

1                   A bill to be entitled  
2           An act relating to public safety; amending s. 212.15,  
3           F.S.; increasing threshold amounts for certain theft  
4           offenses; amending s. 322.055, F.S.; reducing the  
5           length of driver license revocation for possession or  
6           sale of, trafficking in, or conspiracy to possess,  
7           sell, or traffic in a controlled substance; deleting  
8           provisions authorizing a driver to petition the  
9           Department of Highway Safety and Motor Vehicles for  
10          restoration of his or her driving privilege; amending  
11          s. 322.056, F.S.; reducing the period for revocation  
12          or suspension of, or delay of eligibility for, driver  
13          licenses or driving privileges for certain persons  
14          found guilty of certain drug offenses; deleting  
15          requirements relating to the revocation or suspension  
16          of, or delay of eligibility for, driver licenses or  
17          driving privileges for certain persons found guilty of  
18          certain alcohol or tobacco offenses; deleting  
19          provisions authorizing a driver to petition the  
20          Department of Highway Safety and Motor Vehicles for  
21          restoration of his or her driving privilege; repealing  
22          s. 322.057, F.S., relating to discretionary revocation  
23          or suspension of a driver license for certain persons  
24          who provide alcohol to persons under a specified age;  
25          creating s. 322.75, F.S.; requiring each clerk of

26 | court to establish a Driver License Reinstatement Days  
27 | program for reinstating suspended driver licenses in  
28 | certain circumstances; providing duties of the clerks  
29 | of the circuit courts and the Department of Highway  
30 | Safety and Motor Vehicles; authorizing such clerks to  
31 | compromise on or waive certain fees and costs;  
32 | providing eligibility requirements; amending s.  
33 | 394.47891, F.S.; revising the list of individuals who,  
34 | if charged or convicted of certain criminal offenses,  
35 | may participate in a Military Veterans and  
36 | Servicemembers Court Program under certain  
37 | circumstances; amending s. 394.917, F.S.; revising the  
38 | duties of the Department of Children and Families  
39 | concerning criminal offenders designated as sexually  
40 | violent predators; amending s. 397.334, F.S.;;  
41 | conforming provisions to changes made in the act;  
42 | amending s. 455.213, F.S.; conforming a cross-  
43 | reference; requiring the Department of Business and  
44 | Professional Regulation or the applicable board to use  
45 | a specified process for the review of an applicant's  
46 | criminal record to determine the applicant's  
47 | eligibility for certain licenses; prohibiting the  
48 | conviction of a crime before a specified date from  
49 | being grounds for denial of certain licenses; defining  
50 | the term "conviction"; authorizing a person to apply

51 for a license before his or her lawful release from  
52 confinement or supervision; prohibiting additional  
53 fees for an applicant confined or under supervision;  
54 prohibiting the department or applicable board from  
55 basing a denial of a license application solely on the  
56 applicant's current confinement or supervision;  
57 authorizing the department or applicable board to stay  
58 the issuance of an approved license under certain  
59 circumstances; requiring the department or applicable  
60 board to verify an applicant's release with the  
61 Department of Corrections or other applicable  
62 authority; providing requirements for the appearance  
63 of certain applicants at certain meetings; requiring  
64 the department or applicable board to provide an  
65 annually updated list on its website specifying how  
66 certain crimes affect an applicant's eligibility for  
67 licensure; providing that certain information be  
68 identified for each crime on the list; requiring such  
69 list be available to the public upon request; amending  
70 s. 474.2165, F.S.; authorizing a veterinarian to  
71 report certain suspected criminal violations without  
72 notice to or authorization from a client; providing an  
73 exception; amending s. 489.126, F.S.; providing a just  
74 cause defense for criminal offenses and disciplinary  
75 violations; providing an inference; deleting an intent

76 requirement for contractor offenses; revising elements  
77 of offenses; revising criminal penalties for  
78 contractor offenses; amending s. 489.553, F.S.;  
79 prohibiting the conviction of a crime from being  
80 grounds for the denial of registration after a  
81 specified time has passed under certain circumstances;  
82 defining the term "conviction"; authorizing a person  
83 to apply for registration before his or her lawful  
84 release from confinement or supervision; prohibiting  
85 the Department of Business and Professional Regulation  
86 from charging an applicant who is confined or under  
87 supervision additional fees; prohibiting the  
88 applicable board from basing the denial of  
89 registration solely on the applicant's current  
90 confinement or supervision; authorizing the board to  
91 stay the issuance of an approved registration under  
92 certain circumstances; requiring the board to verify  
93 an applicant's release with the Department of  
94 Corrections or other applicable authority; providing  
95 requirements for the appearance of certain applicants  
96 at certain meetings; requiring the applicable board to  
97 provide a quarterly updated list on its website  
98 specifying how certain crimes may affect an  
99 applicant's eligibility for registration; providing  
100 that certain information be identified for each crime

101 on the list; requiring such list be available to the  
102 public upon request; amending s. 500.451, F.S.;  
103 abolishing mandatory minimum sentence for the sale of  
104 horse meat for human consumption; amending s. 509.151,  
105 F.S.; increasing threshold amounts for certain theft  
106 offenses; amending s. 562.11, F.S.; deleting  
107 provisions relating to withholding issuance of, or  
108 suspending or revoking, a driver license or driving  
109 privilege for possession of alcoholic beverages by  
110 persons under a specified age; amending s. 562.111,  
111 F.S.; removing the mandatory driver license suspension  
112 requirement for conviction of possession of alcohol by  
113 a person younger than 21 years of age; amending s.  
114 562.27, F.S.; reducing the offense severity of certain  
115 crimes related to the possession of a still or related  
116 apparatus; amending s. 562.451, F.S.; reducing the  
117 offense severity for possession of one or more gallons  
118 of certain liquors; amending s. 569.11, F.S.; revising  
119 penalties for persons under a specified age who  
120 knowingly possess, misrepresent their age or military  
121 service to purchase, or purchase or attempt to  
122 purchase tobacco products; authorizing, rather than  
123 requiring, a court to direct the Department of Highway  
124 Safety and Motor Vehicles to withhold issuance of or  
125 suspend a person's driver license or driving privilege

126 for certain violations; amending s. 713.69, F.S.;  
127 increasing thresholds for certain theft offenses;  
128 amending s. 775.082, F.S.; specifying that certain  
129 offenders released from incarceration from county  
130 detention facilities qualify as prison releasee  
131 reoffenders; amending s. 784.046, F.S.; prohibiting  
132 attorney fees in cases seeking an injunction for  
133 protection against repeat, dating, or sexual violence;  
134 amending s. 784.048, F.S.; revising the definition of  
135 the term "cyberstalk"; providing criminal penalties;  
136 amending s. 784.0485, F.S.; prohibiting attorney fees  
137 in cases seeking an injunction for protection against  
138 stalking; amending s. 784.049, F.S.; revising  
139 legislative findings; revising definitions; providing  
140 that sexual cyberharassment includes dissemination of  
141 an image through electronic means other than  
142 publication on a website; requiring that a person have  
143 a reasonable expectation of privacy in an image for  
144 the publication or dissemination of the image to  
145 qualify as sexual cyberharassment; providing that  
146 certain actions do not eliminate such an expectation  
147 of privacy; amending s. 790.052, F.S.; specifying that  
148 certain law enforcement and correctional officers meet  
149 the definition of "qualified law enforcement officer"  
150 for the purposes of qualifying for certain rights

151 during off-duty hours; specifying that certain persons  
152 meet the definition of "qualified retired law  
153 enforcement officer" for the purposes of qualifying  
154 for certain rights during off-duty hours; amending s.  
155 790.22, F.S.; authorizing, rather than requiring, a  
156 court to withhold issuance of or suspend a person's  
157 driver license or driving privilege for a minor who  
158 possesses or uses a firearm in certain circumstances;  
159 amending s. 800.09, F.S.; revising the definition of  
160 the term "employee"; prohibiting certain lewd or  
161 lascivious acts in the presence of county correctional  
162 personnel; providing criminal penalties; amending s.  
163 806.13, F.S.; authorizing, rather than requiring, a  
164 court to withhold issuance of or suspend a person's  
165 driver license or driving privilege for committing  
166 criminal mischief by a minor; amending s. 812.014,  
167 F.S.; increasing threshold amounts for certain theft  
168 offenses; adding utility services to the list of items  
169 the theft of which constitutes a felony of the third  
170 degree; amending s. 812.015, F.S.; increasing  
171 threshold amounts for certain theft offenses; revising  
172 requirements for aggregation of retail thefts;  
173 amending s. 812.0155, F.S.; removing a court's  
174 authority to suspend a driver license for a  
175 misdemeanor theft adjudication of guilt for a person

176 18 years of age or older; allowing a court to suspend  
177 a driver license for a person 18 years of age or  
178 younger as an alternative to other possible sentences;  
179 amending s. 815.03, F.S.; revising the definition of  
180 the term "access" for purposes of provisions relating  
181 to computer crimes; amending s. 815.06, F.S.; revising  
182 conduct constituting an offense against users of  
183 computers, computer systems, computer networks, or  
184 electronic devices; providing criminal penalties;  
185 amending s. 817.413, F.S.; increasing threshold  
186 amounts for certain theft offenses; amending s.  
187 831.28, F.S.; criminalizing possession of a  
188 counterfeit instrument with intent to defraud;  
189 amending s. 847.011, F.S.; prohibiting a person from  
190 knowingly selling, lending, giving away, distributing,  
191 transmitting, showing, or transmuting; offering to  
192 commit such actions, having in his or her possession,  
193 custody, or control with the intent to commit such  
194 actions or advertising in any manner an obscene,  
195 child-like sex doll; providing criminal penalties;  
196 prohibiting a person from knowingly having in his or  
197 her possession, custody, or control an obscene, child-  
198 like sex doll; providing criminal penalties; amending  
199 s. 849.01, F.S.; reducing the offense severity of  
200 certain crimes relating to keeping a gambling house or



201 possessing certain gambling apparatuses; amending s.  
202 877.112, F.S.; removing driver license revocation or  
203 suspension as a penalty for certain offenses involving  
204 nicotine products; amending s. 893.135, F.S.; revising  
205 threshold amounts for trafficking in hydrocodone;  
206 amending s. 921.0022, F.S.; conforming provisions of  
207 the offense severity ranking chart of the Criminal  
208 Punishment Code to changes made by the act; ranking  
209 introduction, or possession of, a cellular telephone  
210 or other portable communication device on county  
211 detention facility grounds; creating s. 943.0578,  
212 F.S.; establishing eligibility criteria for expunction  
213 of a criminal history record by a person found to have  
214 acted in lawful self-defense; requiring the Department  
215 of Law Enforcement to issue a certificate of  
216 eligibility for expunction if specified criteria are  
217 fulfilled; specifying requirements for a petition to  
218 expunge; creating a penalty for providing false  
219 information on such petition; requiring the department  
220 to adopt rules relating to a certificate of expunction  
221 for lawful self-defense; amending s. 943.0581, F.S.;  
222 clarifying administrative expunction applies to  
223 criminal history records resulting from an arrest made  
224 contrary to law or by mistake; creating s. 943.0584,  
225 F.S.; providing a definition; specifying criminal

226 history records which are ineligible for court-ordered  
227 expunction or court-ordered sealing; amending s.  
228 943.0585, F.S.; providing eligibility criteria for  
229 court-ordered expunction of a criminal history record;  
230 requiring the Department of Law Enforcement to issue a  
231 certificate of eligibility to petitioners meeting  
232 eligibility criteria; specifying requirements for a  
233 petition for court-ordered expunction; specifying a  
234 court's authority to expunge criminal history records;  
235 specifying the process for a petition to expunge a  
236 criminal history record; specifying the process  
237 following the issuance of an order to expunge a  
238 criminal history record; specifying the effect of an  
239 order to expunge a criminal history record; amending  
240 s. 943.059, F.S.; providing eligibility criteria for  
241 court-ordered sealing of a criminal history record;  
242 requiring the department to issue a certificate of  
243 eligibility to petitioners meeting eligibility  
244 criteria; specifying requirements for a petition for  
245 court-ordered sealing; specifying a court's authority  
246 to seal criminal history records; specifying the  
247 process for a petition to seal a criminal history  
248 record; specifying the effect of an order to seal a  
249 criminal history record; creating s. 943.0595, F.S.;  
250 requiring the Department of Law Enforcement to adopt

251 rules to implement administrative sealing of specified  
252 criminal history records; providing eligibility  
253 criteria for administrative sealing of criminal  
254 history records; specifying ineligible criminal  
255 history records; providing for an unlimited number of  
256 times a person with an eligible criminal history  
257 record may receive administrative sealing; requiring  
258 the clerk of court to transmit a certified copy of an  
259 eligible criminal history record to the department  
260 upon the resolution of a criminal case; specifying  
261 that the effect of automatic sealing is the same as  
262 court-ordered sealing; amending s. 943.325, F.S.;  
263 revising legislative findings relating to the use of  
264 the DNA database; amending s. 944.47, F.S.; providing  
265 enhanced penalties for offenses involving introduction  
266 of contraband in correctional facilities when  
267 committed by correctional facility employees; amending  
268 s. 944.704, F.S.; requiring transition assistance  
269 staff to provide job assignment credentialing and  
270 industry certification information to inmates prior to  
271 release; authorizing the Department of Corrections to  
272 increase the number of employees serving as a  
273 transition specialist and employment specialist;  
274 amending s. 944.705, F.S.; requiring the department to  
275 establish a telephone hotline for released offenders;

276 requiring the department to provide a comprehensive  
277 community reentry resource directory to each inmate  
278 before release; requiring the department to use  
279 certain programming data to notify inmates about  
280 reentry resources before release; requiring the  
281 department to allow nonprofit faith-based, business  
282 and professional, civic, and community organizations  
283 to apply to be registered to provide inmate reentry  
284 services; requiring the department to adopt policies  
285 for screening, approving, and registering  
286 organizations that apply; authorizing the department  
287 to contract with public or private educational  
288 institutions to assist veteran inmates in applying for  
289 certain benefits; authorizing the department to  
290 contract with public or private organizations to  
291 establish transitional employment programs that  
292 provide employment opportunities to recently released  
293 inmates; requiring the department to adopt rules;  
294 amending s. 944.801, F.S.; authorizing the department  
295 to expand the use of job assignment credentialing and  
296 industry certifications; requiring the department to  
297 develop a Prison Entrepreneurship Program and adopt  
298 procedures for inmate admission; specifying program  
299 requirements; requiring the department to enter into  
300 agreements with certain entities to carry out duties

301 associated with the program; amending s. 948.001,  
302 F.S.; revising the definition of administrative  
303 probation; authorizing a court to order an offender  
304 into administrative probation; amending s. 948.013,  
305 F.S.; specifying when the Department of Corrections  
306 may transfer an offender to administrative probation;  
307 amending s. 948.04, F.S.; requiring a court to early  
308 terminate a term of probation or convert the term to  
309 administrative probation under certain circumstances;  
310 allowing a court to continue reporting probation upon  
311 making written findings; amending s. 948.05, F.S.;  
312 requiring the Department of Corrections to implement a  
313 graduated incentives program for probationers and  
314 offenders on community control; authorizing the  
315 department to issue certain incentives without leave  
316 of court; amending s. 948.06, F.S.; requiring a court  
317 to modify or continue a probationary term under  
318 certain circumstances; requiring each judicial circuit  
319 to establish an alternative sanctioning program;  
320 defining low- and moderate-risk level technical  
321 violations of probation; establishing permissible  
322 sanctions for low- and moderate-risk violations of  
323 probation under the program; establishing eligibility  
324 criteria; authorizing a probationer who allegedly  
325 committed a technical violation to waive participation

326 | in or elect to participate in the program, admit to  
327 | the violation, agree to comply with the recommended  
328 | sanction, and agree to waive certain rights; requiring  
329 | a probation officer to submit the recommended sanction  
330 | and certain documentation to the court if the  
331 | probationer admits to committing the violation;  
332 | authorizing the court to impose the recommended  
333 | sanction or direct the department to submit a  
334 | violation report, affidavit, and warrant to the court;  
335 | authorizing a probation officer to submit a violation  
336 | report, affidavit, and warrant to the court in certain  
337 | circumstances; amending s. 948.08, F.S.; expanding  
338 | eligibility criteria for pretrial substance abuse  
339 | education programs to include a person with two or  
340 | fewer convictions for nonviolent felonies; revising  
341 | the list of individuals who, if charged with certain  
342 | felonies, are eligible for voluntary admission into a  
343 | pretrial veterans' treatment intervention program  
344 | under certain circumstances; creating s. 948.081,  
345 | F.S.; authorizing community court programs; amending  
346 | s. 948.16, F.S.; revising the list of individuals who,  
347 | if charged with certain misdemeanors, are eligible for  
348 | voluntary admission into a misdemeanor pretrial  
349 | veterans' treatment intervention program under certain  
350 | circumstances; amending s. 948.21, F.S.; revising the

351 list of individuals who, if probationers or community  
352 controlees, may be required to participate in a  
353 certain treatment program under certain circumstances;  
354 providing program criteria; amending s. 951.22, F.S.;  
355 prohibiting introduction into or possession of certain  
356 cellular telephones or other portable communication  
357 devices on the grounds of any county detention  
358 facility; providing criminal penalties; amending s.  
359 958.04, F.S.; revising the criteria authorizing a  
360 court to sentence as a youthful offender a person who  
361 is found guilty of, or who pled nolo contendere or  
362 guilty to, committing a felony before the person  
363 turned 21 years of age; amending s. 960.07, F.S.;  
364 increasing the timeframe for filing a crime victim  
365 compensation claim; providing an extension for good  
366 cause for a specified period; increasing the timeframe  
367 for a victim or intervenor who was under the age of 18  
368 at the time of the crime to file a claim; provides an  
369 extension for good cause of 2 additional years;  
370 increasing the timeframe for filing a claim for victim  
371 compensation for a victim of a sexually violent  
372 offense; amending s. 960.13, F.S.; increasing the  
373 timeframe for prompt reporting of a crime to be  
374 eligible for a victim compensation award; amending s.  
375 960.195, F.S.; increasing the timeframe for reporting

376 a criminal or delinquent act resulting in property  
 377 loss of an elderly person or disabled adult; amending  
 378 s. 960.196, F.S.; increasing the timeframe to report  
 379 certain human trafficking offenses to be eligible for  
 380 a victim relocation assistance award; providing an  
 381 extension for good cause; amending s. 985.557, F.S.;  
 382 repealing provisions requiring the mandatory direct  
 383 filing of charges in adult court against juveniles in  
 384 certain circumstances; amending s. 985.565, F.S.;  
 385 conforming provisions to changes made by the act;  
 386 providing an effective date.

387

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

389

390 Section 1. Subsection (2) of section 212.15, Florida  
 391 Statutes, is amended to read:

392 212.15 Taxes declared state funds; penalties for failure to  
 393 remit taxes; due and delinquent dates; judicial review.—

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

398 (a) If the total amount of stolen revenue is less than  
 399 \$1,000 ~~\$300~~, the offense is a misdemeanor of the second degree,  
 400 punishable as provided in s. 775.082 or s. 775.083. Upon a



401 second conviction, the offender commits ~~is guilty of~~ a  
 402 misdemeanor of the first degree, punishable as provided in s.  
 403 775.082 or s. 775.083. Upon a third or subsequent conviction,  
 404 the offender commits ~~is guilty of~~ a felony of the third degree,  
 405 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

417 Section 2. Subsections (1) through (4) of section 322.055,  
 418 Florida Statutes, are amended to read:

419 322.055 Revocation or suspension of, or delay of  
 420 eligibility for, driver license for persons 18 years of age or  
 421 older convicted of certain drug offenses.—

422 (1) Notwithstanding s. 322.28, upon the conviction of a  
 423 person 18 years of age or older for possession or sale of,  
 424 trafficking in, or conspiracy to possess, sell, or traffic in a  
 425 controlled substance, the court shall direct the department to

426 ~~suspend~~ suspend ~~revoke~~ the person's driver license or driving privilege  
427 ~~of the person.~~ The suspension ~~period of such revocation~~ shall be  
428 6 months ~~1 year~~ or until the person is evaluated for and, if  
429 deemed necessary by the evaluating agency, completes a drug  
430 treatment and rehabilitation program approved or regulated by  
431 the Department of Children and Families. However, the court may,  
432 upon finding a compelling circumstance to warrant an exception  
433 ~~in its sound discretion,~~ direct the department to issue a  
434 license for driving privilege restricted to business or  
435 employment purposes only, as defined by s. 322.271, if the  
436 person is otherwise qualified for such a license. ~~A driver whose~~  
437 ~~license or driving privilege has been suspended or revoked under~~  
438 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~  
439 ~~petition the department for restoration of the driving privilege~~  
440 ~~on a restricted or unrestricted basis depending on length of~~  
441 ~~suspension or revocation. In no case shall a restricted license~~  
442 ~~be available until 6 months of the suspension or revocation~~  
443 ~~period has expired.~~

444 (2) If a person 18 years of age or older is convicted for  
445 the possession or sale of, trafficking in, or conspiracy to  
446 possess, sell, or traffic in a controlled substance and such  
447 person is eligible by reason of age for a driver license or  
448 privilege, the court shall direct the department to withhold  
449 issuance of such person's driver license or driving privilege  
450 for a period of 6 months ~~1 year~~ after the date the person was

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451 convicted or until the person is evaluated for and, if deemed  
452 necessary by the evaluating agency, completes a drug treatment  
453 and rehabilitation program approved or regulated by the  
454 Department of Children and Families. However, the court may,  
455 upon finding a compelling circumstance to warrant an exception  
456 ~~in its sound discretion~~, direct the department to issue a  
457 license for driving privilege restricted to business or  
458 employment purposes only, as defined by s. 322.271, if the  
459 person is otherwise qualified for such a license. ~~A driver whose~~  
460 ~~license or driving privilege has been suspended or revoked under~~  
461 ~~this section or s. 322.056 may, upon the expiration of 6 months,~~  
462 ~~petition the department for restoration of the driving privilege~~  
463 ~~on a restricted or unrestricted basis depending on the length of~~  
464 ~~suspension or revocation. In no case shall a restricted license~~  
465 ~~be available until 6 months of the suspension or revocation~~  
466 ~~period has expired.~~

467 (3) If a person 18 years of age or older is convicted for  
468 the possession or sale of, trafficking in, or conspiracy to  
469 possess, sell, or traffic in a controlled substance and such  
470 person's driver license or driving privilege is already under  
471 suspension or revocation for any reason, the court shall direct  
472 the department to extend the period of such suspension or  
473 revocation by an additional period of 6 months ~~1 year~~ or until  
474 the person is evaluated for and, if deemed necessary by the  
475 evaluating agency, completes a drug treatment and rehabilitation

476 program approved or regulated by the Department of Children and  
477 Families. However, the court may, upon finding a compelling  
478 circumstance to warrant an exception ~~in its sound discretion,~~  
479 direct the department to issue a license for driving privilege  
480 restricted to business or employment purposes only, as defined  
481 by s. 322.271, if the person is otherwise qualified for such a  
482 license. ~~A driver whose license or driving privilege has been~~  
483 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
484 ~~the expiration of 6 months, petition the department for~~  
485 ~~restoration of the driving privilege on a restricted or~~  
486 ~~unrestricted basis depending on the length of suspension or~~  
487 ~~revocation. In no case shall a restricted license be available~~  
488 ~~until 6 months of the suspension or revocation period has~~  
489 ~~expired.~~

490 (4) If a person 18 years of age or older is convicted for  
491 the possession or sale of, trafficking in, or conspiracy to  
492 possess, sell, or traffic in a controlled substance and such  
493 person is ineligible by reason of age for a driver license or  
494 driving privilege, the court shall direct the department to  
495 withhold issuance of such person's driver license or driving  
496 privilege for a period of 6 months ~~1 year~~ after the date that he  
497 or she would otherwise have become eligible or until he or she  
498 becomes eligible by reason of age for a driver license and is  
499 evaluated for and, if deemed necessary by the evaluating agency,  
500 completes a drug treatment and rehabilitation program approved

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501 or regulated by the Department of Children and Families.  
502 However, the court may, upon finding a compelling circumstance  
503 to warrant an exception ~~in its sound discretion~~, direct the  
504 department to issue a license for driving privilege restricted  
505 to business or employment purposes only, as defined by s.  
506 322.271, if the person is otherwise qualified for such a  
507 license. ~~A driver whose license or driving privilege has been~~  
508 ~~suspended or revoked under this section or s. 322.056 may, upon~~  
509 ~~the expiration of 6 months, petition the department for~~  
510 ~~restoration of the driving privilege on a restricted or~~  
511 ~~unrestricted basis depending on the length of suspension or~~  
512 ~~revocation. In no case shall a restricted license be available~~  
513 ~~until 6 months of the suspension or revocation period has~~  
514 ~~expired.~~

515 Section 3. Section 322.056, Florida Statutes, is amended  
516 to read:

517 322.056 Mandatory revocation or suspension of, or delay of  
518 eligibility for, driver license for persons under age 18 found  
519 guilty of ~~certain alcohol, drug, or tobacco~~ offenses;  
520 prohibition.—

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

525 (a) The person is eligible by reason of age for a driver

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526 license or driving privilege, the court shall direct the  
527 department to revoke or to withhold issuance of his or her  
528 driver license or driving privilege for a period of 6 months.÷

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

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

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

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

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

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

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

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

548  
549 However, the court may, upon finding a compelling circumstance  
550 to warrant an exception ~~in its sound discretion,~~ direct the

551 department to issue a license for driving privileges restricted  
552 to business or employment purposes only, as defined in s.  
553 322.271, if the person is otherwise qualified for such a  
554 license.

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

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

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

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

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

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

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

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

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

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

583

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

588 ~~(3) If a person under 18 years of age is found by the~~  
589 ~~court to have committed a third violation of s. 569.11 or s.~~  
590 ~~877.112(6) or (7) within 12 weeks of the first violation, the~~  
591 ~~court must direct the Department of Highway Safety and Motor~~  
592 ~~Vehicles to suspend or withhold issuance of his or her driver~~  
593 ~~license or driving privilege for 60 consecutive days. Any third~~  
594 ~~violation of s. 569.11 or s. 877.112(6) or (7) not within the~~  
595 ~~12-week period after the first violation will be treated as a~~  
596 ~~first violation and in the same manner as provided in subsection~~  
597 ~~(2).~~

598 (2)(4) A penalty imposed under this section shall be in  
599 addition to any other penalty imposed by law.

600 ~~(5) The suspension or revocation of a person's driver~~



601 ~~license imposed pursuant to subsection (2) or subsection (3),~~  
602 ~~shall not result in or be cause for an increase of the convicted~~  
603 ~~person's, or his or her parent's or legal guardian's, automobile~~  
604 ~~insurance rate or premium or result in points assessed against~~  
605 ~~the person's driving record.~~

606 Section 4. Section 322.057, Florida Statutes, is repealed.

607 Section 5. Section 322.75, Florida Statutes, is created to  
608 read:

609 322.75 Driver License Reinstatement Days.—

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

617 (2) The clerk of court, in consultation with other  
618 participants, shall select one or more days for an event at  
619 which a person may have his or her driver license reinstated.  
620 The clerk may work with the Florida Association of Court Clerks  
621 to promote, develop communications, and coordinate the event. A  
622 person must pay the full license reinstatement fee; however, the  
623 clerk may reduce or waive other fees and costs to facilitate  
624 reinstatement.

625 (3) The clerk of court is encouraged to schedule at least

626 one event on a weekend or with hours after 5 p.m. on a weekday.

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

629 1. Driving without a valid driver license;

630 2. Driving with a suspended driver license;

631 3. Failing to make a payment on penalties in collection;

632 4. Failing to appear in court for a traffic violation; or

633 5. Failing to comply with any provision of chapter 318 or

634 this chapter.

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

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

643 (a) Failure to fulfill a court-ordered child support  
644 obligation;

645 (b) A violation of s. 316.193;

646 (c) Failure to complete a driver training program, driver  
647 improvement course, or alcohol or substance abuse education or  
648 evaluation program required under s. 316.192, s. 316.193, s.  
649 322.2616, s. 322.271, or s. 322.264;

650 (d) A traffic-related felony; or

651 (e) The person being a habitual traffic offender under s.  
652 322.264.

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

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

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

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

660 (c) The number of driver license reinstatements.

661 (d) The number of driver licenses made eligible for  
662 reinstatement.

663 (e) The amount of fees and costs collected, reported by  
664 the entity receiving the funds. The Florida Clerks of the Court  
665 Operations Corporation must report the aggregate funds received  
666 by the clerks of court, the local governmental entities, and  
667 state entities, including general revenue.

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

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

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

675 Section 6. Section 394.47891, Florida Statutes, is amended

676 to read:

677       394.47891 Military veterans, ~~and servicemembers,~~ and other  
678 court programs.—The chief judge of each judicial circuit may  
679 establish a Military Veterans and Servicemembers Court Program  
680 under which veterans, as defined in s. 1.01, including veterans  
681 who were discharged or released under a general discharge, and  
682 servicemembers, as defined in s. 250.01; individuals who are  
683 current or former United States Department of Defense  
684 contractors; and individuals who are current or former military  
685 members of a foreign allied country, who are charged or  
686 convicted of a criminal offense and who suffer from a military-  
687 related mental illness, traumatic brain injury, substance abuse  
688 disorder, or psychological problem can be sentenced in  
689 accordance with chapter 921 in a manner that appropriately  
690 addresses the severity of the mental illness, traumatic brain  
691 injury, substance abuse disorder, or psychological problem  
692 through services tailored to the individual needs of the  
693 participant. Entry into any Military Veterans and Servicemembers  
694 Court Program must be based upon the sentencing court's  
695 assessment of the defendant's criminal history, military  
696 service, substance abuse treatment needs, mental health  
697 treatment needs, amenability to the services of the program, the  
698 recommendation of the state attorney and the victim, if any, and  
699 the defendant's agreement to enter the program.

700       Section 7. Subsection (2) of section 394.917, Florida

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701 Statutes, is amended to read:

702 394.917 Determination; commitment procedure; mistrials;  
703 housing; counsel and costs in indigent appellate cases.—

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

716 Section 8. Subsection (2) of section 397.334, Florida  
717 Statutes, is amended to read:

718 397.334 Treatment-based drug court programs.—

719 (2) Entry into any pretrial treatment-based drug court  
720 program shall be voluntary. When neither s. 948.08(6)(c)1. ~~s.~~  
721 ~~948.08(6)(a)1.~~ nor 2. applies, the court may order an eligible  
722 individual to enter into a pretrial treatment-based drug court  
723 program only upon written agreement by the individual, which  
724 shall include a statement that the individual understands the  
725 requirements of the program and the potential sanctions for

726 noncompliance.

727 Section 9. Subsections (3) through (12) of section  
728 455.213, Florida Statutes, are renumbered as subsections (4)  
729 through (13), respectively, present subsection (2) is amended,  
730 and a new subsection (3) is added to that section, to read:

731 455.213 General licensing provisions.—

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

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

751 (b) A conviction, or any other adjudication, for a crime  
752 more than 5 years before the date the application is received by  
753 the applicable board may not be grounds for denial of a license.  
754 For purposes of this paragraph, the term "conviction" means a  
755 determination of guilt that is the result of a plea or trial,  
756 regardless of whether adjudication is withheld. This paragraph  
757 does not limit the department or applicable board from  
758 considering an applicant's criminal history that includes a  
759 crime listed in s. 775.21(4) (a)1. or s. 776.08 at any time only  
760 if such criminal history has been found to relate to the  
761 practice of the applicable profession, or any crime if it has  
762 been found to relate to good moral character if the applicable  
763 practice act requires such a standard.

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

770 2. After a license application is approved, the department  
771 or applicable board may stay the issuance of a license until the  
772 applicant is lawfully released from confinement or supervision  
773 and the applicant notifies the department or applicable board of  
774 such release. The department or applicable board must verify the  
775 applicant's release with the Department of Corrections, or other

776 applicable authority, before it issues a license.

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

783 4. If an applicant is confined or under supervision, the  
784 Department of Corrections, or other applicable authority, and  
785 the department or applicable board shall cooperate and  
786 coordinate to facilitate the appearance of the applicant at a  
787 board meeting or agency hearing in person, by teleconference, or  
788 by video conference, as appropriate.

789 (d) The department and each applicable board shall compile  
790 a list of crimes that, if committed and regardless of  
791 adjudication, do not relate to the practice of the profession or  
792 the ability to practice the profession and do not constitute  
793 grounds for denial of a license. This list shall be made  
794 available on the department's website and be updated annually.  
795 Beginning October 1, 2019, each applicable board shall compile a  
796 list of crimes that although reported by an applicant for  
797 licensure, were not used as a basis for denial. The list must  
798 identify the crime reported for each license application and  
799 the:

800 1. Date of conviction or sentencing date, whichever is



801 later.

802 2. Adjudication entered.

803 (e) The department and each applicable board shall compile  
 804 a list of crimes that have been used as a basis for denial of a  
 805 license in the past 2 years, which shall be made available on  
 806 the department's website. Beginning October 1, 2019, and updated  
 807 quarterly thereafter, the applicable board shall compile a list  
 808 indicating each crime used as a basis for denial. For each crime  
 809 listed, the applicable board must identify the:

810 1. Date of conviction or sentencing date, whichever is  
 811 later.

812 2. Adjudication entered.

813  
 814 Such denials shall be available to the public upon request.

815 Section 10. Subsection (4) of section 474.2165, Florida  
 816 Statutes, is amended to read:

817 474.2165 Ownership and control of veterinary medical  
 818 patient records; report or copies of records to be furnished.—

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

826 following circumstances:

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

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

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

839 (d) In any criminal action or situation where a  
840 veterinarian suspects a criminal violation. If a criminal  
841 violation is suspected, a veterinarian may, without notice to or  
842 authorization from the client, report the violation to a law  
843 enforcement officer, an animal control officer who is certified  
844 pursuant to s. 828.27(4)(a), or an agent appointed under s.  
845 828.03. However, if a suspected violation occurs at a commercial  
846 food-producing animal operation on land classified as  
847 agricultural under s. 193.461, the veterinarian must provide  
848 notice to the client or the client's legal representative before  
849 reporting the suspected violation to an officer or agent under  
850 this paragraph. The report may not include written medical

851 records except upon the issuance of an order from a court of  
852 competent jurisdiction.

853 Section 11. Subsections (2) and (3) and present subsection  
854 (4) of section 489.126, Florida Statutes, are amended, and new  
855 subsections (4), (5), (6), and (7) are added to that section to  
856 read:

857 489.126 Moneys received by contractors.—

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

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

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

868  
869 unless the contractor has just cause for failing to apply for  
870 the necessary permits, starting the work, or refunding the  
871 payment, or unless the person who made the payment agreed, in  
872 writing, to a longer period to apply for the necessary permits  
873 or start the work or to longer periods for both.

874 (b)1. It may be inferred that a contractor does not have  
875 just cause if the contractor fails to apply for the necessary

876 permits, start the work, or refund payments, within 30 days of  
877 receiving written demand to apply for the necessary permits,  
878 start the work, or refund the payment, from the person who made  
879 the payment.

880 2. Written demand must be made to the contractor in the  
881 form of a letter that includes a demand to apply for the  
882 necessary permits, start the work, or refund the payment sent  
883 via certified mail, return receipt requested, mailed to the  
884 address listed in the contracting agreement. If there is no  
885 address for the contractor listed in the contracting agreement,  
886 or no written agreement exists, the letter must be mailed to the  
887 address listed with the Department of Business and Professional  
888 Regulation for licensing purposes or the local construction  
889 industry licensing board, if applicable.

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

895 (b) 1. It is prima facie evidence ~~Proof~~ that a contractor  
896 received money for the repair, restoration, addition,  
897 improvement, or construction of residential real property and  
898 that the amount received exceeds the value of the work performed  
899 by the contractor when and that:

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

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901 which he or she contracted during any 90-day ~~60-day~~ period;

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

906 ~~c.3.~~ The contractor failed to perform for 90 days without  
907 just cause or terminated the contract without proper  
908 notification to the owner.

909 2. Proper notification of termination for purposes of this  
910 paragraph must be made by the contractor in the form of a letter  
911 that includes the reason for termination of the contract or the  
912 reason for failure to perform sent via certified mail, return  
913 receipt requested, mailed to the last address of the owner in  
914 the written contracting agreement. If there is no address for  
915 the owner listed in the contracting agreement, or no written  
916 agreement exists, the letter must be mailed to the address where  
917 the work was to be performed or the address listed on the  
918 permit, if applicable.

919 (c)1. It may be inferred that a contractor does not have  
920 just cause if the contractor fails to perform work, or refund  
921 the money received in excess of the value of the work performed,  
922 within 30 days of receiving a written demand to perform the  
923 work, or refund the money received in excess of the value of the  
924 work performed, from the person who made the payment.

925 2. Written demand must be made to the contractor in the

926 form of a letter that includes a demand to perform work, or  
927 refund the money received in excess of the value of the work  
928 performed, sent via certified mail, return receipt requested,  
929 mailed to the address listed in the contracting agreement. If  
930 there is no address for the contractor listed in the contracting  
931 agreement, or no written agreement exists, the letter must be  
932 mailed to the address listed with the Department of Business and  
933 Professional Regulation for licensing purposes or the local  
934 construction industry licensing board, if applicable ~~, for an~~  
935 ~~additional 30-day period after the date of mailing of~~  
936 ~~notification as specified in paragraph (c), to perform any work~~  
937 ~~for which he or she contracted,~~

938  
939 ~~gives rise to an inference that the money in excess of the value~~  
940 ~~of the work performed was taken with the intent to defraud.~~

941 ~~(c) Notification as contemplated in paragraph (b) consists~~  
942 ~~of a certified letter, return receipt requested, mailed to the~~  
943 ~~address of the contractor as listed in the written contracting~~  
944 ~~agreement. The letter must indicate that the contractor has~~  
945 ~~failed to perform any work for a 60-day period, that the failure~~  
946 ~~to perform the work was not the result of the owner's~~  
947 ~~termination of the contract or a material breach of the contract~~  
948 ~~by the owner, and that the contractor must recommence~~  
949 ~~construction within 30 days after the date of mailing of the~~  
950 ~~letter. If there is no address for the contractor listed in the~~

951 ~~written contracting agreement, or no written agreement exists,~~  
952 ~~the letter must be mailed to the address of the contractor~~  
953 ~~listed in the building permit application.~~

954 (4) Any criminal violation of subsection (2) or subsection  
955 (3) shall be prosecuted in accordance with s. 812.014(1), the  
956 thresholds established in this section, and the following:

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

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

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

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

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

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

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

982 (d) Felony of the first degree, punishable as provided in  
983 s. 775.082, s. 775.083, or s. 775.084, if the total money  
984 received is \$200,000 or more.

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

986 (a) Misdemeanor of the first degree, punishable as  
987 provided in s. 775.082 or s. 775.083, if the total money  
988 received exceeding the value of the work performed is less than  
989 \$1,000.

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

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

998 (d) Felony of the first degree, punishable as provided in  
999 s. 775.082, s. 775.083, or s. 775.084, if the total money  
1000 received exceeding the value of the work performed is \$200,000



1001 or more.

1002 ~~(4) Any person who violates any provision of this section~~  
1003 ~~is guilty of theft and shall be prosecuted and punished under s.~~  
1004 ~~812.014.~~

1005 Section 12. Present subsection (6) of section 489.553,  
1006 Florida Statutes, is renumbered as subsection (10) and  
1007 subsections (6) through (9) are added to that section to read:

1008 489.553 Administration of part; registration  
1009 qualifications; examination.—

1010 (6) Notwithstanding any other provision of law, a  
1011 conviction, or any other adjudication, for a crime more than 5  
1012 years before the date the application is received by the  
1013 department may not be grounds for denial of registration. For  
1014 purposes of this subsection, the term "conviction" means a  
1015 determination of guilt that is the result of a plea or trial,  
1016 regardless of whether adjudication is withheld. This subsection  
1017 does not limit a board from considering an applicant's criminal  
1018 history that includes any crime listed in s. 775.21(4)(a)1. or  
1019 s. 776.08 at any time only if such criminal history has been  
1020 found to relate to the practice of the applicable profession, or  
1021 any crime if it has been found to relate to good moral  
1022 character.

1023 (7)(a) A person may apply to be registered before his or  
1024 her lawful release from confinement or supervision. The  
1025 department may not charge an applicant an additional fee for

1026 being confined or under supervision. The department may not deny  
1027 an application for registration solely on the basis of the  
1028 applicant's current confinement or supervision.

1029 (b) After a registration application is approved, the  
1030 department may stay the issuance of registration until the  
1031 applicant is lawfully released from confinement or supervision  
1032 and the applicant notifies the board of such release. The  
1033 department must verify the applicant's release with the  
1034 Department of Corrections, or other applicable authority, before  
1035 it registers such applicant.

1036 (c) If an applicant is unable to appear in person due to  
1037 his or her confinement or supervision, the department must  
1038 permit the applicant to appear by teleconference or video  
1039 conference, as appropriate, at any meeting or hearing by the  
1040 department concerning his or her application.

1041 (d) If an applicant is confined or under supervision, the  
1042 Department of Corrections, or other applicable authority, and  
1043 the department shall cooperate and coordinate to facilitate the  
1044 appearance of the applicant at a meeting or hearing in person,  
1045 by teleconference, or by video conference, as appropriate.

1046 (8) The department shall compile a list of crimes that, if  
1047 committed and regardless of adjudication, do not relate to the  
1048 practice of the profession or the ability to practice the  
1049 profession and do not constitute grounds for denial of  
1050 registration. This list shall be made available on the

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1051 department's website and be updated annually. Beginning October  
1052 1, 2019, and updated quarterly thereafter, the department shall  
1053 add to this list such crimes that although reported by an  
1054 applicant for registration, were not used as a basis for denial  
1055 in the past 2 years. The list must identify the crime reported  
1056 for each registration application and the:

1057 1. Date of conviction or sentencing, whichever is later.

1058 2. Adjudication entered.

1059 (9) The department shall compile a list of crimes that  
1060 have been used as a basis for denial of registration in the past  
1061 2 years, which shall be made available on the department's  
1062 website. Beginning October 1, 2019, and updated quarterly  
1063 thereafter, the department shall add to this list each crime  
1064 used as a basis for denial. For each crime listed, the  
1065 department must identify the:

1066 1. Date of conviction or sentencing, whichever is later.

1067 2. Adjudication entered.

1068  
1069 Such denials shall be available to the public upon request.

1070 Section 13. Subsection (2) of section 500.451, Florida  
1071 Statutes, is amended to read:

1072 500.451 Horse meat; offenses.—

1073 (2) A person that violates this section commits a felony  
1074 of the third degree, punishable as provided in s. 775.082, s.  
1075 775.083, or s. 775.084, except that any person who commits a

1076 violation of this section shall be sentenced to a minimum  
 1077 mandatory fine of \$3,500 ~~and a minimum mandatory period of~~  
 1078 ~~incarceration of 1 year.~~

1079 Section 14. Subsection (1) of section 509.151, Florida  
 1080 Statutes, is amended to read:

1081 509.151 Obtaining food or lodging with intent to defraud;  
 1082 penalty.—

1083 (1) Any person who obtains food, lodging, or other  
 1084 accommodations having a value of less than \$1,000 ~~\$300~~ at any  
 1085 public food service establishment, or at any transient  
 1086 establishment, with intent to defraud the operator thereof,  
 1087 commits ~~is guilty of~~ a misdemeanor of the second degree,  
 1088 punishable as provided in s. 775.082 or s. 775.083; if such  
 1089 food, lodging, or other accommodations have a value of \$1,000  
 1090 ~~\$300~~ or more, such person commits ~~is guilty of~~ a felony of the  
 1091 third degree, punishable as provided in s. 775.082, s. 775.083,  
 1092 or s. 775.084.

1093 Section 15. Paragraph (a) of subsection (1) and paragraph  
 1094 (c) of subsection (2) of section 562.11, Florida Statutes, are  
 1095 amended to read:

1096 562.11 Selling, giving, or serving alcoholic beverages to  
 1097 person under age 21; providing a proper name; misrepresenting or  
 1098 misstating age or age of another to induce licensee to serve  
 1099 alcoholic beverages to person under 21; penalties.—

1100 (1) (a) ~~1.~~ A person may not sell, give, serve, or permit to

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1101 be served alcoholic beverages to a person under 21 years of age  
1102 or permit a person under 21 years of age to consume such  
1103 beverages on the licensed premises. A person who violates this  
1104 paragraph ~~subparagraph~~ commits a misdemeanor of the second  
1105 degree, punishable as provided in s. 775.082 or s. 775.083. A  
1106 person who violates this paragraph ~~subparagraph~~ a second or  
1107 subsequent time within 1 year after a prior conviction commits a  
1108 misdemeanor of the first degree, punishable as provided in s.  
1109 775.082 or s. 775.083.

1110 ~~2. In addition to any other penalty imposed for a~~  
1111 ~~violation of subparagraph 1., the court may order the Department~~  
1112 ~~of Highway Safety and Motor Vehicles to withhold the issuance~~  
1113 ~~of, or suspend or revoke, the driver license or driving~~  
1114 ~~privilege, as provided in s. 322.057, of any person who violates~~  
1115 ~~subparagraph 1. This subparagraph does not apply to a licensee,~~  
1116 ~~as defined in s. 561.01, who violates subparagraph 1. while~~  
1117 ~~acting within the scope of his or her license or an employee or~~  
1118 ~~agent of a licensee, as defined in s. 561.01, who violates~~  
1119 ~~subparagraph 1. while engaged within the scope of his or her~~  
1120 ~~employment or agency.~~

1121 ~~3. A court that withholds the issuance of, or suspends or~~  
1122 ~~revokes, the driver license or driving privilege of a person~~  
1123 ~~pursuant to subparagraph 2. may direct the Department of Highway~~  
1124 ~~Safety and Motor Vehicles to issue the person a license for~~  
1125 ~~driving privilege restricted to business purposes only, as~~

1126 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1127 (2) It is unlawful for any person to misrepresent or  
 1128 misstate his or her age or the age of any other person for the  
 1129 purpose of inducing any licensee or his or her agents or  
 1130 employees to sell, give, serve, or deliver any alcoholic  
 1131 beverages to a person under 21 years of age, or for any person  
 1132 under 21 years of age to purchase or attempt to purchase  
 1133 alcoholic beverages.

1134 (c) In addition to any other penalty imposed for a  
 1135 violation of this subsection, if a person uses a driver license  
 1136 or identification card issued by the Department of Highway  
 1137 Safety and Motor Vehicles in violation of this subsection, the  
 1138 court~~+~~

1139 ~~1.~~ 1. may order the person to participate in public service  
 1140 or a community work project for a period not to exceed 40  
 1141 hours. ~~;~~ and

1142 ~~2. Shall direct the Department of Highway Safety and Motor~~  
 1143 ~~Vehicles to withhold issuance of, or suspend or revoke, the~~  
 1144 ~~person's driver license or driving privilege, as provided in s.~~  
 1145 ~~322.056.~~

1146 Section 16. Subsection (3) of section 562.111, Florida  
 1147 Statutes, is amended to read:

1148 562.111 Possession of alcoholic beverages by persons under  
 1149 age 21 prohibited.-

1150 ~~(3) In addition to any other penalty imposed for a~~

1151 ~~violation of subsection (1), the court shall direct the~~  
1152 ~~Department of Highway Safety and Motor Vehicles to withhold~~  
1153 ~~issuance of, or suspend or revoke, the violator's driver license~~  
1154 ~~or driving privilege, as provided in s. 322.056.~~

1155 Section 17. Subsection (8) of section 562.27, Florida  
1156 Statutes, is amended and subsections (1) through (7) of that  
1157 section are republished, to read:

1158 562.27 Seizure and forfeiture.—

1159 (1) It is unlawful for any person to have in her or his  
1160 possession, custody, or control, or to own, make, construct, or  
1161 repair, any still, still piping, still apparatus, or still worm,  
1162 or any piece or part thereof, designed or adapted for the  
1163 manufacture of an alcoholic beverage, or to have in her or his  
1164 possession, custody or control any receptacle or container  
1165 containing any mash, wort, or wash, or other fermented liquids  
1166 whatever capable of being distilled or manufactured into an  
1167 alcoholic beverage, unless such possession, custody, control,  
1168 ownership, manufacture, construction, or repairing be by or for  
1169 a person authorized by law to manufacture such alcoholic  
1170 beverage.

1171 (2) It is unlawful for any person to have in her or his  
1172 possession, custody, or control any raw materials or substance  
1173 intended to be used in the distillation or manufacturing of an  
1174 alcoholic beverage unless the person holds a license from the  
1175 state authorizing the manufacture of the alcoholic beverage.

1176 (3) The terms "raw material" or "substance" for the  
1177 purpose of this chapter shall mean and include, but not be  
1178 limited to, any of the following: Any grade or type of sugar,  
1179 syrup, or molasses derived from sugarcane, sugar beets, corn,  
1180 sorghum, or any other source; starch; potatoes; grain or  
1181 cornmeal, corn chops, cracked corn, rye chops, middlings,  
1182 shorts, bran, or any other grain derivative; malt; malt sugar or  
1183 malt syrup; oak chips, charred or not charred; yeast; cider;  
1184 honey; fruit; grapes; berries; fruit, grape or berry juices or  
1185 concentrates; wine; caramel; burnt sugar; gin flavor; Chinese  
1186 bean cake or Chinese wine cake; urea; ammonium phosphate,  
1187 ammonium carbonate, ammonium sulphate, or any other yeast food;  
1188 ethyl acetate or any other ethyl ester; any other material of  
1189 the character used in the manufacture of distilled spirits or  
1190 any chemical or other material suitable for promoting or  
1191 accelerating fermentation; any chemical or material of the  
1192 character used in the production of distilled spirits by  
1193 chemical reaction; or any combination of such materials or  
1194 chemicals.

1195 (4) Any such raw materials, substance, or any still, still  
1196 piping, still apparatus, or still worm, or any piece or part  
1197 thereof, or any mash, wort, or wash, or other fermented liquid  
1198 and the receptacle or container thereof, and any alcoholic  
1199 beverage, together with all personal property used to facilitate  
1200 the manufacture or production of the alcoholic beverage or to



1201 facilitate the violation of the alcoholic beverage control laws  
1202 of this state or the United States, may be seized by the  
1203 division or by any sheriff or deputy sheriff and shall be  
1204 forfeited to the state.

1205 (5) It shall be unlawful for any person to sell or  
1206 otherwise dispose of raw materials or other substances knowing  
1207 same are to be used in the distillation or manufacture of an  
1208 alcoholic beverage unless such person receiving same, by  
1209 purchase or otherwise, holds a license from the state  
1210 authorizing the manufacture of such alcoholic beverage.

1211 (6) Any vehicle, vessel, or aircraft used in the  
1212 transportation or removal of or for the deposit or concealment  
1213 of any illicit liquor still or stilling apparatus; any mash,  
1214 wort, wash, or other fermented liquids capable of being  
1215 distilled or manufactured into an alcoholic beverage; or any  
1216 alcoholic beverage commonly known and referred to as "moonshine  
1217 whiskey" shall be seized and may be forfeited as provided by the  
1218 Florida Contraband Forfeiture Act. Any sheriff, deputy sheriff,  
1219 employee of the division, or police officer may seize any of the  
1220 vehicles, vessels, or conveyances, and the same may be forfeited  
1221 as provided by law.

1222 (7) The finding of any still, still piping, still  
1223 apparatus, or still worm, or any piece or part thereof, or any  
1224 mash, wort, or wash or other fermented liquids in the dwelling  
1225 house or place of business, or so near thereto as to lead to the

1226 reasonable belief that they are within the possession, custody,  
 1227 or control of the occupants of the dwelling house or place of  
 1228 business, shall be prima facie evidence of a violation of this  
 1229 section by the occupants of the dwelling house or place of  
 1230 business.

1231 (8) Any person violating any provisions of this section of  
 1232 the law commits ~~shall be guilty of a misdemeanor felony~~ of the  
 1233 second ~~third~~ degree, punishable as provided in s. 775.082 or, s.  
 1234 775.083, ~~or s. 775.084.~~

1235 Section 18. Subsections (1) and (2) of section 562.451,  
 1236 Florida Statutes, are amended to read:

1237 562.451 Moonshine whiskey; ownership, possession, or  
 1238 control prohibited; penalties; rule of evidence.—

1239 (1) Any person who owns or has in her or his possession or  
 1240 under her or his control less than 1 gallon of liquor, as  
 1241 defined in the Beverage Law, which was not made or manufactured  
 1242 in accordance with the laws in effect at the time when and place  
 1243 where the same was made or manufactured commits ~~shall be guilty~~  
 1244 ~~of~~ a misdemeanor of the second degree, punishable as provided in  
 1245 s. 775.082 or s. 775.083.

1246 (2) Any person who owns or has in her or his possession or  
 1247 under her or his control 1 gallon or more of liquor, as defined  
 1248 in the Beverage Law, which was not made or manufactured in  
 1249 accordance with the laws in effect at the time when and place  
 1250 where the same was made or manufactured commits ~~shall be guilty~~

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1251 ~~of a misdemeanor felony~~ of the first ~~third~~ degree, punishable as  
1252 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

1253 Section 19. Subsections (1), (2), and (5) of section  
1254 569.11, Florida Statutes, are amended to read:

1255 569.11 Possession, misrepresenting age or military service  
1256 to purchase, and purchase of tobacco products by persons under  
1257 18 years of age prohibited; penalties; jurisdiction; disposition  
1258 of fines.—

1259 (1) It is unlawful for any person under 18 years of age to  
1260 knowingly possess any tobacco product. Any person under 18 years  
1261 of age who violates ~~the provisions of~~ this subsection commits a  
1262 noncriminal violation as provided in s. 775.08(3), punishable  
1263 by:

1264 (a) For a first violation, 16 hours of community service  
1265 or, instead of community service, a \$25 fine. In addition, the  
1266 person must attend a school-approved anti-tobacco program, if  
1267 locally available; or

1268 (b) For a second or subsequent violation within 12 weeks  
1269 of the first violation, a \$25 fine; ~~or~~

1270 ~~(c) For a third or subsequent violation within 12 weeks of~~  
1271 ~~the first violation, the court must direct the Department of~~  
1272 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
1273 ~~suspend or revoke the person's driver license or driving~~  
1274 ~~privilege, as provided in s. 322.056.~~

1275

1276 Any second or subsequent violation not within the 12-week time  
 1277 period after the first violation is punishable as provided for a  
 1278 first violation.

1279 (2) It is unlawful for any person under 18 years of age to  
 1280 misrepresent his or her age or military service for the purpose  
 1281 of inducing a dealer or an agent or employee of the dealer to  
 1282 sell, give, barter, furnish, or deliver any tobacco product, or  
 1283 to purchase, or attempt to purchase, any tobacco product from a  
 1284 person or a vending machine. Any person under 18 years of age  
 1285 who violates ~~a provision of~~ this subsection commits a  
 1286 noncriminal violation as provided in s. 775.08(3), punishable  
 1287 by:

1288 (a) For a first violation, 16 hours of community service  
 1289 or, instead of community service, a \$25 fine and, in addition,  
 1290 the person must attend a school-approved anti-tobacco program,  
 1291 if available; or

1292 (b) For a second or subsequent violation within 12 weeks  
 1293 of the first violation, a \$25 fine; ~~or~~

1294 ~~(c) For a third or subsequent violation within 12 weeks of~~  
 1295 ~~the first violation, the court must direct the Department of~~  
 1296 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
 1297 ~~suspend or revoke the person's driver license or driving~~  
 1298 ~~privilege, as provided in s. 322.056.~~

1299  
 1300 Any second or subsequent violation not within the 12-week time

1301 period after the first violation is punishable as provided for a  
 1302 first violation.

1303 (5) (a) If a person under 18 years of age is found by the  
 1304 court to have committed a noncriminal violation under this  
 1305 section and that person has failed to complete community  
 1306 service, pay the fine as required by paragraph (1) (a) or  
 1307 paragraph (2) (a), or attend a school-approved anti-tobacco  
 1308 program, if locally available, the court may ~~must~~ direct the  
 1309 Department of Highway Safety and Motor Vehicles to withhold  
 1310 issuance of or suspend the driver license or driving privilege  
 1311 of that person for a period of 30 consecutive days.

1312 (b) If a person under 18 years of age is found by the  
 1313 court to have committed a noncriminal violation under this  
 1314 section and that person has failed to pay the applicable fine as  
 1315 required by paragraph (1) (b) or paragraph (2) (b), the court may  
 1316 ~~must~~ direct the Department of Highway Safety and Motor Vehicles  
 1317 to withhold issuance of or suspend the driver license or driving  
 1318 privilege of that person for a period of 45 consecutive days.

1319 Section 20. Section 713.69, Florida Statutes, is amended  
 1320 to read:

1321 713.69 Unlawful to remove property upon which lien has  
 1322 accrued.—It is unlawful for any person to remove any property  
 1323 upon which a lien has accrued under the provisions of s. 713.68  
 1324 from any hotel, apartment house, roominghouse, lodginghouse,  
 1325 boardinghouse or tenement house without first making full

1326 | payment to the person operating or conducting the same of all  
 1327 | sums due and payable for such occupancy or without first having  
 1328 | the written consent of such person so conducting or operating  
 1329 | such place to so remove such property. Any person violating the  
 1330 | provisions of this section ~~shall~~, if the property removed in  
 1331 | violation hereof be of the value of less than \$1,000 ~~\$50 or~~  
 1332 | ~~less~~, commits ~~be guilty of~~ a misdemeanor of the second degree,  
 1333 | punishable as provided in s. 775.082 or s. 775.083; and if the  
 1334 | property so removed should be valued at ~~of greater value than~~  
 1335 | \$1,000 or more ~~\$50~~ then such person commits ~~shall be guilty of~~ a  
 1336 | felony of the third degree, punishable as provided in s.  
 1337 | 775.082, s. 775.083, or s. 775.084.

1338 |         Section 21. Paragraphs (a) and (d) of subsection (9) of  
 1339 | section 775.082, Florida Statutes, are amended to read:

1340 |         775.082 Penalties; applicability of sentencing structures;  
 1341 | mandatory minimum sentences for certain reoffenders previously  
 1342 | released from prison.—

1343 |         (9) (a)1. "Prison releasee reoffender" means any defendant  
 1344 | who commits, or attempts to commit:

- 1345 |         a. Treason;
- 1346 |         b. Murder;
- 1347 |         c. Manslaughter;
- 1348 |         d. Sexual battery;
- 1349 |         e. Carjacking;
- 1350 |         f. Home-invasion robbery;

- 1351 g. Robbery;
- 1352 h. Arson;
- 1353 i. Kidnapping;
- 1354 j. Aggravated assault with a deadly weapon;
- 1355 k. Aggravated battery;
- 1356 l. Aggravated stalking;
- 1357 m. Aircraft piracy;
- 1358 n. Unlawful throwing, placing, or discharging of a
- 1359 destructive device or bomb;
- 1360 o. Any felony that involves the use or threat of physical
- 1361 force or violence against an individual;
- 1362 p. Armed burglary;
- 1363 q. Burglary of a dwelling or burglary of an occupied
- 1364 structure; or
- 1365 r. Any felony violation of s. 790.07, s. 800.04, s.
- 1366 827.03, s. 827.071, or s. 847.0135(5);
- 1367
- 1368 within 3 years after being released from a state correctional
- 1369 facility operated by the Department of Corrections or a private
- 1370 vendor, a county detention facility following incarceration for
- 1371 an offense for which the sentence pronounced was a prison
- 1372 sentence, or ~~within 3 years after being released~~ from a
- 1373 correctional institution of another state, the District of
- 1374 Columbia, the United States, any possession or territory of the
- 1375 United States, or any foreign jurisdiction, following

1376 incarceration for an offense for which the sentence is  
1377 punishable by more than 1 year in this state.

1378 2. "Prison releasee reoffender" also means any defendant  
1379 who commits or attempts to commit any offense listed in sub-  
1380 subparagraphs (a)1.a.-r. while the defendant was serving a  
1381 prison sentence or on escape status from a state correctional  
1382 facility operated by the Department of Corrections or a private  
1383 vendor or while the defendant was on escape status from a  
1384 correctional institution of another state, the District of  
1385 Columbia, the United States, any possession or territory of the  
1386 United States, or any foreign jurisdiction, following  
1387 incarceration for an offense for which the sentence is  
1388 punishable by more than 1 year in this state.

1389 3. If the state attorney determines that a defendant is a  
1390 prison releasee reoffender as defined in subparagraph 1., the  
1391 state attorney may seek to have the court sentence the defendant  
1392 as a prison releasee reoffender. Upon proof from the state  
1393 attorney that establishes by a preponderance of the evidence  
1394 that a defendant is a prison releasee reoffender as defined in  
1395 this section, such defendant is not eligible for sentencing  
1396 under the sentencing guidelines and must be sentenced as  
1397 follows:

1398 a. For a felony punishable by life, by a term of  
1399 imprisonment for life;

1400 b. For a felony of the first degree, by a term of



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1401 imprisonment of 30 years;

1402 c. For a felony of the second degree, by a term of  
1403 imprisonment of 15 years; and

1404 d. For a felony of the third degree, by a term of  
1405 imprisonment of 5 years.

1406 (d)1. It is the intent of the Legislature that offenders  
1407 previously released from prison or a county detention facility  
1408 following incarceration for an offense for which the sentence  
1409 pronounced was a prison sentence who meet the criteria in  
1410 paragraph (a) be punished to the fullest extent of the law and  
1411 as provided in this subsection, unless the state attorney  
1412 determines that extenuating circumstances exist which preclude  
1413 the just prosecution of the offender, including whether the  
1414 victim recommends that the offender not be sentenced as provided  
1415 in this subsection.

1416 2. For every case in which the offender meets the criteria  
1417 in paragraph (a) and does not receive the mandatory minimum  
1418 prison sentence, the state attorney must explain the sentencing  
1419 deviation in writing and place such explanation in the case file  
1420 maintained by the state attorney.

1421 Section 22. Paragraph (f) is added to subsection (2) of  
1422 section 784.046, Florida Statutes, to read:

1423 784.046 Action by victim of repeat violence, sexual  
1424 violence, or dating violence for protective injunction; dating  
1425 violence investigations, notice to victims, and reporting;

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1426 pretrial release violations; public records exemption.—

1427 (2) There is created a cause of action for an injunction  
1428 for protection in cases of repeat violence, there is created a  
1429 separate cause of action for an injunction for protection in  
1430 cases of dating violence, and there is created a separate cause  
1431 of action for an injunction for protection in cases of sexual  
1432 violence.

1433 (f) Notwithstanding any other law, attorney fees may not  
1434 be awarded in any proceeding under this section.

1435 Section 23. Paragraph (d) of subsection (1) of section  
1436 784.048, Florida Statutes, is amended, and subsections (2), (3),  
1437 (4), (5), and (7) of that section are republished, to read:

1438 784.048 Stalking; definitions; penalties.—

1439 (1) As used in this section, the term:

1440 (d) "Cyberstalk" means:

1441 1. To engage in a course of conduct to communicate, or to  
1442 cause to be communicated, words, images, or language by or  
1443 through the use of electronic mail or electronic communication,  
1444 directed at a specific person; or

1445 2. To access, or attempt to access the online accounts or  
1446 Internet-connected home electronic systems of another person  
1447 without that person's permission,

1448  
1449 causing substantial emotional distress to that person and  
1450 serving no legitimate purpose.

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1451 (2) A person who willfully, maliciously, and repeatedly  
1452 follows, harasses, or cyberstalks another person commits the  
1453 offense of stalking, a misdemeanor of the first degree,  
1454 punishable as provided in s. 775.082 or s. 775.083.

1455 (3) A person who willfully, maliciously, and repeatedly  
1456 follows, harasses, or cyberstalks another person and makes a  
1457 credible threat to that person commits the offense of aggravated  
1458 stalking, a felony of the third degree, punishable as provided  
1459 in s. 775.082, s. 775.083, or s. 775.084.

1460 (4) A person who, after an injunction for protection  
1461 against repeat violence, sexual violence, or dating violence  
1462 pursuant to s. 784.046, or an injunction for protection against  
1463 domestic violence pursuant to s. 741.30, or after any other  
1464 court-imposed prohibition of conduct toward the subject person  
1465 or that person's property, knowingly, willfully, maliciously,  
1466 and repeatedly follows, harasses, or cyberstalks another person  
1467 commits the offense of aggravated stalking, a felony of the  
1468 third degree, punishable as provided in s. 775.082, s. 775.083,  
1469 or s. 775.084.

1470 (5) A person who willfully, maliciously, and repeatedly  
1471 follows, harasses, or cyberstalks a child under 16 years of age  
1472 commits the offense of aggravated stalking, a felony of the  
1473 third degree, punishable as provided in s. 775.082, s. 775.083,  
1474 or s. 775.084.

1475 (7) A person who, after having been sentenced for a

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1476 violation of s. 794.011, s. 800.04, or s. 847.0135(5) and  
1477 prohibited from contacting the victim of the offense under s.  
1478 921.244, willfully, maliciously, and repeatedly follows,  
1479 harasses, or cyberstalks the victim commits the offense of  
1480 aggravated stalking, a felony of the third degree, punishable as  
1481 provided in s. 775.082, s. 775.083, or s. 775.084.

1482 Section 24. Paragraph (d) is added to subsection (2) of  
1483 section 784.0485, Florida Statutes, to read:

1484 784.0485 Stalking; injunction; powers and duties of court  
1485 and clerk; petition; notice and hearing; temporary injunction;  
1486 issuance of injunction; statewide verification system;  
1487 enforcement.—

1488 (2)

1489 (d) Notwithstanding any other law, attorney fees may not  
1490 be awarded in any proceeding under this section.

1491 Section 25. Section 784.049, Florida Statutes, is amended  
1492 to read:

1493 784.049 Sexual cyberharassment.—

1494 (1) The Legislature finds that:

1495 (a) A person depicted in a sexually explicit image taken  
1496 with the person's consent may retain ~~has~~ a reasonable  
1497 expectation that the image will remain private despite sharing  
1498 the image with another person, such as an intimate partner.

1499 (b) It is becoming a common practice for persons to  
1500 publish a sexually explicit image of another to Internet

1501 websites or to disseminate such an image through electronic  
1502 means without the depicted person's consent, contrary to the  
1503 depicted person's reasonable expectation of privacy, for no  
1504 legitimate purpose, with the intent of causing substantial  
1505 emotional distress to the depicted person.

1506 (c) When such images are published on Internet websites,  
1507 the images ~~they~~ are able to be viewed indefinitely by persons  
1508 worldwide and are able to be easily reproduced and shared.

1509 (d) The publication or dissemination of such images  
1510 through the use of ~~an~~ Internet websites or electronic means  
1511 creates a permanent record of the depicted person's private  
1512 nudity or private sexually explicit conduct.

1513 (e) The existence of such images on Internet websites or  
1514 the dissemination of such images without the consent of all  
1515 parties depicted in the images causes those depicted in such  
1516 images significant psychological harm.

1517 (f) Safeguarding the psychological well-being and privacy  
1518 interests of persons depicted in such images is compelling.

1519 (2) As used in this section, the term:

1520 (a) "Image" includes, but is not limited to, any  
1521 photograph, picture, motion picture, film, video, or  
1522 representation.

1523 (b) "Personal identification information" means any  
1524 information that identifies the individual, and includes, but is  
1525 not limited to, any name, postal or electronic email address,

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1526 telephone number, social security number, date of birth, or any  
1527 unique physical representation ~~has the same meaning as provided~~  
1528 ~~in s. 817.568.~~

1529 (c) "Sexually cyberharass" means to publish to an Internet  
1530 website or disseminate through electronic means to another  
1531 person a sexually explicit image of a person that contains or  
1532 conveys the personal identification information of the depicted  
1533 person ~~to an Internet website~~ without the depicted person's  
1534 consent, contrary to the depicted person's reasonable  
1535 expectation that the image would remain private, for no  
1536 legitimate purpose, with the intent of causing substantial  
1537 emotional distress to the depicted person. Evidence that the  
1538 depicted person sent a sexually explicit image to another person  
1539 does not, on its own, eliminate his or her reasonable  
1540 expectation of privacy for that image.

1541 (d) "Sexually explicit image" means any image depicting  
1542 nudity, as defined in s. 847.001, or depicting a person engaging  
1543 in sexual conduct, as defined in s. 847.001.

1544 (3) (a) Except as provided in paragraph (b), a person who  
1545 willfully and maliciously sexually cyberharasses another person  
1546 commits a misdemeanor of the first degree, punishable as  
1547 provided in s. 775.082 or s. 775.083.

1548 (b) A person who has one prior conviction for sexual  
1549 cyberharassment and who commits a second or subsequent sexual  
1550 cyberharassment commits a felony of the third degree, punishable

1551 as provided in s. 775.082, s. 775.083, or s. 775.084.

1552 (4) (a) A law enforcement officer may arrest, without a  
 1553 warrant, any person that he or she has probable cause to believe  
 1554 has violated this section.

1555 (b) Upon proper affidavits being made, a search warrant  
 1556 may be issued to further investigate violations of this section,  
 1557 including warrants issued to search a private dwelling.

1558 (5) An aggrieved person may initiate a civil action  
 1559 against a person who violates this section to obtain all  
 1560 appropriate relief in order to prevent or remedy a violation of  
 1561 this section, including the following:

1562 (a) Injunctive relief.

1563 (b) Monetary damages to include \$5,000 or actual damages  
 1564 incurred as a result of a violation of this section, whichever  
 1565 is greater.

1566 (c) Reasonable attorney fees and costs.

1567 (6) The criminal and civil penalties of this section do  
 1568 not apply to:

1569 (a) A provider of an interactive computer service as  
 1570 defined in 47 U.S.C. s. 230(f), information service as defined  
 1571 in 47 U.S.C. s. 153, or communications service as defined in s.  
 1572 202.11, that provides the transmission, storage, or caching of  
 1573 electronic communications or messages of others; other related  
 1574 telecommunications or commercial mobile radio service; or  
 1575 content provided by another person; or

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1576 (b) A law enforcement officer, as defined in s. 943.10, or  
1577 any local, state, federal, or military law enforcement agency,  
1578 that publishes a sexually explicit image in connection with the  
1579 performance of his or her duties as a law enforcement officer,  
1580 or law enforcement agency.

1581 (7) A violation of this section is committed within this  
1582 state if any conduct that is an element of the offense, or any  
1583 harm to the depicted person resulting from the offense, occurs  
1584 within this state.

1585 Section 26. Subsection (1) of section 790.052, Florida  
1586 Statutes, is amended to read:

1587 790.052 Carrying concealed firearms; off-duty law  
1588 enforcement officers.-

1589 (1) (a) All persons holding active certifications from the  
1590 Criminal Justice Standards and Training Commission as law  
1591 enforcement officers or correctional officers as defined in s.  
1592 943.10(1), (2), (6), (7), (8), or (9) shall have the right to  
1593 carry, on or about their persons, concealed firearms, during  
1594 off-duty hours, at the discretion of their superior officers,  
1595 and may perform those law enforcement functions that they  
1596 normally perform during duty hours, utilizing their weapons in a  
1597 manner which is reasonably expected of on-duty officers in  
1598 similar situations.

1599 (b) All persons holding active certifications from the  
1600 Criminal Justice Standards and Training Commission as law



1601 enforcement officers or correctional officers as defined in s.  
1602 943.10(1), (2), (6), (7), (8), or (9), meet the definition of  
1603 "qualified law enforcement officer" in 18 U.S.C. s. 926B(c).

1604 (c) All persons who held active certifications from the  
1605 Criminal Justice Standards and Training Commission as law  
1606 enforcement officers or correctional officers as defined in s.  
1607 943.10(1), (2), (6), (7), (8), or (9) while working for an  
1608 employing agency, as defined in s. 943.10(4), but have separated  
1609 from service under the conditions set forth in 18 U.S.C. s.  
1610 926C(c), meet the definition of "qualified retired law  
1611 enforcement officer." ~~However,~~

1612 (d) Nothing in This section does not subsection shall be  
1613 ~~construed to~~ limit the right of a law enforcement officer,  
1614 correctional officer, or correctional probation officer to carry  
1615 a concealed firearm off duty as a private citizen under the  
1616 exemption provided in s. 790.06 that allows a law enforcement  
1617 officer, correctional officer, or correctional probation officer  
1618 as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) to  
1619 carry a concealed firearm without a concealed weapon or firearm  
1620 license. The appointing or employing agency or department of an  
1621 officer carrying a concealed firearm as a private citizen under  
1622 s. 790.06 shall not be liable for the use of the firearm in such  
1623 capacity. Nothing herein limits the authority of the appointing  
1624 or employing agency or department from establishing policies  
1625 limiting law enforcement officers or correctional officers from

1626 carrying concealed firearms during off-duty hours in their  
 1627 capacity as appointees or employees of the agency or department.

1628 Section 27. Subsections (5) and (10) of section 790.22,  
 1629 Florida Statutes, are amended to read:

1630 790.22 Use of BB guns, air or gas-operated guns, or  
 1631 electric weapons or devices by minor under 16; limitation;  
 1632 possession of firearms by minor under 18 prohibited; penalties.—

1633 (5) (a) A minor who violates subsection (3) commits a  
 1634 misdemeanor of the first degree; for a first offense, may serve  
 1635 a period of detention of up to 3 days in a secure detention  
 1636 facility; and, in addition to any other penalty provided by law,  
 1637 shall be required to perform 100 hours of community service;  
 1638 and:

1639 1. If the minor is eligible by reason of age for a driver  
 1640 license or driving privilege, the court may ~~shall~~ direct the  
 1641 Department of Highway Safety and Motor Vehicles to revoke or to  
 1642 withhold issuance of the minor's driver license or driving  
 1643 privilege for up to 1 year.

1644 2. If the minor's driver license or driving privilege is  
 1645 under suspension or revocation for any reason, the court may  
 1646 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
 1647 to extend the period of suspension or revocation by an  
 1648 additional period of up to 1 year.

1649 3. If the minor is ineligible by reason of age for a  
 1650 driver license or driving privilege, the court may ~~shall~~ direct

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1651 the Department of Highway Safety and Motor Vehicles to withhold  
1652 issuance of the minor's driver license or driving privilege for  
1653 up to 1 year after the date on which the minor would otherwise  
1654 have become eligible.

1655 (b) For a second or subsequent offense, a minor who  
1656 violates subsection (3) commits a felony of the third degree and  
1657 shall serve a period of detention of up to 15 days in a secure  
1658 detention facility and shall be required to perform not less  
1659 than 100 nor more than 250 hours of community service, and:

1660 1. If the minor is eligible by reason of age for a driver  
1661 license or driving privilege, the court may ~~shall~~ direct the  
1662 Department of Highway Safety and Motor Vehicles to revoke or to  
1663 withhold issuance of the minor's driver license or driving  
1664 privilege for up to 2 years.

1665 2. If the minor's driver license or driving privilege is  
1666 under suspension or revocation for any reason, the court may  
1667 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1668 to extend the period of suspension or revocation by an  
1669 additional period of up to 2 years.

1670 3. If the minor is ineligible by reason of age for a  
1671 driver license or driving privilege, the court may ~~shall~~ direct  
1672 the Department of Highway Safety and Motor Vehicles to withhold  
1673 issuance of the minor's driver license or driving privilege for  
1674 up to 2 years after the date on which the minor would otherwise  
1675 have become eligible.

1676  
1677 For the purposes of this subsection, community service shall be  
1678 performed, if possible, in a manner involving a hospital  
1679 emergency room or other medical environment that deals on a  
1680 regular basis with trauma patients and gunshot wounds.

1681 (10) If a minor is found to have committed an offense  
1682 under subsection (9), the court shall impose the following  
1683 penalties in addition to any penalty imposed under paragraph  
1684 (9) (a) or paragraph (9) (b):

1685 (a) For a first offense:

1686 1. If the minor is eligible by reason of age for a driver  
1687 license or driving privilege, the court may ~~shall~~ direct the  
1688 Department of Highway Safety and Motor Vehicles to revoke or to  
1689 withhold issuance of the minor's driver license or driving  
1690 privilege for up to 1 year.

1691 2. If the minor's driver license or driving privilege is  
1692 under suspension or revocation for any reason, the court may  
1693 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
1694 to extend the period of suspension or revocation by an  
1695 additional period for up to 1 year.

1696 3. If the minor is ineligible by reason of age for a  
1697 driver license or driving privilege, the court may ~~shall~~ direct  
1698 the Department of Highway Safety and Motor Vehicles to withhold  
1699 issuance of the minor's driver license or driving privilege for  
1700 up to 1 year after the date on which the minor would otherwise

1701 have become eligible.

1702 (b) For a second or subsequent offense:

1703 1. If the minor is eligible by reason of age for a driver  
 1704 license or driving privilege, the court may ~~shall~~ direct the  
 1705 Department of Highway Safety and Motor Vehicles to revoke or to  
 1706 withhold issuance of the minor's driver license or driving  
 1707 privilege for up to 2 years.

1708 2. If the minor's driver license or driving privilege is  
 1709 under suspension or revocation for any reason, the court may  
 1710 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
 1711 to extend the period of suspension or revocation by an  
 1712 additional period for up to 2 years.

1713 3. If the minor is ineligible by reason of age for a  
 1714 driver license or driving privilege, the court may ~~shall~~ direct  
 1715 the Department of Highway Safety and Motor Vehicles to withhold  
 1716 issuance of the minor's driver license or driving privilege for  
 1717 up to 2 years after the date on which the minor would otherwise  
 1718 have become eligible.

1719 Section 28. Section 800.09, Florida Statutes, is amended  
 1720 to read:

1721 800.09 Lewd or lascivious exhibition in the presence of an  
 1722 employee.—

1723 (1) As used in this section, the term:

1724 (a) "Employee" means:

1725 1. Any person employed by or performing contractual

1726 | services for a public or private entity operating a state  
 1727 | correctional institution or private correctional facility; ~~or~~

1728 | 2. Any person employed by or performing contractual  
 1729 | services for the corporation operating the prison industry  
 1730 | enhancement programs or the correctional work programs under  
 1731 | part II of chapter 946; ~~The term also includes~~

1732 | 3. Any person who is a parole examiner with the Florida  
 1733 | Commission on Offender Review; or

1734 | 4. Any person employed at or performing contractual  
 1735 | services for a county detention facility.

1736 | (b) "Facility" means a state correctional institution as  
 1737 | defined in s. 944.02, ~~or~~ a private correctional facility as  
 1738 | defined in s. 944.710, or a county detention facility as defined  
 1739 | in s. 951.23.

1740 | (2) (a) A person who is detained in a facility may not:

1741 | 1. Intentionally masturbate;

1742 | 2. Intentionally expose the genitals in a lewd or  
 1743 | lascivious manner; or

1744 | 3. Intentionally commit any other sexual act that does not  
 1745 | involve actual physical or sexual contact with the victim,  
 1746 | including, but not limited to, sadomasochistic abuse, sexual  
 1747 | bestiality, or the simulation of any act involving sexual  
 1748 | activity,

1749 |  
 1750 | in the presence of a person he or she knows or reasonably should

1751 know is an employee.

1752 (b) A person who violates paragraph (a) commits lewd or  
 1753 lascivious exhibition in the presence of an employee, a felony  
 1754 of the third degree, punishable as provided in s. 775.082, s.  
 1755 775.083, or s. 775.084.

1756 Section 29. Subsection (7) of section 806.13, Florida  
 1757 Statutes, is amended, and subsection (8) of that section is  
 1758 republished, to read:

1759 806.13 Criminal mischief; penalties; penalty for minor.—

1760 (7) In addition to any other penalty provided by law, if a  
 1761 minor is found to have committed a delinquent act under this  
 1762 section for placing graffiti on any public property or private  
 1763 property, and:

1764 (a) The minor is eligible by reason of age for a driver  
 1765 license or driving privilege, the court may ~~shall~~ direct the  
 1766 Department of Highway Safety and Motor Vehicles to revoke or  
 1767 withhold issuance of the minor's driver license or driving  
 1768 privilege for not more than 1 year.

1769 (b) The minor's driver license or driving privilege is  
 1770 under suspension or revocation for any reason, the court may  
 1771 ~~shall~~ direct the Department of Highway Safety and Motor Vehicles  
 1772 to extend the period of suspension or revocation by an  
 1773 additional period of not more than 1 year.

1774 (c) The minor is ineligible by reason of age for a driver  
 1775 license or driving privilege, the court may ~~shall~~ direct the

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1776 Department of Highway Safety and Motor Vehicles to withhold  
1777 issuance of the minor's driver license or driving privilege for  
1778 not more than 1 year after the date on which he or she would  
1779 otherwise have become eligible.

1780 (8) A minor whose driver license or driving privilege is  
1781 revoked, suspended, or withheld under subsection (7) may elect  
1782 to reduce the period of revocation, suspension, or withholding  
1783 by performing community service at the rate of 1 day for each  
1784 hour of community service performed. In addition, if the court  
1785 determines that due to a family hardship, the minor's driver  
1786 license or driving privilege is necessary for employment or  
1787 medical purposes of the minor or a member of the minor's family,  
1788 the court shall order the minor to perform community service and  
1789 reduce the period of revocation, suspension, or withholding at  
1790 the rate of 1 day for each hour of community service performed.  
1791 As used in this subsection, the term "community service" means  
1792 cleaning graffiti from public property.

1793 Section 30. Paragraphs (c), (d), and (e) of subsection (2)  
1794 and paragraphs (a), (b), and (c) of subsection (3) of section  
1795 812.014, Florida Statutes, are amended to read:

1796 812.014 Theft.—

1797 (2)

1798 (c) It is grand theft of the third degree and a felony of  
1799 the third degree, punishable as provided in s. 775.082, s.  
1800 775.083, or s. 775.084, if the property stolen is:



- 1801 1. Valued at \$1,000 ~~\$300~~ or more, but less than \$5,000.
- 1802 2. Valued at \$5,000 or more, but less than \$10,000.
- 1803 3. Valued at \$10,000 or more, but less than \$20,000.
- 1804 4. A will, codicil, or other testamentary instrument.
- 1805 5. A firearm.
- 1806 6. A motor vehicle, except as provided in paragraph (a).
- 1807 7. Any commercially farmed animal, including any animal of
- 1808 the equine, avian, bovine, or swine class or other grazing
- 1809 animal; a bee colony of a registered beekeeper; and aquaculture
- 1810 species raised at a certified aquaculture facility. If the
- 1811 property stolen is a commercially farmed animal, including an
- 1812 animal of the equine, avian, bovine, or swine class or other
- 1813 grazing animal; a bee colony of a registered beekeeper; or an
- 1814 aquaculture species raised at a certified aquaculture facility,
- 1815 a \$10,000 fine shall be imposed.
- 1816 8. Any fire extinguisher.
- 1817 9. Any amount of citrus fruit consisting of 2,000 or more
- 1818 individual pieces of fruit.
- 1819 10. Taken from a designated construction site identified
- 1820 by the posting of a sign as provided for in s. 810.09(2)(d).
- 1821 11. Any stop sign.
- 1822 12. Anhydrous ammonia.
- 1823 13. Any amount of a controlled substance as defined in s.
- 1824 893.02. Notwithstanding any other law, separate judgments and
- 1825 sentences for theft of a controlled substance under this

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1826 subparagraph and for any applicable possession of controlled  
1827 substance offense under s. 893.13 or trafficking in controlled  
1828 substance offense under s. 893.135 may be imposed when all such  
1829 offenses involve the same amount or amounts of a controlled  
1830 substance.

1831 14. A utility service under s. 812.14.

1832  
1833 However, if the property is stolen within a county that is  
1834 subject to a state of emergency declared by the Governor under  
1835 chapter 252, the property is stolen after the declaration of  
1836 emergency is made, and the perpetration of the theft is  
1837 facilitated by conditions arising from the emergency, the  
1838 offender commits a felony of the second degree, punishable as  
1839 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
1840 property is valued at \$5,000 or more, but less than \$10,000, as  
1841 provided under subparagraph 2., or if the property is valued at  
1842 \$10,000 or more, but less than \$20,000, as provided under  
1843 subparagraph 3. As used in this paragraph, the term "conditions  
1844 arising from the emergency" means civil unrest, power outages,  
1845 curfews, voluntary or mandatory evacuations, or a reduction in  
1846 the presence of or the response time for first responders or  
1847 homeland security personnel. For purposes of sentencing under  
1848 chapter 921, a felony offense that is reclassified under this  
1849 paragraph is ranked one level above the ranking under s.  
1850 921.0022 or s. 921.0023 of the offense committed.

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1851 (d) It is grand theft of the third degree and a felony of  
1852 the third degree, punishable as provided in s. 775.082, s.  
1853 775.083, or s. 775.084, if the property stolen is valued at  
1854 \$1,000 ~~\$100~~ or more, but less than \$5,000 ~~\$300~~, and is taken  
1855 from a dwelling as defined in s. 810.011(2) or from the  
1856 unenclosed curtilage of a dwelling pursuant to s. 810.09(1).

1857 (e) Except as provided in paragraph (d), if the property  
1858 stolen is valued at \$500 ~~\$100~~ or more, but less than \$1,000  
1859 ~~\$300~~, the offender commits petit theft of the first degree,  
1860 punishable as a misdemeanor of the first degree, as provided in  
1861 s. 775.082 or s. 775.083.

1862 (3) (a) Theft of any property not specified in subsection  
1863 (2) is petit theft of the second degree and a misdemeanor of the  
1864 second degree, punishable as provided in s. 775.082 or s.  
1865 775.083, and as provided in subsection (5), as applicable.

1866 (b) A person who commits petit theft and who has  
1867 previously been convicted of any theft commits a misdemeanor of  
1868 the first degree, punishable as provided in s. 775.082 or s.  
1869 775.083.

1870 (c) A person who commits petit theft and who has  
1871 previously been convicted two or more times of any theft commits  
1872 a felony of the third degree, punishable as provided in s.  
1873 775.082 or s. 775.083.

1874 Section 31. Subsection (8) of section 812.015, Florida  
1875 Statutes, is amended to read:

1876 812.015 Retail and farm theft; transit fare evasion;  
 1877 mandatory fine; alternative punishment; detention and arrest;  
 1878 exemption from liability for false arrest; resisting arrest;  
 1879 penalties.—

1880 (8) Except as provided in subsection (9), a person who  
 1881 commits retail theft commits a felony of the third degree,  
 1882 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 1883 if the property stolen is valued at \$1,000 ~~\$300~~ or more, and the  
 1884 person:

1885 (a) Individually, or in concert with one or more other  
 1886 persons, coordinates the activities of one or more individuals  
 1887 in committing the offense, in which case the amount of each  
 1888 individual theft is aggregated to determine the value of the  
 1889 property stolen;

1890 (b) Individually, or in concert with one or more persons,  
 1891 commits theft of any merchandise from one or more locations over  
 1892 a 30-day period the aggregate value of which exceeds \$1,000  
 1893 ~~Commits theft from more than one location within a 48-hour~~  
 1894 ~~period, in which case the amount of each individual theft is~~  
 1895 ~~aggregated to determine the value of the property stolen;~~

1896 (c) Acts in concert with one or more other individuals  
 1897 within one or more establishments to distract the merchant,  
 1898 merchant's employee, or law enforcement officer in order to  
 1899 carry out the offense, or acts in other ways to coordinate  
 1900 efforts to carry out the offense; or

1901 (d) Commits the offense through the purchase of  
 1902 merchandise in a package or box that contains merchandise other  
 1903 than, or in addition to, the merchandise purported to be  
 1904 contained in the package or box.

1905 Section 32. Section 812.0155, Florida Statutes, is amended  
 1906 to read:

1907 812.0155 Driver license suspension as an alternative  
 1908 sentence for a person under 18 years of age ~~Suspension of driver~~  
 1909 ~~license following an adjudication of guilt for theft.-~~

1910 ~~(1) Except as provided in subsections (2) and (3), the~~  
 1911 ~~court may order the suspension of the driver license of each~~  
 1912 ~~person adjudicated guilty of any misdemeanor violation of s.~~  
 1913 ~~812.014 or s. 812.015, regardless of the value of the property~~  
 1914 ~~stolen. Upon ordering the suspension of the driver license of~~  
 1915 ~~the person adjudicated guilty, the court shall forward the~~  
 1916 ~~driver license of the person adjudicated guilty to the~~  
 1917 ~~Department of Highway Safety and Motor Vehicles in accordance~~  
 1918 ~~with s. 322.25.~~

1919 ~~(a) The first suspension of a driver license under this~~  
 1920 ~~subsection shall be for a period of up to 6 months.~~

1921 ~~(b) A second or subsequent suspension of a driver license~~  
 1922 ~~under this subsection shall be for 1 year.~~

1923 (1)~~(2)~~ The court may revoke, suspend, or withhold issuance  
 1924 of a driver license of a person less than 18 years of age who  
 1925 violates s. 812.014 or s. 812.015 as an alternative to

1926 | sentencing the person to:

1927 |       (a) Probation as defined in s. 985.03 or commitment to the  
 1928 | Department of Juvenile Justice, if the person is adjudicated  
 1929 | delinquent for such violation and has not previously been  
 1930 | convicted of or adjudicated delinquent for any criminal offense,  
 1931 | regardless of whether adjudication was withheld.

1932 |       (b) Probation as defined in s. 985.03, commitment to the  
 1933 | Department of Juvenile Justice, probation as defined in chapter  
 1934 | 948, community control, or incarceration, if the person is  
 1935 | convicted as an adult of such violation and has not previously  
 1936 | been convicted of or adjudicated delinquent for any criminal  
 1937 | offense, regardless of whether adjudication was withheld.

1938 |       (2)~~(3)~~ As used in this subsection, the term "department"  
 1939 | means the Department of Highway Safety and Motor Vehicles. A  
 1940 | court that revokes, suspends, or withholds issuance of a driver  
 1941 | license under subsection (1)~~(2)~~ shall:

1942 |       (a) If the person is eligible by reason of age for a  
 1943 | driver license or driving privilege, direct the department to  
 1944 | revoke or withhold issuance of the person's driver license or  
 1945 | driving privilege for not less than 6 months and not more than 1  
 1946 | year;

1947 |       (b) If the person's driver license is under suspension or  
 1948 | revocation for any reason, direct the department to extend the  
 1949 | period of suspension or revocation by not less than 6 months and  
 1950 | not more than 1 year; or

1951 (c) If the person is ineligible by reason of age for a  
 1952 driver license or driving privilege, direct the department to  
 1953 withhold issuance of the person's driver license or driving  
 1954 privilege for not less than 6 months and not more than 1 year  
 1955 after the date on which the person would otherwise become  
 1956 eligible.

1957 (3)~~(4)~~ This section does ~~Subsections (2) and (3) do not~~  
 1958 preclude the court from imposing any other sanction ~~specified or~~  
 1959 ~~not specified in subsection (2) or subsection (3).~~

1960 ~~(5) A court that suspends the driver license of a person~~  
 1961 ~~pursuant to subsection (1) may direct the Department of Highway~~  
 1962 ~~Safety and Motor Vehicles to issue the person a license for~~  
 1963 ~~driving privilege restricted to business purposes only, as~~  
 1964 ~~defined in s. 322.271, if he or she is otherwise qualified.~~

1965 Section 33. Subsection (1) of section 815.03, Florida  
 1966 Statutes, is amended to read:

1967 815.03 Definitions.—As used in this chapter, unless the  
 1968 context clearly indicates otherwise:

1969 (1) "Access" means to approach, instruct, communicate  
 1970 with, store data in, retrieve data from, or otherwise make use  
 1971 of any resources of a computer, computer system, ~~or~~ computer  
 1972 network, or electronic device.

1973 Section 34. Subsection (2) of section 815.06, Florida  
 1974 Statutes, is amended, and subsection (3) of that section is  
 1975 republished, to read:

1976 815.06 Offenses against users of computers, computer  
 1977 systems, computer networks, and electronic devices.—

1978 (2) A person commits an offense against users of  
 1979 computers, computer systems, computer networks, or electronic  
 1980 devices if he or she willfully, knowingly, and without  
 1981 authorization or exceeding authorization:

1982 (a) Accesses or causes to be accessed any computer,  
 1983 computer system, computer network, or electronic device with  
 1984 knowledge that such access is unauthorized or the manner of use  
 1985 exceeds authorization;

1986 (b) Disrupts or denies or causes the denial of the ability  
 1987 to transmit data to or from an authorized user of a computer,  
 1988 computer system, computer network, or electronic device, which,  
 1989 in whole or in part, is owned by, under contract to, or operated  
 1990 for, on behalf of, or in conjunction with another;

1991 (c) Destroys, takes, injures, or damages equipment or  
 1992 supplies used or intended to be used in a computer, computer  
 1993 system, computer network, or electronic device;

1994 (d) Destroys, injures, or damages any computer, computer  
 1995 system, computer network, or electronic device;

1996 (e) Introduces any computer contaminant into any computer,  
 1997 computer system, computer network, or electronic device; or

1998 (f) Engages in audio or video surveillance of an  
 1999 individual by accessing any inherent feature or component of a  
 2000 computer, computer system, computer network, or electronic



2001 device, including accessing the data or information of a  
 2002 computer, computer system, computer network, or electronic  
 2003 device that is stored by a third party.

2004 (3) (a) Except as provided in paragraphs (b) and (c), a  
 2005 person who violates subsection (2) commits a felony of the third  
 2006 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2007 775.084.

2008 (b) A person commits a felony of the second degree,  
 2009 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
 2010 if he or she violates subsection (2) and:

2011 1. Damages a computer, computer equipment or supplies, a  
 2012 computer system, or a computer network and the damage or loss is  
 2013 at least \$5,000;

2014 2. Commits the offense for the purpose of devising or  
 2015 executing any scheme or artifice to defraud or obtain property;

2016 3. Interrupts or impairs a governmental operation or  
 2017 public communication, transportation, or supply of water, gas,  
 2018 or other public service; or

2019 4. Intentionally interrupts the transmittal of data to or  
 2020 from, or gains unauthorized access to, a computer, computer  
 2021 system, computer network, or electronic device belonging to any  
 2022 mode of public or private transit, as defined in s. 341.031.

2023 (c) A person who violates subsection (2) commits a felony  
 2024 of the first degree, punishable as provided in s. 775.082, s.  
 2025 775.083, or s. 775.084, if the violation:

- 2026 1. Endangers human life; or  
 2027 2. Disrupts a computer, computer system, computer network,  
 2028 or electronic device that affects medical equipment used in the  
 2029 direct administration of medical care or treatment to a person.

2030 Section 35. Section 817.413, Florida Statutes, is amended  
 2031 to read:

2032 817.413 Sale of used motor vehicle goods as new; penalty.—

2033 (1) With respect to a transaction for which any charges  
 2034 will be paid from the proceeds of a motor vehicle insurance  
 2035 policy, ~~and in which the purchase price of motor vehicle goods~~  
 2036 ~~exceeds \$100,~~ it is unlawful for the seller to knowingly  
 2037 misrepresent orally, in writing, or by failure to speak, that  
 2038 the goods are new or original when they are used or repossessed  
 2039 or have been used for sales demonstration.

2040 (2) A person who violates the provisions of this section,  
 2041 if the purchase price of the motor vehicle goods is \$1,000 or  
 2042 more, commits a felony of the third degree, punishable as  
 2043 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
 2044 purchase price of the motor vehicle goods is less than \$1,000,  
 2045 the person commits a misdemeanor of the first degree, punishable  
 2046 as provided in s. 775.082 or s. 775.083.

2047 Section 36. Paragraph (a) of subsection (2) of section  
 2048 831.28, Florida Statutes, is amended to read:

2049 831.28 Counterfeiting a payment instrument; possessing a  
 2050 counterfeit payment instrument; penalties.—

2051 (2) (a) It is unlawful to counterfeit a payment instrument  
 2052 with the intent to defraud a financial institution, account  
 2053 holder, or any other person or organization or for a person to  
 2054 have any counterfeit payment instrument in such person's  
 2055 possession with the intent to defraud a financial institution,  
 2056 account holder, or any other person or organization. Any person  
 2057 who violates this subsection commits a felony of the third  
 2058 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2059 775.084.

2060 Section 37. Subsections (5) through (10) of section  
 2061 847.011, Florida Statutes, are renumbered as subsections (6)  
 2062 through (11), respectively, and a new subsection (5) is added to  
 2063 that section, to read:

2064 847.011 Prohibition of certain acts in connection with  
 2065 obscene, lewd, etc., materials; penalty.—

2066 (5) (a) 1. A person may not knowingly sell, lend, give away,  
 2067 distribute, transmit, show, or transmute; offer to sell, lend,  
 2068 give away, distribute, transmit, show, or transmute; have in his  
 2069 or her possession, custody, or control with the intent to sell,  
 2070 lend, give away, distribute, transmit, show, or transmute; or  
 2071 advertise in any manner an obscene, child-like sex doll.

2072 2.a. Except as provided in sub-subparagraph b., a person  
 2073 who violates this paragraph commits a felony of the third  
 2074 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 2075 775.084.

2076 b. A person who is convicted of violating this paragraph a  
 2077 second or subsequent time commits a felony of the second degree,  
 2078 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2079 (b)1. A person who knowingly has in his or her possession,  
 2080 custody, or control an obscene, child-like sex doll commits a  
 2081 misdemeanor of the first degree, punishable as provided in s.  
 2082 775.082 or s. 775.083.

2083 2. A person who is convicted of violating this paragraph a  
 2084 second or subsequent time commits a felony of the third degree,  
 2085 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2086 Section 38. Section 849.01, Florida Statutes, is amended  
 2087 to read:

2088 849.01 Keeping gambling houses, etc.—Whoever by herself or  
 2089 himself, her or his servant, clerk or agent, or in any other  
 2090 manner has, keeps, exercises or maintains a gaming table or  
 2091 room, or gaming implements or apparatus, or house, booth, tent,  
 2092 shelter or other place for the purpose of gaming or gambling or  
 2093 in any place of which she or he may directly or indirectly have  
 2094 charge, control or management, either exclusively or with  
 2095 others, procures, suffers or permits any person to play for  
 2096 money or other valuable thing at any game whatever, whether  
 2097 heretofore prohibited or not, commits ~~shall be guilty of a~~  
 2098 misdemeanor ~~felony~~ of the second ~~third~~ degree, punishable as  
 2099 provided in s. 775.082 or, s. 775.083, ~~or s. 775.084.~~

2100 Section 39. Subsections (6) and (7) and paragraphs (c) and

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2101 (d) of subsection (8) of section 877.112, Florida Statutes, are  
 2102 amended to read:

2103 877.112 Nicotine products and nicotine dispensing devices;  
 2104 prohibitions for minors; penalties; civil fines; signage  
 2105 requirements; preemption.—

2106 (6) PROHIBITIONS ON POSSESSION OF NICOTINE PRODUCTS OR  
 2107 NICOTINE DISPENSING DEVICES BY MINORS.—It is unlawful for any  
 2108 person under 18 years of age to knowingly possess any nicotine  
 2109 product or a nicotine dispensing device. Any person under 18  
 2110 years of age who violates this subsection commits a noncriminal  
 2111 violation as defined in s. 775.08(3), punishable by:

2112 (a) For a first violation, 16 hours of community service  
 2113 or, instead of community service, a \$25 fine. In addition, the  
 2114 person must attend a school-approved anti-tobacco and nicotine  
 2115 program, if locally available; or

2116 (b) For a second or subsequent violation within 12 weeks  
 2117 after ~~of~~ the first violation, a \$25 fine. ; ~~or~~

2118 ~~(c) For a third or subsequent violation within 12 weeks of~~  
 2119 ~~the first violation, the court must direct the Department of~~  
 2120 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
 2121 ~~suspend or revoke the person's driver license or driving~~  
 2122 ~~privilege, as provided in s. 322.056.~~

2123  
 2124 Any second or subsequent violation not within the 12-week time  
 2125 period after the first violation is punishable as provided for a

2126 first violation.

2127 (7) PROHIBITION ON MISREPRESENTING AGE.—It is unlawful for  
 2128 any person under 18 years of age to misrepresent his or her age  
 2129 or military service for the purpose of inducing a retailer of  
 2130 nicotine products or nicotine dispensing devices or an agent or  
 2131 employee of such retailer to sell, give, barter, furnish, or  
 2132 deliver any nicotine product or nicotine dispensing device, or  
 2133 to purchase, or attempt to purchase, any nicotine product or  
 2134 nicotine dispensing device from a person or a vending machine.  
 2135 Any person under 18 years of age who violates this subsection  
 2136 commits a noncriminal violation as defined in s. 775.08(3),  
 2137 punishable by:

2138 (a) For a first violation, 16 hours of community service  
 2139 or, instead of community service, a \$25 fine and, in addition,  
 2140 the person must attend a school-approved anti-tobacco and  
 2141 nicotine program, if available; or

2142 (b) For a second violation within 12 weeks of the first  
 2143 violation, a \$25 fine. ~~or~~

2144 ~~(c) For a third or subsequent violation within 12 weeks of~~  
 2145 ~~the first violation, the court must direct the Department of~~  
 2146 ~~Highway Safety and Motor Vehicles to withhold issuance of or~~  
 2147 ~~suspend or revoke the person's driver license or driving~~  
 2148 ~~privilege, as provided in s. 322.056.~~

2149  
 2150 Any second or subsequent violation not within the 12-week time

2151 | period after the first violation is punishable as provided for a  
 2152 | first violation.

2153 | (8) PENALTIES FOR MINORS.—

2154 | (c) If a person under 18 years of age is found by the  
 2155 | court to have committed a noncriminal violation under this  
 2156 | section and that person has failed to complete community  
 2157 | service, pay the fine as required by paragraph (6) (a) or  
 2158 | paragraph (7) (a), or attend a school-approved anti-tobacco and  
 2159 | nicotine program, if locally available, the court may ~~must~~  
 2160 | direct the Department of Highway Safety and Motor Vehicles to  
 2161 | withhold issuance of or suspend the driver license or driving  
 2162 | privilege of that person for 30 consecutive days.

2163 | (d) If a person under 18 years of age is found by the  
 2164 | court to have committed a noncriminal violation under this  
 2165 | section and that person has failed to pay the applicable fine as  
 2166 | required by paragraph (6) (b) or paragraph (7) (b), the court may  
 2167 | ~~must~~ direct the Department of Highway Safety and Motor Vehicles  
 2168 | to withhold issuance of or suspend the driver license or driving  
 2169 | privilege of that person for 45 consecutive days.

2170 | Section 40. Paragraph (c) of subsection (1) of section  
 2171 | 893.135, Florida Statutes, is amended to read:

2172 | 893.135 Trafficking; mandatory sentences; suspension or  
 2173 | reduction of sentences; conspiracy to engage in trafficking.—

2174 | (1) Except as authorized in this chapter or in chapter 499  
 2175 | and notwithstanding the provisions of s. 893.13:

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2176 (c)1. A person who knowingly sells, purchases,  
2177 manufactures, delivers, or brings into this state, or who is  
2178 knowingly in actual or constructive possession of, 4 grams or  
2179 more of any morphine, opium, hydromorphone, or any salt,  
2180 derivative, isomer, or salt of an isomer thereof, including  
2181 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
2182 (3)(c)4., or 4 grams or more of any mixture containing any such  
2183 substance, but less than 30 kilograms of such substance or  
2184 mixture, commits a felony of the first degree, which felony  
2185 shall be known as "trafficking in illegal drugs," punishable as  
2186 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
2187 quantity involved:

2188 a. Is 4 grams or more, but less than 14 grams, such person  
2189 shall be sentenced to a mandatory minimum term of imprisonment  
2190 of 3 years and shall be ordered to pay a fine of \$50,000.

2191 b. Is 14 grams or more, but less than 28 grams, such  
2192 person shall be sentenced to a mandatory minimum term of  
2193 imprisonment of 15 years and shall be ordered to pay a fine of  
2194 \$100,000.

2195 c. Is 28 grams or more, but less than 30 kilograms, such  
2196 person shall be sentenced to a mandatory minimum term of  
2197 imprisonment of 25 years and shall be ordered to pay a fine of  
2198 \$500,000.

2199 2. A person who knowingly sells, purchases, manufactures,  
2200 delivers, or brings into this state, or who is knowingly in



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2201 actual or constructive possession of, 28 ~~14~~ grams or more of  
2202 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
2203 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28 ~~14~~  
2204 grams or more of any mixture containing any such substance,  
2205 commits a felony of the first degree, which felony shall be  
2206 known as "trafficking in hydrocodone," punishable as provided in  
2207 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:  
2208       a. Is 28 ~~14~~ grams or more, but less than 50 ~~28~~ grams, such  
2209 person shall be sentenced to a mandatory minimum term of  
2210 imprisonment of 3 years and shall be ordered to pay a fine of  
2211 \$50,000.  
2212       b. Is 50 ~~28~~ grams or more, but less than 100 ~~50~~ grams,  
2213 such person shall be sentenced to a mandatory minimum term of  
2214 imprisonment of 7 years and shall be ordered to pay a fine of  
2215 \$100,000.  
2216       c. Is 100 ~~50~~ grams or more, but less than 300 ~~200~~ grams,  
2217 such person shall be sentenced to a mandatory minimum term of  
2218 imprisonment of 15 years and shall be ordered to pay a fine of  
2219 \$500,000.  
2220       d. Is 300 ~~200~~ grams or more, but less than 30 kilograms,  
2221 such person shall be sentenced to a mandatory minimum term of  
2222 imprisonment of 25 years and shall be ordered to pay a fine of  
2223 \$750,000.  
2224       3. A person who knowingly sells, purchases, manufactures,  
2225 delivers, or brings into this state, or who is knowingly in

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2226 actual or constructive possession of, 7 grams or more of  
2227 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt  
2228 thereof, or 7 grams or more of any mixture containing any such  
2229 substance, commits a felony of the first degree, which felony  
2230 shall be known as "trafficking in oxycodone," punishable as  
2231 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
2232 quantity involved:

2233 a. Is 7 grams or more, but less than 14 grams, such person  
2234 shall be sentenced to a mandatory minimum term of imprisonment  
2235 of 3 years and shall be ordered to pay a fine of \$50,000.

2236 b. Is 14 grams or more, but less than 25 grams, such  
2237 person shall be sentenced to a mandatory minimum term of  
2238 imprisonment of 7 years and shall be ordered to pay a fine of  
2239 \$100,000.

2240 c. Is 25 grams or more, but less than 100 grams, such  
2241 person shall be sentenced to a mandatory minimum term of  
2242 imprisonment of 15 years and shall be ordered to pay a fine of  
2243 \$500,000.

2244 d. Is 100 grams or more, but less than 30 kilograms, such  
2245 person shall be sentenced to a mandatory minimum term of  
2246 imprisonment of 25 years and shall be ordered to pay a fine of  
2247 \$750,000.

2248 4.a. A person who knowingly sells, purchases,  
2249 manufactures, delivers, or brings into this state, or who is  
2250 knowingly in actual or constructive possession of, 4 grams or

2251 more of:

2252 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2253 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2254 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2255 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

2256 (V) A fentanyl derivative, as described in s.

2257 893.03(1)(a)62.;

2258 (VI) A controlled substance analog, as described in s.

2259 893.0356, of any substance described in sub-sub-subparagraphs

2260 (I)-(V); or

2261 (VII) A mixture containing any substance described in sub-

2262 sub-subparagraphs (I)-(VI),

2263

2264 commits a felony of the first degree, which felony shall be

2265 known as "trafficking in fentanyl," punishable as provided in s.

2266 775.082, s. 775.083, or s. 775.084.

2267 b. If the quantity involved under sub-subparagraph a.:

2268 (I) Is 4 grams or more, but less than 14 grams, such

2269 person shall be sentenced to a mandatory minimum term of

2270 imprisonment of 3 years, and shall be ordered to pay a fine of

2271 \$50,000.

2272 (II) Is 14 grams or more, but less than 28 grams, such

2273 person shall be sentenced to a mandatory minimum term of

2274 imprisonment of 15 years, and shall be ordered to pay a fine of

2275 \$100,000.

2276 (III) Is 28 grams or more, such person shall be sentenced  
 2277 to a mandatory minimum term of imprisonment of 25 years, and  
 2278 shall be ordered to pay a fine of \$500,000.

2279 5. A person who knowingly sells, purchases, manufactures,  
 2280 delivers, or brings into this state, or who is knowingly in  
 2281 actual or constructive possession of, 30 kilograms or more of  
 2282 any morphine, opium, oxycodone, hydrocodone, codeine,  
 2283 hydromorphone, or any salt, derivative, isomer, or salt of an  
 2284 isomer thereof, including heroin, as described in s.  
 2285 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
 2286 more of any mixture containing any such substance, commits the  
 2287 first degree felony of trafficking in illegal drugs. A person  
 2288 who has been convicted of the first degree felony of trafficking  
 2289 in illegal drugs under this subparagraph shall be punished by  
 2290 life imprisonment and is ineligible for any form of  
 2291 discretionary early release except pardon or executive clemency  
 2292 or conditional medical release under s. 947.149. However, if the  
 2293 court determines that, in addition to committing any act  
 2294 specified in this paragraph:

2295 a. The person intentionally killed an individual or  
 2296 counseled, commanded, induced, procured, or caused the  
 2297 intentional killing of an individual and such killing was the  
 2298 result; or

2299 b. The person's conduct in committing that act led to a  
 2300 natural, though not inevitable, lethal result,

2301  
 2302 such person commits the capital felony of trafficking in illegal  
 2303 drugs, punishable as provided in ss. 775.082 and 921.142. A  
 2304 person sentenced for a capital felony under this paragraph shall  
 2305 also be sentenced to pay the maximum fine provided under  
 2306 subparagraph 1.

2307         6. A person who knowingly brings into this state 60  
 2308 kilograms or more of any morphine, opium, oxycodone,  
 2309 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
 2310 isomer, or salt of an isomer thereof, including heroin, as  
 2311 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
 2312 60 kilograms or more of any mixture containing any such  
 2313 substance, and who knows that the probable result of such  
 2314 importation would be the death of a person, commits capital  
 2315 importation of illegal drugs, a capital felony punishable as  
 2316 provided in ss. 775.082 and 921.142. A person sentenced for a  
 2317 capital felony under this paragraph shall also be sentenced to  
 2318 pay the maximum fine provided under subparagraph 1.

2319         Section 41. Subsection (3) of section 921.0022, Florida  
 2320 Statutes, is amended to read:

2321         921.0022 Criminal Punishment Code; offense severity  
 2322 ranking chart.—

2323         (3) OFFENSE SEVERITY RANKING CHART

2324         (a) LEVEL 1

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	Florida Statute	Felony Degree	Description
2326	24.118 (3) (a)	3rd	Counterfeit or altered state lottery ticket.
2327	212.054 (2) (b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
2328	212.15 (2) (b)	3rd	Failure to remit sales taxes, amount greater than <u>\$1,000</u> <del>\$300</del> but less than \$20,000.
2329	316.1935 (1)	3rd	Fleeing or attempting to elude law enforcement officer.
2330	319.30 (5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
2331	319.35 (1) (a)	3rd	Tamper, adjust, change, etc., an odometer.
2332	320.26 (1) (a)	3rd	Counterfeit, manufacture, or

2333			sell registration license plates or validation stickers.
	322.212 (1) (a) - (c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.
2334	322.212 (4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.
2335	322.212 (5) (a)	3rd	False application for driver license or identification card.
2336	414.39 (3) (a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.
2337	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.

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2338	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than <u>\$1,000</u> <del>\$300</del> .
2339	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
2340	<del>562.27 (1)</del>	<del>3rd</del>	<del>Possess still or still apparatus.</del>
2341	713.69	3rd	Tenant removes property upon which lien has accrued, value more than <u>\$1,000</u> <del>\$50</del> .
2342	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
2343	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
2344	815.04 (5) (a)	3rd	Offense against intellectual



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			property (i.e., computer programs, data).
2345	817.52(2)	3rd	Hiring with intent to defraud, motor vehicle services.
2346	817.569(2)	3rd	Use of public record or public records information or providing false information to facilitate commission of a felony.
2347	826.01	3rd	Bigamy.
2348	828.122(3)	3rd	Fighting or baiting animals.
2349	831.04(1)	3rd	Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
2350	831.31(1)(a)	3rd	Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.

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2351	832.041 (1)	3rd	Stopping payment with intent to defraud \$150 or more.
2352	832.05 (2) (b) & (4) (c)	3rd	Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
2353	838.15 (2)	3rd	Commercial bribe receiving.
2354	838.16	3rd	Commercial bribery.
2355	843.18	3rd	Fleeing by boat to elude a law enforcement officer.
2356	847.011 (1) (a)	3rd	Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
2357	<del>849.01</del>	<del>3rd</del>	<del>Keeping gambling house.</del>
2358	849.09 (1) (a) - (d)	3rd	Lottery; set up, promote, etc., or assist therein, conduct or

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2359	849.23	3rd	advertise drawing for prizes, or dispose of property or money by means of lottery.
2360	849.25 (2)	3rd	Gambling-related machines; "common offender" as to property rights.
2361	860.08	3rd	Engaging in bookmaking.
2362	860.13 (1) (a)	3rd	Interfere with a railroad signal.
2363	860.13 (1) (a)	3rd	Operate aircraft while under the influence.
2364	893.13 (2) (a) 2.	3rd	Purchase of cannabis.
2365	893.13 (6) (a)	3rd	Possession of cannabis (more than 20 grams).
2366	934.03 (1) (a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

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2367	(b)	LEVEL 2		
2368				
	Florida		Felony	
	Statute		Degree	Description
2369				
	379.2431		3rd	Possession of 11 or fewer
	(1) (e) 3.			marine turtle eggs in violation
				of the Marine Turtle Protection
				Act.
2370				
	379.2431		3rd	Possession of more than 11
	(1) (e) 4.			marine turtle eggs in violation
				of the Marine Turtle Protection
				Act.
2371				
	403.413 (6) (c)		3rd	Dumps waste litter exceeding
				500 lbs. in weight or 100 cubic
				feet in volume or any quantity
				for commercial purposes, or
				hazardous waste.
2372				
	517.07 (2)		3rd	Failure to furnish a prospectus
				meeting requirements.
2373				
	590.28 (1)		3rd	Intentional burning of lands.

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2374	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2375	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
2376	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
2377	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
2378	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
2379	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; <u>\$1,000</u>

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2380	812.014 (2) (d)	3rd	<p><del>\$300</del> or more but less than \$5,000.</p>
2381	812.015 (7)	3rd	<p>Grand theft, 3rd degree; <u>\$1,000</u> <del>\$100</del> or more but less than <u>\$5,000</u> <del>\$300</del>, taken from unenclosed curtilage of dwelling.</p>
2382	817.234 (1) (a) 2.	3rd	<p>Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.</p>
2383	817.481 (3) (a)	3rd	<p>False statement in support of insurance claim.</p>
2384	817.52 (3)	3rd	<p>Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.</p>
2385			<p>Failure to redeliver hired vehicle.</p>

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2386	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
2387	817.60 (5)	3rd	Dealing in credit cards of another.
2388	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
2389	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
2390	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
2391	831.01	3rd	Forgery.
2392	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
	831.07	3rd	Forging bank bills, checks,

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2393	831.08	3rd	drafts, or promissory notes.
2394	831.09	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
2395	831.11	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
2396	832.05 (3) (a)	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
2397	843.08	3rd	Cashing or depositing item with intent to defraud.
2398	893.13 (2) (a) 2.	3rd	False personation.
			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.



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2399	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
2400			
2401	(c) LEVEL 3		
2402			
	Florida	Felony	
	Statute	Degree	Description
2403			
	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
2404			
	316.066	3rd	Unlawfully obtaining or using confidential crash reports.
	(3)(b)-(d)		
2405			
	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
2406			
	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2407			
	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification

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2408	319.33(1)(a)	3rd	number plate removed.
2409	319.33(1)(c)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2410	319.33(4)	3rd	Procure or pass title on stolen vehicle.
2411	327.35(2)(b)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2412	328.05(2)	3rd	Felony BUI.
2413	328.07(4)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2414			Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

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2415	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2416	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.
2417	379.2431 (1) (e) 6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

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2418	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
2419	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
2420	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
2421	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
2422	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2423	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority;

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2424	626.902 (1) (a) & (b)	3rd	premium collected less than \$20,000.  Representing an unauthorized insurer.
2425	697.08	3rd	Equity skimming.
2426	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2427	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2428	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2429	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2430			

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2431	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2432	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2433	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
2434	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2435	817.233	3rd	Burning to defraud insurer.
2436	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2437	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
	817.236	3rd	Filing a false motor vehicle

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2438			insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2439			
	817.413 (2)	3rd	Sale of used goods as new.
2440			
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument <u>with intent to defraud.</u>
2441			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2442			
	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
2443			
	843.19	3rd	Injure, disable, or kill police dog or horse.
2444			

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2445	860.15 (3)	3rd	Overcharging for repairs and parts.
2446	870.01 (2)	3rd	Riot; inciting or encouraging.
2447	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs).
2448	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs within 1,000 feet of university.
2448	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) drugs



			within 1,000 feet of public housing facility.
2449	893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
2450	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
2451	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
2452	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
2453	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
2454			

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2455 893.13 (7) (a) 11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

2456 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.

2457 893.13 (8) (a) 2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

2458 893.13 (8) (a) 3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

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	893.13 (8) (a) 4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
2459	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
2460	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
2461	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
2462	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
2463	(d) LEVEL 4		
2464			
2465			

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	Florida Statute	Felony Degree	Description
2466	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
2467	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
2468	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
2469	517.07 (1)	3rd	Failure to register securities.
2470	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
2471			

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2472	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
2473	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
2474	784.075	3rd	Battery on detention or commitment facility staff.
2475	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
2476	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
2477	784.081 (3)	3rd	Battery on specified official or employee.
2478	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
2479	784.083 (3)	3rd	Battery on code inspector.
	784.085	3rd	Battery of child by throwing,

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			tossing, projecting, or expelling certain fluids or materials.
2480	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
2481	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
2482	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
2483	787.07	3rd	Human smuggling.
2484	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
2485	790.115(2)(b)	3rd	Possessing electric weapon or

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			device, destructive device, or other weapon on school property.
2486	790.115 (2) (c)	3rd	Possessing firearm on school property.
2487	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
2488	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
2489	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
2490	810.06	3rd	Burglary; possession of tools.
2491	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.

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2492	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
2493	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree; <u>specified items</u> , <del>a will,</del> <del>firearm, motor vehicle,</del> <del>livestock, etc.</del>
2494	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
2495	817.505 (4) (a)	3rd	Patient brokering.
2496	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03 (5) drugs.
2497	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
2498	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or



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			reencoder.
2499	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
2500	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
2501	837.02 (1)	3rd	Perjury in official proceedings.
2502	837.021 (1)	3rd	Make contradictory statements in official proceedings.
2503	838.022	3rd	Official misconduct.
2504	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
2505	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.

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2506	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
2507	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
2508	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
2509	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
2510	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
2511	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or (2) (c) 5.

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			drugs).
2512	914.14 (2)	3rd	Witnesses accepting bribes.
2513	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
2514	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
2515	918.12	3rd	Tampering with jurors.
2516	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
2517	<u>944.47 (1) (a) 6.</u>	<u>3rd</u>	<u>Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.</u>
2518	<u>951.22 (1) (h) , (j) , &amp; (k)</u>	<u>3rd</u>	<u>Intoxicating drug, cellular telephone, or instrumentality to aid escape introduced into</u>

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2519	<u>county detention facility.</u>		
2520	(e) LEVEL 5		
2521			
2522	Florida Statute	Felony Degree	Description
2523	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
2524	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
2525	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
2526	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2527	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.

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379.365 (2) (c) 1.            3rd    Violation of rules relating to:  
willful molestation of stone  
crab traps, lines, or buoys;  
illegal bartering, trading, or  
sale, conspiring or aiding in  
such barter, trade, or sale, or  
supplying, agreeing to supply,  
aiding in supplying, or giving  
away stone crab trap tags or  
certificates; making, altering,  
forging, counterfeiting, or  
reproducing stone crab trap  
tags; possession of forged,  
counterfeit, or imitation stone  
crab trap tags; and engaging in  
the commercial harvest of stone  
crabs while license is  
suspended or revoked.

2528

379.367 (4)                    3rd    Willful molestation of a  
commercial harvester's spiny  
lobster trap, line, or buoy.

2529

379.407 (5) (b) 3.            3rd    Possession of 100 or more  
undersized spiny lobsters.

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2530	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
2531	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
2532	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
2533	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2534	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
2535	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
2536			

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2537	790.01 (2)	3rd	Carrying a concealed firearm.
2538	790.162	2nd	Threat to throw or discharge destructive device.
2539	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
2540	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
2541	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
2542	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
2543	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition;

2544			offender 18 years of age or older.
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
2545			
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2546			
	812.015 (8)	3rd	Retail theft; property stolen is valued at <u>\$1,000</u> <del>\$300</del> or more and one or more specified acts.
2547			
	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
2548			
	812.131 (2) (b)	3rd	Robbery by sudden snatching.
2549			
	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
2550			



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2551	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
2552	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2553	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
2554	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14

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			counterfeit credit cards or related documents.
2555	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
2556	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2557	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
2558	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
2559	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain,

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2560			serious physical injury, or death.
	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
2561			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
2562			
	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
2563			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
2564			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
2565			
	874.05 (1) (b)	2nd	Encouraging or recruiting

2566	874.05(2)(a)	2nd	another to join a criminal gang; second or subsequent offense.
2567	893.13(1)(a)1.	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.  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).
2568	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

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2569	893.13(1)(d)1.	1st	community center.
			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.
2570	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.
2571	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

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2572			public housing facility.
	893.13 (4) (b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
2573			
	893.1351 (1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
2574			
2575	(f) LEVEL 6		
2576			
	Florida Statute	Felony Degree	Description
2577			
	316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
2578			
	316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
2579			
	400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.

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2580	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
2581	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
2582	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
2583	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
2584	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
2585	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
2586	784.041	3rd	Felony battery; domestic battery by strangulation.

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2587	784.048 (3)	3rd	Aggravated stalking; credible threat.
2588	784.048 (5)	3rd	Aggravated stalking of person under 16.
2589	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
2590	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
2591	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
2592	784.081 (2)	2nd	Aggravated assault on specified official or employee.
2593	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
2594	784.083 (2)	2nd	Aggravated assault on code



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2595			inspector.
	787.02 (2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
2596			
	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
2597			
	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
2598			
	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
2599			
	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
2600			

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2601	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
2602	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
2603	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
2604	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
2605	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
2606	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent

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			offense.
2607	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
2608	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
2609	812.015 (9) (a)	2nd	Retail theft; property stolen <u>\$1,000</u> <del>\$300</del> or more; second or subsequent conviction.
2610	812.015 (9) (b)	2nd	Retail theft; property stolen \$3,000 or more; coordination of others.
2611	812.13 (2) (c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
2612	817.4821 (5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
2613			

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2614	817.505 (4) (b)	2nd	Patient brokering; 10 or more patients.
2615	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
2616	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
2617	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
2618	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
2619	827.03 (2) (c)	3rd	Abuse of a child.
2620	827.03 (2) (d)	3rd	Neglect of a child.
2621	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.

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2622	836.05	2nd	Threats; extortion.
2623	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
2624	843.12	3rd	Aids or assists person to escape.
2625	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
2626	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
2627	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
	914.23	2nd	Retaliation against a witness, victim, or informant, with

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2628			bodily injury.
	944.35 (3) (a) 2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
2629			
	944.40	2nd	Escapes.
2630			
	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
2631			
	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
2632			
	<u>951.22 (1) (i)</u>	3rd	<del>Intoxicating drug,</del> Firearm, or weapon introduced into county <u>detention</u> facility.
	<del>951.22 (1)</del>		
2633			
2634	(g)	LEVEL 7	
2635			
	Florida	Felony	Description

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	Statute	Degree	
2636	316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
2637	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
2638	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.
2639	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
2640	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

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2641	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
2642	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
2643	456.065 (2)	3rd	Practicing a health care profession without a license.
2644	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
2645	458.327 (1)	3rd	Practicing medicine without a license.
2646	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
2647	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
2648			



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2649	461.012 (1)	3rd	Practicing podiatric medicine without a license.
2650	462.17	3rd	Practicing naturopathy without a license.
2651	463.015 (1)	3rd	Practicing optometry without a license.
2652	464.016 (1)	3rd	Practicing nursing without a license.
2653	465.015 (2)	3rd	Practicing pharmacy without a license.
2654	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
2655	467.201	3rd	Practicing midwifery without a license.
2656	468.366	3rd	Delivering respiratory care services without a license.
	483.828 (1)	3rd	Practicing as clinical

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			laboratory personnel without a license.
2657	483.901 (7)	3rd	Practicing medical physics without a license.
2658	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
2659	484.053	3rd	Dispensing hearing aids without a license.
2660	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
2661	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
2662	560.125 (5) (a)	3rd	Money services business by

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2663	655.50 (10) (b) 1.	3rd	<p>unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.</p> <p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
2664	775.21 (10) (a)	3rd	<p>Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.</p>
2665	775.21 (10) (b)	3rd	<p>Sexual predator working where children regularly congregate.</p>
2666	775.21 (10) (g)	3rd	<p>Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.</p>
2667	782.051 (3)	2nd	<p>Attempted felony murder of a</p>

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2668	782.07(1)	2nd	<p>person by a person other than the perpetrator or the perpetrator of an attempted felony.</p>
2669	782.071	2nd	<p>Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).</p>
2670	782.072	2nd	<p>Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).</p>
2671	784.045(1)(a)1.	2nd	<p>Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).</p>
2672			<p>Aggravated battery; intentionally causing great bodily harm or disfigurement.</p>

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2673	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
2674	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2675	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
2676	784.048 (7)	3rd	Aggravated stalking; violation of court order.
2677	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
2678	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
2679	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
2680	784.081 (1)	1st	Aggravated battery on specified official or employee.

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2681	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
2682	784.083 (1)	1st	Aggravated battery on code inspector.
2683	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
2684	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.
2685	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
2686	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.

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2687	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
2688	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
2689	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2690	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
2691	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian,

2692	796.05 (1)	1st	or a person in custodial authority to a victim younger than 18 years of age. Live on earnings of a prostitute; 2nd offense.
2693	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
2694	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
2695	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
2696	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years;



			offender 18 years or older; prior conviction for specified sex offense.
2697	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
2698	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
2699	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
2700	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
2701	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
2702	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property

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2703	812.014(2)(b)2.	2nd	stolen while causing other property damage; 1st degree grand theft.
2704	812.014(2)(b)3.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
2705	812.014(2)(b)4.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
2706	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
2707	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
2708	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
	812.131(2)(a)	2nd	Robbery by sudden snatching.

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2709	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2710	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
2711	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2712	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2713	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
2714	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

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2715	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
2716	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
2717	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2718	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
2719	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2720	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.

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2721	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
2722	838.015	2nd	Bribery.
2723	838.016	2nd	Unlawful compensation or reward for official behavior.
2724	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
2725	838.22	2nd	Bid tampering.
2726	843.0855 (2)	3rd	Impersonation of a public officer or employee.
2727	843.0855 (3)	3rd	Unlawful simulation of legal process.
2728	843.0855 (4)	3rd	Intimidation of a public officer or employee.
2729	847.0135 (3)	3rd	Solicitation of a child, via a

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2730	847.0135(4)	2nd	computer service, to commit an unlawful sex act.
2731	872.06	2nd	Traveling to meet a minor to commit an unlawful sex act.
2732	874.05(2)(b)	1st	Abuse of a dead human body.
2733	874.10	1st, PBL	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
2734	893.13(1)(c)1.	1st	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
			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

2735	893.13(1)(e)1.	1st	state, county, or municipal park or publicly owned recreational facility or community center. Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
2736	893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
2737	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
2738	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.

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2739	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
2740	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, <u>28</u> <del>14</del> grams or more, less than <u>50</u> <del>28</del> grams.
2741	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, <u>50</u> <del>28</del> grams or more, less than <u>100</u> <del>50</del> grams.
2742	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
2743	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
2744	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
2745			



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2746	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
2747	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
2748	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
2749	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
2750	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2751	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

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2752	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
2753	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
2754	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
2755	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
2756	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
2757	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
	896.104 (4) (a) 1.	3rd	Structuring transactions to

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2758	943.0435(4)(c)	2nd	evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
2759	943.0435(8)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
2760	943.0435(9)(a)	3rd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
2761	943.0435(13)	3rd	Sexual offender; failure to comply with reporting requirements.
2762	943.0435(14)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
			Sexual offender; failure to

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2763	944.607(9)	3rd	report and reregister; failure to respond to address verification; providing false registration information.
2764	944.607(10)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
2765	944.607(12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2766	944.607(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2767	985.4815(10)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
			Sexual offender; failure to

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2768			submit to the taking of a digitized photograph.
	985.4815 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2769			
	985.4815 (13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2770			
2771	(h)	LEVEL 8	
2772			
	Florida Statute	Felony Degree	Description
2773			
	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
2774			
	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.

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2775	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
2776	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
2777	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
2778	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
2779	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
2780	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less

2781	777.03(2)(a)	1st	than \$100,000 by financial institutions.
2782	782.04(4)	2nd	Accessory after the fact, capital felony.
2783	782.051(2)	1st	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
2784	782.071(1)(b)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
2785			Committing vehicular homicide and failing to render aid or give information.

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2786	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
2787	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
2788	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
2789	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
2790	787.06 (3) (e) 1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
	787.06 (3) (f) 2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from



2791	790.161 (3)	1st	outside Florida to within the state. Discharging a destructive device which results in bodily harm or property damage.
2792	794.011 (5) (a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
2793	794.011 (5) (b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
2794	794.011 (5) (c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

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2795	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
2796	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
2797	800.04 (4) (b)	2nd	Lewd or lascivious battery.
2798	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
2799	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
2800	810.02 (2) (a)	1st, PBL	Burglary with assault or

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2801			battery.
2802	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
2803	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
2804	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
2805	812.13 (2) (b)	1st	Robbery with a weapon.
2806	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
2807	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second

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2808	817.535 (3) (a)	2nd	or subsequent offense. Filing false lien or other unauthorized document; property owner is a public officer or employee.
2809	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
2810	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
2811	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
2812	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards

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2813	825.102 (2)	1st	or related documents.
2814	825.1025 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
2815	825.103 (3) (a)	1st	Lewd or lascivious battery upon an elderly person or disabled adult.
2816	837.02 (2)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
2817	837.021 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
2818	860.121 (2) (c)	1st	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
			Shooting at or throwing any object in path of railroad vehicle resulting in great

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2819			bodily harm.
2820	860.16	1st	Aircraft piracy.
2821	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
2822	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
2823	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
2824	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
2825	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.

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2826	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
2827	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, <u>100</u> <del>50</del> grams or more, less than <u>300</u> <del>200</del> grams.
2828	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
2829	893.135 (1) (c) 4.b. (II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28 grams.
2830	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, 200 grams or more, less than 400 grams.
2831	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, 5 kilograms or more, less than 25 kilograms.
	893.135	1st	Trafficking in amphetamine, 28

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2832	(1) (f) 1.b.		grams or more, less than 200 grams.
	893.135	1st	Trafficking in flunitrazepam,
	(1) (g) 1.b.		14 grams or more, less than 28 grams.
2833			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
2834			
	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.b.		5 kilograms or more, less than 10 kilograms.
2835			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.b.		200 grams or more, less than 400 grams.
2836			
	893.135	1st	Trafficking in synthetic
	(1) (m) 2.c.		cannabinoids, 1,000 grams or more, less than 30 kilograms.
2837			
	893.135	1st	Trafficking in n-benzyl



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2838	(1) (n) 2.b.		phenethylamines, 100 grams or more, less than 200 grams.
2839	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
2840	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
2841	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
2842	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
2842	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

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2843	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.
2844			
2845	(i) LEVEL 9		
2846			
	Florida Statute	Felony Degree	Description
2847			
	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
2848			
	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
2849			
	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
2850			
	499.0051 (8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.

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2851	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
2852	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
2853	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
2854	775.0844	1st	Aggravated white collar crime.
2855	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
2856	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding

			with serious bodily injury or death, and other specified felonies.
2857	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
2858	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
2859	787.01(1)(a)1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
2860	787.01(1)(a)2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
2861	787.01(1)(a)4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.

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2862	787.02 (3) (a)	1st, PBL	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
2863	787.06 (3) (c) 1.	1st	Human trafficking for labor and services of an unauthorized alien child.
2864	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
2865	787.06 (3) (f) 1.	1st, PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
2866	790.161	1st	Attempted capital destructive

2867	790.166 (2)	1st, PBL	device offense. Possessing, selling, using, or attempting to use a weapon of mass destruction.
2868	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
2869	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
2870	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.
2871	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.

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2872	794.011(4)(c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
2873	794.011(4)(d)	1st,PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
2874	794.011(8)(b)	1st,PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
2875	794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
2876	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
2877			

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2878	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
2879	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
2880	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
2881	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
2882	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
	817.535 (5) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false



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2883	817.568 (7)	2nd, PBL	instrument. Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
2884	827.03 (2) (a)	1st	Aggravated child abuse.
2885	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
2886	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
2887	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another

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			person.
2888	893.135	1st	Attempted capital trafficking offense.
2889	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
2890	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
2891	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
2892	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, <u>300</u> <del>200</del> grams or more, less than 30 kilograms.
2893	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
2894	893.135	1st	Trafficking in fentanyl, 28

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2895	(1) (c) 4.b. (III)		grams or more.
2896	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.
2897	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.
2898	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, 200 grams or more.
2899	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
2900	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
2901	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
2902	893.135 (1) (m) 2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.

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2903	893.135 (1) (n) 2.c.	1st	Trafficking in n-benzyl phenethylamines, 200 grams or more.
2904	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
2905	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
2906	(j) LEVEL 10		
2907	Florida	Felony	
2908	Statute	Degree	Description
2909	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in death.
	782.04 (2)	1st, PBL	Unlawful killing of human; act is homicide, unpremeditated.

2910	782.07 (3)	1st	Aggravated manslaughter of a child.
2911	787.01 (1) (a) 3.	1st, PBL	Kidnapping; inflict bodily harm upon or terrorize victim.
2912	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.
2913	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.
2914	787.06 (4) (a)	Life	Selling or buying of minors into human trafficking.
2915	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.

2916

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

2917

876.32 1st Treason against the state.

2918

2919 Section 42. Section 943.0578, Florida Statutes, is created  
2920 to read:

2921 943.0578 Lawful Self-Defense Expunction.—

2922 (1) Notwithstanding the eligibility requirements defined  
2923 in s. 943.0585(1) and (2), the department shall issue a  
2924 certificate of eligibility for expunction under this section to  
2925 a person who is the subject of a criminal history record if that  
2926 person has obtained, and submitted to the department, on a form  
2927 provided by the department, a written, certified statement from  
2928 the appropriate state attorney or statewide prosecutor which  
2929 states whether an information, indictment, or other charging  
2930 document was not filed or was dismissed by the state attorney,  
2931 or dismissed by the court, because it was found that the person  
2932 acted in lawful self-defense pursuant to chapter 776.

2933 (2) Each petition to expunge a criminal history record  
2934 pursuant to this section must be accompanied by:

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2935 (a) A valid certificate of eligibility for expunction  
2936 issued by the department pursuant to this section.

2937 (b) The petitioner's sworn statement attesting that the  
2938 petitioner is eligible for such an expunction to the best of his  
2939 or her knowledge or belief.

2940  
2941 Any person who knowingly provides false information on such  
2942 sworn statement to the court commits a felony of the third  
2943 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
2944 775.084.

2945 (3) This section does not confer any right to the  
2946 expunction of a criminal history record, and any request for  
2947 expunction of a criminal history record may be denied at the  
2948 discretion of the court.

2949 (4) Section 943.0585(5) and (6) shall apply to expunction  
2950 ordered under this section.

2951 (5) The department shall adopt rules to establish  
2952 procedures for applying for and issuing a certificate of  
2953 eligibility for expunction under this section.

2954 Section 43. The catchline of section 943.0581, Florida  
2955 Statutes, is amended, and the section is republished, to read:

2956 943.0581 Administrative expunction for arrests made  
2957 contrary to law or by mistake.—

2958 (1) Notwithstanding any law dealing generally with the  
2959 preservation and destruction of public records, the department

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2960 may adopt a rule pursuant to chapter 120 for the administrative  
2961 expunction of any nonjudicial record of an arrest of a minor or  
2962 an adult made contrary to law or by mistake.

2963 (2) A law enforcement agency shall apply to the department  
2964 in the manner prescribed by rule for the administrative  
2965 expunction of any nonjudicial record of any arrest of a minor or  
2966 an adult who is subsequently determined by the agency, at its  
2967 discretion, or by the final order of a court of competent  
2968 jurisdiction, to have been arrested contrary to law or by  
2969 mistake.

2970 (3) An adult or, in the case of a minor child, the parent  
2971 or legal guardian of the minor child, may apply to the  
2972 department in the manner prescribed by rule for the  
2973 administrative expunction of any nonjudicial record of an arrest  
2974 alleged to have been made contrary to law or by mistake,  
2975 provided that the application is supported by the endorsement of  
2976 the head of the arresting agency or his or her designee or the  
2977 state attorney of the judicial circuit in which the arrest  
2978 occurred or his or her designee.

2979 (4) An application for administrative expunction shall  
2980 include the date and time of the arrest, the name of the person  
2981 arrested, the offender-based tracking system (OBTS) number, and  
2982 the crime or crimes charged. The application shall be on the  
2983 submitting agency's letterhead and shall be signed by the head  
2984 of the submitting agency or his or her designee.



2985 (5) If the person was arrested on a warrant, *capias*, or  
 2986 pickup order, a request for an administrative expunction may be  
 2987 made by the sheriff of the county in which the warrant, *capias*,  
 2988 or pickup order was issued or his or her designee or by the  
 2989 state attorney of the judicial circuit in which the warrant,  
 2990 *capias*, or pickup order was issued or his or her designee.

2991 (6) An application or endorsement under this section is  
 2992 not admissible as evidence in any judicial or administrative  
 2993 proceeding and may not be construed in any way as an admission  
 2994 of liability in connection with an arrest.

2995 Section 44. Section 943.0584, Florida Statutes, is created  
 2996 to read:

2997 943.0584 Criminal history records ineligible for court-  
 2998 ordered expunction or court-ordered sealing.-

2999 (1) As used in this section, the term "conviction" means a  
 3000 determination of guilt which is the result of a trial or the  
 3001 entry of a plea of guilty or nolo contendere, regardless of  
 3002 whether adjudication is withheld, or if the defendant was a  
 3003 minor, a finding that the defendant committed or pled guilty or  
 3004 nolo contendere to committing a delinquent act, regardless of  
 3005 whether adjudication of delinquency is withheld.

3006 (2) A criminal history record is ineligible for a  
 3007 certificate of eligibility for expunction or a court-ordered  
 3008 expunction pursuant to s. 943.0585 or a certificate of  
 3009 eligibility for sealing or a court-ordered sealing pursuant to

3010 s. 943.059 if the record is a conviction, information,  
 3011 indictment, notice to appear, or arrest for any of the following  
 3012 offenses:

3013 (a) Sexual misconduct, as defined in s. 393.135, s.  
 3014 394.4593, or s. 916.1075;

3015 (b) Illegal use of explosives, as defined in chapter 552;

3016 (c) Terrorism, as defined in s. 775.30;

3017 (d) Murder, as defined in s. 782.04, s. 782.065, or s.  
 3018 782.09;

3019 (e) Manslaughter or homicide, as defined in s. 782.07, s.  
 3020 782.071, or s. 782.072;

3021 (f) Assault, or battery as defined in ss. 784.011 and  
 3022 784.03, respectively, of one family or household member by  
 3023 another family or household member, as defined in s. 741.28(3);

3024 (g) Aggravated assault, as defined in s. 784.021;

3025 (h) Felony battery, domestic battery by strangulation or  
 3026 aggravated battery, as defined in s. 784.03, s. 784.041, or s.  
 3027 784.045;

3028 (i) Stalking or aggravated stalking, as defined in s.  
 3029 784.048;

3030 (j) Luring or enticing a child, as defined in s. 787.025;

3031 (k) Human trafficking, as defined in s. 787.06;

3032 (l) Kidnapping or false imprisonment, as defined in s.  
 3033 787.01 or s. 787.02;

3034 (m) Any offense defined in chapter 794;

3035        (n) Procuring a person under the age of 18 for  
3036 prostitution, as defined in former s. 796.03;

3037        (o) Lewd or lascivious offenses committed upon or in the  
3038 presence of persons less than 16 years of age, as defined in s.  
3039 800.04;

3040        (p) Arson, as defined in s. 806.01;

3041        (q) Burglary of a dwelling, as defined in s. 810.02;

3042        (r) Voyeurism or video voyeurism, as defined in s. 810.14  
3043 or s. 810.145;

3044        (s) Robbery or robbery by sudden snatching, as defined in  
3045 s. 812.13 or s. 812.131;

3046        (t) Carjacking, as defined in s. 812.133;

3047        (u) Home invasion robbery, as defined in s. 812.135;

3048        (v) A violation of the Florida Communications Fraud Act,  
3049 s. 817.034;

3050        (w) Abuse of an elderly person or disabled adult, or  
3051 aggravated abuse of an elderly person or disabled adult, as  
3052 defined in s. 825.102;

3053        (x) Lewd or lascivious offenses committed upon or in the  
3054 presence of an elderly person or disabled person, as defined in  
3055 s. 825.1025;

3056        (y) Child abuse or aggravated child abuse, as defined in  
3057 s. 827.03;

3058        (z) Sexual performance by a child, as defined in s.  
3059 827.071;

- 3060        (aa) Any offense defined in chapter 839;
- 3061        (bb) Certain acts in connection with obscenity, as defined
- 3062 in s. 847.0133;
- 3063        (cc) Any offense defined in s. 847.0135;
- 3064        (dd) Selling or buying of minors, as defined in s.
- 3065 847.0145;
- 3066        (ee) Aircraft piracy, as defined in s. 860.16;
- 3067        (ff) Manufacturing a controlled substance in violation of
- 3068 chapter 893;
- 3069        (gg) Drug trafficking, as defined in s. 893.135;
- 3070        (hh) Any violation specified as a predicate offense for
- 3071 registration as a sexual predator pursuant to s. 775.21, or
- 3072 sexual offender pursuant to s. 943.0435, without regard to
- 3073 whether that offense alone is sufficient to require such
- 3074 registration.

3075        Section 45. Section 943.0585, Florida Statutes, is amended  
 3076 to read:

3077        (Substantial rewording of section. See s. 943.0585, F.S.,  
 3078 for present text.)

3079        943.0585 Court-ordered expunction of criminal history  
 3080 records.—

3081        (1) ELIGIBILITY.—A person is eligible to petition a court  
 3082 to expunge a criminal history record when:

3083        (a) An indictment, information, or other charging document  
 3084 was not filed or issued in the case giving rise to the criminal

3085 history record.

3086 (b) If an indictment, information, or other charging  
3087 document was filed or issued in the case giving rise to the  
3088 criminal history record, it was dismissed or nolle prosequi by  
3089 the state attorney or statewide prosecutor, or was dismissed by  
3090 a court of competent jurisdiction, or a judgment of acquittal  
3091 was rendered by a judge, or a verdict of not guilty was rendered  
3092 by a judge or jury.

3093 (c) The person is not seeking to expunge a criminal  
3094 history record that is ineligible for court-ordered expunction  
3095 pursuant to s. 943.0584.

3096 (d) The person has never, as of the date the application  
3097 for a certificate of expunction is filed, been adjudicated  
3098 guilty in this state of a criminal offense or been adjudicated  
3099 delinquent in this state for committing any felony or any of the  
3100 following misdemeanors, unless the record of such adjudication  
3101 of delinquency has been expunged pursuant to s. 943.0515:

- 3102 1. Assault, as defined in s. 784.011;
- 3103 2. Battery, as defined in s. 784.03;
- 3104 3. Assault on a law enforcement officer, a firefighter, or  
3105 other specified officers, as defined in s. 784.07(2)(a);
- 3106 4. Carrying a concealed weapon, as defined in s.  
3107 790.01(1);
- 3108 5. Open carrying of a weapon, as defined in s. 790.053;
- 3109 6. Unlawful possession or discharge of a weapon or firearm

3110 at a school-sponsored event or on school property, as defined in  
 3111 s. 790.115;

3112 7. Unlawful use of destructive devices or bombs, as  
 3113 defined in s. 790.1615(1);

3114 8. Unlawful possession of a firearm, as defined in s.  
 3115 790.22(5);

3116 9. Exposure of sexual organs, as defined in s. 800.03;

3117 10. Arson, as defined in s. 806.031(1);

3118 11. Petit theft, as defined in s. 812.014(3);

3119 12. Neglect of a child, as defined in s. 827.03(1)(e); or

3120 13. Cruelty to animals, as defined in s. 828.12(1).

3121 (e) The person has not been adjudicated guilty of, or  
 3122 adjudicated delinquent for committing, any of the acts stemming  
 3123 from the arrest or alleged criminal activity to which the  
 3124 petition pertains.

3125 (f) The person is no longer under court supervision  
 3126 applicable to the disposition of arrest or alleged criminal  
 3127 activity to which the petition to expunge pertains.

3128 (g) The person has never secured a prior sealing or  
 3129 expunction of a criminal history record under this section, s.  
 3130 943.0459, former s. 893.14, former s. 901.33, or former s.  
 3131 943.058, unless expunction is sought of a criminal history  
 3132 record previously sealed for 10 years pursuant to paragraph (h)  
 3133 and the record is otherwise eligible for expunction.

3134 (h) The person has previously obtained a court order

3135 sealing the criminal history record under this section, former  
3136 s. 893.14, former s. 901.33, or former s. 943.058 for a minimum  
3137 of 10 years because adjudication was withheld or because all  
3138 charges related to the arrest or alleged criminal activity to  
3139 which the petition to expunge pertains were not dismissed before  
3140 trial, without regard to whether the outcome of the trial was  
3141 other than an adjudication of guilt. The requirement for the  
3142 record to have previously been sealed for a minimum of 10 years  
3143 does not apply when a plea was not entered or all charges  
3144 related to the arrest or alleged criminal activity to which the  
3145 petition to expunge pertains were dismissed before trial or a  
3146 judgment of acquittal was rendered by a judge or a verdict of  
3147 not guilty was rendered by a judge or jury.

3148 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning a court  
3149 to expunge a criminal history record, a person seeking to  
3150 expunge a criminal history record shall apply to the department  
3151 for a certificate of eligibility for expunction. The department  
3152 shall adopt rules to establish procedures for applying for and  
3153 issuing a certificate of eligibility for expunction.

3154 (a) The department shall issue a certificate of  
3155 eligibility for expunction to a person who is the subject of a  
3156 criminal history record if that person:

3157 1. Satisfies the eligibility criteria in paragraphs

3158 (1) (a)-(h) and is not ineligible under s. 943.0584.

3159 2. Has submitted to the department a written certified

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3160 statement from the appropriate state attorney or statewide  
3161 prosecutor which confirms the criminal history record complies  
3162 with the criteria in paragraph (1) (a) or paragraph (1) (b) and  
3163 (c).

3164 3. Has submitted to the department a certified copy of the  
3165 disposition of the charge to which the petition to expunge  
3166 pertains.

3167 4. Remits a \$75 processing fee to the department for  
3168 placement in the Department of Law Enforcement Operating Trust  
3169 Fund, unless the executive director waives such fee.

3170 (b) A certificate of eligibility for expunction is valid  
3171 for 12 months after the date stamped on the certificate when  
3172 issued by the department. After that time, the petitioner must  
3173 reapply to the department for a new certificate of eligibility.  
3174 The petitioner's status and the law in effect at the time of the  
3175 renewal application determines the petitioner's eligibility.

3176 (3) PETITION.—Each petition to expunge a criminal history  
3177 record must be accompanied by:

3178 (a) A valid certificate of eligibility issued by the  
3179 department.

3180 (b) The petitioner's sworn statement that he or she:

3181 1. Satisfies the eligibility requirements for expunction  
3182 in subsection (1).

3183 2. Is eligible for expunction to the best of his or her  
3184 knowledge and does not have any other petition to seal or



3185 expunge a criminal history record pending before any court.

3186

3187 A person who knowingly provides false information on such sworn  
3188 statement commits a felony of the third degree, punishable as  
3189 provided in s. 775.082, s. 775.083, or s. 775.084.

3190 (4) COURT AUTHORITY.—

3191 (a) The courts of this state have jurisdiction over their  
3192 own procedures, including the maintenance, expunction, and  
3193 correction of judicial records containing criminal history  
3194 information to the extent that such procedures are not  
3195 inconsistent with the conditions, responsibilities, and duties  
3196 established by this section.

3197 (b) A court of competent jurisdiction may order a criminal  
3198 justice agency to expunge the criminal history record of a minor  
3199 or an adult who complies with the requirements of this section.  
3200 The court shall not order a criminal justice agency to expunge a  
3201 criminal history record until the person seeking to expunge a  
3202 criminal history record has applied for and received a  
3203 certificate of eligibility under subsection (2).

3204 (c) The court may only order expunction of a criminal  
3205 history record pertaining to one arrest or one incident of  
3206 alleged criminal activity, except that the court may order the  
3207 expunction of a criminal history record pertaining to more than  
3208 one arrest if the additional arrests directly relate to the  
3209 original arrest. If the court intends to order the expunction of

3210 records pertaining to such additional arrests, such intent must  
3211 be specified in the order. A criminal justice agency may not  
3212 expunge any record pertaining to such additional arrests if the  
3213 order to expunge does not articulate the intention of the court  
3214 to expunge a record pertaining to more than one arrest. This  
3215 section does not prevent the court from ordering the expunction  
3216 of only a portion of a criminal history record pertaining to one  
3217 arrest or one incident of alleged criminal activity.

3218 (d) Notwithstanding any law to the contrary, a criminal  
3219 justice agency may comply with laws, court orders, and official  
3220 requests of other jurisdictions relating to expunction,  
3221 correction, or confidential handling of criminal history records  
3222 or information derived therefrom.

3223 (e) This section does not confer any right to expunction  
3224 of any criminal history record, and any request for expunction  
3225 of a criminal history record may be denied at the sole  
3226 discretion of the court.

3227 (5) PROCESSING OF A PETITION OR AN ORDER.—

3228 (a) In judicial proceedings under this section, a copy of  
3229 the completed petition to expunge shall be served upon the  
3230 appropriate state attorney or the statewide prosecutor and upon  
3231 the arresting agency; however, it is not necessary to make any  
3232 agency other than the state a party. The appropriate state  
3233 attorney or the statewide prosecutor and the arresting agency  
3234 may respond to the court regarding the completed petition to

3235 expunge.

3236 (b) If relief is granted by the court, the clerk of the  
3237 court shall certify copies of the order to the appropriate state  
3238 attorney or the statewide prosecutor and the arresting agency.  
3239 The arresting agency shall forward the order to any other agency  
3240 to which the arresting agency disseminated the criminal history  
3241 record information to which the order pertains. The department  
3242 shall forward the order to expunge to the Federal Bureau of  
3243 Investigation. The clerk of the court shall certify a copy of  
3244 the order to any other agency which the records of the court  
3245 reflect has received the criminal history record from the court.

3246 (c) The department or any other criminal justice agency is  
3247 not required to act on an order to expunge entered by a court  
3248 when such order does not comply with the requirements of this  
3249 section. Upon receipt of such an order, the department must  
3250 notify the issuing court, the appropriate state attorney or  
3251 statewide prosecutor, the petitioner or the petitioner's  
3252 attorney, and the arresting agency of the reason for  
3253 noncompliance. The appropriate state attorney or statewide  
3254 prosecutor shall take action within 60 days to correct the  
3255 record and petition the court to void the order. No cause of  
3256 action, including contempt of court, shall arise against any  
3257 criminal justice agency for failure to comply with an order to  
3258 expunge when the petitioner for such order failed to obtain the  
3259 certificate of eligibility as required by this section or such

3260 order does not otherwise comply with the requirements of this  
 3261 section.

3262 (6) EFFECT OF EXPUNCTION ORDER.—

3263 (a) Any criminal history record of a minor or an adult  
 3264 which is ordered expunged by a court of competent jurisdiction  
 3265 pursuant to this section must be physically destroyed or  
 3266 obliterated by any criminal justice agency having custody of  
 3267 such record; except that any criminal history record in the  
 3268 custody of the department must be retained in all cases. A  
 3269 criminal history record ordered expunged that is retained by the  
 3270 department is confidential and exempt from the provisions of s.  
 3271 119.07(1) and s. 24(a), Art. I of the State Constitution and not  
 3272 available to any person or entity except upon order of a court  
 3273 of competent jurisdiction. A criminal justice agency may retain  
 3274 a notation indicating compliance with an order to expunge.

3275 (b) The person who is the subject of a criminal history  
 3276 record that is expunged under this section or under other  
 3277 provisions of law, including former s. 893.14, former s. 901.33,  
 3278 and former s. 943.058, may lawfully deny or fail to acknowledge  
 3279 the arrests covered by the expunged record, except when the  
 3280 subject of the record:

- 3281 1. Is a candidate for employment with a criminal justice
- 3282 agency;
- 3283 2. Is a defendant in a criminal prosecution;
- 3284 3. Concurrently or subsequently petitions for relief under

3285 this section, s. 943.0583, or s. 943.059;  
3286 4. Is a candidate for admission to The Florida Bar;  
3287 5. Is seeking to be employed or licensed by or to contract  
3288 with the Department of Children and Families, the Division of  
3289 Vocational Rehabilitation within the Department of Education,  
3290 the Agency for Health Care Administration, the Agency for  
3291 Persons with Disabilities, the Department of Health, the  
3292 Department of Elderly Affairs, or the Department of Juvenile  
3293 Justice or to be employed or used by such contractor or licensee  
3294 in a sensitive position having direct contact with children, the  
3295 disabled, or the elderly;  
3296 6. Is seeking to be employed or licensed by the Department  
3297 of Education, any district school board, any university  
3298 laboratory school, any charter school, any private or parochial  
3299 school, or any local governmental entity that licenses child  
3300 care facilities;  
3301 7. Is seeking to be licensed by the Division of Insurance  
3302 Agent and Agency Services within the Department of Financial  
3303 Services; or  
3304 8. Is seeking to be appointed as a guardian pursuant to s.  
3305 744.3125.  
3306 (c) Subject to the exceptions in paragraph (b), a person  
3307 who has been granted an expunction under this section, former s.  
3308 893.14, former s. 901.33, or former s. 943.058 may not be held  
3309 under any provision of law of this state to commit perjury or to

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3310 be otherwise liable for giving a false statement by reason of  
3311 such person's failure to recite or acknowledge an expunged  
3312 criminal history record.

3313 (d) Information relating to the existence of an expunged  
3314 criminal history record which is provided in accordance with  
3315 paragraph (a) is confidential and exempt from the provisions of  
3316 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
3317 except that the department shall disclose the existence of a  
3318 criminal history record ordered expunged to the entities set  
3319 forth in subparagraphs (b)1., 4., 5., 6., 7., and 8. for their  
3320 respective licensing, access authorization, and employment  
3321 purposes, and to criminal justice agencies for their respective  
3322 criminal justice purposes. It is unlawful for any employee of an  
3323 entity set forth in subparagraph (b)1., 4., 5., 6., 7., or 8. to  
3324 disclose information relating to the existence of an expunged  
3325 criminal history record of a person seeking employment, access  
3326 authorization, or licensure with such entity or contractor,  
3327 except to the person to whom the criminal history record relates  
3328 or to persons having direct responsibility for employment,  
3329 access authorization, or licensure decisions. Any person who  
3330 violates this paragraph commits a misdemeanor of the first  
3331 degree, punishable as provided in s. 775.082 or s. 775.083.

3332 Section 46. Section 943.059, Florida Statutes, is amended  
3333 to read:

3334 (Substantial rewording of section. See s. 943.059, F.S.,

3335 for present text.)  
 3336 943.059 Court-ordered sealing of criminal history  
 3337 records.—  
 3338 (1) ELIGIBILITY.—A person is eligible to petition a court  
 3339 to seal a criminal history record when:  
 3340 (a) The criminal history record is not ineligible for  
 3341 court-ordered sealing under s. 943.0584;  
 3342 (b) The person has never, before the date the application  
 3343 for a certificate of eligibility is filed, been adjudicated  
 3344 guilty in this state of a criminal offense, or been adjudicated  
 3345 delinquent in this state for committing any felony or any of the  
 3346 following misdemeanor offenses, unless the record of such  
 3347 adjudication of delinquency has been expunged pursuant to s.  
 3348 943.0515:  
 3349 1. Assault, as defined in s. 784.011;  
 3350 2. Battery, as defined in s. 784.03;  
 3351 3. Assault on a law enforcement officer, a firefighter, or  
 3352 other specified officers, as defined in s. 784.07(2)(a);  
 3353 4. Carrying a concealed weapon, as defined in s.  
 3354 790.01(1);  
 3355 5. Open carrying of a weapon, as defined in s. 790.053;  
 3356 6. Unlawful possession or discharge of a weapon or firearm  
 3357 at a school-sponsored event or on school property, as defined in  
 3358 s. 790.115;  
 3359 7. Unlawful use of destructive devices or bombs, as

3360 defined in s. 790.1615(1);  
3361 8. Unlawful possession of a firearm by a minor, as defined  
3362 in s. 790.22(5);  
3363 9. Exposure of sexual organs, as defined in s. 800.03;  
3364 10. Arson, as defined in s. 806.031(1);  
3365 11. Petit theft, as defined in s. 812.014(3);  
3366 12. Neglect of a child, as defined in s. 827.03(1)(e); or  
3367 13. Cruelty to animals, as defined in s. 828.12(10).  
3368 (c) The person has not been adjudicated guilty of, or  
3369 adjudicated delinquent for committing, any of the acts stemming  
3370 from the arrest or alleged criminal activity to which the  
3371 petition to seal pertains.  
3372 (d) The person is no longer under court supervision  
3373 applicable to the disposition of arrest or alleged criminal  
3374 activity to which the petition to seal pertains.  
3375 (e) The person has never secured a prior sealing or  
3376 expunction of a criminal history record under this section, s.  
3377 943.0585, former s. 893.14, former s. 901.33, or former s.  
3378 943.058.  
3379 (2) CERTIFICATE OF ELIGIBILITY.—Before petitioning the  
3380 court to seal a criminal history record, a person seeking to  
3381 seal a criminal history record shall apply to the department for  
3382 a certificate of eligibility for sealing. The department shall  
3383 adopt rules relating to the application for and issuance of  
3384 certificates of eligibility for sealing.



3385        (a) The department shall issue a certificate of  
 3386 eligibility for sealing to a person who is the subject of a  
 3387 criminal history record if that person:

3388            1. Satisfies the eligibility criteria in paragraphs  
 3389 (1)(a)-(e) and is not ineligible for court-ordered sealing under  
 3390 s. 943.0584.

3391            2. Has submitted to the department a certified copy of the  
 3392 disposition of charge to which the petition pertains.

3393            3. Remits a \$75 processing fee to the department for  
 3394 placement in the Department of Law Enforcement Operating Trust  
 3395 Fund, unless the executive directors waives such fee.

3396        (b) A certificate of eligibility for sealing is valid for  
 3397 12 months after the date stamped on the certificate when issued  
 3398 by the department. After that time, the petitioner must reapply  
 3399 to the department for a new certificate of eligibility. The  
 3400 status of the applicant and the law in effect at the time of the  
 3401 renewal application determines the petitioner's eligibility.

3402        (3) PETITION.—Each petition to a court to seal a criminal  
 3403 history record is complete only when accompanied by:

3404            (a) A valid certificate of eligibility issued by the  
 3405 department pursuant to this section.

3406            (b) The petitioner's sworn statement that the petitioner:

3407            1. Satisfies the eligibility requirements for sealing in  
 3408 subsection (1).

3409            2. Is eligible for sealing to the best of his or her

3410 knowledge and does not have any other petition to seal or  
3411 expunge a criminal history record pending before any court.

3412  
3413 Any person who knowingly provides false information on such  
3414 sworn statement to the court commits a felony of the third  
3415 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
3416 775.084.

3417 (4) COURT AUTHORITY.—

3418 (a) The courts of this state have jurisdiction over their  
3419 own procedures, including the maintenance, sealing, and  
3420 correction of judicial records containing criminal history  
3421 information to the extent that such procedures are not  
3422 inconsistent with the conditions, responsibilities, and duties  
3423 established by this section.

3424 (b) Any court of competent jurisdiction may order a  
3425 criminal justice agency to seal the criminal history record of a  
3426 minor or an adult who complies with the requirements of this  
3427 section. The court shall not order a criminal justice agency to  
3428 seal a criminal history record until the person seeking to seal  
3429 a criminal history record has applied for and received a  
3430 certificate of eligibility pursuant to subsection (2).

3431 (c) The court may only order the sealing of a criminal  
3432 history record pertaining to one arrest or one incident of  
3433 alleged criminal activity, except the court may order the  
3434 sealing of a criminal history record pertaining to more than one

3435 arrest if the additional arrests directly relate to the original  
3436 arrest. If the court intends to order the sealing of records  
3437 pertaining to such additional arrests, such intent must be  
3438 specified in the order. A criminal justice agency may not seal  
3439 any record pertaining to such additional arrests if the order to  
3440 seal does not articulate the intention of the court to seal a  
3441 record pertaining to more than one arrest. This section does not  
3442 prevent the court from ordering the sealing of only a portion of  
3443 a criminal history record pertaining to one arrest or one  
3444 incident of alleged criminal activity.

3445 (d) Notwithstanding any law to the contrary, a criminal  
3446 justice agency may comply with laws, court orders, and official  
3447 requests of other jurisdictions relating to sealing, correction,  
3448 or confidential handling of criminal history records or  
3449 information derived therefrom.

3450 (e) This section does not confer any right to the sealing  
3451 of any criminal history record, and any request for sealing of a  
3452 criminal history record may be denied at the sole discretion of  
3453 the court.

3454 (5) PROCESSING OF A PETITION OR ORDER.—

3455 (a) In judicial proceedings under this section, a copy of  
3456 the completed petition to seal shall be served upon the  
3457 appropriate state attorney or the statewide prosecutor and upon  
3458 the arresting agency; however, it is not necessary to make any  
3459 agency other than the state a party. The appropriate state

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3460 attorney or the statewide prosecutor and the arresting agency  
3461 may respond to the court regarding the completed petition to  
3462 seal.

3463 (b) If relief is granted by the court, the clerk of the  
3464 court shall certify copies of the order to the appropriate state  
3465 attorney or the statewide prosecutor and the arresting agency.  
3466 The arresting agency is responsible for forwarding the order to  
3467 any other agency to which the arresting agency disseminated the  
3468 criminal history record information to which the order pertains.  
3469 The department shall forward the order to seal to the Federal  
3470 Bureau of Investigation. The clerk of the court shall certify a  
3471 copy of the order to any other agency which the records of the  
3472 court reflect has received the criminal history record from the  
3473 court.

3474 (c) The department or any other criminal justice agency is  
3475 not required to act on an order to seal entered by a court when  
3476 such order does not comply with the requirements of this  
3477 section. Upon receipt of such an order, the department must  
3478 notify the issuing court, the appropriate state attorney or  
3479 statewide prosecutor, the petitioner or the petitioner's  
3480 attorney, and the arresting agency of the reason for  
3481 noncompliance. The appropriate state attorney or statewide  
3482 prosecutor shall take action within 60 days to correct the  
3483 record and petition the court to void the order. No cause of  
3484 action, including contempt of court, shall arise against any

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3485 criminal justice agency for failure to comply with an order to  
3486 seal when the petitioner for such order failed to obtain the  
3487 certificate of eligibility as required by this section or such  
3488 order does not otherwise comply with the requirements of this  
3489 section.

3490 (6) EFFECT OF ORDER.—

3491 (a) A criminal history record of a minor or an adult which  
3492 is ordered sealed by a court pursuant to this section is  
3493 confidential and exempt from the provisions of s. 119.07(1) and  
3494 s. 24(a), Art. I of the State Constitution and is available only  
3495 to the following persons:

3496 1. The subject of the record;

3497 2. The subject's attorney;

3498 3. Criminal justice agencies for their respective criminal  
3499 justice purposes, which include conducting a criminal history  
3500 background check for approval of firearms purchases or transfers  
3501 as authorized by state or federal law;

3502 4. Judges in the state courts system for the purpose of  
3503 assisting them in their case-related decision making  
3504 responsibilities, as set forth in s. 943.053(5); or

3505 5. To those entities set forth in subparagraphs (b)1., 4.,  
3506 5., 6., 8., 9., and 10. for their respective licensing access  
3507 authorization and employment purposes.

3508 (b) The subject of the criminal history record sealed  
3509 under this section or under other provisions of law, including

3510 former s. 893.14, former s. 901.33, and former s. 943.058, may  
3511 lawfully deny or fail to acknowledge the arrests covered by the  
3512 sealed record, except when the subject of the record:

- 3513 1. Is a candidate for employment with a criminal justice  
3514 agency;
- 3515 2. Is a defendant in a criminal prosecution;
- 3516 3. Concurrently or subsequently petitions for relief under  
3517 this section, s. 943.0583 or s. 943.0585;
- 3518 4. Is a candidate for admission to the Florida Bar;
- 3519 5. Is seeking to be employed or licensed by or to contract  
3520 with the Department of Children and Families, the Division of  
3521 Vocational Rehabilitation within the Department of Education,  
3522 the Agency for Health Care Administration, the Agency for  
3523 Persons with Disabilities, the Department of Health, the  
3524 Department of Elderly Affairs, or the Department of Juvenile  
3525 Justice or to be employed or used by such contractor or licensee  
3526 in a sensitive position having direct contact with children, the  
3527 disabled, or the elderly;
- 3528 6. Is seeking to be employed or licensed by the Department  
3529 of Education, a district school board, a university laboratory  
3530 school, a charter school, a private or parochial school, or a  
3531 local governmental entity that licenses child care facilities;
- 3532 7. Is attempting to purchase a firearm from a licensed  
3533 importer, licensed manufacturer, or licensed dealer and is  
3534 subject to a criminal history check under state or federal law;

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3535 8. Is seeking to be licensed by the Division of Insurance  
3536 Agent and Agency Services within the Department of Financial  
3537 Services;

3538 9. Is seeking to be appointed as a guardian pursuant to s.  
3539 744.3125; or

3540 10. Is seeking to be licensed by the Bureau of License  
3541 Issuance of the Division of Licensing within the Department of  
3542 Agriculture and Consumer Services to carry a concealed weapon or  
3543 concealed firearm. This subparagraph applies only in the  
3544 determination of an applicant's eligibility under s. 790.06.

3545 (c) Subject to the exceptions in paragraph (b), a person  
3546 who has been granted a sealing under this section, former s.  
3547 893.14, former s. 901.33, or former s. 943.058 may not be held  
3548 under any provision of law of this state to commit perjury or to  
3549 be otherwise liable for giving a false statement by reason of  
3550 such person's failure to recite or acknowledge a sealed criminal  
3551 history record.

3552 (d) Information relating to the existence of a sealed  
3553 criminal record provided in accordance with paragraph (b) is  
3554 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
3555 of the State Constitution, except that the department shall  
3556 disclose the sealed criminal history record to the entities set  
3557 forth in subparagraphs (b)1., 4., 5., 6., 8., 9., and 10., for  
3558 their respective licensing, access authorization, and employment  
3559 purposes. An employee of an entity set forth in subparagraph

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3560 (b)1., 4., 5., 6., 8., 9., or 10. may not disclose information  
3561 relating to the existence of a sealed criminal history record of  
3562 a person seeking employment, access authorization, or licensure  
3563 with such entity or contractor, except to the person to whom the  
3564 criminal history record relates or to persons having direct  
3565 responsibility for employment, access authorization, or  
3566 licensure decisions. A person who violates this paragraph  
3567 commits a misdemeanor of the first degree, punishable as  
3568 provided in s. 775.082 or s. 775.083.

3569 Section 47. Section 943.0595, Florida Statutes, is created  
3570 to read:

3571 943.0595 AUTOMATIC SEALING OF CRIMINAL HISTORY RECORDS.—

3572 (1) RULEMAKING.—Notwithstanding any law dealing generally  
3573 with the preservation and destruction of public records, the  
3574 department shall adopt rules addressing the automatic sealing of  
3575 any criminal history record of a minor or adult described in  
3576 this section.

3577 (2) ELIGIBILITY.—

3578 (a) The department shall automatically seal a criminal  
3579 history record when:

3580 1. An indictment, information, or other charging document  
3581 was not filed or issued in the case giving rise to the criminal  
3582 history record.

3583 2. An indictment, information, or other charging document  
3584 was filed in the case giving rise to the criminal history



3585 record, but was dismissed or nolle prosequi by the state  
3586 attorney or statewide prosecutor, or was dismissed by a court of  
3587 competent jurisdiction. However, a person is not eligible for  
3588 automatic sealing under this section if the dismissal was  
3589 pursuant to s. 916.145 or s. 985.19.

3590 3. A not guilty verdict was rendered by a judge or jury.  
3591 However, a person is not eligible for automatic sealing under  
3592 this section if the defendant was found not guilty by reason of  
3593 insanity.

3594 4. A judgment of acquittal was rendered by a judge.

3595 (b) There is no limitation on the number of times a person  
3596 may obtain an automatic sealing for a criminal history record  
3597 described in paragraph (a).

3598 (3) PROCESS FOR AND EFFECT OF AUTOMATIC SEALING.—

3599 (a) Upon the disposition of a criminal case resulting in a  
3600 criminal history record eligible for automatic sealing under  
3601 paragraph (2) (a), the clerk of the court shall transmit a  
3602 certified copy of the disposition of the criminal history record  
3603 to the department, which shall seal the criminal history record  
3604 upon receipt of the certified copy.

3605 (b) Automatic sealing of a criminal history record does  
3606 not require sealing by the court or other criminal justice  
3607 agencies, or that such record be surrendered to the court, and  
3608 such record shall continue to be maintained by the department  
3609 and other criminal justice agencies.

3610 (c) Except as provided in this section, automatic sealing  
 3611 of a criminal history record shall have the same effect, and the  
 3612 department may disclose such a record in the same manner, as a  
 3613 record sealed under s. 943.059.

3614 Section 48. Paragraph (b) of subsection (1) of section  
 3615 943.325, Florida Statutes, is amended to read:

3616 943.325 DNA database.—

3617 (1) LEGISLATIVE INTENT.—

3618 (b) The Legislature also finds that upon establishment of  
 3619 the Florida DNA database, a match between casework evidence DNA  
 3620 samples from a criminal investigation and DNA samples from a  
 3621 state or federal DNA database of certain offenders may be used  
 3622 to find probable cause for the issuance of a warrant for arrest  
 3623 or to obtain the DNA sample from an offender.

3624 Section 49. Subsection (2) of section 944.47, Florida  
 3625 Statutes, is amended to read:

3626 944.47 Introduction, removal, or possession of contraband  
 3627 ~~certain articles unlawful~~; penalty.—

3628 (2) (a) A person who violates ~~any provision of~~ this section  
 3629 as it pertains to an article of contraband described in  
 3630 subparagraph (1)(a)1., subparagraph (1)(a)2., or subparagraph  
 3631 (1)(a)6. commits a felony of the third degree, punishable as  
 3632 provided in s. 775.082, s. 775.083, or s. 775.084. Otherwise ~~in~~  
 3633 ~~all other cases~~, a violation of ~~a provision of~~ this section is  
 3634 ~~constitutes~~ a felony of the second degree, punishable as

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3635 provided in s. 775.082, s. 775.083, or s. 775.084.

3636 (b) A violation of this section by an employee, as defined  
3637 in s. 944.115(2) (b), who uses or attempts to use the powers,  
3638 rights, privileges, duties, or position of his or her employment  
3639 in the commission of the violation is ranked one level above the  
3640 ranking specified in s. 921.0022 or s. 921.0023 for the offense  
3641 committed.

3642 Section 50. Section 944.704, Florida Statutes, is amended  
3643 to read:

3644 944.704 Staff who provide transition assistance; duties.-

3645 (1) The department shall provide a transition assistance  
3646 specialist at each of the major institutions.

3647 (2) The department may increase the number of transition  
3648 assistance specialists in proportion to the number of inmates  
3649 served at each of the major institutions and may increase the  
3650 number of employment specialists per judicial circuit based on  
3651 the number of released inmates served under community  
3652 supervision in that circuit, subject to appropriations.

3653 (3) The transition assistance specialists' ~~whose~~ duties  
3654 include, but are not limited to:

3655 (a)~~(1)~~ Coordinating delivery of transition assistance  
3656 program services at the institution and at the community  
3657 correctional centers authorized pursuant to s. 945.091(1) (b).

3658 (b)~~(2)~~ Assisting in the development of each inmate's  
3659 postrelease plan.

3660            (c)~~(3)~~ Obtaining job placement information. Such  
3661 information must include identifying any job assignment  
3662 credentialing or industry certifications for which the inmate is  
3663 eligible.

3664            (d)~~(4)~~ Providing a written medical discharge plan and  
3665 referral to a county health department.

3666            (e)~~(5)~~ For an inmate who is known to be HIV positive,  
3667 providing a 30-day supply of all HIV/AIDS-related medication  
3668 that the inmate is taking before ~~prior to~~ release, if required  
3669 under protocols of the Department of Corrections and treatment  
3670 guidelines of the United States Department of Health and Human  
3671 Services.

3672            (f)~~(6)~~ Facilitating placement in a private transition  
3673 housing program, if requested by any eligible inmate. If an  
3674 inmate who is nearing his or her date of release requests  
3675 placement in a contracted substance abuse transition housing  
3676 program, the transition assistance specialist shall inform the  
3677 inmate of program availability and assess the inmate's need and  
3678 suitability for transition housing assistance. If an inmate is  
3679 approved for placement, the specialist shall assist the inmate  
3680 and coordinate the release of the inmate with the selected  
3681 program. If an inmate requests and is approved for placement in  
3682 a contracted faith-based substance abuse transition housing  
3683 program, the specialist must consult with the chaplain before  
3684 ~~prior to~~ such placement. In selecting inmates who are nearing

3685 | their date of release for placement in a faith-based program,  
 3686 | the department shall ensure that an inmate's faith orientation,  
 3687 | or lack thereof, will not be considered in determining admission  
 3688 | to the program and that the program does not attempt to convert  
 3689 | an inmate toward a particular faith or religious preference.

3690 |       (g) ~~(7)~~ Providing a photo identification card to all  
 3691 | inmates prior to their release.

3692 |       (4) ~~A~~ The transition assistance specialist may not be a  
 3693 | correctional officer or correctional probation officer as  
 3694 | defined in s. 943.10.

3695 |       Section 51. Section 944.705, Florida Statutes, is amended  
 3696 | to read:

3697 |       944.705 Release orientation program.—

3698 |       (1) The department shall provide participation in a  
 3699 | standardized release orientation program to every eligible  
 3700 | inmate.

3701 |       (2) The release orientation program instruction must  
 3702 | include, but is not limited to:

3703 |           (a) Employment skills.

3704 |           (b) Money management skills.

3705 |           (c) Personal development and planning.

3706 |           (d) Special needs.

3707 |           (e) Community reentry concerns.

3708 |           (f) Community reentry support.

3709 |           (g) Any other appropriate instruction to ensure the

3710 inmate's successful reentry into the community.

3711 (3) (a) The department shall establish a toll-free hotline  
3712 for the benefit of released inmates. The hotline shall provide  
3713 information to released inmates seeking to obtain post-release  
3714 referrals for community based reentry services.

3715 (b) Before an inmate's release, the department shall  
3716 provide the inmate with a comprehensive community reentry  
3717 resource directory, which must be organized by county and  
3718 include the name, address, telephone number, and a description  
3719 of the services offered by each reentry service provider. The  
3720 directory must also include the name, address, and telephone  
3721 number of existing portals of entry and the toll-free hotline  
3722 number required by paragraph (a).

3723 (c) The department shall expand the use of the Spectrum  
3724 system to provide inmates and offenders with community-specific  
3725 reentry service provider referrals.

3726 ~~(4)~~ Any inmate who claims to be a victim of domestic  
3727 violence as defined in s. 741.28 shall receive, as part of the  
3728 release orientation program, referral to the nearest domestic  
3729 violence center certified under chapter 39.

3730 ~~(5)~~ The department shall conduct a needs assessment of  
3731 every inmate to determine which, if any, basic support services  
3732 the inmate needs after release.

3733 ~~(6)~~ The department may contract with public or private  
3734 entities, including faith-based service groups, for the

3735 provision of all or part of the services pursuant to this  
3736 section.

3737 ~~(7)~~<sup>(6)</sup> (a) The department shall notify every inmate, in no  
3738 less than 18-point type in the inmate's release documents, that  
3739 the inmate may be sentenced pursuant to s. 775.082(9) if the  
3740 inmate commits any felony offense described in s. 775.082(9)  
3741 within 3 years after the inmate's release. This notice must be  
3742 prefaced by the word "WARNING" in boldfaced type.

3743 (b) Nothing in this section precludes the sentencing of a  
3744 person pursuant to s. 775.082(9), nor shall evidence that the  
3745 department failed to provide this notice prohibit a person from  
3746 being sentenced pursuant to s. 775.082(9). The state shall not  
3747 be required to demonstrate that a person received any notice  
3748 from the department in order for the court to impose a sentence  
3749 pursuant to s. 775.082(9).

3750 (8) A nonprofit faith-based, business, professional,  
3751 civic, or community organization may to apply for registration  
3752 with the department to provide inmate reentry services. Reentry  
3753 services include, but are not limited to, counseling; providing  
3754 information on housing and job placement; money management  
3755 assistance; and programs addressing substance abuse, mental  
3756 health, or co-occurring conditions.

3757 (9) The department shall adopt policies and procedures for  
3758 screening, approving, and registering an organization that  
3759 applies under subsection (8). The department may deny approval

3760 and registration of an organization or a representative from an  
3761 organization if it determines that the organization or  
3762 representative does not meet the department's policies and  
3763 procedures.

3764 (10) The department may contract with a public or private  
3765 educational institution's Veteran Advocacy Clinic or Veteran  
3766 Legal Clinic to assist qualified veteran inmates in applying for  
3767 veteran's benefits upon release.

3768 (11) The department may contract with public or private  
3769 organizations to establish transitional employment programs that  
3770 provide employment opportunities for released inmates.

3771 (12) The department shall adopt rules to implement this  
3772 section.

3773 Section 52. Subsections (4) through (6) of section  
3774 944.801, Florida Statutes, are renumbered as subsections (6)  
3775 through (8), respectively, and new subsections (4) and (5) are  
3776 added to that section, to read:

3777 944.801 Education for state prisoners.—

3778 (4) The department may expand the use of job assignment  
3779 credentialing and industry certifications.

3780 (5) The Correctional Education Program may establish a  
3781 Prison Entrepreneurship Program and adopt procedures for  
3782 admitting student inmates. If the department elects to develop  
3783 the program, it must include at least 180 days of in-prison  
3784 education. Program curriculum must include a component on



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3785 developing a business plan, procedures for graduation and  
3786 certification of successful student inmates, and at least 90  
3787 days of transitional and postrelease continuing education  
3788 services. Transitional and postrelease continuing education  
3789 services may be offered to program graduates on a voluntary  
3790 basis and must not be a requirement for completion of the  
3791 program. The department shall enter into agreements with public  
3792 or private colleges, universities, or other non-profit entities  
3793 to implement the program. The program must be funded within  
3794 existing resources.

3795 Section 53. Subsection (1) of section 948.001, Florida  
3796 Statutes, is amended to read:

3797 948.001 Definitions.—As used in this chapter, the term:

3798 (1) "Administrative probation" means a form of no contact,  
3799 nonreporting supervision. A court may order administrative  
3800 probation, or the Department of Corrections may transfer an  
3801 offender to administrative probation, in which an offender who  
3802 presents a low risk of harm to the community may, upon  
3803 satisfactory completion of half the term of probation, be  
3804 transferred by the Department of Corrections to this type of  
3805 reduced level of supervision, as provided in s. 948.013.

3806 Section 54. Subsection (1) of section 948.013, Florida  
3807 Statutes, is amended to read:

3808 948.013 Administrative probation.—

3809 (1) The Department of Corrections may transfer an offender

3810 to administrative probation if he or she presents a low risk of  
3811 harm to the community and has satisfactorily completed at least  
3812 half of the probation term. The department ~~of Corrections~~ may  
3813 establish procedures for transferring an offender to  
3814 administrative probation. The department may collect an initial  
3815 processing fee of up to \$50 for each probationer transferred to  
3816 administrative probation. The offender is exempt from further  
3817 payment for the cost of supervision as required in s. 948.09.

3818 Section 55. Subsections (4) through (6) are added to  
3819 section 948.04, Florida Statutes, to read:

3820 948.04 Period of probation; duty of probationer; early  
3821 termination.—

3822 (4) For offenders sentenced to probation on or after  
3823 October 1, 2019, except as provided in subsection (5), the  
3824 court, upon motion by the probationer or probation officer,  
3825 shall either early terminate the probationer's supervision or  
3826 convert the supervisory term to administrative probation if:

3827 (a) The probationer has completed at least half of the  
3828 term of probation to which he or she was sentenced.

3829 (b) The probationer has successfully completed all other  
3830 conditions of probation.

3831 (c) The court has not found the probationer in violation  
3832 of probation pursuant to a filed affidavit of violation of  
3833 probation at any point during the current supervisory term.

3834 (d) The parties did not specifically exclude the

3835 possibility of early termination or conversion to administrative  
3836 probation as part of a negotiated sentence.

3837 (e) The probationer does not qualify as a violent felony  
3838 offender of special concern under s. 948.06(8) (b).

3839 (5) Upon making written findings that continued reporting  
3840 probation is necessary to protect the community or the interests  
3841 of justice, the court may decline to early terminate the  
3842 probationary term or convert the term to administrative  
3843 probation for an offender who is otherwise eligible under  
3844 subsection (4).

3845 (6) Subsections (4) and (5) do not apply to an offender on  
3846 community control. If an offender on community control is  
3847 subsequently placed on probation, he or she must complete half  
3848 of the probationary term to which he or she was sentenced,  
3849 without receiving credit for time served on community control,  
3850 before being eligible for mandatory early termination or  
3851 conversion to administrative probation under this section.

3852 Section 56. Section 948.05, Florida Statutes, is amended  
3853 to read:

3854 948.05 Court to admonish or commend probationer or offender  
3855 in community control; graduated incentives.—

3856 (1) A court may at any time cause a probationer or  
3857 offender in community control to appear before it to be  
3858 admonished or commended, and, when satisfied that its action  
3859 will be for the best interests of justice and the welfare of

3860 society, it may discharge the probationer or offender in  
3861 community control from further supervision.

3862 (2) The department shall implement a system of graduated  
3863 incentives to promote compliance with the terms of supervision  
3864 and prioritize the highest levels of supervision for offenders  
3865 presenting the greatest risk of recidivism.

3866 (a) As part of the graduated incentives system, the  
3867 department may, without leave of court, offer the following  
3868 incentives to a compliant offender:

3869 1. Up to 25 percent reduction of required community  
3870 service hours;

3871 2. Waiver of supervision fees;

3872 3. Reduction in frequency of reporting;

3873 4. Permission to report by mail or phone; or

3874 5. Transfer of an eligible offender to administrative  
3875 probation as permitted under s. 948.013.

3876 (b) The department may also incentivize positive behavior  
3877 and compliance with recommendations to the court to modify the  
3878 terms of supervision, including recommending:

3879 1. Permission to travel;

3880 2. Reduction of supervision type;

3881 3. Modification or cessation of curfew;

3882 4. Reduction or cessation of substance abuse testing; or

3883 5. Early termination of supervision.

3884 (c) An offender who commits a subsequent violation of

3885 probation may forfeit any previously earned probation incentive,  
 3886 as determined appropriate by his or her probation officer.

3887 Section 57. Paragraphs (c) through (g) of subsection (1)  
 3888 of section 948.06, Florida Statutes, are redesignated as  
 3889 paragraphs (d) through (h) respectively, present paragraph (h)  
 3890 of subsection (1) and subsection (2) are amended, and a new  
 3891 paragraph (c) of subsection (1) and subsection (9) are added to  
 3892 that section, to read:

3893 948.06 Violation of probation or community control;  
 3894 revocation; modification; continuance; failure to pay  
 3895 restitution or cost of supervision.—

3896 (1)

3897 (c) If a probationer or offender on community control  
 3898 commits a technical violation, the probation officer shall  
 3899 determine whether he or she is eligible for the alternative  
 3900 sanctioning program under subsection (9). If the probationer or  
 3901 offender on community control is eligible, the probation officer  
 3902 may proceed with the alternative sanctioning program in lieu of  
 3903 filing an affidavit of violation with the court. For purposes of  
 3904 this section, the term "technical violation" means an alleged  
 3905 violation of supervision that is not a new felony offense,  
 3906 misdemeanor offense, or criminal traffic offense.

3907 ~~(h)1. The chief judge of each judicial circuit, in~~  
 3908 ~~consultation with the state attorney, the public defender, and~~  
 3909 ~~the department, may establish an alternative sanctioning program~~

3910 ~~in which the department, after receiving court approval, may~~  
3911 ~~enforce specified sanctions for certain technical violations of~~  
3912 ~~supervision. For purposes of this paragraph, the term "technical~~  
3913 ~~violation" means any alleged violation of supervision that is~~  
3914 ~~not a new felony offense, misdemeanor offense, or criminal~~  
3915 ~~traffic offense.~~

3916 ~~2. To establish an alternative sanctioning program, the~~  
3917 ~~chief judge must issue an administrative order specifying:~~

3918 ~~a. Eligibility criteria.~~

3919 ~~b. The technical violations that are eligible for the~~  
3920 ~~program.~~

3921 ~~c. The sanctions that may be recommended by a probation~~  
3922 ~~officer for each technical violation.~~

3923 ~~d. The process for reporting technical violations through~~  
3924 ~~the alternative sanctioning program, including approved forms.~~

3925 ~~3. If an offender is alleged to have committed a technical~~  
3926 ~~violation of supervision that is eligible for the program, the~~  
3927 ~~offender may:~~

3928 ~~a. Waive participation in the alternative sanctioning~~  
3929 ~~program, in which case the probation officer may submit a~~  
3930 ~~violation report, affidavit, and warrant to the court in~~  
3931 ~~accordance with this section; or~~

3932 ~~b. Elect to participate in the alternative sanctioning~~  
3933 ~~program after receiving written notice of an alleged technical~~  
3934 ~~violation and a disclosure of the evidence against the offender,~~

3935 ~~admit to the technical violation, agree to comply with the~~  
3936 ~~probation officer's recommended sanction if subsequently ordered~~  
3937 ~~by the court, and agree to waive the right to:~~

3938 ~~(I) Be represented by legal counsel.~~

3939 ~~(II) Require the state to prove his or her guilt before a~~  
3940 ~~neutral and detached hearing body.~~

3941 ~~(III) Subpoena witnesses and present to a judge evidence~~  
3942 ~~in his or her defense.~~

3943 ~~(IV) Confront and cross-examine adverse witnesses.~~

3944 ~~(V) Receive a written statement from a factfinder as to~~  
3945 ~~the evidence relied on and the reasons for the sanction imposed.~~

3946 ~~4. If the offender admits to committing the technical~~  
3947 ~~violation and agrees with the probation officer's recommended~~  
3948 ~~sanction, the probation officer must, before imposing the~~  
3949 ~~sanction, submit the recommended sanction to the court as well~~  
3950 ~~as documentation reflecting the offender's admission to the~~  
3951 ~~technical violation and agreement with the recommended sanction.~~

3952 ~~5. The court may impose the recommended sanction or may~~  
3953 ~~direct the department to submit a violation report, affidavit,~~  
3954 ~~and warrant to the court in accordance with this section.~~

3955 ~~6. An offender's participation in an alternative~~  
3956 ~~sanctioning program is voluntary. The offender may elect to~~  
3957 ~~waive or discontinue participation in an alternative sanctioning~~  
3958 ~~program at any time before the issuance of a court order~~  
3959 ~~imposing the recommended sanction.~~

3960 ~~7. If an offender waives or discontinues participation in~~  
3961 ~~an alternative sanctioning program, the probation officer may~~  
3962 ~~submit a violation report, affidavit, and warrant to the court~~  
3963 ~~in accordance with this section. The offender's prior admission~~  
3964 ~~to the technical violation may not be used as evidence in~~  
3965 ~~subsequent proceedings.~~

3966 (2) (a) The court, upon the probationer or offender being  
3967 brought before it, shall advise him or her of such charge of  
3968 violation and, if such charge is admitted to be true, may  
3969 forthwith revoke, modify, or continue the probation or community  
3970 control or place the probationer into a community control  
3971 program.

3972 (b) If probation or community control is revoked, the  
3973 court shall adjudge the probationer or offender guilty of the  
3974 offense charged and proven or admitted, unless he or she has  
3975 previously been adjudged guilty, and impose any sentence which  
3976 it might have originally imposed before placing the probationer  
3977 on probation or the offender into community control.

3978 (c) If such violation of probation or community control is  
3979 not admitted by the probationer or offender, the court may  
3980 commit him or her or release him or her with or without bail to  
3981 await further hearing, or it may dismiss the charge of probation  
3982 or community control violation.

3983 (d) If such charge is not at that time admitted by the  
3984 probationer or offender and if it is not dismissed, the court,



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3985 as soon as may be practicable, shall give the probationer or  
3986 offender an opportunity to be fully heard on his or her behalf  
3987 in person or by counsel.

3988 (e) After such hearing, the court may revoke, modify, or  
3989 continue the probation or community control or place the  
3990 probationer into community control. If such probation or  
3991 community control is revoked, the court shall adjudge the  
3992 probationer or offender guilty of the offense charged and proven  
3993 or admitted, unless he or she has previously been adjudged  
3994 guilty, and impose any sentence which it might have originally  
3995 imposed before placing the probationer or offender on probation  
3996 or into community control.

3997 (f) 1. Except as provided in subparagraph 3. or upon waiver  
3998 by the offender, the court shall modify or continue a  
3999 probationary term upon finding a probationer in violation under  
4000 the following circumstances:

4001 a. The term of supervision is probation.

4002 b. The probationer does not qualify as a violent felony  
4003 offender of special concern, as defined in paragraph (8) (b).

4004 c. The violation is a low-risk technical violation, as  
4005 defined in paragraph (9) (b).

4006 d. The court has not previously found the probationer in  
4007 violation of his or her probation pursuant to a filed violation  
4008 of probation affidavit during the current term of supervision. A  
4009 probationer who has successfully completed sanctions through the

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4010 alternative sanctioning program is eligible for mandatory  
4011 modification or continuation of his or her probation.

4012 2. Upon modifying probation under subparagraph 1., the  
4013 court may include in the sentence a maximum of 90 days in county  
4014 jail as a special condition of probation.

4015 3. Notwithstanding s. 921.0024, if a probationer has less  
4016 than 90 days of supervision remaining on his or her term of  
4017 probation and meets the criteria for mandatory modification or  
4018 continuation in subparagraph 1., the court may revoke probation  
4019 and sentence the probationer to a maximum of 90 days in county  
4020 jail.

4021 4. For purposes of imposing a jail sentence under this  
4022 paragraph only, the court may grant credit only for time served  
4023 in the county jail since the probationer's most recent arrest  
4024 for the violation. However, the court may not order the  
4025 probationer to a total term of incarceration greater than the  
4026 maximum provided by s. 775.082.

4027 (g) Notwithstanding s. 775.082, when a period of probation  
4028 or community control has been tolled, upon revocation or  
4029 modification of the probation or community control, the court  
4030 may impose a sanction with a term that when combined with the  
4031 amount of supervision served and tolled, exceeds the term  
4032 permissible pursuant to s. 775.082 for a term up to the amount  
4033 of the tolled period of supervision.

4034 (h) ~~(g)~~ If the court dismisses an affidavit alleging a

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4035 violation of probation or community control, the offender's  
4036 probation or community control shall continue as previously  
4037 imposed, and the offender shall receive credit for all tolled  
4038 time against his or her term of probation or community control.

4039 (i)~~(h)~~1. For each case in which the offender admits to  
4040 committing a violation or is found to have committed a  
4041 violation, the department shall provide the court with a  
4042 recommendation as to disposition by the court. The department  
4043 shall provide the reasons for its recommendation and include an  
4044 evaluation of:

4045 a. The appropriateness or inappropriateness of community  
4046 facilities, programs, or services for treating or supervising  
4047 the offender;

4048 b. The ability or inability of the department to provide  
4049 an adequate level of supervision of the offender in the  
4050 community and a statement of what constitutes an adequate level  
4051 of supervision; and

4052 c. The existence of treatment modalities that the offender  
4053 could use but that do not currently exist in the community.

4054 2. The report must also include a summary of the  
4055 offender's prior supervision history, including the offender's  
4056 prior participation in treatment, educational, and vocational  
4057 programs, and any other actions by or circumstances concerning  
4058 the offender which are relevant.

4059 3. The court may specify whether the recommendation or

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4060 report must be oral or written and may waive the requirement for  
4061 a report in an individual case or a class of cases. This  
4062 paragraph does not prohibit the department from making any other  
4063 report or recommendation that is provided for by law or  
4064 requested by the court.

4065 (j)~~(i)~~1. Notwithstanding s. 921.0024 and effective for  
4066 offenses committed on or after July 1, 2009, the court may order  
4067 the defendant to successfully complete a postadjudicatory  
4068 treatment-based drug court program if:

4069 a. The court finds or the offender admits that the  
4070 offender has violated his or her community control or probation;

4071 b. The offender's Criminal Punishment Code scoresheet  
4072 total sentence points under s. 921.0024 are 60 points or fewer  
4073 after including points for the violation;

4074 c. The underlying offense is a nonviolent felony. As used  
4075 in this subsection, the term "nonviolent felony" means a third  
4076 degree felony violation under chapter 810 or any other felony  
4077 offense that is not a forcible felony as defined in s. 776.08;

4078 d. The court determines that the offender is amenable to  
4079 the services of a postadjudicatory treatment-based drug court  
4080 program;

4081 e. The court has explained the purpose of the program to  
4082 the offender and the offender has agreed to participate; and

4083 f. The offender is otherwise qualified to participate in  
4084 the program under the provisions of s. 397.334(3).

4085           2. After the court orders the modification of community  
4086 control or probation, the original sentencing court shall  
4087 relinquish jurisdiction of the offender's case to the  
4088 postadjudicatory treatment-based drug court program until the  
4089 offender is no longer active in the program, the case is  
4090 returned to the sentencing court due to the offender's  
4091 termination from the program for failure to comply with the  
4092 terms thereof, or the offender's sentence is completed.

4093           (k)~~(j)~~1. Notwithstanding s. 921.0024 and effective for  
4094 offenses committed on or after July 1, 2016, the court may order  
4095 the offender to successfully complete a postadjudicatory mental  
4096 health court program under s. 394.47892 or a military veterans  
4097 and servicemembers court program under s. 394.47891 if:

4098           a. The court finds or the offender admits that the  
4099 offender has violated his or her community control or probation;

4100           b. The underlying offense is a nonviolent felony. As used  
4101 in this subsection, the term "nonviolent felony" means a third  
4102 degree felony violation under chapter 810 or any other felony  
4103 offense that is not a forcible felony as defined in s. 776.08.  
4104 Offenders charged with resisting an officer with violence under  
4105 s. 843.01, battery on a law enforcement officer under s. 784.07,  
4106 or aggravated assault may participate in the mental health court  
4107 program if the court so orders after the victim is given his or  
4108 her right to provide testimony or written statement to the court  
4109 as provided in s. 921.143;

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4110 c. The court determines that the offender is amenable to  
4111 the services of a postadjudicatory mental health court program,  
4112 including taking prescribed medications, or a military veterans  
4113 and servicemembers court program;

4114 d. The court explains the purpose of the program to the  
4115 offender and the offender agrees to participate; and

4116 e. The offender is otherwise qualified to participate in a  
4117 postadjudicatory mental health court program under s.  
4118 394.47892(4) or a military veterans and servicemembers court  
4119 program under s. 394.47891.

4120 2. After the court orders the modification of community  
4121 control or probation, the original sentencing court shall  
4122 relinquish jurisdiction of the offender's case to the  
4123 postadjudicatory mental health court program until the offender  
4124 is no longer active in the program, the case is returned to the  
4125 sentencing court due to the offender's termination from the  
4126 program for failure to comply with the terms thereof, or the  
4127 offender's sentence is completed.

4128 (9) (a) For a first or second low-risk violation, as  
4129 defined in paragraph (b), within the current term of  
4130 supervision, a probation officer may offer an eligible  
4131 probationer one or more of the following as an alternative  
4132 sanction:

4133 1. Up to 5 days in the county jail.

4134 2. Up to 50 additional community service hours.

- 4135 |       3. Counseling or treatment.
- 4136 |       4. Support group attendance.
- 4137 |       5. Drug testing.
- 4138 |       6. Loss of travel or other privileges.
- 4139 |       7. Curfew for up to 30 days.
- 4140 |       8. House arrest for up to 30 days.
- 4141 |       9. Any other sanction specified by administrative order of
- 4142 | the chief judge of the circuit. However, in no circumstance
- 4143 | shall participation in an alternative sanctioning program
- 4144 | convert a withheld adjudication to an adjudication of guilt.
- 4145 |       (b) When committed by a probationer, a low-risk violation
- 4146 | includes:
- 4147 |       1. Positive drug or alcohol test result.
- 4148 |       2. Failure to report to the probation office.
- 4149 |       3. Failure to report a change in address or other required
- 4150 | information.
- 4151 |       4. Failure to attend a required class, treatment or
- 4152 | counseling session, or meeting.
- 4153 |       5. Failure to submit to a drug or alcohol test.
- 4154 |       6. Curfew violation.
- 4155 |       7. Failure to meet a monthly quota on any required
- 4156 | probation condition, including, but not limited to, making
- 4157 | restitution payments, payment of court costs, and completing
- 4158 | community service hours.
- 4159 |       8. Leaving the county without permission.

- 4160           9. Failure to report a change in employment.
- 4161           10. Associating with a person engaged in criminal  
 4162 activity.
- 4163           11. Any other violation specified by administrative order  
 4164 of the chief judge of the circuit.
- 4165           (c) For a first time moderate-risk violation, as defined  
 4166 in paragraph (d), within the current term of supervision, a  
 4167 probation officer, with supervisor approval, may offer an  
 4168 eligible probationer or offender on community control one or  
 4169 more of the following as an alternative sanction:
- 4170           1. Up to 21 days in the county jail.
- 4171           2. Curfew for up to 90 days.
- 4172           3. House arrest for up to 90 days.
- 4173           4. Electronic monitoring for up to 90 days.
- 4174           5. Residential treatment for up to 90 days.
- 4175           6. Any other sanction available for a low-risk violation.
- 4176           7. Any other sanction specified by administrative order of  
 4177 the chief judge of the circuit.
- 4178           (d) A moderate-risk violation includes:
- 4179           1. A violation listed under paragraph (b) when committed  
 4180 by an offender on community control;
- 4181           2. Failure to remain at an approved residence by an  
 4182 offender on community control;
- 4183           3. A third violation listed under paragraph (b) by a  
 4184 probationer within the current term of supervision; or



4185 4. Any other violation specified by administrative order  
4186 of the chief judge of the circuit. However, in no circumstance  
4187 shall participation in an alternative sanctioning program  
4188 convert a withheld adjudication to an adjudication of guilt.

4189 (e) A probationer or offender on community control is not  
4190 eligible for an alternative sanction if:

4191 1. He or she is a violent felony offender of special  
4192 concern, as defined in paragraph (8) (b).

4193 2. The violation is a felony, misdemeanor, or criminal  
4194 traffic offense.

4195 3. The violation is absconding.

4196 4. The violation is for a failure to comply with a no-  
4197 contact or stay-away order.

4198 5. The violation is not identified as low-risk or  
4199 moderate-risk under this paragraph or by administrative order.

4200 6. He or she has a prior moderate-risk level violation  
4201 during the current term of supervision.

4202 7. He or she has three or more prior low-risk level  
4203 violations during the current term of supervision.

4204 8. The term of supervision is scheduled to terminate in  
4205 less than 90 days.

4206 9. The terms of the sentence prohibit alternative  
4207 sanctioning.

4208 (f) If a probationer or offender on community control is  
4209 eligible for the alternative sanctioning program, he or she may:

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- 4210        1. Waive participation in the program, in which case the  
4211 probation officer may submit a violation report, affidavit, and  
4212 warrant to the court; or
- 4213        2. Elect to participate in the program after receiving  
4214 written notice of an alleged technical violation and disclosure  
4215 of the evidence against him or her, admit to the technical  
4216 violation, agree to comply with the probation officer's  
4217 recommended sanction if subsequently ordered by the court, and  
4218 agree to waive the right to:
- 4219            a. Be represented by legal counsel.
- 4220            b. Require the state to prove his or her guilt before a  
4221 neutral and detached hearing body.
- 4222            c. Subpoena witnesses and present to a judge evidence in  
4223 his or her defense.
- 4224            d. Confront and cross-examine adverse witnesses.
- 4225            e. Receive a written statement from a judge as to the  
4226 evidence relied on and the reasons for the sanction imposed.
- 4227        (g) If the probationer or offender on community control  
4228 admits to committing the technical violation and agrees with the  
4229 probation officer's recommended sanction, the probation officer  
4230 shall, before imposing the sanction, submit the recommended  
4231 sanction to the court with documentation reflecting the  
4232 probationer's admission to the technical violation and agreement  
4233 with the recommended sanction.
- 4234        (h) The court may impose the recommended sanction or

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4235 direct the department to submit a violation report, affidavit,  
4236 and warrant to the court.

4237 (i) An offender's participation in the alternative  
4238 sanctioning program is voluntary. The probationer or offender on  
4239 community control may waive or discontinue participation in the  
4240 program at any time before the court imposes a recommended  
4241 sanction.

4242 (j) If a probationer or offender on community control  
4243 waives or discontinues participation in the alternative  
4244 sanctioning program or fails to successfully complete all  
4245 alternative sanctions within 90 days of imposition or within the  
4246 timeframe specified in the agreed upon sanction, the probation  
4247 officer may submit a violation report, affidavit, and warrant to  
4248 the court. A prior admission by the probationer or offender on  
4249 community control to a technical violation may not be used as  
4250 evidence in subsequent proceedings.

4251 (k) Each judicial circuit shall establish an alternative  
4252 sanctioning program as provided in this subsection. The chief  
4253 judge of each judicial circuit may, by administrative order,  
4254 define additional sanctions or eligibility criteria and specify  
4255 the process for reporting technical violations through the  
4256 alternative sanctioning program.

4257 Section 58. Subsection (6) and paragraph (a) and  
4258 subsection (7) of section 948.08, Florida Statutes, are amended  
4259 to read:

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4260 948.08 Pretrial intervention program.—

4261 (6) (a) For purposes of this subsection, the term  
4262 "nonviolent felony" means a third degree felony violation of  
4263 chapter 810 or any other felony offense that is not a forcible  
4264 felony as defined in s. 776.08.

4265 (b) Notwithstanding any provision of this section, a  
4266 ~~person who is charged with a nonviolent felony and is identified~~  
4267 ~~as having a substance abuse problem or is charged with a felony~~  
4268 ~~of the second or third degree for purchase or possession of a~~  
4269 ~~controlled substance under chapter 893, prostitution, tampering~~  
4270 ~~with evidence, solicitation for purchase of a controlled~~  
4271 ~~substance, or obtaining a prescription by fraud; who has not~~  
4272 ~~been charged with a crime involving violence, including, but not~~  
4273 ~~limited to, murder, sexual battery, robbery, carjacking, home-~~  
4274 ~~invasion robbery, or any other crime involving violence; and who~~  
4275 ~~has not previously been convicted of a felony~~ is eligible for  
4276 voluntary admission into a pretrial substance abuse education  
4277 and treatment intervention program, including a treatment-based  
4278 drug court program established pursuant to s. 397.334, approved  
4279 by the chief judge of the circuit, for a period of not less than  
4280 1 year in duration, if he or she:

4281 1. Is identified as having a substance abuse problem and  
4282 is amenable to treatment.

4283 2. Is charged with a nonviolent felony.

4284 3. Has never been charged with a crime involving violence

4285 including, but not limited to, murder, sexual battery, robbery,  
4286 carjacking, home-invasion robbery, or any other crime involving  
4287 violence.

4288 4. Has two or fewer felony convictions, provided that the  
4289 prior convictions are for nonviolent felonies only.

4290 (c) Upon motion of either party or the court's own motion,  
4291 and with the agreement of the defendant, the court shall admit  
4292 an eligible person into a pretrial substance abuse education and  
4293 treatment intervention program, except:

4294 1. If a defendant was previously offered admission to a  
4295 pretrial substance abuse education and treatment intervention  
4296 program at any time prior to trial and the defendant rejected  
4297 that offer on the record, then the court or the state attorney  
4298 may deny the defendant's admission to such a program.

4299 2. If the state attorney believes that the facts and  
4300 circumstances of the case suggest the defendant's involvement in  
4301 the dealing and selling of controlled substances, the court  
4302 shall hold a preadmission hearing. If the state attorney  
4303 establishes, by a preponderance of the evidence at such hearing,  
4304 that the defendant was involved in the dealing or selling of  
4305 controlled substances, the court shall deny the defendant's  
4306 admission into a pretrial intervention program.

4307 3. If the defendant has two or fewer prior felony  
4308 convictions as provided in subparagraph (b)4., the court may  
4309 deny admission to such a program in its discretion.

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4310        (d)~~(b)~~ While enrolled in a pretrial intervention program  
4311 authorized by this subsection, the participant is subject to a  
4312 coordinated strategy developed by a drug court team under s.  
4313 397.334(4). The coordinated strategy may include a protocol of  
4314 sanctions that may be imposed upon the participant for  
4315 noncompliance with program rules. The protocol of sanctions may  
4316 include, but is not limited to, placement in a substance abuse  
4317 treatment program offered by a licensed service provider as  
4318 defined in s. 397.311 or in a jail-based treatment program or  
4319 serving a period of incarceration within the time limits  
4320 established for contempt of court. The coordinated strategy must  
4321 be provided in writing to the participant before the participant  
4322 agrees to enter into a pretrial treatment-based drug court  
4323 program or other pretrial intervention program. Any person whose  
4324 charges are dismissed after successful completion of the  
4325 treatment-based drug court program, if otherwise eligible, may  
4326 have his or her arrest record and plea of nolo contendere to the  
4327 dismissed charges expunged under s. 943.0585.

4328        (e)~~(e)~~ At the end of the pretrial intervention period, the  
4329 court shall consider the recommendation of the administrator  
4330 pursuant to subsection (5) and the recommendation of the state  
4331 attorney as to disposition of the pending charges. The court  
4332 shall determine, by written finding, whether the defendant has  
4333 successfully completed the pretrial intervention program.  
4334 Notwithstanding the coordinated strategy developed by a drug

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4335 court team pursuant to s. 397.334(4), if the court finds that  
4336 the defendant has not successfully completed the pretrial  
4337 intervention program, the court may order the person to continue  
4338 in education and treatment, which may include substance abuse  
4339 treatment programs offered by licensed service providers as  
4340 defined in s. 397.311 or jail-based treatment programs, or order  
4341 that the charges revert to normal channels for prosecution. The  
4342 court shall dismiss the charges upon a finding that the  
4343 defendant has successfully completed the pretrial intervention  
4344 program.

4345 (f)~~(d)~~ Any entity, whether public or private, providing a  
4346 pretrial substance abuse education and treatment intervention  
4347 program under this subsection must contract with the county or  
4348 appropriate governmental entity, and the terms of the contract  
4349 must include, but need not be limited to, the requirements  
4350 established for private entities under s. 948.15(3).

4351 (7) (a) Notwithstanding any provision of this section, a  
4352 person who is charged with a felony, other than a felony listed  
4353 in s. 948.06(8)(c), and identified as a veteran, as defined in  
4354 s. 1.01, including a veteran who is discharged or released under  
4355 a general discharge, or servicemember, as defined in s. 250.01;  
4356 an individual who is a current or former United States  
4357 Department of Defense contractor; or an individual who is a  
4358 current or former military member of a foreign allied country,  
4359 who suffers from a military service-related mental illness,

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4360 traumatic brain injury, substance abuse disorder, or  
4361 psychological problem, is eligible for voluntary admission into  
4362 a pretrial veterans' treatment intervention program approved by  
4363 the chief judge of the circuit, upon motion of either party or  
4364 the court's own motion, except:

4365 1. If a defendant was previously offered admission to a  
4366 pretrial veterans' treatment intervention program at any time  
4367 before trial and the defendant rejected that offer on the  
4368 record, the court may deny the defendant's admission to such a  
4369 program.

4370 2. If a defendant previously entered a court-ordered  
4371 veterans' treatment program, the court may deny the defendant's  
4372 admission into the pretrial veterans' treatment program.

4373 Section 59. Section 948.081, Florida Statutes, is created  
4374 to read:

4375 948.081 Community court programs.—

4376 (1) Each judicial circuit may establish a community court  
4377 program for defendants charged with certain misdemeanor  
4378 offenses. Each community court shall, at a minimum:

4379 (a) Adopt a nonadversarial approach.

4380 (b) Establish an advisory committee to recommend solutions  
4381 and sanctions in each case.

4382 (c) Provide for judicial leadership and interaction.

4383 (d) In each particular case, consider the needs of the  
4384 victim, consider individualized treatment services for the



4385 defendant, and monitor the defendant's compliance.

4386 (2) The chief judge of the judicial circuit shall, by  
4387 administrative order, specify each misdemeanor offense eligible  
4388 for the community court program. In making such determination,  
4389 the chief judge shall consider the particular needs and concerns  
4390 of the communities within the judicial circuit.

4391 (3) A defendant's entry into any community court program  
4392 shall be voluntary.

4393 (4) The chief judge shall appoint a community court  
4394 resource coordinator, who shall:

4395 (a) Coordinate the responsibilities of the participating  
4396 agencies and service providers.

4397 (b) Provide case management services.

4398 (c) Monitor compliance by defendants with court  
4399 requirements.

4400 (d) Manage the collection of data for program evaluation  
4401 and accountability.

4402 (5) The chief judge of the judicial circuit shall appoint  
4403 members to an advisory committee for each community court. The  
4404 members of the advisory committee must include, at a minimum:

4405 (a) The chief judge or a community court judge designated  
4406 by the chief judge, who shall serve as chair.

4407 (b) The state attorney or his or her designee.

4408 (c) The public defender or his or her designee.

4409 (d) The community court resource coordinator.

4410  
4411 The committee may also include community stakeholders, treatment  
4412 representatives, and other persons the chair deems appropriate.

4413 (6) The advisory committee shall review each defendant's  
4414 case. Each committee member may make recommendations to the  
4415 judge, including appropriate sanctions and treatment solutions  
4416 for the defendant. The judge shall consider such recommendations  
4417 and make the final decision concerning sanctions and treatment  
4418 with respect to each defendant.

4419 (7) Each judicial circuit shall report client-level and  
4420 programmatic data to the Office of State Courts Administrator  
4421 annually for program evaluation. Client-level data include  
4422 primary offenses resulting in the community court referral or  
4423 sentence, treatment compliance, completion status, reasons for  
4424 failing to complete the program, offenses committed during  
4425 treatment and sanctions imposed, frequency of court appearances,  
4426 and units of service. Programmatic data include referral and  
4427 screening procedures, eligibility criteria, type and duration of  
4428 treatment offered, and residential treatment resources.

4429 (8) The Department of Corrections, Department of Juvenile  
4430 Justice, Department of Health, Department of Law Enforcement,  
4431 Department of Education, law enforcement agencies, and other  
4432 government entities involved in the criminal justice system  
4433 shall support such community court programs.

4434 (9) Community court program funding must be secured from

4435 sources other than the state for costs not assumed by the state  
4436 under s. 29.004. However, this subsection does not preclude the  
4437 use of funds provided for treatment and other services through  
4438 state executive branch agencies.

4439 Section 60. Paragraph (a) of subsection (2) of section  
4440 948.16, Florida Statutes, is amended to read:

4441 948.16 Misdemeanor pretrial substance abuse education and  
4442 treatment intervention program; misdemeanor pretrial veterans'  
4443 treatment intervention program; misdemeanor pretrial mental  
4444 health court program.—

4445 (2) (a) A veteran, as defined in s. 1.01, including a  
4446 veteran who is discharged or released under a general discharge,  
4447 or servicemember, as defined in s. 250.01; an individual who is  
4448 a current or former United States Department of Defense  
4449 contractor; or an individual who is a current or former military  
4450 member of a foreign allied country, who suffers from a military  
4451 service-related mental illness, traumatic brain injury,  
4452 substance abuse disorder, or psychological problem, and who is  
4453 charged with a misdemeanor is eligible for voluntary admission  
4454 into a misdemeanor pretrial veterans' treatment intervention  
4455 program approved by the chief judge of the circuit, for a period  
4456 based on the program's requirements and the treatment plan for  
4457 the offender, upon motion of either party or the court's own  
4458 motion. However, the court may deny the defendant admission into  
4459 a misdemeanor pretrial veterans' treatment intervention program

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4460 if the defendant has previously entered a court-ordered  
4461 veterans' treatment program.

4462 Section 61. Subsection (2) of section 948.21, Florida  
4463 Statutes, is amended to read:

4464 948.21 Condition of probation or community control;  
4465 military servicemembers, ~~and veterans,~~ and others.—

4466 (2) Effective for a probationer or community controllee  
4467 whose crime is committed on or after July 1, 2016, and who is a  
4468 veteran, as defined in s. 1.01, including a veteran who is  
4469 discharged or released under a general discharge, or  
4470 servicemember, as defined in s. 250.01; an individual who is a  
4471 current or former United States Department of Defense  
4472 contractor; or an individual who is a current or former military  
4473 member of a foreign allied country, who suffers from a military  
4474 service-related mental illness, traumatic brain injury,  
4475 substance abuse disorder, or psychological problem, the court  
4476 may, in addition to any other conditions imposed, impose a  
4477 condition requiring the probationer or community controllee to  
4478 participate in a treatment program capable of treating the  
4479 probationer or community controllee's mental illness, traumatic  
4480 brain injury, substance abuse disorder, or psychological  
4481 problem.

4482 Section 62. Section 951.22, Florida Statutes, is amended  
4483 to read:

4484 951.22 County detention facilities; contraband articles.—

4485 (1) It is unlawful, except through regular channels as  
 4486 duly authorized by the sheriff or officer in charge, to  
 4487 introduce into or possess upon the grounds of any county  
 4488 detention facility as defined in s. 951.23 or to give to or  
 4489 receive from any inmate of any such facility wherever said  
 4490 inmate is located at the time or to take or to attempt to take  
 4491 or send therefrom any of the following articles, which are  
 4492 ~~hereby declared to be~~ contraband:

4493 ~~(a) for the purposes of this act, to wit:~~ Any written or  
 4494 recorded communication. †

4495 (b) Any currency or coin. †

4496 (c) Any article of food or clothing. †

4497 (d) Any tobacco products as defined in s. 210.25(12). †

4498 (e) Any cigarette as defined in s. 210.01(1). †

4499 (f) Any cigar. †

4500 (g) Any intoxicating beverage or beverage that ~~which~~ causes  
 4501 or may cause an intoxicating effect. †

4502 (h) Any narcotic, hypnotic, or excitative drug or drug of  
 4503 any kind or nature, including nasal inhalators, sleeping pills,  
 4504 barbiturates, and controlled substances as defined in s.  
 4505 893.02(4). †

4506 (i) Any firearm or any instrumentality customarily used or  
 4507 which is intended to be used as a dangerous weapon. † ~~and~~

4508 (j) Any instrumentality of any nature which ~~that~~ may be or  
 4509 is intended to be used as an aid in effecting or attempting to

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4510 effect an escape from a county facility.

4511 (k) Any cellular telephone or other portable communication  
4512 device as described in s. 944.47(1)(a)6. The term does not  
4513 include any device that has communication capabilities which has  
4514 been approved or issued by the sheriff or officer in charge for  
4515 investigative or institutional security purposes or for  
4516 conducting other official business.

4517 (2) A person who ~~whoever~~ violates paragraph (1)(a),  
4518 paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), paragraph  
4519 (1)(e), paragraph (1)(f), or paragraph (1)(g) commits a  
4520 misdemeanor of the first degree, punishable as provided in s.  
4521 775.082 or s. 775.083. A person who violates paragraph (1)(h),  
4522 paragraph (1)(i), paragraph (1)(j), or paragraph (1)(k) commits  
4523 ~~subsection (1) shall be guilty of~~ a felony of the third degree,  
4524 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4525 Section 63. Subsection (1) of section 958.04, Florida  
4526 Statutes, is amended to read:

4527 958.04 Judicial disposition of youthful offenders.—

4528 (1) The court may sentence as a youthful offender any  
4529 person:

4530 (a) Who is at least 18 years of age or who has been  
4531 transferred for prosecution to the criminal division of the  
4532 circuit court pursuant to chapter 985;

4533 (b) Who is found guilty of or who has tendered, and the  
4534 court has accepted, a plea of nolo contendere or guilty to a

4535 crime that is, under the laws of this state, a felony if such  
 4536 crime was committed before the defendant turned 21 years of age  
 4537 ~~the offender is younger than 21 years of age at the time~~  
 4538 ~~sentence is imposed~~; and

4539 (c) Who has not previously been classified as a youthful  
 4540 offender under the provisions of this act; however, a person who  
 4541 has been found guilty of a capital or life felony may not be  
 4542 sentenced as a youthful offender under this act.

4543 Section 64. Subsections (2), (3), and (4) of section  
 4544 960.07, Florida Statutes, are amended to read:

4545 960.07 Filing of claims for compensation.—

4546 (2) Except as provided in subsection (3), a claim must be  
 4547 filed not later than 5 years ~~1 year~~ after:

4548 (a) The occurrence of the crime upon which the claim is  
 4549 based.

4550 (b) The death of the victim or intervenor.

4551 (c) The death of the victim or intervenor is determined to  
 4552 be the result of a crime, and the crime occurred after June 30,  
 4553 1994.

4554  
 4555 However, for good cause the department may extend the time for  
 4556 filing for a period not exceeding 7 ~~2~~ years after such  
 4557 occurrence.

4558 (3) Notwithstanding the provisions of subsection (2) and  
 4559 regardless of when the crime occurred, if the victim or

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4560 intervenor was under the age of 18 at the time the crime upon  
4561 which the claim is based occurred, a claim may be filed in  
4562 accordance with this subsection.

4563 (a) The victim's or intervenor's parent or guardian may  
4564 file a claim on behalf of the victim or intervenor while the  
4565 victim or intervenor is less than 18 years of age; or

4566 (b) When a victim or intervenor who was under the age of  
4567 18 at the time the crime occurred reaches the age of 18, the  
4568 victim or intervenor has 5 years ~~1 year~~ within which to file a  
4569 claim.

4570

4571 For good cause, the department may extend the time period  
4572 allowed for filing a claim under paragraph (b) for an additional  
4573 period not to exceed 2 years ~~1 year~~.

4574 (4) The provisions of subsection (2) notwithstanding, and  
4575 regardless of when the crime occurred, a victim of a sexually  
4576 violent offense as defined in s. 394.912, may file a claim for  
4577 compensation for counseling or other mental health services  
4578 within 5 years ~~1 year~~ after the filing of a petition under s.  
4579 394.914, to involuntarily civilly commit the individual who  
4580 perpetrated the sexually violent offense.

4581 Section 65. Paragraph (b) of subsection (1) of section  
4582 960.13, Florida Statutes, is amended to read:

4583 960.13 Awards.—

4584 (1)



4585 (b) In no case may an award be made when the record shows  
 4586 that such report was made more than 5 days ~~72 hours~~ after the  
 4587 occurrence of such crime unless the department, for good cause  
 4588 shown, finds the delay to have been justified. The department,  
 4589 upon finding that any claimant or award recipient has not duly  
 4590 cooperated with the state attorney, all law enforcement  
 4591 agencies, and the department, may deny, reduce, or withdraw any  
 4592 award, as the case may be.

4593 Section 66. Paragraph (b) of subsection (1) of section  
 4594 960.195, Florida Statutes, is amended to read:

4595 960.195 Awards to elderly persons or disabled adults for  
 4596 property loss.—

4597 (1) Notwithstanding the criteria in s. 960.13, for crime  
 4598 victim compensation awards, the department may award a maximum  
 4599 of \$500 on any one claim and a lifetime maximum of \$1,000 on all  
 4600 claims to elderly persons or disabled adults who suffer a  
 4601 property loss that causes a substantial diminution in their  
 4602 quality of life when:

4603 (b) The criminal or delinquent act is reported to law  
 4604 enforcement authorities within 5 days ~~72 hours~~, unless the  
 4605 department, for good cause shown, finds the delay to have been  
 4606 justified;

4607 Section 67. Paragraph (b) of subsection (2) of section  
 4608 960.196, Florida Statutes, is amended to read:

4609 960.196 Relocation assistance for victims of human

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4610 trafficking.—

4611 (2) In order for an award to be granted to a victim for  
4612 relocation assistance:

4613 (b) The crime must be reported to the proper authorities  
4614 and the claim must be filed within 5 years ~~1 year~~, or 7 ~~2~~ years  
4615 with good cause, after the date of the last human trafficking  
4616 offense, as described in s. 787.06(3)(b), (d), (f), or (g). In a  
4617 case that exceeds the 7~~2~~-year requirement due to an active and  
4618 ongoing investigation, a state attorney, statewide prosecutor,  
4619 or federal prosecutor may certify in writing a human trafficking  
4620 victim's need to relocate from an unsafe environment due to the  
4621 threat of future violence which is directly related to the human  
4622 trafficking offense.

4623 Section 68. Subsection (2) of section 985.557, Florida  
4624 Statutes, is amended to read:

4625 985.557 Direct filing of an information; discretionary ~~and~~  
4626 ~~mandatory~~ criteria.—

4627 ~~(2) MANDATORY DIRECT FILE.—~~

4628 ~~(a) With respect to any child who was 16 or 17 years of~~  
4629 ~~age at the time the alleged offense was committed, the state~~  
4630 ~~attorney shall file an information if the child has been~~  
4631 ~~previously adjudicated delinquent for an act classified as a~~  
4632 ~~felony, which adjudication was for the commission of, attempt to~~  
4633 ~~commit, or conspiracy to commit murder, sexual battery, armed or~~  
4634 ~~strong-armed robbery, carjacking, home-invasion robbery,~~

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4635 ~~aggravated battery, or aggravated assault, and the child is~~  
4636 ~~currently charged with a second or subsequent violent crime~~  
4637 ~~against a person.~~

4638 ~~(b) With respect to any child 16 or 17 years of age at the~~  
4639 ~~time an offense classified as a forcible felony, as defined in~~  
4640 ~~s. 776.08, was committed, the state attorney shall file an~~  
4641 ~~information if the child has previously been adjudicated~~  
4642 ~~delinquent or had adjudication withheld for three acts~~  
4643 ~~classified as felonies each of which occurred at least 45 days~~  
4644 ~~apart from each other. This paragraph does not apply when the~~  
4645 ~~state attorney has good cause to believe that exceptional~~  
4646 ~~circumstances exist which preclude the just prosecution of the~~  
4647 ~~juvenile in adult court.~~

4648 ~~(c) The state attorney must file an information if a~~  
4649 ~~child, regardless of the child's age at the time the alleged~~  
4650 ~~offense was committed, is alleged to have committed an act that~~  
4651 ~~would be a violation of law if the child were an adult, that~~  
4652 ~~involves stealing a motor vehicle, including, but not limited~~  
4653 ~~to, a violation of s. 812.133, relating to carjacking, or s.~~  
4654 ~~812.014(2)(c)6., relating to grand theft of a motor vehicle, and~~  
4655 ~~while the child was in possession of the stolen motor vehicle~~  
4656 ~~the child caused serious bodily injury to or the death of a~~  
4657 ~~person who was not involved in the underlying offense. For~~  
4658 ~~purposes of this section, the driver and all willing passengers~~  
4659 ~~in the stolen motor vehicle at the time such serious bodily~~

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4660 ~~injury or death is inflicted shall also be subject to mandatory~~  
4661 ~~transfer to adult court. "Stolen motor vehicle," for the~~  
4662 ~~purposes of this section, means a motor vehicle that has been~~  
4663 ~~the subject of any criminal wrongful taking. For purposes of~~  
4664 ~~this section, "willing passengers" means all willing passengers~~  
4665 ~~who have participated in the underlying offense.~~

4666 ~~(d)1. With respect to any child who was 16 or 17 years of~~  
4667 ~~age at the time the alleged offense was committed, the state~~  
4668 ~~attorney shall file an information if the child has been charged~~  
4669 ~~with committing or attempting to commit an offense listed in s.~~  
4670 ~~775.087(2)(a)1.a.p., and, during the commission of or attempt~~  
4671 ~~to commit the offense, the child:~~

4672 ~~a. Actually possessed a firearm or destructive device, as~~  
4673 ~~those terms are defined in s. 790.001.~~

4674 ~~b. Discharged a firearm or destructive device, as~~  
4675 ~~described in s. 775.087(2)(a)2.~~

4676 ~~c. Discharged a firearm or destructive device, as~~  
4677 ~~described in s. 775.087(2)(a)3., and, as a result of the~~  
4678 ~~discharge, death or great bodily harm was inflicted upon any~~  
4679 ~~person.~~

4680 ~~2. Upon transfer, any child who is:~~

4681 ~~a. Charged under sub-subparagraph 1.a. and who has been~~  
4682 ~~previously adjudicated or had adjudication withheld for a~~  
4683 ~~forcible felony offense or any offense involving a firearm, or~~  
4684 ~~who has been previously placed in a residential commitment~~

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4685 ~~program, shall be subject to sentencing under s. 775.087(2)(a),~~  
4686 ~~notwithstanding s. 985.565.~~

4687 ~~b. Charged under sub-subparagraph 1.b. or sub-subparagraph~~  
4688 ~~1.c., shall be subject to sentencing under s. 775.087(2)(a),~~  
4689 ~~notwithstanding s. 985.565.~~

4690 ~~3. Upon transfer, any child who is charged under this~~  
4691 ~~paragraph, but who does not meet the requirements specified in~~  
4692 ~~subparagraph 2., shall be sentenced under s. 985.565; however,~~  
4693 ~~if the court imposes a juvenile sanction, the court must commit~~  
4694 ~~the child to a high risk or maximum risk juvenile facility.~~

4695 ~~4. This paragraph shall not apply if the state attorney~~  
4696 ~~has good cause to believe that exceptional circumstances exist~~  
4697 ~~that preclude the just prosecution of the child in adult court.~~

4698 ~~5. The Department of Corrections shall make every~~  
4699 ~~reasonable effort to ensure that any child 16 or 17 years of age~~  
4700 ~~who is convicted and sentenced under this paragraph be~~  
4701 ~~completely separated such that there is no physical contact with~~  
4702 ~~adult offenders in the facility, to the extent that it is~~  
4703 ~~consistent with chapter 958.~~

4704 Section 69. Paragraphs (a) and (b) of subsection (4) of  
4705 section 985.565, Florida Statutes, are amended to read:

4706 985.565 Sentencing powers; procedures; alternatives for  
4707 juveniles prosecuted as adults.—

4708 (4) SENTENCING ALTERNATIVES.—

4709 (a) Adult sanctions.—

4710           1. Cases prosecuted on indictment.—If the child is found  
 4711 to have committed the offense punishable by death or life  
 4712 imprisonment, the child shall be sentenced as an adult. If the  
 4713 juvenile is not found to have committed the indictable offense  
 4714 but is found to have committed a lesser included offense or any  
 4715 other offense for which he or she was indicted as a part of the  
 4716 criminal episode, the court may sentence as follows:

- 4717           a. As an adult;
- 4718           b. Under chapter 958; or
- 4719           c. As a juvenile under this section.

4720           2. Other cases.—If a child who has been transferred for  
 4721 criminal prosecution pursuant to information or waiver of  
 4722 juvenile court jurisdiction is found to have committed a  
 4723 violation of state law or a lesser included offense for which he  
 4724 or she was charged as a part of the criminal episode, the court  
 4725 may sentence as follows:

- 4726           a. As an adult;
- 4727           b. Under chapter 958; or
- 4728           c. As a juvenile under this section.

4729           3. Notwithstanding any other provision to the contrary, if  
 4730 the state attorney is required to file a motion to transfer and  
 4731 certify the juvenile for prosecution as an adult under s.  
 4732 985.556(3) and that motion is granted, ~~or if the state attorney~~  
 4733 ~~is required to file an information under s. 985.557(2)(a) or~~  
 4734 ~~(b)~~, the court must impose adult sanctions.

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4735 4. Any sentence imposing adult sanctions is presumed  
4736 appropriate, and the court is not required to set forth specific  
4737 findings or enumerate the criteria in this subsection as any  
4738 basis for its decision to impose adult sanctions.

4739 5. When a child has been transferred for criminal  
4740 prosecution as an adult and has been found to have committed a  
4741 violation of state law, the disposition of the case may include  
4742 the enforcement of any restitution ordered in any juvenile  
4743 proceeding.

4744 (b) Juvenile sanctions.—For juveniles transferred to adult  
4745 court but who do not qualify for such transfer under s.  
4746 ~~985.556(3) or s. 985.557(2)(a) or (b)~~, the court may impose  
4747 juvenile sanctions under this paragraph. If juvenile sentences  
4748 are imposed, the court shall, under this paragraph, adjudge the  
4749 child to have committed a delinquent act. Adjudication of  
4750 delinquency shall not be deemed a conviction, nor shall it  
4751 operate to impose any of the civil disabilities ordinarily  
4752 resulting from a conviction. The court shall impose an adult  
4753 sanction or a juvenile sanction and may not sentence the child  
4754 to a combination of adult and juvenile punishments. An adult  
4755 sanction or a juvenile sanction may include enforcement of an  
4756 order of restitution or probation previously ordered in any  
4757 juvenile proceeding. However, if the court imposes a juvenile  
4758 sanction and the department determines that the sanction is  
4759 unsuitable for the child, the department shall return custody of

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4760 the child to the sentencing court for further proceedings,  
4761 including the imposition of adult sanctions. Upon adjudicating a  
4762 child delinquent under subsection (1), the court may:

4763 1. Place the child in a probation program under the  
4764 supervision of the department for an indeterminate period of  
4765 time until the child reaches the age of 19 years or sooner if  
4766 discharged by order of the court.

4767 2. Commit the child to the department for treatment in an  
4768 appropriate program for children for an indeterminate period of  
4769 time until the child is 21 or sooner if discharged by the  
4770 department. The department shall notify the court of its intent  
4771 to discharge no later than 14 days prior to discharge. Failure  
4772 of the court to timely respond to the department's notice shall  
4773 be considered approval for discharge.

4774 3. Order disposition under ss. 985.435, 985.437, 985.439,  
4775 985.441, 985.45, and 985.455 as an alternative to youthful  
4776 offender or adult sentencing if the court determines not to  
4777 impose youthful offender or adult sanctions.

4778  
4779 It is the intent of the Legislature that the criteria and  
4780 guidelines in this subsection are mandatory and that a  
4781 determination of disposition under this subsection is subject to  
4782 the right of the child to appellate review under s. 985.534.

4783 Section 70. This act shall take effect October 1, 2019.