established by any water management district pursuant to its water management district’s security plan for buildings, facilities, and structures, each water management district’s security plan shall provide that:

1. Any person who has within the past 7 years been convicted, regardless of whether adjudication was withheld, for a forcible felony as defined in s. 776.08; an act of terrorism as defined in s. 775.30; planting of a hoax bomb as provided in s. 790.165; any violation involving the manufacture, possession, sale, delivery, display, use, or attempted or threatened use of a weapon of mass destruction or hoax weapon of mass destruction as provided in s. 790.166; dealing in stolen property; any violation of s. 893.135; any violation involving the sale, manufacturing, delivery, or possession with intent to sell, manufacture, or deliver a controlled substance; burglary; robbery; any felony violation of s. 812.014; any violation of s. 790.07; any crime an element of which includes use or possession of a firearm; any conviction for any similar offenses under the laws of another jurisdiction; or conviction for conspiracy to commit any of the listed offenses may not be qualified for
initial employment within or authorized regular access to buildings, facilities, or structures defined in the water management district’s security plan as restricted access areas.

2. Any person who has at any time been convicted of any of the offenses listed in subparagraph 1. may not be qualified for initial employment within or authorized regular access to buildings, facilities, or structures defined in the water management district’s security plan as restricted access areas unless, after release from incarceration and any supervision imposed as a sentence, the person remained free from a subsequent conviction, regardless of whether adjudication was withheld, for any of the listed offenses for a period of at least 7 years prior to the employment or access date under consideration.

Section 118. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (6) of section 397.4073, Florida Statutes, is reenacted to read:

397.4073 Background checks of service provider personnel.—
(6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State funds may not be disseminated to any service provider owned or operated by an owner, director, or chief financial officer who has been convicted of, has entered a plea of guilty or nolo contendere to, or has had adjudication withheld for, a violation of s. 893.135 pertaining to trafficking in controlled substances, or a violation of the law of another state, the District of Columbia, the United States or any possession or territory thereof, or any foreign jurisdiction which is substantially similar in elements and penalties to a trafficking
offense in this state, unless the owner’s or director’s civil rights have been restored.

Section 119. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (1) of section 414.095, Florida Statutes, is reenacted to read:

414.095 Determining eligibility for temporary cash assistance.—

(1) ELIGIBILITY.—An applicant must meet eligibility requirements of this section before receiving services or temporary cash assistance under this chapter, except that an applicant shall be required to register for work and engage in work activities in accordance with s. 445.024, as designated by the local workforce development board, and may receive support services or child care assistance in conjunction with such requirement. The department shall make a determination of eligibility based on the criteria listed in this chapter. The department shall monitor continued eligibility for temporary cash assistance through periodic reviews consistent with the food assistance eligibility process. Benefits may not be denied to an individual solely based on a felony drug conviction, unless the conviction is for trafficking pursuant to s. 893.135. To be eligible under this section, an individual convicted of a drug felony must be satisfactorily meeting the requirements of the temporary cash assistance program, including all substance abuse treatment requirements. Within the limits specified in this chapter, the state opts out of the provision of Pub. L. No. 104-193, s. 115, that eliminates eligibility for temporary cash assistance and food assistance for any individual convicted of a
controlled substance felony.

Section 120. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (2) of section 772.12, Florida Statutes, is reenacted to read:

772.12 Drug Dealer Liability Act.—

(2) A person, including any governmental entity, has a cause of action for threefold the actual damages sustained and is entitled to minimum damages in the amount of $1,000 and reasonable attorney’s fees and court costs in the trial and appellate courts, if the person proves by the greater weight of the evidence that:

(a) The person was injured because of the defendant’s actions that resulted in the defendant’s conviction for:

1. A violation of s. 893.13, except for a violation of s. 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

2. A violation of s. 893.135; and

(b) The person was not injured by reason of his or her participation in the same act or transaction that resulted in the defendant’s conviction for any offense described in subparagraph (a)1.

Section 121. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in references thereto, paragraph (a) of subsection (2) and paragraph (a) of subsection (3) of section 775.087, Florida Statutes, are reenacted to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(2)(a)1. Any person who is convicted of a felony or an
attempt to commit a felony, regardless of whether the use of a
weapon is an element of the felony, and the conviction was for:

a. Murder;
b. Sexual battery;
c. Robbery;
d. Burglary;
e. Arson;
f. Aggravated battery;
g. Kidnapping;
h. Escape;
i. Aircraft piracy;
j. Aggravated child abuse;
k. Aggravated abuse of an elderly person or disabled adult;
l. Unlawful throwing, placing, or discharging of a
destructive device or bomb;
m. Carjacking;
n. Home-invasion robbery;
o. Aggravated stalking;
p. Trafficking in cannabis, trafficking in cocaine, capital
importation of cocaine, trafficking in illegal drugs, capital
importation of illegal drugs, trafficking in phencyclidine,
capital importation of phencyclidine, trafficking in
methaqualone, capital importation of methaqualone, trafficking
in amphetamine, capital importation of amphetamine, trafficking
in flunitrazepam, trafficking in gamma-hydroxybutyric acid
(GHB), trafficking in 1,4-Butanediol, trafficking in
Phenethylamines, or other violation of s. 893.135(1); or
q. Possession of a firearm by a felon
and during the commission of the offense, such person actually
possessed a “firearm” or “destructive device” as those terms are
defined in s. 790.001, shall be sentenced to a minimum term of
imprisonment of 10 years, except that a person who is convicted
for possession of a firearm by a felon or burglary of a
conveyance shall be sentenced to a minimum term of imprisonment
of 3 years if such person possessed a “firearm” or “destructive
device” during the commission of the offense. However, if an
offender who is convicted of the offense of possession of a
firearm by a felon has a previous conviction of committing or
attempting to commit a felony listed in s. 775.084(1)(b)1. and
actually possessed a firearm or destructive device during the
commission of the prior felony, the offender shall be sentenced
to a minimum term of imprisonment of 10 years.

2. Any person who is convicted of a felony or an attempt to
commit a felony listed in sub-subparagraphs (a)1.a.–p.,
regardless of whether the use of a weapon is an element of the
felony, and during the course of the commission of the felony
such person discharged a “firearm” or “destructive device” as
defined in s. 790.001 shall be sentenced to a minimum term of
imprisonment of 20 years.

3. Any person who is convicted of a felony or an attempt to
commit a felony listed in sub-subparagraphs (a)1.a.–p.,
regardless of whether the use of a weapon is an element of the
felony, and during the course of the commission of the felony
such person discharged a “firearm” or “destructive device” as
defined in s. 790.001 and, as the result of the discharge, death
or great bodily harm was inflicted upon any person, the
convicted person shall be sentenced to a minimum term of
imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

(3)(a) 1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a firearm is an element of the felony, and the conviction was for:

a. Murder;
b. Sexual battery;
c. Robbery;
d. Burglary;
e. Arson;
f. Aggravated battery;
g. Kidnapping;
h. Escape;
i. Sale, manufacture, delivery, or intent to sell, manufacture, or deliver any controlled substance;
j. Aircraft piracy;
k. Aggravated child abuse;
l. Aggravated abuse of an elderly person or disabled adult;
m. Unlawful throwing, placing, or discharging of a destructive device or bomb;
n. Carjacking;
o. Home-invasion robbery;
p. Aggravated stalking; or
q. Trafficking in cannabis, trafficking in cocaine, capital importation of cocaine, trafficking in illegal drugs, capital importation of illegal drugs, trafficking in phencyclidine, capital importation of phencyclidine, trafficking in methaqualone, capital importation of methaqualone, trafficking in amphetamine, capital importation of amphetamine, trafficking
in flunitrazepam, trafficking in gamma-hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol, trafficking in Phenethylamines, or other violation of s. 893.135(1);

and during the commission of the offense, such person possessed a semiautomatic firearm and its high-capacity detachable box magazine or a machine gun as defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 15 years.

2. Any person who is convicted of a felony or an attempt to commit a felony listed in subparagraph (a)1., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a semiautomatic firearm and its high-capacity box magazine or a “machine gun” as defined in s. 790.001 shall be sentenced to a minimum term of imprisonment of 20 years.

3. Any person who is convicted of a felony or an attempt to commit a felony listed in subparagraph (a)1., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a semiautomatic firearm and its high-capacity box magazine or a “machine gun” as defined in s. 790.001 and, as the result of the discharge, death or great bodily harm was inflicted upon any person, the convicted person shall be sentenced to a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

Section 122. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in references thereto, paragraph (a) of subsection (1) and
subsections (3) and (4) of section 782.04, Florida Statutes, are reenacted to read:

782.04 Murder.—

(1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being;

2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:

a. Trafficking offense prohibited by s. 893.135(1),

b. Arson,

c. Sexual battery,

d. Robbery,

e. Burglary,

f. Kidnapping,

g. Escape,

h. Aggravated child abuse,

i. Aggravated abuse of an elderly person or disabled adult,

j. Aircraft piracy,

k. Unlawful throwing, placing, or discharging of a destructive device or bomb,

l. Carjacking,

m. Home-invasion robbery,

n. Aggravated stalking,

o. Murder of another human being,

p. Resisting an officer with violence to his or her person,

q. Aggravated fleeing or eluding with serious bodily injury or death,

r. Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s.
775.32, s. 775.33, s. 775.34, or s. 775.35, or
s. Human trafficking; or
3. Which resulted from the unlawful distribution by a
person 18 years of age or older of any of the following
substances, or mixture containing any of the following
substances, when such substance or mixture is proven to be the
proximate cause of the death of the user:
   a. A substance controlled under s. 893.03(1);
b. Cocaine, as described in s. 893.03(2)(a)4.;
c. Opium or any synthetic or natural salt, compound,
derivative, or preparation of opium;
d. Methadone;
e. Alfentanil, as described in s. 893.03(2)(b)1.;
f. Carfentanil, as described in s. 893.03(2)(b)6.;
g. Fentanyl, as described in s. 893.03(2)(b)9.;
h. Sufentanil, as described in s. 893.03(2)(b)30.; or
   i. A controlled substance analog, as described in s.
5893.0356, of any substance specified in sub-subparagraphs a.-h.,
is murder in the first degree and constitutes a capital felony,
punishable as provided in s. 775.082.
(3) When a human being is killed during the perpetration
of, or during the attempt to perpetrate, any:
   a. Trafficking offense prohibited by s. 893.135(1),
   b. Arson,
   c. Sexual battery,
   d. Robbery,
   e. Burglary,
   f. Kidnapping,
(g) Escape,
(h) Aggravated child abuse,
(i) Aggravated abuse of an elderly person or disabled adult,
(j) Aircraft piracy,
(k) Unlawful throwing, placing, or discharging of a destructive device or bomb,
(l) Carjacking,
(m) Home-invasion robbery,
(n) Aggravated stalking,
(o) Murder of another human being,
(p) Aggravated fleeing or eluding with serious bodily injury or death,
(q) Resisting an officer with violence to his or her person, or
(r) Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, by a person other than the person engaged in the perpetration of or in the attempt to perpetrate such felony, the person perpetrating or attempting to perpetrate such felony commits murder in the second degree, which constitutes a felony of the first degree, punishable by imprisonment for a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony
other than any:

(a) Trafficking offense prohibited by s. 893.135(1),
(b) Arson,
(c) Sexual battery,
(d) Robbery,
(e) Burglary,
(f) Kidnapping,
(g) Escape,
(h) Aggravated child abuse,
(i) Aggravated abuse of an elderly person or disabled adult,
(j) Aircraft piracy,
(k) Unlawful throwing, placing, or discharging of a destructive device or bomb,
(l) Unlawful distribution of any substance controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or opium or any synthetic or natural salt, compound, derivative, or preparation of opium by a person 18 years of age or older, when such drug is proven to be the proximate cause of the death of the user,
(m) Carjacking,
(n) Home-invasion robbery,
(o) Aggravated stalking,
(p) Murder of another human being,
(q) Aggravated fleeing or eluding with serious bodily injury or death,
(r) Resisting an officer with violence to his or her person, or
(s) Felony that is an act of terrorism or is in furtherance
of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,
is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 123. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (3) of section 810.02, Florida Statutes, is reenacted to read:

810.02 Burglary.—
(3) Burglary is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the course of committing the offense, the offender does not make an assault or battery and is not and does not become armed with a dangerous weapon or explosive, and the offender enters or remains in a:
(a) Dwelling, and there is another person in the dwelling at the time the offender enters or remains;
(b) Dwelling, and there is not another person in the dwelling at the time the offender enters or remains;
(c) Structure, and there is another person in the structure at the time the offender enters or remains;
(d) Conveyance, and there is another person in the conveyance at the time the offender enters or remains;
(e) Authorized emergency vehicle, as defined in s. 316.003;
or
(f) Structure or conveyance when the offense intended to be committed therein is theft of a controlled substance as defined
in s. 893.02. Notwithstanding any other law, separate judgments and sentences for burglary with the intent to commit theft of a controlled substance under this paragraph and for any applicable possession of controlled substance offense under s. 893.13 or trafficking in controlled substance offense under s. 893.135 may be imposed when all such offenses involve the same amount or amounts of a controlled substance.

However, if the burglary is committed within a county that is subject to a state of emergency declared by the Governor under chapter 252 after the declaration of emergency is made and the perpetration of the burglary is facilitated by conditions arising from the emergency, the burglary is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this subsection, the term “conditions arising from the emergency” means civil unrest, power outages, curfews, voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a burglary within a county that is subject to such a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this subsection is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 124. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, paragraph (d) of subsection (8) of section
893.13, Florida Statutes, is reenacted to read:

893.13 Prohibited acts; penalties.

(8)

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

Section 125. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in references thereto, subsections (1) and (2) of section 893.1351, Florida Statutes, are reenacted to read:

893.1351 Ownership, lease, rental, or possession for trafficking in or manufacturing a controlled substance.—

(1) A person may not own, lease, or rent any place, structure, or part thereof, trailer, or other conveyance with the knowledge that the place, structure, trailer, or conveyance will be used for the purpose of trafficking in a controlled substance, as provided in s. 893.135; for the sale of a controlled substance, as provided in s. 893.13; or for the manufacture of a controlled substance intended for sale or distribution to another. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
(2) A person may not knowingly be in actual or constructive possession of any place, structure, or part thereof, trailer, or other conveyance with the knowledge that the place, structure, or part thereof, trailer, or conveyance will be used for the purpose of trafficking in a controlled substance, as provided in s. 893.135; for the sale of a controlled substance, as provided in s. 893.13; or for the manufacture of a controlled substance intended for sale or distribution to another. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 126. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 900.05, Florida Statutes, is reenacted to read:

900.05 Criminal justice data collection.—

(3) DATA COLLECTION AND REPORTING.—Beginning January 1, 2019, an entity required to collect data in accordance with this subsection shall collect the specified data required of the entity on a biweekly basis. Each entity shall report the data collected in accordance with this subsection to the Department of Law Enforcement on a monthly basis.

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

1. Information related to each inmate, including:
   a. Identifying information, including name, date of birth, race or ethnicity, and identification number assigned by the department.
   b. Number of children.
   c. Education level, including any vocational training.
d. Date the inmate was admitted to the custody of the department.

e. Current institution placement and the security level assigned to the institution.

f. Custody level assignment.

g. Qualification for a flag designation as defined in this section, including sexual offender flag, habitual offender flag, gang affiliation flag, or concurrent or consecutive sentence flag.

h. County that committed the prisoner to the custody of the department.

i. Whether the reason for admission to the department is for a new conviction or a violation of probation, community control, or parole. For an admission for a probation, community control, or parole violation, the department shall report whether the violation was technical or based on a new violation of law.

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

k. Length of sentence or concurrent or consecutive sentences served.

l. Tentative release date.

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

n. Prior incarceration within the state.

o. Disciplinary violation and action.

p. Participation in rehabilitative or educational programs while in the custody of the department.
2. Information about each state correctional institution or facility, including:
   a. Budget for each state correctional institution or facility.
   b. Daily prison population of all inmates incarcerated in a state correctional institution or facility.
   c. Daily number of correctional officers for each state correctional institution or facility.

3. Information related to persons supervised by the department on probation or community control, including:
   a. Identifying information for each person supervised by the department on probation or community control, including his or her name, date of birth, race or ethnicity, sex, and department-assigned case number.
   b. Length of probation or community control sentence imposed and amount of time that has been served on such sentence.
   c. Projected termination date for probation or community control.
   d. Revocation of probation or community control due to a violation, including whether the revocation is due to a technical violation of the conditions of supervision or from the commission of a new law violation.

4. Per diem rates for:
   a. Prison bed.
   b. Probation.
   c. Community control.

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

Section 127. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, section 903.133, Florida Statutes, is reenacted to read:

903.133 Bail on appeal; prohibited for certain felony convictions.—Notwithstanding the provisions of s. 903.132, no person adjudged guilty of a felony of the first degree for a violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s. 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a violation of s. 794.011(2) or (3), shall be admitted to bail pending review either by posttrial motion or appeal.

Section 128. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, paragraph (c) of subsection (4) of section 907.041, Florida Statutes, is reenacted to read:

907.041 Pretrial detention and release.—

(4) PRETRIAL DETENTION.—

(c) The court may order pretrial detention if it finds a substantial probability, based on a defendant’s past and present patterns of behavior, the criteria in s. 903.046, and any other relevant facts, that any of the following circumstances exist:

1. The defendant has previously violated conditions of release and that no further conditions of release are reasonably likely to assure the defendant’s appearance at subsequent proceedings;

2. The defendant, with the intent to obstruct the judicial process, has threatened, intimidated, or injured any victim, potential witness, juror, or judicial officer, or has attempted
or conspired to do so, and that no condition of release will reasonably prevent the obstruction of the judicial process;

3. The defendant is charged with trafficking in controlled substances as defined by s. 893.135, that there is a substantial probability that the defendant has committed the offense, and that no conditions of release will reasonably assure the defendant’s appearance at subsequent criminal proceedings;

4. The defendant is charged with DUI manslaughter, as defined by s. 316.193, and that there is a substantial probability that the defendant committed the crime and that the defendant poses a threat of harm to the community; conditions that would support a finding by the court pursuant to this subparagraph that the defendant poses a threat of harm to the community include, but are not limited to, any of the following:
   a. The defendant has previously been convicted of any crime under s. 316.193, or of any crime in any other state or territory of the United States that is substantially similar to any crime under s. 316.193;
   b. The defendant was driving with a suspended driver license when the charged crime was committed; or
   c. The defendant has previously been found guilty of, or has had adjudication of guilt withheld for, driving while the defendant’s driver license was suspended or revoked in violation of s. 322.34;

5. The defendant poses the threat of harm to the community. The court may so conclude, if it finds that the defendant is presently charged with a dangerous crime, that there is a substantial probability that the defendant committed such crime, that the factual circumstances of the crime indicate a disregard
for the safety of the community, and that there are no
conditions of release reasonably sufficient to protect the
community from the risk of physical harm to persons;

6. The defendant was on probation, parole, or other release
pending completion of sentence or on pretrial release for a
dangerous crime at the time the current offense was committed;

7. The defendant has violated one or more conditions of
pretrial release or bond for the offense currently before the
court and the violation, in the discretion of the court,
supports a finding that no conditions of release can reasonably
protect the community from risk of physical harm to persons or
assure the presence of the accused at trial; or

8.a. The defendant has ever been sentenced pursuant to s.
775.082(9) or s. 775.084 as a prison releasee reoffender,
habitual violent felony offender, three-time violent felony
offender, or violent career criminal, or the state attorney
files a notice seeking that the defendant be sentenced pursuant
to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
habitual violent felony offender, three-time violent felony
offender, or violent career criminal;

b. There is a substantial probability that the defendant
committed the offense; and

c. There are no conditions of release that can reasonably
protect the community from risk of physical harm or ensure the
presence of the accused at trial.

Section 129. For the purpose of incorporating the amendment
made by this act to section 893.135, Florida Statutes, in a
reference thereto, subsection (9) of section 921.141, Florida
Statutes, is reenacted to read:
921.141 Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—

(9) APPLICABILITY.—This section does not apply to a person convicted or adjudicated guilty of a capital drug trafficking felony under s. 893.135.

Section 130. For the purpose of incorporating the amendment made by this act to section 893.135, Florida Statutes, in a reference thereto, subsection (2) of section 921.142, Florida Statutes, is reenacted to read:

921.142 Sentence of death or life imprisonment for capital drug trafficking felonies; further proceedings to determine sentence.—

(2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon conviction or adjudication of guilt of a defendant of a capital felony under s. 893.135, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If, through impossibility or inability, the trial jury is unable to reconvene for a hearing on the issue of penalty, having determined the guilt of the accused, the trial judge may summon a special juror or jurors as provided in chapter 913 to determine the issue of the imposition of the penalty. If the trial jury has been waived, or if the defendant pleaded guilty, the sentencing proceeding shall be conducted before a jury impaneled for that purpose, unless waived by the defendant. In the proceeding, evidence may be presented as to any matter that the court deems relevant to the nature of the crime and the
character of the defendant and shall include matters relating to any of the aggravating factors enumerated in subsection (7) and for which notice has been provided pursuant to s. 782.04(1)(b) or mitigating circumstances enumerated in subsection (8). Any such evidence that the court deems to have probative value may be received, regardless of its admissibility under the exclusionary rules of evidence, provided the defendant is accorded a fair opportunity to rebut any hearsay statements. However, this subsection shall not be construed to authorize the introduction of any evidence secured in violation of the Constitution of the United States or the Constitution of the State of Florida. The state and the defendant or the defendant’s counsel shall be permitted to present argument for or against sentence of death.

Section 131. For the purpose of incorporating the amendment made by this act to section 944.704, Florida Statutes, in a reference thereto, paragraph (a) of subsection (3) of section 944.026, Florida Statutes, is reenacted to read:

944.026 Community-based facilities and programs.—

(3)(a) The department shall develop and implement procedures to diagnose offenders prior to sentencing, for the purpose of recommending to the sentencing court suitable candidates for placement in a community-based residential drug treatment facility or probation and restitution center as provided in this section. The department shall also develop and implement procedures to properly identify inmates prior to release who demonstrate the need for or interest in and suitability for placement in a community-based substance abuse transition housing program as provided in this section and
pursuant to ss. 944.4731 and 944.704.

Section 132. For the purpose of incorporating the amendment made by this act to section 944.705, Florida Statutes, in a reference thereto, subsection (6) of section 944.4731, Florida Statutes, is reenacted to read:

944.4731 Addiction-Recovery Supervision Program.—

(6) Six months before an offender is released, the chaplain and transition assistance specialist at the institution where the offender is incarcerated shall initiate the prerelease screening process in addition to the basic release orientation required under s. 944.705.

(a) The transition assistance specialist and the chaplain shall provide a list of contracted private providers, including faith-based providers, to the offender and facilitate the application process. The transition assistance specialist shall inform the offender of program availability and assess the offender’s need and suitability for substance abuse transition housing assistance. If an offender is approved for placement, the specialist shall assist the offender and coordinate the release of the offender with the selected program. If an offender requests and is approved for placement in a contracted faith-based substance abuse transition housing program, the specialist must consult with the chaplain prior to such placement. A right to substance abuse program services is not stated, intended, or otherwise implied by this section.

(b) If an offender has participated in a faith-based program while incarcerated or housed at a community correctional center and the same or a similar faith-based provider offers a contracted substance abuse transition housing program, the
department shall make every attempt to maintain this continuum of care.

Section 133. For the purpose of incorporating the amendment made by this act to section 944.801, Florida Statutes, in a reference thereto, subsection (2) of section 447.203, Florida Statutes, is reenacted to read:

447.203 Definitions.—As used in this part:

(2) “Public employer” or “employer” means the state or any county, municipality, or special district or any subdivision or agency thereof which the commission determines has sufficient legal distinctiveness properly to carry out the functions of a public employer. With respect to all public employees determined by the commission as properly belonging to a statewide bargaining unit composed of State Career Service System employees or Selected Professional Service employees, the Governor shall be deemed to be the public employer; and the Board of Governors of the State University System, or the board’s designee, shall be deemed to be the public employer with respect to all public employees of each constituent state university. The board of trustees of a community college shall be deemed to be the public employer with respect to all employees of the community college. The district school board shall be deemed to be the public employer with respect to all employees of the school district. The Board of Trustees of the Florida School for the Deaf and the Blind shall be deemed to be the public employer with respect to the academic and academic administrative personnel of the Florida School for the Deaf and the Blind. The Governor shall be deemed to be the public employer with respect to all employees in the Correctional
Education Program of the Department of Corrections established pursuant to s. 944.801.

Section 134. For the purpose of incorporating the amendment made by this act to section 948.013, Florida Statutes, in a reference thereto, paragraph (n) of subsection (1) of section 921.187, Florida Statutes, is reenacted to read:

921.187 Disposition and sentencing; alternatives; restitution.—

(1) The alternatives provided in this section for the disposition of criminal cases shall be used in a manner that will best serve the needs of society, punish criminal offenders, and provide the opportunity for rehabilitation. If the offender does not receive a state prison sentence, the court may:

(n) Impose split probation whereby upon satisfactory completion of half the term of probation, the Department of Corrections may place the offender on administrative probation pursuant to s. 948.013 for the remainder of the term of supervision.

Section 135. For the purpose of incorporating the amendment made by this act to section 948.06, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 948.012, Florida Statutes, is reenacted to read:

948.012 Split sentence of probation or community control and imprisonment.—

(2) The court may also impose a split sentence whereby the defendant is sentenced to a term of probation which may be followed by a period of incarceration or, with respect to a felony, into community control, as follows:

(b) If the offender does not meet the terms and conditions
of probation or community control, the court may revoke, modify, or continue the probation or community control as provided in s. 948.06. If the probation or community control is revoked, the court may impose any sentence that it could have imposed at the time the offender was placed on probation or community control. The court may not provide credit for time served for any portion of a probation or community control term toward a subsequent term of probation or community control. However, the court may not impose a subsequent term of probation or community control which, when combined with any amount of time served on preceding terms of probation or community control for offenses pending before the court for sentencing, would exceed the maximum penalty allowable as provided in s. 775.082. Such term of incarceration shall be served under applicable law or county ordinance governing service of sentences in state or county jurisdiction. This paragraph does not prohibit any other sanction provided by law.

Section 136. For the purpose of incorporating the amendment made by this act to section 948.06, Florida Statutes, in a reference thereto, subsection (3) of section 948.10, Florida Statutes, is reenacted to read:

948.10 Community control programs; home confinement.—
(3) Procedures governing violations of community control are the same as those described in s. 948.06 with respect to probation.

Section 137. For the purpose of incorporating the amendment made by this act to section 948.06, Florida Statutes, in a reference thereto, subsection (3) of section 948.20, Florida Statutes, is reenacted to read:
948.20 Drug offender probation.—
(3) Offenders placed on drug offender probation are subject to revocation of probation as provided in s. 948.06.

Section 138. For the purpose of incorporating the amendment made by this act to section 948.06, Florida Statutes, in a reference thereto, section 958.14, Florida Statutes, is reenacted to read:

958.14 Violation of probation or community control program.—A violation or alleged violation of probation or the terms of a community control program shall subject the youthful offender to the provisions of s. 948.06. However, no youthful offender shall be committed to the custody of the department for a substantive violation for a period longer than the maximum sentence for the offense for which he or she was found guilty, with credit for time served while incarcerated, or for a technical or nonsubstantive violation for a period longer than 6 years or for a period longer than the maximum sentence for the offense for which he or she was found guilty, whichever is less, with credit for time served while incarcerated.

Section 139. For the purpose of incorporating the amendment made by this act to section 948.08, Florida Statutes, in a reference thereto, paragraph (b) of subsection (4) of section 796.07, Florida Statutes, is reenacted to read:

796.07 Prohibiting prostitution and related acts.—

(4)

(b) A person who is charged with a third or subsequent violation of this section, other than paragraph (2)(f), shall be offered admission to a pretrial intervention program or a substance abuse treatment program as provided in s. 948.08.
Section 140. For the purpose of incorporating the amendment made by this act to section 948.08, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 944.026, Florida Statutes, is reenacted to read:

944.026 Community-based facilities and programs.—

(3)

(b) Pretrial intervention programs in appropriate counties to provide early counseling and supervision services to specified offenders as provided in s. 948.08.

Section 141. For the purpose of incorporating the amendment made by this act to section 948.08, Florida Statutes, in a reference thereto, subsection (1) of section 948.036, Florida Statutes, is reenacted to read:

948.036 Work programs as a condition of probation, community control, or other court-ordered community supervision.—

(1) Whenever an offender is required by the court to participate in any work program under the provisions of this chapter, enters into the pretrial intervention program pursuant to s. 948.08, or volunteers to work in a supervised work program conducted by a specified state, county, municipal, or community service organization or to work for the victim, either as an alternative to monetary restitution or as a part of the rehabilitative or community control program, the offender shall be considered an employee of the state for the purposes of chapter 440.

Section 142. For the purpose of incorporating the amendments made by this act to section 948.08. Florida Statutes, in a reference thereto, subsection (2) of section 394.47892,
Florida Statutes, is reenacted to read:

394.47892 Mental health court programs.—

(2) Mental health court programs may include pretrial intervention programs as provided in ss. 948.08, 948.16, and 985.345, postadjudicatory mental health court programs as provided in ss. 948.01 and 948.06, and review of the status of compliance or noncompliance of sentenced defendants through a mental health court program.

Section 143. For the purpose of incorporating the amendments made by this act to section 948.08, Florida Statutes, in a reference thereto, subsection (5) of section 397.334, Florida Statutes, is reenacted to read:

397.334 Treatment-based drug court programs.—

(5) Treatment-based drug court programs may include pretrial intervention programs as provided in ss. 948.08, 948.16, and 985.345, treatment-based drug court programs authorized in chapter 39, postadjudicatory programs as provided in ss. 948.01, 948.06, and 948.20, and review of the status of compliance or noncompliance of sentenced offenders through a treatment-based drug court program. While enrolled in a treatment-based drug court program, the participant is subject to a coordinated strategy developed by a drug court team under subsection (4). The coordinated strategy may include a protocol of sanctions that may be imposed upon the participant for noncompliance with program rules. The protocol of sanctions may include, but is not limited to, placement in a substance abuse treatment program offered by a licensed service provider as defined in s. 397.311 or in a jail-based treatment program or serving a period of secure detention under chapter 985 if a
child or a period of incarceration within the time limits established for contempt of court if an adult. The coordinated strategy must be provided in writing to the participant before the participant agrees to enter into a treatment-based drug court program.

Section 144. For the purpose of incorporating the amendments made by this act to section 948.08, Florida Statutes, in a reference thereto, paragraph (a) of subsection (5) of section 910.035, Florida Statutes, is reenacted to read:

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

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

(a) For purposes of this subsection, the term “problem-solving court” means a drug court pursuant to s. 948.01, s. 948.06, s. 948.08, s. 948.16, or s. 948.20; a military veterans’ and servicemembers’ court pursuant to s. 394.47891, s. 948.08, s. 948.16, or s. 948.21; a mental health court program pursuant to s. 394.47892, s. 948.01, s. 948.06, s. 948.08, or s. 948.16; or a delinquency pretrial intervention court program pursuant to s. 985.345.

Section 145. For the purpose of incorporating the amendment made by this act to section 958.04, Florida Statutes, in a reference thereto, subsection (5) of section 958.03, Florida Statutes, is reenacted to read:

958.03 Definitions.—As used in this act:

(5) “Youthful offender” means any person who is sentenced as such by the court or is classified as such by the department pursuant to s. 958.04.

Section 146. For the purpose of incorporating the amendment
made by this act to section 958.04, Florida Statutes, in a
reference thereto, paragraph (a) of subsection (8) of section
958.045, Florida Statutes, is reenacted to read:
958.045 Youthful offender basic training program.—
(8)(a) The Assistant Secretary for Youthful Offenders shall
continuously screen all institutions, facilities, and programs
for any inmate who meets the eligibility requirements for
youthful offender designation specified in s. 958.04, whose age
does not exceed 24 years. The department may classify and assign
as a youthful offender any inmate who meets the criteria of s.
958.04.

Section 147. For the purpose of incorporating the amendment
made by this act to section 958.04, Florida Statutes, in a
reference thereto, section 958.046, Florida Statutes, is
reenacted to read:
958.046 Placement in county-operated boot camp programs for
youthful offenders.—In counties where there are county-operated
youthful offender boot camp programs, other than boot camps
described in s. 958.04, the court may sentence a youthful
offender to such a boot camp. In county-operated youthful
offender boot camp programs, juvenile offenders shall not be
commingled with youthful offenders.

Section 148. For the purpose of incorporating the amendment
made by this act to section 958.04, Florida Statutes, in a
reference thereto, paragraph (c) of subsection (4) of section
985.565, Florida Statutes, is reenacted to read:
985.565 Sentencing powers; procedures; alternatives for
juveniles prosecuted as adults.—
(4) SENTENCING ALTERNATIVES.—
(c) Adult sanctions upon failure of juvenile sanctions.—If a child proves not to be suitable to a commitment program, juvenile probation program, or treatment program under paragraph (b), the department shall provide the sentencing court with a written report outlining the basis for its objections to the juvenile sanction and shall simultaneously provide a copy of the report to the state attorney and the defense counsel. The department shall schedule a hearing within 30 days. Upon hearing, the court may revoke the previous adjudication, impose an adjudication of guilt, and impose any sentence which it may lawfully impose, giving credit for all time spent by the child in the department. The court may also classify the child as a youthful offender under s. 958.04, if appropriate. For purposes of this paragraph, a child may be found not suitable to a commitment program, community control program, or treatment program under paragraph (b) if the child commits a new violation of law while under juvenile sanctions, if the child commits any other violation of the conditions of juvenile sanctions, or if the child’s actions are otherwise determined by the court to demonstrate a failure of juvenile sanctions.

It is the intent of the Legislature that the criteria and guidelines in this subsection are mandatory and that a determination of disposition under this subsection is subject to the right of the child to appellate review under s. 985.534.
985.556 Waiver of juvenile court jurisdiction; hearing.—

(3) INVOLUNTARY MANDATORY WAIVER.—
(a) If the child was 14 years of age or older, and if the child has been previously adjudicated delinquent for an act classified as a felony, which adjudication was for the commission of, attempt to commit, or conspiracy to commit murder, sexual battery, armed or strong-armed robbery, carjacking, home-invasion robbery, aggravated battery, aggravated assault, or burglary with an assault or battery, and the child is currently charged with a second or subsequent violent crime against a person; or

(b) If the child was 14 years of age or older at the time of commission of a fourth or subsequent alleged felony offense and the child was previously adjudicated delinquent or had adjudication withheld for or was found to have committed, or to have attempted or conspired to commit, three offenses that are felony offenses if committed by an adult, and one or more of such felony offenses involved the use or possession of a firearm or violence against a person;

the state attorney shall request the court to transfer and certify the child for prosecution as an adult or shall provide written reasons to the court for not making such request, or proceed under s. 985.557(1). Upon the state attorney’s request, the court shall either enter an order transferring the case and certifying the case for trial as if the child were an adult or provide written reasons for not issuing such an order.

Section 150. For the purpose of incorporating the amendment made by this act to section 985.557, Florida Statutes, in a
reference thereto, subsection (1) of section 985.15, Florida
Statutes, is reenacted to read:

985.15 Filing decisions.—
(1) The state attorney may in all cases take action
independent of the action or lack of action of the juvenile
probation officer and shall determine the action that is in the
best interest of the public and the child. If the child meets
the criteria requiring prosecution as an adult under s. 985.556,
the state attorney shall request the court to transfer and
certify the child for prosecution as an adult or shall provide
written reasons to the court for not making such a request. In
all other cases, the state attorney may:
(a) File a petition for dependency;
(b) File a petition under chapter 984;
(c) File a petition for delinquency;
(d) File a petition for delinquency with a motion to
transfer and certify the child for prosecution as an adult;
(e) File an information under s. 985.557;
(f) Refer the case to a grand jury;
(g) Refer the child to a diversionary, pretrial
intervention, arbitration, or mediation program, or to some
other treatment or care program if such program commitment is
voluntarily accepted by the child or the child’s parents or
legal guardian; or
(h) Decline to file.

Section 151. For the purpose of incorporating the amendment
made by this act to section 985.557, Florida Statutes, in a
reference thereto, paragraph (c) of subsection (2) of section
985.26, Florida Statutes, is reenacted to read:
985.26 Length of detention.—

(2)

(c) A prolific juvenile offender under s. 985.255(1)(j) shall be placed on nonsecure detention care with electronic monitoring or in secure detention care under a special detention order until disposition. If secure detention care is ordered by the court, it must be authorized under this part and may not exceed:

1. Twenty-one days unless an adjudicatory hearing for the case has been commenced in good faith by the court or the period is extended by the court pursuant to paragraph (b); or

2. Fifteen days after the entry of an order of adjudication.

As used in this paragraph, the term “disposition” means a declination to file under s. 985.15(1)(h), the entry of nolle prosequi for the charges, the filing of an indictment under s. 985.56 or an information under s. 985.557, a dismissal of the case, or an order of final disposition by the court.

Section 152. Criminal Punishment Code Task Force.—

(1) The Task Force on the Criminal Punishment Code, a task force as defined in s. 20.03(8), Florida Statutes, is created adjunct to the Department of Legal Affairs. The Legislature finds that there is a need to review sentencing for noncapital felony offenses under the Criminal Punishment Code. Therefore, the task force is created for the purpose of reviewing, evaluating, and making recommendations regarding sentencing for and ranking of noncapital felony offenses under the Criminal Punishment Code, including, but not limited to, whether current
sentencing for noncapital felony offenses is appropriate to the level of the crime committed, whether current enhancements for those offenses are appropriate, and whether judicial discretion should be allowed with regard to mandatory minimum sentences for those offenses. The task force shall include an analysis of best practices in its review.

(2) The task force is composed of the following members:
   (a) The Attorney General, or a designee of the Attorney General, who shall serve as chair of the task force.
   (b) The Secretary of Corrections, or a designee of the secretary.
   (c) Two members appointed by the President of the Senate, one of whom must be a public defender.
   (d) Two members appointed by the Speaker of the House of Representatives, one of whom must be a state attorney.
   (e) Two members appointed by the Chief Justice of the Supreme Court, one of whom must be a circuit judge currently assigned to a felony division.

Any vacancies on the task force shall be filled in the same manner as the original appointments. Appointments to the task force shall be made no later than July 15, 2019.

(3) The task force shall endeavor to meet at least twice monthly throughout its duration and is encouraged to take input from all stakeholders involved in the criminal justice system. The first meeting of the task force shall occur no later than August 15, 2019. The Attorney General shall designate staff of the Department of Legal Affairs to provide support to the task force.
(4) Upon the Attorney General’s request, the Department of Corrections and the Office of the State Courts Administrator shall provide necessary data collection and analysis, research, and support services to the task force.

(5) Members of the task force may not receive compensation other than their usual salaries received from their employers, but are entitled to reimbursement for per diem and travel expenses from their employers in accordance with s. 112.061, Florida Statutes.

(6) The task force shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court no later than June 30, 2020, which must include, at a minimum, the issues considered by the task force, any recommendations for legislative changes, and an analysis of the expected impact of such recommendations if enacted by the Legislature. The task force is dissolved upon submission of the report.

(7) This section expires July 1, 2020.

Section 153. For the 2019-2020 fiscal year, the sum of $250,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Legal Affairs for the purpose of implementing the Criminal Punishment Code Task Force.

Section 154. Except as otherwise expressly provided in this act, and except for this section, which shall take effect upon this act becoming a law, this act shall take effect October 1, 2019.
Delete everything before the enacting clause
and insert:

A bill to be entitled
An act relating to public safety; amending s. 16.555, F.S.; providing for reallocation of unencumbered funds returned to the Crime Stoppers Trust Fund; specifying permissible uses for funds awarded to counties from the trust fund; creating s. 16.557, F.S.; defining terms; providing criminal penalties for disclosure of privileged communications or protected information or information concerning such communications or information; providing exceptions; creating s. 25.025, F.S.; authorizing certain Supreme Court justices to have an appropriate facility in their district of residence designated as their official headquarters; providing that an official headquarters may serve only as a justice’s private chambers; providing that such justices are eligible for a certain subsistence allowance and reimbursement for certain transportation expenses; requiring that such allowance and reimbursement be made to the extent appropriated funds are available, as determined by the Chief Justice; requiring the Chief Justice to coordinate with certain persons in designating official headquarters; providing that a county is not required to provide space for a justice in a county courthouse; authorizing counties to enter into agreements with the Supreme Court for the use of county courthouse space; prohibiting the Supreme Court from using state funds
to lease space in specified facilities to allow a justice to establish an official headquarters;
creating s. 43.51, F.S.; requiring the Office of the State Courts Administrator to provide an annual report containing certain information to the Legislature; defining the term “problem-solving court”; amending s. 57.105, F.S.; prohibiting the awarding of attorney fees for certain proceedings for injunctions for protection under specified provisions; providing an exception; amending s. 61.13016, F.S.; providing that a written agreement for payment may include a reasonable period of payment deferral to accommodate an obligor’s good faith job-seeking efforts; amending s. 212.15, F.S.; increasing threshold amounts for certain theft offenses; amending s. 287.095, F.S.; deleting a provision that provides a limitation on the total sales by a specified corporation of certain products offered for purchase to a state agency; amending s. 322.01, F.S.; defining the term “suspension or revocation equivalent status”; amending s. 322.055, F.S.; reducing the length of driver license revocation for possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance; deleting provisions authorizing a driver to petition the Department of Highway Safety and Motor Vehicles for restoration of his or her driving privilege; amending s. 322.056, F.S.; reducing the period for revocation or suspension of, or delay of eligibility for, driver licenses or
driving privileges for certain persons found guilty of certain drug offenses; deleting requirements relating to the revocation or suspension of, or delay of eligibility for, driver licenses or driving privileges for certain persons found guilty of certain alcohol or tobacco offenses; deleting provisions relating to the suspension or revocation of certain persons’ driver licenses; repealing s. 322.057, F.S., relating to discretionary revocation or suspension of a driver license for certain persons who provide alcohol to persons under a specified age; amending s. 322.34, F.S.; revising criminal penalties for the third or subsequent offense of driving while license suspended, revoked, canceled, or disqualified; creating s. 322.75, F.S.; requiring each clerk of court to establish a Driver License Reinstatement Days program for reinstating suspended driver licenses in certain circumstances; providing duties of the clerks of the circuit courts and the department; authorizing such clerks to compromise on or waive certain fees and costs; authorizing such clerks to schedule a Driver License Reinstatement Days event on certain days or times; providing eligibility requirements; requiring such clerks and the Department of Highway Safety and Motor Vehicles to verify information necessary to reinstate a driver license under the program; requiring the clerks of court to collect specified data and report such data to the Florida Clerks of Court Operations Corporation; requiring the Florida
Clerks of Court Operations Corporation to report
specified information in a certain annual report the
annual report required by s. 28.35, F.S.; amending s.
394.917, F.S.; requiring the Department of Children
and Families to provide rehabilitation to criminal
offenders designated as sexually violent predators;
amending s. 397.334, F.S.; conforming provisions to
changes made by the act; amending s. 455.213, F.S.;
requiring certain boards and entities within the
Divisions of Certified Public Accounting, Professions,
or Real Estate of the Department of Business and
Professional Regulation to use a specified process for
the review of an applicant’s criminal record to
determine the applicant’s eligibility for certain
licenses; prohibiting the conviction, or any other
adjudication, of a crime before a specified date from
being grounds for the denial of certain licenses;
defining the term “conviction”; providing
construction; authorizing a person to apply for a
license before his or her lawful release from
confinement or supervision; prohibiting the department
from charging an applicant who is confined or under
supervision an additional fee; prohibiting a board
from basing a denial of a license application solely
on the applicant’s current confinement or supervision;
authorizing a board to stay the issuance of an
approved license under certain circumstances;
requiring a board to verify an applicant’s release
with the Department of Corrections; requiring the
applicable board or the Department of Business and Professional Regulation to allow certain applicants to appear by teleconference or video conference at certain meetings; requiring the Department of Corrections to cooperate and coordinate with the applicable board to facilitate the appearance of certain applicants at certain meetings in person, by teleconference, or by video conference, as appropriate; requiring a board or the department to provide certain lists on the department’s website specifying how certain crimes do or do not affect an applicant’s eligibility for licensure; providing that certain information be identified for the crimes on such list; requiring such lists to be available to the public upon request; amending s. 474.2165, F.S.; authorizing a veterinarian to report certain suspected criminal violations without notice to or authorization from a client; providing an exception; amending s. 489.126, F.S.; providing that a contractor has a just cause defense for criminal offenses and disciplinary violations; providing an inference; deleting an intent requirement for contractor offenses; revising elements of offenses; revising criminal penalties for contractor offenses; amending s. 489.553, F.S.; prohibiting the conviction, or any other adjudication, of a crime before a specified date from being grounds for the denial of registration under certain circumstances; defining the term “conviction”; providing construction; authorizing a person to apply
for registration before his or her lawful release from
confinement or supervision; prohibiting the department
or other applicable authority from charging an
applicant who is confined or under supervision an
additional fee; prohibiting the department or other
applicable authority from basing the denial of
registration solely on the applicant’s current
confinement or supervision; authorizing the department
or other applicable authority to stay the issuance of
an approved registration under certain circumstances;
requiring the department or other applicable authority
to verify an applicant’s release with the Department
of Corrections; requiring the Department of Business
and Professional Regulation or other applicable
authority to allow certain applicants to appear by
teleconference or video conference at certain
meetings; requiring the Department of Corrections to
cooperate and coordinate with the department or
applicable authority to facilitate the appearance of
certain applicants at certain meetings in person, by
teleconference, or by video conference, as
appropriate; requiring the department or other
applicable authority to provide certain lists on its
website specifying how certain crimes do or do not
affect an applicant’s eligibility for registration;
providing that certain information be identified for
each crime on such lists; requiring such lists to be
available to the public upon request; amending s.
500.451, F.S.; abolishing mandatory minimum sentence
for the sale of horse meat for human consumption; amending s. 509.151, F.S.; increasing threshold amounts for certain theft offenses; amending s. 562.11, F.S.; deleting provisions relating to withholding, suspending, or revoking the driving privilege of a person who provides alcoholic beverages to a person under 21 years of age; amending s. 562.111, F.S.; deleting provisions relating to withholding, suspending, or revoking the driving privilege of a person under 21 years of age who possesses alcoholic beverages; amending s. 562.27, F.S.; reducing the offense severity of certain crimes related to the possession of a still or related apparatus; amending s. 562.451, F.S.; reducing the offense severity for possession of one or more gallons of certain liquors; amending s. 569.11, F.S.; conforming provisions to changes made by the act; revising penalties; amending s. 713.69, F.S.; increasing threshold amounts for certain theft offenses; amending s. 741.30, F.S.; conforming a provision to changes made by the act; amending s. 775.082, F.S.; revising legislative intent that certain offenders released from incarceration from county detention facilities qualify as prison releasee reoffenders; amending s. 784.048, F.S.; revising the definition of the term “cyberstalk”; providing criminal penalties; amending s. 790.052, F.S.; specifying that certain law enforcement and correctional officers meet the definition of
“qualified law enforcement officer” for the purposes of qualifying for certain rights during off-duty hours; specifying that certain persons meet the definition of “qualified retired law enforcement officer” for the purposes of qualifying for certain rights during off-duty hours; amending s. 790.22, F.S.; authorizing, rather than requiring, a court to withhold issuance of or suspend a person’s driver license or driving privilege for a minor who possesses or uses a firearm in certain circumstances; amending s. 800.09, F.S.; revising the definitions of the terms “employee” and “facility”; prohibiting certain lewd or lascivious acts in the presence of county correctional personnel; providing criminal penalties; amending s. 806.13, F.S.; authorizing, rather than requiring, a court to withhold issuance of or suspend a person’s driver license or driving privilege for committing criminal mischief by a minor; amending s. 812.014, F.S.; increasing the threshold amount for certain theft offenses; revising the list of items the theft of which constitutes a felony of the third degree; requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to perform a study about certain threshold amounts on a specified schedule; providing study requirements; requiring OPPAGA to consult with the Office of Economic and Demographic Research and other interested entities; requiring OPPAGA to submit a report to the Governor and the Legislature by a certain date and on a
specified basis; amending s. 812.015, F.S.; revising
the circumstances under which an offense of retail
theft constitutes a felony of the second or third
degree; authorizing the aggregation of retail thefts
that occur in more than one judicial circuit within a
30-day period into one total value and requiring
prosecution of such thefts by the Office of the
Statewide Prosecutor in accordance with s. 16.56,
F.S.; requiring OPPAGA to perform a study about
certain threshold amounts on a specified schedule;
providing study requirements; requiring OPPAGA to
consult with the Office of Economic and Demographic
Research and other interested entities; requiring
OPPAGA to submit a report to the Governor and the
Legislature by a certain date and on a specified
basis; amending s. 812.0155, F.S.; removing a court’s
authority to suspend a driver license for a
misdemeanor theft adjudication of guilt for a person
18 years of age or older; allowing a court to suspend
a driver license for a person 18 years of age or
younger as an alternative to other possible sentences;
amending s. 815.03, F.S.; revising the definition of
the term “access” for purposes of provisions relating
to computer crimes; amending s. 815.06, F.S.; revising
conduct constituting an offense against users of
computers, computer systems, computer networks, or
electronic devices; providing criminal penalties;
amending s. 817.413, F.S.; increasing threshold
amounts for certain theft offenses; amending s.
831.28, F.S.; criminalizing possession of a counterfeit instrument with intent to defraud; amending s. 849.01, F.S.; reducing the offense severity of certain crimes relating to keeping a gambling house or possessing certain gambling apparatuses; amending s. 877.112, F.S.; removing driver license revocation or suspension as a penalty for certain offenses involving nicotine products; amending s. 893.135, F.S.; revising threshold amounts for trafficking in specified substances; amending s. 900.05, F.S.; revising and providing definitions; revising and providing data required to be collected and reported to the Department of Law Enforcement by specified entities; requiring the department to publish data received from reporting agencies by a specified date; imposing penalties on reporting agencies for noncompliance with data reporting requirements; declaring information that is confidential and exempt upon collection by a reporting agency remains confidential and exempt when reported to the department; creating s. 943.0578, F.S.; establishing eligibility criteria for expunction of a criminal history record by a person found to have acted in lawful self-defense; requiring the department to issue a certificate of eligibility for expunction if specified criteria are fulfilled; specifying requirements for a petition to expunge; creating a penalty for providing false information on such petition; requiring the department to adopt rules
relating to a certificate of expunction for lawful self-defense; amending s. 943.0581, F.S.; clarifying that administrative expunction applies to criminal history records resulting from an arrest made contrary to law or by mistake; creating s. 943.0584, F.S.; providing a definition; specifying criminal history records that are ineligible for court-ordered expunction or court-ordered sealing; amending s. 943.0585, F.S.; providing eligibility criteria for court-ordered expunction of a criminal history record; requiring the department to issue a certificate of eligibility to petitioners meeting eligibility criteria; specifying requirements for a petition for court-ordered expunction; specifying a court’s authority to expunge criminal history records; specifying the process for a petition to expunge a criminal history record; specifying the process following the issuance of an order to expunge a criminal history record; specifying the effect of an order to expunge a criminal history record; amending s. 943.059, F.S.; providing eligibility criteria for court-ordered sealing of a criminal history record; requiring the department to issue a certificate of eligibility to petitioners meeting eligibility criteria; specifying requirements for a petition for court-ordered sealing; specifying a court’s authority to seal criminal history records; specifying the process for a petition to seal a criminal history record; specifying the effect of an order to seal a
criminal history record; creating s. 943.0595, F.S.;
requiring the department to adopt rules to implement
administrative sealing of specified criminal history
records; providing eligibility criteria for
administrative sealing of criminal history records;
specifying ineligible criminal history records;
providing that there is no limitation on the number of
times a person with an eligible criminal history
record may obtain an automatic administrative sealing;
requiring the clerk of court to transmit a certified
copy of an eligible criminal history record to the
department upon the resolution of a criminal case;
specifying that the effect of automatic sealing is the
same as court-ordered sealing; amending s. 943.6871,
F.S.; declaring information received by the department
from a reporting agency that is confidential and
exempt upon collection remains confidential and
exempt; requiring the Criminal and Juvenile Justice
Information Systems Council to develop specifications
for a uniform arrest affidavit; providing requirements
for such affidavits; requiring the council to develop
specifications for a uniform criminal charge and
disposition statute crosswalk table and uniform
criminal disposition and sentencing crosswalk table;
requiring the department to procure the affidavit and
statute crosswalk tables by a certain date; requiring
the department to provide training on the use of the
affidavit and crosswalk tables; requiring law
enforcement agencies to use the uniform arrest
affidavit and other agencies to use the statute
crosswalk tables by a certain date; amending s.
944.40, F.S.; including escape while on furlough in
the offense of escape; providing criminal penalties;
amending s. 944.47, F.S.; providing enhanced penalties
for offenses involving introduction of contraband in
correctional facilities when committed by correctional
facility employees; amending s. 944.704, F.S.;
authorizing the department to increase the number of
employees serving as transition specialists and
employment specialists; requiring transition
assistance staff to provide job assignment
credentialing and industry certification information
to inmates before their release; amending s. 944.705,
F.S.; requiring the department to establish a
telephone hotline for released offenders; requiring
that the department provide an inmate with a
comprehensive community reentry resource directory
organized by county before the inmate’s release;
requiring the department to use certain programming
data to notify inmates about reentry resources before
release; authorizing a nonprofit faith-based or
professional business or a civic or community
organization to apply for registration with the
department to provide inmate reentry services;
requiring the department to adopt certain policies and
procedures; authorizing the department to deny
approval and registration of an organization or
representative of an organization under certain
circumstances; authorizing the department to contract with a public or private educational institution’s veteran advocacy clinic or veteran legal clinic for certain purposes; authorizing the department to contract with public or private organizations to establish transitional employment programs that provide employment opportunities to recently released inmates; requiring the department to adopt certain rules; amending s. 944.801, F.S.; authorizing the Correctional Education Program to establish a Prison Entrepreneurship Program and adopt procedures for admitting student inmates; providing requirements for the program; authorizing transitional and postrelease continuing educational services to be offered under certain circumstances; requiring the department to enter into certain agreements to implement the program; requiring that the program be funded with existing resources; authorizing the Department of Corrections to develop a program, in cooperation with the Department of Agriculture and Consumer Service, the Florida Forestry Division, and the Florida Department of Financial Services, Division of State Fire Marshall, to train and certify inmates to become firefighters; amending s. 948.001, F.S.; redefining the term “administrative probation”; amending s. 948.013, F.S.; authorizing the department to transfer an offender to administrative probation under certain circumstances; amending s. 948.04, F.S.; requiring a court to early terminate a term of probation or
convert the term to administrative probation under
certain circumstances; authorizing a court to continue
reporting probation upon making written findings;
amending s. 948.05, F.S.; requiring the department to
implement a graduated incentives program for
probationers and offenders on community control;
authorizing the department to issue certain incentives
without leave of court; amending s. 948.06, F.S.;
requiring a probation officer to determine whether a
probationer or offender on community control who
commits a technical violation is eligible for a
certain alternative sanctioning program; authorizing
the probation officer to take certain actions if such
probationer or offender is eligible; defining the term
“technical violation”; requiring a court to modify or
continue a probationary term under certain
circumstances; requiring that judicial circuits
establish an alternative sanctioning program;
authorizing the chief judge of each judicial circuit
to issue specified administrative orders; requiring a
probation officer to submit to the court for approval
any recommended sanctions against a probationer or
offender determined to be eligible for the program;
defining the terms “low-risk violation” and “moderate-
risk violation”; specifying circumstances under which
a probationer or offender on community control is not
eligible for an alternative sanction; authorizing a
probation officer to offer an eligible probationer one
or more specified alternative sanctions for a first or
second low-risk violation; authorizing a probation
officer, under certain circumstances, to offer an
eligible probationer or offender on community control
one or more specified alternative sanctions for a
first moderate-risk violation; providing that the
participation of a probationer or offender on
community control in the alternative sanctioning
program is voluntary, subject to certain requirements;
specifying actions that a probationer or offender on
community control may take if he or she is eligible
for an alternative sanctioning program; requiring that
a probation officer, under certain circumstances,
submit a recommended sanction to the court;
authorizing the court to impose the recommended
sanction or direct the department to submit a
violation report, affidavit, and warrant to the court;
authorizing a probation officer to submit a violation
report, affidavit, and warrant to the court under
certain circumstances; prohibiting certain evidence in
subsequent proceedings; amending s. 948.08, F.S.;
expanding eligibility criteria for pretrial substance
abuse education programs to include a person with two
or fewer convictions for nonviolent felonies; creating
s. 948.081, F.S.; authorizing community court
programs; providing program requirements; amending s.
951.22, F.S.; providing an exception to a prohibition
on contraband for certain legal documents; prohibiting
introduction into or possession of certain cellular
telephones or other portable communication devices on
the grounds of any county detention facility; providing criminal penalties; amending s. 958.04, F.S.; revising the criteria authorizing a court to sentence as a youthful offender a person who is found guilty of, or who pled nolo contendere or guilty to, committing a felony before the person turned 21 years of age; amending s. 960.07, F.S.; increasing the timeframe for filing a crime victim compensation claim; providing an extension for good cause for a specified period; increasing the timeframe to file a claim for a victim or intervenor who was under a certain age at the time of the crime; providing an extension of a certain timeframe for good cause; increasing the timeframe a victim of a sexually violent offense may file a claim for victim compensation; amending s. 960.13, F.S.; increasing the timeframe for prompt reporting of a crime to be eligible for a victim compensation award; amending s. 960.195, F.S.; increasing the timeframe for reporting a criminal or delinquent act resulting in property loss of an elderly person or disabled adult; amending s. 960.196, F.S.; increasing the timeframe to report certain human trafficking offenses to be eligible for a victim relocation assistance award; providing an extension for good cause; amending s. 960.28, F.S., increasing the maximum monetary reimbursement amount to certain medical providers for an initial forensic physical examination of certain victims; amending s. 985.12, F.S.; providing that locally authorized
entities may continue to operate an independent civil
citation or similar prearrest diversion program that
is in operation as of October 1, 2018; requiring each
civil citation or similar diversion program to enter
appropriate youth data into the Juvenile Justice
Information System Prevention Web within a specified
period after the admission of the youth into the
program; amending s. 985.126, F.S.; removing the
requirement for law enforcement officers to submit a
copy of specified documentation to the Department of
Juvenile Justice; requiring certain information be
entered into the Juvenile Justice Information System
Prevention Web within a specified timeframe; amending
s. 985.145, F.S.; deleting the requirement that the
department must enter certain information into the
Juvenile Justice Information System Prevention Web in
specified instances; amending s. 985.557, F.S.;
deleting provisions requiring the mandatory direct
filing of charges in adult court against juveniles
under certain circumstances; amending ss. 776.09,
943.053, and 943.0582, F.S.; conforming cross-
references; amending s. 985.565, F.S.; conforming
provisions to changes made by the act; amending s.
921.0022, F.S.; listing on levels 3 and 4 certain
felonies on the offense severity ranking chart of the
Criminal Punishment Code; conforming provisions to
changes made by the act; reenacting s. 322.05(11),
F.S., relating to prohibiting the issuance of a driver
license to certain persons, to incorporate the
amendment made to s. 322.056, F.S., in a reference
thereto; reenacting s. 316.027(2)(c) and
907.041(4)(c), F.S., relating to a crash involving
death or personal injuries and pretrial detention and
release, respectively, to incorporate the amendment
made to s. 322.34, F.S., in references thereto;
reenacting s. 509.161, F.S., relating to rules of
evidence in certain prosecutions, to incorporate the
amendment made to s. 509.151, F.S., in a reference
thereto; reenacting ss. 790.065(2)(c), 794.056(1),
847.0141(4), 901.41(5), 938.08, 938.085,
943.325(2)(g), 948.06(8)(c), 948.062(1),
960.001(1)(b), 985.265(3)(b), and 1006.147(3)(e),
F.S., relating to the sale and delivery of firearms,
the Rape Crisis Program Trust Fund, sexting, prearrest
diversion programs, additional costs to fund programs
in domestic violence and rape crisis centers, the DNA
database, the definition of the term “qualifying
offense” as it relates to the violation of probation
or community control and failure to pay restitution or
cost of supervision, reviewing and reporting serious
offenses committed by offenders placed on probation or
community control, guidelines for fair treatment of
victims and witnesses in the criminal justice and
juvenile justice systems, detention transfer and
release, education, and adult jails, and the
prohibition of bullying and harassment, respectively,
to incorporate the amendment made to s. 784.048, F.S.,
in references thereto; reenacting s. 316.0775(1),
F.S., relating to interference with official traffic
control devices or railroad signs or signals, to
classify the amendment made to s. 806.13, F.S., in
a reference thereto; reenacting ss. 95.18(10),
373.6055(3)(c), 400.9935(3), 550.6305(10), 627.743(2),
634.421(2), 642.038(2), 705.102(4), 812.14(7), and
893.138(3), F.S., relating to real property actions
and adverse possession without color of title,
criminal history checks for certain water management
district employees and others, clinic
responsibilities, intertrack wagering, guest track
payments, and accounting rules, the payment of third-
party claims, reporting and accounting for funds,
reporting lost or abandoned property, trespass and
larceny with relation to utility fixtures and the
theft of utility services, and local administrative
action to abate drug-related, prostitution-related, or
stolen-property-related public nuisances and criminal
gang activity, respectively, to incorporate the
amendment made to s. 812.014, F.S., in references
thereto; reenacting ss. 538.09(5) and 538.23(2), F.S.,
relating to the registration of and violations and
penalties for secondhand dealers, respectively, to
incorporate the amendment made to s. 812.015, F.S., in
references thereto; reenacting s. 1006.147(3)(e),
F.S., relating to the prohibition of bullying and
harassment, to incorporate the amendment made to s.
815.03, F.S., in a reference thereto; reenacting ss.
316.80(2), 775.30(1) and (2), 775.33(2), 782.04(5),
and 934.07(3), F.S., relating to the unlawful conveyance of fuel and obtaining fuel fraudulently, terrorism, providing material support or resources for terrorism or to terrorist organizations, the definition of the term “terrorism” as it relates to murder, and the authorization for interception of wire, oral, or electronic communications, respectively, to incorporate the amendment made to s. 815.06, F.S., in references thereto; reenacting s. 849.02, F.S., relating to agents or employees of keepers of gambling houses, to incorporate the amendment made to s. 849.01, F.S., in a reference thereto; reenacting ss. 373.6055(3)(c), 397.4073(6), 414.095(1), 772.12(2), 775.087(2)(a) and (3)(a), 782.04(1)(a), (3), and (4), 810.02(3), 893.13(8)(d), 893.1351(1) and (2), 900.05(3)(e), 903.133, 907.041(4)(c), 921.141(9), and 921.142(2), F.S., relating to criminal history checks for certain water management district employees and others, background checks of service provider personnel, determining eligibility for temporary cash assistance, the Drug Dealer Liability Act, possession or use of a weapon, aggravated battery, felony reclassifications, and minimum sentencing, murder, burglary, prohibited acts and penalties relating to controlled substances, the ownership, lease, rental, or possession for trafficking in or manufacturing a controlled substance, criminal justice data collection, the prohibition of bail on appeal for certain felony
convictions, pretrial detention and release, the sentence of death or life imprisonment for capital felonies and further proceedings to determine sentences, and the sentence of death or life imprisonment for capital drug trafficking felonies and further proceedings to determine sentences, respectively, to incorporate the amendment made to s. 893.135, F.S., in references thereto; reenacting s. 944.026(3)(a), F.S., relating to community-based facilities and programs, to incorporate the amendment made to s. 944.704, F.S., in a reference thereto; reenacting s. 944.4731(6), F.S., relating to the Addiction-Recovery Supervision Program, to incorporate the amendment made to s. 944.705, F.S., in a reference thereto; reenacting s. 447.203(2), F.S., relating to the definition of the terms “public employer” or “employer,” to incorporate the amendment made to s. 944.801, F.S., in a reference thereto; reenacting s. 921.187(1)(n), F.S., relating to disposition and sentencing alternatives, to incorporate the amendment made to s. 948.013, F.S., in a reference thereto; reenacting ss. 948.012(2)(b), 948.10(3), 948.20(3), and 958.14, F.S., relating to split sentencing of probation or community control and imprisonment, procedures governing violations of community control, revocation of drug offender probation, and violations of probation or community control programs, respectively, to incorporate the amendment made to s. 948.06, F.S., in references thereto; reenacting ss.
7856 796.07(4)(b), 944.026(3)(b), and 948.036(1), F.S.,
7857 relating to charges of prostitution and related acts,
7858 certain pretrial intervention programs, and work
7859 programs, respectively, to incorporate the amendment
7860 made to s. 948.08, F.S., in references thereto;
7861 reenacting ss. 394.47892(2), 397.334(5), and
7862 910.035(5)(a), F.S., relating to mental health court
7863 programs, treatment-based drug court programs, and
7864 transfer for participation in a problem-solving court,
7865 respectively, to incorporate the amendments made to
7866 ss. 948.08 and 948.16, F.S., in references thereto;
7867 reenacting ss. 958.03(5), 958.045(8)(a), 958.046, and
7868 985.565(4)(c), F.S., relating to the definition of the
7869 term “youthful offender,” the youthful offender basic
7870 training program, county-operated youthful offender
7871 boot camp programs, and adult sanctions upon failure
7872 of juvenile sanctions, to incorporate the amendment
7873 made to s. 958.04, F.S., in references thereto;
7874 reenacting s. 985.556(3), F.S., relating to
7875 involuntary mandatory waiver, to incorporate the
7876 amendment made to s. 985.557, F.S., in a reference
7877 thereto; reenacting ss. 985.15(1), and 985.26(2)(c),
7878 F.S., relating to filing decisions of state attorneys
7879 in the prosecution of a child, and length of detention
7880 for prolific juvenile offenders, respectively, to
7881 incorporate the amendment made to s. 985.557, F.S., in
7882 references thereto; creating the Task Force on the
7883 Criminal Punishment Code adjunct to the Department of
7884 Legal Affairs; providing a legislative finding;
specifying the task force’s purpose; requiring that the task force analyze best practices; providing for membership of the task force and the filling of any vacancies; providing meeting requirements; providing for staff support; requiring specified governmental entities to provide certain information and support services upon request of the Attorney General; providing for reimbursement of per diem and travel expenses; prescribing reporting requirements; providing for dissolution of the task force; providing an appropriation; providing effective dates.