

1   A bill to be entitled  
 2           An act relating to public safety; amending s. 23.1225,  
 3           F.S.; authorizing a mutual aid agreement in the event  
 4           of a declared state of emergency for certain law  
 5           enforcement purposes; amending s. 30.15, F.S.; making  
 6           sheriffs responsible for providing security for trial  
 7           court facilities in their respective counties;  
 8           requiring a sheriff to coordinate with the chief judge  
 9           of the judicial circuit on trial court facility  
 10          security matters; deeming sheriffs and their deputies,  
 11          employees, and contractors officers of the court when  
 12          providing security; granting the chief judge of the  
 13          judicial circuit authority to protect due process  
 14          rights in certain circumstances; amending s. 57.105,  
 15          F.S.; limiting attorney fee awards in civil  
 16          proceedings in certain circumstances; creating s.  
 17          322.75, F.S.; requiring each judicial circuit to  
 18          establish a Driver License Reinstatement Days program  
 19          for reinstating suspended driver licenses in certain  
 20          circumstances; providing duties of the clerks of court  
 21          and the Department of Highway Safety and Motor  
 22          Vehicles; authorizing the clerk of court to compromise  
 23          on certain fees and costs; providing for program  
 24          eligibility; amending 784.046, F.S.; prohibiting  
 25          attorney fee awards in certain proceedings; amending

26 s. 784.0485, F.S.; prohibiting attorney fee awards in  
 27 certain proceedings; amending s. 800.03, F.S.; making  
 28 a second or subsequent conviction for exposure of  
 29 sexual organs subject to felony penalty; amending  
 30 921.0022, F.S.; ranking the exposure of sexual organs,  
 31 second or subsequent offense, on the Offense Severity  
 32 Ranking Chart; amending s. 944.704, F.S.; requiring  
 33 transition assistance staff to include information  
 34 about job assignment credentialing and industry  
 35 certification in job placement information given to an  
 36 inmate; amending s. 944.705, F.S.; requiring the  
 37 Department of Corrections to provide a comprehensive  
 38 community reentry resource directory to each inmate  
 39 prior to release; requiring the department to allow  
 40 nonprofit faith-based, business and professional,  
 41 civic, and community organizations to apply to be  
 42 registered to provide inmate reentry services;  
 43 requiring the department to adopt policies for  
 44 screening, approving, and registering organizations  
 45 that apply; authorizing the department to contract  
 46 with public or private educational institutions to  
 47 assist veteran inmates in applying for certain  
 48 benefits; amending s. 944.801, F.S.; requiring the  
 49 department to develop a Prison Entrepreneurship  
 50 Program and adopt procedures for student inmate

51 admission; specifying requirements for the program;  
 52 requiring the department to enter into agreements with  
 53 certain entities to carry out duties associated with  
 54 the program; authorizing the department to contract  
 55 with certain entities to provide education services  
 56 for the Correctional Education Program; creating s.  
 57 944.805, F.S.; creating definitions relating to a  
 58 certificate of achievement and employability; creating  
 59 s. 944.8055, F.S.; establishing eligibility  
 60 requirements; establishing a timeframe for an eligible  
 61 inmate to apply for a certificate; establishing  
 62 eligibility requirements for an inmate under probation  
 63 or post-control sanction; establishing a timeframe for  
 64 an eligible inmate under probation or post-control  
 65 sanction to apply for a certificate; requiring the  
 66 department to notify a licensing agency upon the  
 67 filing of an application and provide the opportunity  
 68 to object to issuing a certificate; authorizing the  
 69 department to issue a certificate; excluding mandatory  
 70 civil impacts for which a certificate will not provide  
 71 relief; requiring the department to adopt rules;  
 72 creating s. 944.806, F.S.; providing a certificate of  
 73 achievement and employability shall convert a  
 74 mandatory civil impact into a discretionary civil  
 75 impact for purposes of determining licensure or

76 certification; providing a certificate shall convert a  
 77 mandatory civil impact into a discretionary civil  
 78 impact for purposes of determining licensure or  
 79 certification for an employer who has hired a  
 80 certificate holder; creating s. 944.8065, F.S.;  
 81 requiring the department to adopt rules governing  
 82 revocation of a certificate of achievement and  
 83 employability; amending s. 948.001, F.S.; revising a  
 84 definition; amending s. 948.013, F.S.; authorizing the  
 85 Department of Corrections to transfer an offender to  
 86 administrative probation in certain circumstances;  
 87 amending s. 948.03, F.S.; requiring the Department of  
 88 Corrections to include conditions of probation in the  
 89 Florida Crime Information Center database; amending  
 90 s. 948.06, F.S.; requiring each judicial circuit to  
 91 establish an alternative sanctioning program; defining  
 92 low- and moderate-risk level technical violations of  
 93 probation; establishing permissible sanctions for low-  
 94 and moderate-risk violations of probation under the  
 95 program; establishing eligibility criteria;  
 96 authorizing a probationer who allegedly committed a  
 97 technical violation to waive participation in or elect  
 98 to participate in the program, admit to the violation,  
 99 agree to comply with the recommended sanction, and  
 100 agree to waive certain rights; requiring a probation

101 officer to submit the recommended sanction and certain  
102 documentation to the court if the probationer admits  
103 to committing the violation; authorizing the court to  
104 impose the recommended sanction or direct the  
105 department to submit a violation report, affidavit,  
106 and warrant to the court; specifying that a  
107 probationer's participation in the program is  
108 voluntary; authorizing a probation officer to submit a  
109 violation report, affidavit, and warrant to the court  
110 in certain circumstances; creating s. 948.081, F.S.;  
111 authorizing the establishment of community court  
112 programs; detailing program criteria; reenacting ss.  
113 447.203(3), 794.056(1), 914.16, 933.18(7), 938.085,  
114 943.051(3), 944.026(3), 944.4731(6), 985.11(1), and  
115 985.441(2), F.S.; relating to Rape Crisis Program Trust  
116 Fund; child abuse and sexual abuse of victims under  
117 age 16 or who have intellectual disability, limits on  
118 interviews; when warrant may be issued for search of a  
119 private dwelling; additional cost to fund rape crisis  
120 centers; criminal justice information, collection and  
121 storage, fingerprinting; community-based facilities  
122 and programs; Addiction-Recovery Supervision Program;  
123 fingerprinting and photographing of juveniles; and  
124 commitment; respectively, to incorporate amendments  
125 made by the act; providing an effective date.

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

Section 1. Subsection (5) of section 23.1225, Florida Statutes, is amended to read:

23.1225 Mutual aid agreements.—

(5) In the event of a disaster or emergency such that a state of emergency is declared by the Governor pursuant to chapter 252, a mutual aid agreement may be used to increase the presence of law enforcement to aid in traffic and crowd control, emergency response, and evacuation support. The requirement that a requested operational assistance agreement be a written agreement for rendering of assistance in a law enforcement emergency may be waived by the participating agencies for a period of up to 90 days from the declaration of the disaster.

(a) When a law enforcement agency lends assistance pursuant to this subsection, all powers, privileges, and immunities listed in s. 23.127, except with regard to interstate mutual aid agreements, apply to the agency or entity, if the law enforcement employees rendering services are being requested and coordinated by the affected local law enforcement executive in charge of law enforcement operations.

(b) A listing of such agencies or entities and the officers and employees of such agencies or entities rendering assistance pursuant to this subsection must be maintained by the

151 agency or entity requesting such assistance and filed at the end  
 152 of the 90-day period with the Florida Department of Law  
 153 Enforcement.

154 Section 2. Subsection (4) is added to section 30.15,  
 155 Florida Statutes, to read:

156 30.15 Powers, duties, and obligations.—

157 (4) (a) Sheriffs, in their respective counties, shall  
 158 provide security for trial court facilities. Sheriffs shall  
 159 coordinate with the chief judge of the judicial circuit where  
 160 their county is located on all security matters for such  
 161 facilities, but retain operational control over the manner in  
 162 which security is provided.

163 (b) Pursuant to s. 26.49, sheriffs and their deputies,  
 164 employees, and contractors are officers of the court when  
 165 providing security for trial court facilities under this  
 166 subsection.

167 (c) The chief judge of the judicial circuit shall have  
 168 decisionmaking authority to ensure the protection of due process  
 169 rights, including, but not limited to, the scheduling and  
 170 conduct of trials and other judicial proceedings, as part of his  
 171 or her responsibility for the administrative supervision of the  
 172 trial courts pursuant to s. 43.26.

173 Section 3. Subsection (1) of section 57.105, Florida  
 174 Statutes, is amended to read:

175 57.105 Attorney's fee; sanctions for raising unsupported

176 | claims or defenses; exceptions; service of motions; damages for  
 177 | delay of litigation.—

178 |       (1) Unless otherwise provided, upon the court's initiative  
 179 | or motion of any party, the court shall award a reasonable  
 180 | attorney's fee, including prejudgment interest, to be paid to  
 181 | the prevailing party in equal amounts by the losing party and  
 182 | the losing party's attorney on any claim or defense at any time  
 183 | during a civil proceeding or action in which the court finds  
 184 | that the losing party or the losing party's attorney knew or  
 185 | should have known that a claim or defense when initially  
 186 | presented to the court or at any time before trial:

187 |           (a) Was not supported by the material facts necessary to  
 188 | establish the claim or defense; or

189 |           (b) Would not be supported by the application of then-  
 190 | existing law to those material facts.

191 |       Section 4. Section 322.75, Florida Statutes, is created to  
 192 | read:

193 |       322.75 Driver License Reinstatement Days.—

194 |       (1) Each judicial circuit shall establish a Driver License  
 195 | Reinstatement Days program for reinstating suspended driver  
 196 | licenses. Participants shall include the Department of Highway  
 197 | Safety and Motor Vehicles, the state attorney's office, the  
 198 | public defender's office, the circuit and county courts, the  
 199 | clerk of court, and any interested community organization.

200 |       (2) The clerk of court, in consultation with other



201 participants, shall select one or more days for an event at  
 202 which a person may have his or her driver license reinstated. A  
 203 person must pay the full license reinstatement fee; however, the  
 204 clerk may compromise or waive other fees and costs to facilitate  
 205 reinstatement.

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

- 208 1. Driving without a valid driver license;
- 209 2. Driving with a suspended driver license;
- 210 3. Failing to make a payment on penalties in collection;
- 211 4. Failing to appear in court for a traffic violation; or
- 212 5. Failing to comply with provisions of chapter 318 or  
 213 this chapter.

214 (b) Notwithstanding paragraphs (4) (a) through (c), a  
 215 person is eligible for reinstatement under the program if the  
 216 period of suspension or revocation has elapsed, the person has  
 217 completed any required course or program as described in  
 218 paragraph (4) (c), and the person is otherwise eligible for  
 219 reinstatement.

220 (4) A person is not eligible for reinstatement under the  
 221 program if his or her driver license is suspended or revoked:

222 (a) Because the person failed to fulfill a court-ordered  
 223 child support obligation;

224 (b) For a violation of s. 316.193;

225 (c) Because the person has not completed a driver training

226 program, driver improvement course, or alcohol or substance  
 227 abuse education or evaluation program required under ss.  
 228 316.192, 316.193, 322.2616, 322.271, or 322.264;

229 (d) For a traffic-related felony; or

230 (e) Because the person is a habitual traffic offender  
 231 under s. 322.264.

232 (5) The clerk of court and the Department of Highway  
 233 Safety and Motor Vehicles shall verify any information necessary  
 234 for reinstatement of a driver license under the program.

235 Section 5. Paragraph (f) is added to subsection (2) of  
 236 section 784.046, Florida Statutes, to read:

237 784.046 Action by victim of repeat violence, sexual  
 238 violence, or dating violence for protective injunction; dating  
 239 violence investigations, notice to victims, and reporting;  
 240 pretrial release violations; public records exemption.—

241 (2) There is created a cause of action for an injunction  
 242 for protection in cases of repeat violence, there is created a  
 243 separate cause of action for an injunction for protection in  
 244 cases of dating violence, and there is created a separate cause  
 245 of action for an injunction for protection in cases of sexual  
 246 violence.

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

249 Section 6. Paragraph (d) is added to subsection (2) of  
 250 section 784.0485, Florida Statutes, to read:

251 784.0485 Stalking; injunction; powers and duties of court  
 252 and clerk; petition; notice and hearing; temporary injunction;  
 253 issuance of injunction; statewide verification system;  
 254 enforcement.—

255 (2)

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

258 Section 7. Section 800.03, Florida Statutes, is amended to  
 259 read:

260 800.03 Exposure of sexual organs.—(1)(a) It is unlawful to  
 261 expose or exhibit one's sexual organs in public or on the  
 262 private premises of another, or so near thereto as to be seen  
 263 from such private premises, in a vulgar or indecent manner, or  
 264 to be naked in public except in any place provided or set apart  
 265 for that purpose. A mother's breastfeeding of her baby does not  
 266 under any circumstances violate this section.

267 (b) Except as provided in subsection (2), a violation of  
 268 this section is a misdemeanor of the first degree, punishable as  
 269 provided in s. 775.082 or s. 775.083. ~~A mother's breastfeeding~~  
 270 ~~of her baby does not under any circumstance violate this~~  
 271 ~~section.~~

272 (2) A person who has one prior conviction under this  
 273 section and commits a second or subsequent violation commits a  
 274 felony of the third degree, punishable as provided in s.  
 275 775.082, s. 775.083, or s. 775.084. For purposes of this

276 | subsection, "conviction" means a determination of guilt that is  
 277 | the result of a plea or a trial, regardless of whether  
 278 | adjudication is withheld or a plea of nolo contendere is  
 279 | entered.

280 | Section 8. Paragraph (c) of subsection (3) of section  
 281 | 921.0022, Florida Statutes, is amended to read:

282 | 921.0022 Criminal Punishment Code; offense severity  
 283 | ranking chart.—

284 | (3) OFFENSE SEVERITY RANKING CHART

285 | (c) LEVEL 3

286 |

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in

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patrol vehicle with siren and  
lights activated.

291

319.30 (4) 3rd Possession by junkyard of motor  
vehicle with identification  
number plate removed.

292

319.33 (1) (a) 3rd Alter or forge any certificate  
of title to a motor vehicle or  
mobile home.

293

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

294

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

295

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

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

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297	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
298	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
299	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.
300	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.

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301	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
302	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
303	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
304	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
305	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
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307	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
308	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
309	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
310	697.08	3rd	Equity skimming.
311	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
312	<u>800.03 (2)</u>	<u>3rd</u>	<u>Exposure of sexual organs, second or subsequent offense.</u>
313	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
	806.10 (2)	3rd	Interferes with or assaults



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firefighter in performance of  
duty.

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810.09(2)(c) 3rd Trespass on property other than  
structure or conveyance armed  
with firearm or dangerous  
weapon.

315

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but  
less than \$10,000.

316

812.0145(2)(c) 3rd Theft from person 65 years of  
age or older; \$300 or more but  
less than \$10,000.

317

815.04(5)(b) 2nd Computer offense devised to  
defraud or obtain property.

318

817.034(4)(a)3. 3rd Engages in scheme to defraud  
(Florida Communications Fraud  
Act), property valued at less  
than \$20,000.

319

817.233 3rd Burning to defraud insurer.

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321	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
322	817.234(11) (a)	3rd	Insurance fraud; property value less than \$20,000.
323	817.236	3rd	Filing a false motor vehicle insurance application.
324	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
325	817.413 (2)	3rd	Sale of used goods as new.
326	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a

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327			counterfeit payment instrument.
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
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	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
329			
	843.19	3rd	Injure, disable, or kill police dog or horse.
330			
	860.15 (3)	3rd	Overcharging for repairs and parts.
331			
	870.01 (2)	3rd	Riot; inciting or encouraging.
332			
	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) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs).
333			
	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver

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s. 893.03(1)(c), (2)(c)1.,  
 (2)(c)2., (2)(c)3., (2)(c)5.,  
 (2)(c)6., (2)(c)7., (2)(c)8.,  
 (2)(c)9., (3), or (4) drugs  
 within 1,000 feet of  
 university.

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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)5.,  
 (2)(c)6., (2)(c)7., (2)(c)8.,  
 (2)(c)9., (3), or (4) drugs  
 within 1,000 feet of public  
 housing facility.

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893.13(4)(c)            3rd    Use or hire of minor; deliver  
 to minor other controlled  
 substances.

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893.13(6)(a)            3rd    Possession of any controlled  
 substance other than felony  
 possession of cannabis.

337

893.13(7)(a)8.           3rd    Withhold information from  
 practitioner regarding previous

receipt of or prescription for  
a controlled substance.

338

893.13(7)(a)9. 3rd

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

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893.13(7)(a)10. 3rd

Affix false or forged label to  
package of controlled  
substance.

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893.13(7)(a)11. 3rd

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

341

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.

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342	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.
343	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
344	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.
345	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
346	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.

347

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

348

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

349

350             Section 9. Subsection (3) of section 944.704, Florida  
351 Statutes, is amended to read:

352             944.704 Staff who provide transition assistance; duties.-  
353 The department shall provide a transition assistance specialist  
354 at each of the major institutions whose duties include, but are  
355 not limited to:

356             (3) Obtaining job placement information, ~~which must~~  
357 include identifying any job assignment credentialing or industry  
358 certifications for which an inmate is eligible.

359

360 The transition assistance specialist may not be a correctional  
361 officer or correctional probation officer as defined in s.  
362 943.10.

363             Section 10. Subsections (3) through (6) of section  
364 944.705, Florida Statutes, are renumbered as subsections (4),

365 (5), (6), and (10), respectively, and new subsections (3), (7),  
 366 (8), (9), and (11) are added to that section, to read:

367 944.705 Release orientation program.—

368 (3) Each inmate shall receive a comprehensive community  
 369 reentry resource directory organized by county and including the  
 370 name, address, and telephone number of each provider, and a  
 371 description of services offered. The directory must also include  
 372 the name, address, and telephone number of existing portals of  
 373 entry.

374 (7) The department shall allow a nonprofit faith-based,  
 375 business and professional, civic, or community organization to  
 376 apply to be registered under this section to provide inmate  
 377 reentry services. Reentry services include, but are not limited  
 378 to, counseling; providing information on housing and job  
 379 placement; money management assistance; and programs addressing  
 380 substance abuse, mental health, or co-occurring conditions.

381 (8) The department shall adopt policies and procedures for  
 382 screening, approving, and registering an organization that  
 383 applies to be registered to provide inmate reentry services  
 384 under subsection (7). The department may deny approval and  
 385 registration of an organization or a representative from an  
 386 organization if it determines that the organization or  
 387 representative does not meet the department's policies or  
 388 procedures.

389 (9) The department may contract with a public or private



390 educational institution's Veteran's Advocacy Clinic or Veteran's  
391 Legal Clinic to assist qualified veteran inmates in applying for  
392 veteran's assistance benefits upon release.

393 (11) The department shall adopt rules to implement this  
394 section.

395 Section 11. Subsections (4) and (5) of section 944.801,  
396 Florida Statutes, are renumbered (5) and (6), respectively, and  
397 new subsection (4) is added to that section to read:

398 944.801 Education for state prisoners.—

399 (4) The Correctional Education Program may develop a  
400 Prison Entrepreneurship Program and adopt procedures for  
401 admitting student inmates. If the department elects to develop  
402 the program, it must include at least 180 days of in-prison  
403 education. Program curriculum must include a component on  
404 developing a business plan, procedures for graduation and  
405 certification of successful student inmates, and at least 90  
406 days of transitional and postrelease continuing education  
407 services. Transitional and postrelease continuing education  
408 services may be offered to graduate student inmates on a  
409 voluntary basis and shall not be a requirement for completion of  
410 the program. The department shall enter into agreements with  
411 public or private community colleges, junior colleges, colleges,  
412 universities, or other non-profit entities to implement the  
413 program. The program shall be funded within existing resources.

414 Section 12. Section 944.805, Florida Statutes, is created

415 to read:

416 944.805 Certificate of achievement and employability;  
 417 definitions.-

418 (1) As used in this section and ss. 944.806-944.8065, the  
 419 term:

420 (a) "Discretionary civil impact" means any Florida statute  
 421 or rule that creates a penalty, disability, or disadvantage to  
 422 which all of the following apply:

423 1. The impact is triggered in whole or in part by a  
 424 person's conviction of an offense, whether or not the penalty,  
 425 disability, or disadvantage is included in the judgment or  
 426 sentence.

427 2. The impact is imposed on a person, licensing agency, or  
 428 employer.

429 3. The impact permits, but does not require, that a  
 430 convicted person have a license denied or revoked, permits an  
 431 agency to deny or revoke a license or certification to a  
 432 convicted person, or permits a business to refuse to employ a  
 433 convicted person.

434  
 435 The term does not include imprisonment, probation, parole,  
 436 supervised release, forfeiture, restitution, fine, assessment,  
 437 or costs of prosecution.

438 (c) "Eligible inmate" means a person serving a prison term  
 439 in a state correctional institution or who is under the

440 supervision of the department on probation or under a  
 441 postrelease control sanction, and is eligible to apply to the  
 442 department for a certificate of achievement and employability.

443 (d) "Licensing agency" means any regulatory or licensing  
 444 entity with authority to issue, suspend, or revoke any  
 445 professional license or certification.

446 (e) "Mandatory civil impact" means any Florida statute or  
 447 rule that creates a penalty, disability, or disadvantage to  
 448 which all of the following apply:

449 1. The impact is triggered automatically solely by a  
 450 person's conviction of an offense, whether or not the penalty,  
 451 disability, or disadvantage is included in the judgment or  
 452 sentence.

453 2. The impact is imposed on a person, licensing agency, or  
 454 employer.

455 3. The impact precludes a convicted person from  
 456 maintaining or obtaining licensure or employment, precludes a  
 457 licensing agency from issuing a license or certification to a  
 458 convicted person, or precludes a business from being certified  
 459 or from employing a convicted person.

460  
 461 The term does not include imprisonment, probation, parole,  
 462 supervised release, forfeiture, restitution, fine, assessment,  
 463 or costs of prosecution.

464 Section 13. Section 944.8055, Florida Statutes, is created

465 to read:

466 944.8055 Certificate of achievement and employability;  
467 eligibility.-

468 (1) An eligible inmate may apply to the department at a  
469 time specified in paragraph (2)(a) for a certificate of  
470 achievement and employability if the inmate:

471 (a) Has satisfactorily completed one or more in-prison  
472 vocational programs approved by the department.

473 (b) Has demonstrated exemplary performance as determined  
474 by completion of one or more cognitive or behavioral improvement  
475 programs approved by the department while incarcerated in a  
476 state correctional institution or under supervision, or during  
477 both periods of time.

478 (c) Shows other evidence of achievement and  
479 rehabilitation.

480 (d) Is not currently serving a sentence for or has not  
481 been previously convicted of a violation of a dangerous crime as  
482 defined in s. 907.041, or a violation specified as a predicate  
483 offense for registration as a sexual predator under s. 775.21 or  
484 for registration as a sexual offender under s. 943.0435.

485 (2)(a) An eligible inmate may apply for a certificate of  
486 achievement and employability no earlier than one year prior to  
487 the date of his or her release from department custody and no  
488 later than the actual date of release.

489 (b) An inmate released from a state correctional

490 institution, or under supervision or postrelease control  
491 sanction, and who satisfies all the criteria set forth in  
492 subsection (1), is eligible to apply to the department for a  
493 certificate of achievement and employability at any time while  
494 under supervision or postrelease control sanction.

495 (3) When applying for a certificate of achievement and  
496 employability, an eligible inmate shall specify the mandatory  
497 civil impacts for which he or she is seeking relief through a  
498 certificate. If a mandatory civil impact of a licensing agency  
499 is affected by issuing the certificate, the department shall  
500 notify the licensing agency, provide the licensing agency with a  
501 copy of the application and documentation that the department  
502 has concerning the eligible inmate, and afford the licensing  
503 agency an opportunity to object in writing to issuing the  
504 certificate.

505 (4) The department shall consider the eligible inmate's  
506 application and all objections to issuing the certificate of  
507 achievement and employability. If the department determines that  
508 the inmate is eligible, the application was filed timely, and  
509 all objections to issuing the certificate are insufficient, it  
510 shall issue the certificate.

511 (5) A certificate of achievement or employability does not  
512 affect the mandatory civil impacts under s. 4, Art. VI of the  
513 state Constitution, or ss. 775.13, 775.21, 943.0435, and  
514 944.292.

515       (6) The department is not liable for a claim for damages  
 516 arising from issuing, denying, or revoking a certificate of  
 517 achievement and employability or for failing to revoke a  
 518 certificate under the circumstances described in s. 944.0865.

519       (7) The department shall adopt rules to implement this  
 520 section.

521       Section 14. Section 944.806, Florida Statutes, is created  
 522 to read:

523       944.806 Certificate of achievement and employability;  
 524 effect.—

525       (1) A certificate holder who applies to a licensing agency  
 526 and has a conviction or guilty plea that otherwise would bar  
 527 licensure or certification because of a mandatory civil impact  
 528 shall be given individualized consideration by the licensing  
 529 agency. The certificate constitutes a rebuttable presumption  
 530 that the certificate holder's conviction alone is insufficient  
 531 evidence that he or she is unfit for the license or  
 532 certification. Notwithstanding the presumption established under  
 533 this section, the licensing agency may deny the license or  
 534 certification if it determines that the certificate holder is  
 535 unfit for licensure or certification after considering all  
 536 relevant facts and circumstances.

537       (2) If an employer that has hired a certificate holder  
 538 applies to a licensing agency and the certificate holder has a  
 539 conviction or guilty plea that otherwise would bar his or her

540 employment with the employer, or would bar the employer's  
 541 licensure or certification because of a mandatory civil impact,  
 542 the agency shall give the certificate holder individualized  
 543 consideration for licensure or certification. The mandatory  
 544 civil impact shall be deemed a discretionary civil impact, and  
 545 the certificate constitutes a rebuttable presumption that the  
 546 holder's criminal convictions are insufficient evidence that he  
 547 or she is unfit for the employment, or that the employer is  
 548 unfit for the licensure or certification. The agency may deny  
 549 the employer licensure or certification if it determines that  
 550 the certificate holder is unfit for employment or that the  
 551 employer is unfit for licensure or certification.

552 Section 15. Section 944.8065, Florida Statutes, is created  
 553 to read:

554 944.8065 Certificate of achievement and employability;  
 555 revocation.—The department shall adopt rules governing  
 556 revocation of a certificate of achievement and employability  
 557 issued under s. 944.8055. The rules shall, at a minimum, require  
 558 revocation if a certificate holder is convicted of or pleads  
 559 guilty to a felony. The department shall determine which  
 560 additional offenses require revocation, considering the nature  
 561 of the offense and the employment of a certificate holder.

562 Section 16. Subsection (1) of section 948.001, Florida  
 563 Statutes, is amended to read:

564 948.001 Definitions.—As used in this chapter, the term:

565 (1) "Administrative probation" means a form of no contact,  
 566 nonreporting supervision in which ~~an offender who presents a low~~  
 567 ~~risk of harm to the community may, upon satisfactory completion~~  
 568 ~~of half the term of probation, be transferred by the Department~~  
 569 ~~of Corrections to this type of reduced level of supervision, as~~  
 570 ~~provided in s. 948.013.~~

571 Section 17. Subsection (1) of section 948.013, Florida  
 572 Statutes, is amended to read:

573 948.013 Administrative probation.—

574 (1) The Department of Corrections may transfer an offender  
 575 to administrative probation if he or she presents a low risk of  
 576 harm to the community and has satisfactorily completed at least  
 577 half of the probation term. The department ~~of Corrections~~ may  
 578 establish procedures for transferring an offender to  
 579 administrative probation. The department may collect an initial  
 580 processing fee of up to \$50 for each probationer transferred to  
 581 administrative probation. The offender is exempt from further  
 582 payment for the cost of supervision as required in s. 948.09.

583 Section 18. Subsection (3) is added to section 948.03,  
 584 Florida Statutes, to read:

585 948.03 Terms and conditions of probation.—

586 (3) The Department of Corrections shall include all  
 587 conditions of probation for each probationer, as determined by  
 588 the court, in the Florida Crime Information Center database.

589 Section 19. Subsection (1) of section 948.06, Florida



590 Statutes, is amended, and subsection (9) is added to that  
591 section, to read:

592 948.06 Violation of probation or community control;  
593 revocation; modification; continuance; failure to pay  
594 restitution or cost of supervision.—

595 (1)

596 (c) If a probationer or offender on community control  
597 commits a technical violation, the probation officer shall  
598 determine whether he or she is eligible for the alternative  
599 sanctioning program under subsection (9). If the probationer or  
600 offender on community control is eligible, the probation officer  
601 may proceed with the alternative sanctioning program in lieu of  
602 filing an affidavit of violation with the court. For purposes  
603 of this section, the term "technical violation" means an alleged  
604 violation of supervision that is not a new felony offense,  
605 misdemeanor offense, or criminal traffic offense.

606 (d)~~(e)~~ If a judge finds reasonable grounds to believe that  
607 a probationer or an offender has violated his or her probation  
608 or community control in a material respect by committing a new  
609 violation of law, the judge may issue a warrant for the arrest  
610 of the person.

611 (e)~~(d)~~1. At a first appearance hearing for an offender who  
612 has been arrested for violating his or her probation or  
613 community control in a material respect by committing a new  
614 violation of law the court:

615           a. Shall inform the person of the violation.  
 616           b. May order the person to be taken before the court that  
 617 granted the probation or community control if the person admits  
 618 the violation.

619           2. If the probationer or offender does not admit the  
 620 violation at the first appearance hearing, the court:

621           a. May commit the probationer or offender or may release  
 622 the person with or without bail to await further hearing,  
 623 notwithstanding s. 907.041, relating to pretrial detention and  
 624 release; or

625           b. May order the probationer or offender to be brought  
 626 before the court that granted the probation or community  
 627 control.

628           3. In determining whether to require or set the amount of  
 629 bail, and notwithstanding s. 907.041, relating to pretrial  
 630 detention and release, the court may consider whether the  
 631 probationer or offender is more likely than not to receive a  
 632 prison sanction for the violation.

633  
 634 This paragraph does not apply to a probationer or offender on  
 635 community control who is subject to the hearing requirements  
 636 under subsection (4) or paragraph (8) (e).

637           (f)~~(e)~~ Any probation officer, any officer authorized to  
 638 serve criminal process, or any peace officer of this state is  
 639 authorized to serve and execute such warrant. Any probation

640 officer is authorized to serve such notice to appear.

641 (g)~~(f)~~ Upon the filing of an affidavit alleging a  
642 violation of probation or community control and following  
643 issuance of a warrant for such violation, a warrantless arrest  
644 under this section, or a notice to appear under this section,  
645 the probationary period is tolled until the court enters a  
646 ruling on the violation. Notwithstanding the tolling of  
647 probation, the court shall retain jurisdiction over the offender  
648 for any violation of the conditions of probation or community  
649 control that is alleged to have occurred during the tolling  
650 period. The probation officer is permitted to continue to  
651 supervise any offender who remains available to the officer for  
652 supervision until the supervision expires pursuant to the order  
653 of probation or community control or until the court revokes or  
654 terminates the probation or community control, whichever comes  
655 first.

656 (h)~~(g)~~ The chief judge of each judicial circuit may direct  
657 the department to use a notification letter of a technical  
658 violation in appropriate cases in lieu of a violation report,  
659 affidavit, and warrant or a notice to appear when the alleged  
660 violation is not a new felony or misdemeanor offense. Such  
661 direction must be in writing and must specify the types of  
662 specific technical violations which are to be reported by a  
663 notification letter of a technical violation, any exceptions to  
664 those violations, and the required process for submission. At

665 the direction of the chief judge, the department shall send the  
666 notification letter of a technical violation to the court.

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

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

678 ~~a. Eligibility criteria.~~

679 ~~b. The technical violations that are eligible for the  
680 program.~~

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

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

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

688 ~~a. Waive participation in the alternative sanctioning  
689 program, in which case the probation officer may submit a~~

690 ~~violation report, affidavit, and warrant to the court in~~  
 691 ~~accordance with this section; or~~  
 692 ~~b. Elect to participate in the alternative sanctioning~~  
 693 ~~program after receiving written notice of an alleged technical~~  
 694 ~~violation and a disclosure of the evidence against the offender,~~  
 695 ~~admit to the technical violation, agree to comply with the~~  
 696 ~~probation officer's recommended sanction if subsequently ordered~~  
 697 ~~by the court, and agree to waive the right to:~~  
 698 ~~(I) Be represented by legal counsel.~~  
 699 ~~(II) Require the state to prove his or her guilt before a~~  
 700 ~~neutral and detached hearing body.~~  
 701 ~~(III) Subpoena witnesses and present to a judge evidence~~  
 702 ~~in his or her defense.~~  
 703 ~~(IV) Confront and cross-examine adverse witnesses.~~  
 704 ~~(V) Receive a written statement from a factfinder as to~~  
 705 ~~the evidence relied on and the reasons for the sanction imposed.~~  
 706 ~~4. If the offender admits to committing the technical~~  
 707 ~~violation and agrees with the probation officer's recommended~~  
 708 ~~sanction, the probation officer must, before imposing the~~  
 709 ~~sanction, submit the recommended sanction to the court as well~~  
 710 ~~as documentation reflecting the offender's admission to the~~  
 711 ~~technical violation and agreement with the recommended sanction.~~  
 712 ~~5. The court may impose the recommended sanction or may~~  
 713 ~~direct the department to submit a violation report, affidavit,~~  
 714 ~~and warrant to the court in accordance with this section.~~

715 ~~6. An offender's participation in an alternative~~  
 716 ~~sanctioning program is voluntary. The offender may elect to~~  
 717 ~~waive or discontinue participation in an alternative sanctioning~~  
 718 ~~program at any time before the issuance of a court order~~  
 719 ~~imposing the recommended sanction.~~

720 ~~7. If an offender waives or discontinues participation in~~  
 721 ~~an alternative sanctioning program, the probation officer may~~  
 722 ~~submit a violation report, affidavit, and warrant to the court~~  
 723 ~~in accordance with this section. The offender's prior admission~~  
 724 ~~to the technical violation may not be used as evidence in~~  
 725 ~~subsequent proceedings.~~

726 (i) The court may allow the department to file an  
 727 affidavit, notification letter, violation report, or other  
 728 report under this section by facsimile or electronic submission.

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

- 733 1. Up to five days in the county jail;
- 734 2. Up to fifty additional community service hours;
- 735 3. Counseling or treatment;
- 736 4. Support group attendance;
- 737 5. Drug testing;
- 738 6. Loss of travel or other privileges;
- 739 7. Curfew for up to thirty days;

740           8. House arrest for up to thirty days; or  
 741           9. Any other sanction as determined by administrative  
 742 order by the chief judge of the circuit.  
 743           (b) When committed by a probationer, a low-risk violation  
 744 includes:  
 745           1. Positive drug or alcohol test result;  
 746           2. Failure to report to the probation office;  
 747           3. Failure to report a change in address or other required  
 748 information;  
 749           4. Failure to attend a required class, treatment or  
 750 counseling session, or meeting;  
 751           5. Failure to submit to a drug or alcohol test;  
 752           6. Violation of curfew;  
 753           7. Failure to meet a monthly quota on any required  
 754 probation condition, including, but not limited to, making  
 755 restitution payments, payment of court costs, and completing  
 756 community service hours;  
 757           8. Leaving the county without permission;  
 758           9. Failure to report a change in employment;  
 759           10. Associating with a person engaged in criminal  
 760 activity; or  
 761           11. Any other violation as determined by administrative  
 762 order of the chief judge of the circuit.  
 763           (c) For a first time moderate-risk violation, as defined  
 764 in paragraph (d), within the current term of supervision, a

765 probation officer, with supervisor approval, may offer an  
 766 eligible probationer or offender on community control one or  
 767 more of the following as an alternative sanction:

- 768 1. Up to 21 days in the county jail;
- 769 2. Curfew for up to 90 days;
- 770 3. House arrest for up to 90 days;
- 771 4. Electronic monitoring for up to 90 days;
- 772 5. Residential treatment for up to 90 days;
- 773 6. Any other sanction available for a low-risk violation;

774 or

- 775 7. Any other sanction as determined by administrative  
 776 order of the chief judge of the circuit.

777 (d) A moderate-risk violation includes:

- 778 1. A violation listed under paragraph (b) when committed  
 779 by an offender on community control;
- 780 2. Failure to remain at an approved residence by an  
 781 offender on community control;
- 782 3. A third violation listed under paragraph (b) by a  
 783 probationer within the current term of supervision; or
- 784 4. Any other violation as determined by administrative  
 785 order by the chief judge of the circuit.

786 (e) A probationer or offender on community control is not  
 787 eligible for an alternative sanction if:

- 788 1. He or she is a violent felony offender of special  
 789 concern, as defined in paragraph (8) (b).



790 2. The violation is a felony, misdemeanor, or criminal  
 791 traffic offense.

792 3. The violation is absconding.

793 4. The violation is of a stay-away order or no-contact  
 794 order.

795 5. The violation is not identified as low-risk or  
 796 moderate-risk under this paragraph or by administrative order.

797 6. He or she has a prior moderate-risk level violation  
 798 during the current term of supervision.

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

801 8. The term of supervision is scheduled to terminate in  
 802 less than 90 days.

803 9. The terms of the sentence prohibit alternative  
 804 sanctioning.

805 (f) If a probationer or offender on community control is  
 806 eligible for the alternative sanctioning program, he or she may:

807 1. Waive participation in the program, in which case the  
 808 probation officer may submit a violation report, affidavit, and  
 809 warrant to the court; or

810 2. Elect to participate in the program after receiving  
 811 written notice of an alleged technical violation and disclosure  
 812 of the evidence against him or her, admit to the technical  
 813 violation, agree to comply with the probation officer's  
 814 recommended sanction if subsequently ordered by the court, and

815 | agree to waive the right to:

816 |     a. Be represented by legal counsel.

817 |     b. Require the state to prove his or her guilt before a

818 | neutral and detached hearing body.

819 |     c. Subpoena witnesses and present to a judge evidence in

820 | his or her defense.

821 |     d. Confront and cross-examine adverse witnesses.

822 |     e. Receive a written statement from a judge as to the

823 | evidence relied on and the reasons for the sanction imposed.

824 |     3. If the probationer or offender on community control

825 | admits to committing the technical violation and agrees with the

826 | probation officer's recommended sanction, the probation officer

827 | must, before imposing the sanction, submit the recommended

828 | sanction to the court with documentation reflecting the

829 | probationer's admission to the technical violation and agreement

830 | with the recommended sanction.

831 |     (g) The court may impose the recommended sanction or

832 | direct the department to submit a violation report, affidavit,

833 | and warrant to the court.

834 |     (h) An offender's participation in the program is

835 | voluntary. The probationer or offender on community control may

836 | waive or discontinue participation in the program at any time

837 | before the court imposes a recommended sanction.

838 |     (i) If a probationer or offender on community control

839 | waives or discontinues participation in the program or fails to

840 complete successfully all alternative sanctions within 90 days  
841 of imposition or within the timeframe specified in the agreed  
842 upon sanction, the probation officer may submit a violation  
843 report, affidavit, and warrant to the court. A prior admission  
844 by the probationer or offender on community control to a  
845 technical violation may not be used as evidence in subsequent  
846 proceedings.

847 (j) Each judicial circuit shall establish an alternative  
848 sanctioning program as provided in this subsection. The chief  
849 judge of each judicial circuit may, by administrative order,  
850 define additional sanctions or eligibility criteria and specify  
851 the process for reporting technical violations through the  
852 alternative sanctioning program.

853 Section 20. Section 948.081, Florida Statutes, is created  
854 to read:

855 948.081 Community court programs.-

856 (1) Each judicial circuit may establish a community court  
857 program for defendants charged with certain misdemeanor  
858 offenses. Each community court shall, at a minimum:

859 (a) Adopt a nonadversarial approach.

860 (b) Establish an advisory committee to recommend solutions  
861 and sanctions in each case.

862 (c) Consider the needs of the victim.

863 (d) Consider individualized treatment services for the  
864 defendant.

865 (e) Provide for judicial leadership and interaction.  
 866 (f) Monitor the defendant's compliance.  
 867 (2) The chief judge of the judicial circuit shall, by  
 868 administrative order, specify each misdemeanor crime eligible  
 869 for the community court program. In making such determination,  
 870 the chief judge shall consider the particular needs and concerns  
 871 of the communities within the judicial circuit.  
 872 (3) The Department of Corrections, Department of Juvenile  
 873 Justice, Department of Health, Department of Law Enforcement,  
 874 Department of Education, law enforcement agencies, and other  
 875 government entities involved in the criminal justice system  
 876 shall support such community court programs.  
 877 (4) A defendant's entry into a community court program  
 878 shall be voluntary.  
 879 (5) Each community court program shall have a resource  
 880 coordinator who:  
 881 (a) Coordinates the responsibilities of the participating  
 882 agencies and service providers;  
 883 (b) Provides case management services;  
 884 (c) Monitors compliance by defendants with court  
 885 requirements; and  
 886 (d) Manages the collection of data for program evaluation  
 887 and accountability.  
 888 (6) The chief judge of the judicial circuit shall appoint  
 889 an advisory committee for each community court. Membership must

890 include, at a minimum:

891 (a) The chief judge or a community court judge designated  
 892 by the chief judge, who shall serve as chair;

893 (b) The state attorney;

894 (c) The public defender; and

895 (d) The community court resource coordinator.

896  
 897 The committee may also include community stakeholders, treatment  
 898 representatives, and other persons the chair deems appropriate.

899 (7) The advisory committee shall review each defendant's  
 900 case. Each committee member may make recommendations to the  
 901 judge, including appropriate sanctions and treatment solutions  
 902 for the defendant. The judge shall consider such recommendations  
 903 and make the final decision concerning sanctions and treatment  
 904 with respect to each defendant.

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

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

920       Section 21. For the purpose of incorporating the amendment  
 921 made by this act to section 944.801, Florida Statutes, in a  
 922 reference thereto, subsection (3) of section 447.203, Florida  
 923 Statutes, is reenacted to read:

924       447.203 Definitions.—As used in this part:

925       (2) "Public employer" or "employer" means the state or any  
 926 county, municipality, or special district or any subdivision or  
 927 agency thereof which the commission determines has sufficient  
 928 legal distinctiveness properly to carry out the functions of a  
 929 public employer. With respect to all public employees determined  
 930 by the commission as properly belonging to a statewide  
 931 bargaining unit composed of State Career Service System  
 932 employees or Selected Professional Service employees, the  
 933 Governor shall be deemed to be the public employer; and the  
 934 Board of Governors of the State University System, or the  
 935 board's designee, shall be deemed to be the public employer with  
 936 respect to all public employees of each constituent state  
 937 university. The board of trustees of a community college shall  
 938 be deemed to be the public employer with respect to all  
 939 employees of the community college. The district school board

940 shall be deemed to be the public employer with respect to all  
 941 employees of the school district. The Board of Trustees of the  
 942 Florida School for the Deaf and the Blind shall be deemed to be  
 943 the public employer with respect to the academic and academic  
 944 administrative personnel of the Florida School for the Deaf and  
 945 the Blind. The Governor shall be deemed to be the public  
 946 employer with respect to all employees in the Correctional  
 947 Education Program of the Department of Corrections established  
 948 pursuant to s. 944.801.

949 Section 22. For the purpose of incorporating the amendment  
 950 made by this act to section 800.03, Florida Statutes, in a  
 951 reference thereto, subsection (1) of section 794.056, Florida  
 952 Statutes, is reenacted to read:

953 794.056 Rape Crisis Program Trust Fund.—

954 (1) The Rape Crisis Program Trust Fund is created within  
 955 the Department of Health for the purpose of providing funds for  
 956 rape crisis centers in this state. Trust fund moneys shall be  
 957 used exclusively for the purpose of providing services for  
 958 victims of sexual assault. Funds credited to the trust fund  
 959 consist of those funds collected as an additional court  
 960 assessment in each case in which a defendant pleads guilty or  
 961 nolo contendere to, or is found guilty of, regardless of  
 962 adjudication, an offense provided in s. 775.21(6) and (10)(a),  
 963 (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s.  
 964 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.

965 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s.  
 966 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08;  
 967 former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s.  
 968 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s.  
 969 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s.  
 970 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s.  
 971 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a),  
 972 (13), and (14)(c); or s. 985.701(1). Funds credited to the trust  
 973 fund also shall include revenues provided by law, moneys  
 974 appropriated by the Legislature, and grants from public or  
 975 private entities.

976 Section 23. For the purpose of incorporating the amendment  
 977 made by this act to section 800.03, Florida Statutes, in a  
 978 reference thereto, section 914.16, Florida Statutes, is  
 979 reenacted to read:

980 914.16 Child abuse and sexual abuse of victims under age  
 981 16 or who have an intellectual disability; limits on  
 982 interviews.—The chief judge of each judicial circuit, after  
 983 consultation with the state attorney and the public defender for  
 984 the judicial circuit, the appropriate chief law enforcement  
 985 officer, and any other person deemed appropriate by the chief  
 986 judge, shall order reasonable limits on the number of interviews  
 987 which a victim of a violation of s. 794.011, s. 800.04, s.  
 988 827.03, or s. 847.0135(5) who is under 16 years of age or a  
 989 victim of a violation of s. 794.011, s. 800.02, s. 800.03, or s.



990 825.102 who has an intellectual disability as defined in s.  
 991 393.063 must submit to for law enforcement or discovery  
 992 purposes. To the extent possible, the order must protect the  
 993 victim from the psychological damage of repeated interrogations  
 994 while preserving the rights of the public, the victim, and the  
 995 person charged with the violation.

996 Section 24. For the purpose of incorporating the amendment  
 997 made by this act to section 800.03, Florida Statutes, in a  
 998 reference thereto, subsection (7) of section 933.18, Florida  
 999 Statutes, is reenacted to read:

1000 933.18 When warrant may be issued for search of private  
 1001 dwelling.—No search warrant shall issue under this chapter or  
 1002 under any other law of this state to search any private dwelling  
 1003 occupied as such unless:

1004 (7) One or more of the following child abuse offenses is  
 1005 being committed there:

1006 (a) Interference with custody, in violation of s. 787.03.

1007 (b) Commission of an unnatural and lascivious act with a  
 1008 child, in violation of s. 800.02.

1009 (c) Exposure of sexual organs to a child, in violation of  
 1010 s. 800.03.

1011  
 1012 If, during a search pursuant to a warrant issued under this  
 1013 section, a child is discovered and appears to be in imminent  
 1014 danger, the law enforcement officer conducting such search may

1015 | remove the child from the private dwelling and take the child  
 1016 | into protective custody pursuant to chapter 39. The term  
 1017 | "private dwelling" shall be construed to include the room or  
 1018 | rooms used and occupied, not transiently but solely as a  
 1019 | residence, in an apartment house, hotel, boardinghouse, or  
 1020 | lodginghouse. No warrant shall be issued for the search of any  
 1021 | private dwelling under any of the conditions hereinabove  
 1022 | mentioned except on sworn proof by affidavit of some creditable  
 1023 | witness that he or she has reason to believe that one of said  
 1024 | conditions exists, which affidavit shall set forth the facts on  
 1025 | which such reason for belief is based.

1026 |         Section 25. For the purpose of incorporating the amendment  
 1027 | made by this act to section 800.03, Florida Statutes, in a  
 1028 | reference thereto, section 938.085, Florida Statutes, is  
 1029 | reenacted to read:

1030 |         938.085 Additional cost to fund rape crisis centers.—In  
 1031 | addition to any sanction imposed when a person pleads guilty or  
 1032 | nolo contendere to, or is found guilty of, regardless of  
 1033 | adjudication, a violation of s. 775.21(6) and (10)(a), (b), and  
 1034 | (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045;  
 1035 | s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s.  
 1036 | 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s.  
 1037 | 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s.  
 1038 | 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s.  
 1039 | 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s.

1040 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s.  
 1041 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s.  
 1042 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and  
 1043 (14)(c); or s. 985.701(1), the court shall impose a surcharge of  
 1044 \$151. Payment of the surcharge shall be a condition of  
 1045 probation, community control, or any other court-ordered  
 1046 supervision. The sum of \$150 of the surcharge shall be deposited  
 1047 into the Rape Crisis Program Trust Fund established within the  
 1048 Department of Health by chapter 2003-140, Laws of Florida. The  
 1049 clerk of the court shall retain \$1 of each surcharge that the  
 1050 clerk of the court collects as a service charge of the clerk's  
 1051 office.

1052 Section 26. For the purpose of incorporating the amendment  
 1053 made by this act to section 800.03, Florida Statutes, in a  
 1054 reference thereto, subsection (3) of section 943.051, Florida  
 1055 Statutes, is reenacted to read:

1056 943.051 Criminal justice information; collection and  
 1057 storage; fingerprinting.—

1058 (3)(a) The fingerprints, palm prints, and facial images of  
 1059 a minor who is charged with or found to have committed an  
 1060 offense that would be a felony if committed by an adult shall be  
 1061 captured and electronically submitted to the department in the  
 1062 manner prescribed by rule.

1063 (b) A minor who is charged with or found to have committed  
 1064 the following offenses shall be fingerprinted and the

1065 fingerprints shall be submitted electronically to the  
 1066 department, unless the minor is issued a civil citation pursuant  
 1067 to s. 985.12:

- 1068 1. Assault, as defined in s. 784.011.
- 1069 2. Battery, as defined in s. 784.03.
- 1070 3. Carrying a concealed weapon, as defined in s.  
 1071 790.01(1).
- 1072 4. Unlawful use of destructive devices or bombs, as  
 1073 defined in s. 790.1615(1).
- 1074 5. Neglect of a child, as defined in s. 827.03(1)(e).
- 1075 6. Assault or battery on a law enforcement officer, a  
 1076 firefighter, or other specified officers, as defined in s.  
 1077 784.07(2)(a) and (b).
- 1078 7. Open carrying of a weapon, as defined in s. 790.053.
- 1079 8. Exposure of sexual organs, as defined in s. 800.03.
- 1080 9. Unlawful possession of a firearm, as defined in s.  
 1081 790.22(5).
- 1082 10. Petit theft, as defined in s. 812.014(3).
- 1083 11. Cruelty to animals, as defined in s. 828.12(1).
- 1084 12. Arson, as defined in s. 806.031(1).
- 1085 13. Unlawful possession or discharge of a weapon or  
 1086 firearm at a school-sponsored event or on school property, as  
 1087 provided in s. 790.115.

1088 Section 27. For the purpose of incorporating the amendment  
 1089 made by this act to section 944.704, Florida Statutes, in a

1090 reference thereto, subsection (3) of section 944.026, Florida  
 1091 Statutes, is reenacted to read:

1092 944.026 Community-based facilities and programs.—

1093 (3) (a) The department shall develop and implement  
 1094 procedures to diagnose offenders prior to sentencing, for the  
 1095 purpose of recommending to the sentencing court suitable  
 1096 candidates for placement in a community-based residential drug  
 1097 treatment facility or probation and restitution center as  
 1098 provided in this section. The department shall also develop and  
 1099 implement procedures to properly identify inmates prior to  
 1100 release who demonstrate the need for or interest in and  
 1101 suitability for placement in a community-based substance abuse  
 1102 transition housing program as provided in this section and  
 1103 pursuant to ss. 944.4731 and 944.704.

1104 (b) Pretrial intervention programs in appropriate counties  
 1105 to provide early counseling and supervision services to  
 1106 specified offenders as provided in s. 948.08.

1107 Section 28. For the purpose of incorporating the amendment  
 1108 made by this act to section 944.705, Florida Statutes, in a  
 1109 reference thereto, subsection (6) of section 944.4731, Florida  
 1110 Statutes, is reenacted to read:

1111 944.4731 Addiction-Recovery Supervision Program.—

1112 (6) Six months before an offender is released, the  
 1113 chaplain and transition assistance specialist at the institution  
 1114 where the offender is incarcerated shall initiate the prerelease

1115 screening process in addition to the basic release orientation  
 1116 required under s. 944.705.

1117 (a) The transition assistance specialist and the chaplain  
 1118 shall provide a list of contracted private providers, including  
 1119 faith-based providers, to the offender and facilitate the  
 1120 application process. The transition assistance specialist shall  
 1121 inform the offender of program availability and assess the  
 1122 offender's need and suitability for substance abuse transition  
 1123 housing assistance. If an offender is approved for placement,  
 1124 the specialist shall assist the offender and coordinate the  
 1125 release of the offender with the selected program. If an  
 1126 offender requests and is approved for placement in a contracted  
 1127 faith-based substance abuse transition housing program, the  
 1128 specialist must consult with the chaplain prior to such  
 1129 placement. A right to substance abuse program services is not  
 1130 stated, intended, or otherwise implied by this section.

1131 (b) If an offender has participated in a faith-based  
 1132 program while incarcerated or housed at a community correctional  
 1133 center and the same or a similar faith-based provider offers a  
 1134 contracted substance abuse transition housing program, the  
 1135 department shall make every attempt to maintain this continuum  
 1136 of care.

1137 Section 29. For the purpose of incorporating the amendment  
 1138 made by this act to section 800.03, Florida Statutes, in a  
 1139 reference thereto, subsection (1) of section 985.11, Florida

1140 Statutes, is reenacted to read:

1141 985.11 Fingerprinting and photographing.—

1142 (1) (a) A child who is charged with or found to have  
 1143 committed an offense that would be a felony if committed by an  
 1144 adult shall be fingerprinted and the fingerprints must be  
 1145 submitted to the Department of Law Enforcement as provided in s.  
 1146 943.051(3) (a).

1147 (b) Unless the child is issued a civil citation or is  
 1148 participating in a similar diversion program pursuant to s.  
 1149 985.12, a child who is charged with or found to have committed  
 1150 one of the following offenses shall be fingerprinted, and the  
 1151 fingerprints shall be submitted to the Department of Law  
 1152 Enforcement as provided in s. 943.051(3) (b):

- 1153 1. Assault, as defined in s. 784.011.
- 1154 2. Battery, as defined in s. 784.03.
- 1155 3. Carrying a concealed weapon, as defined in s.  
 1156 790.01(1).
- 1157 4. Unlawful use of destructive devices or bombs, as  
 1158 defined in s. 790.1615(1).
- 1159 5. Neglect of a child, as defined in s. 827.03(1) (e).
- 1160 6. Assault on a law enforcement officer, a firefighter, or  
 1161 other specified officers, as defined in s. 784.07(2) (a).
- 1162 7. Open carrying of a weapon, as defined in s. 790.053.
- 1163 8. Exposure of sexual organs, as defined in s. 800.03.
- 1164 9. Unlawful possession of a firearm, as defined in s.

1165 | 790.22(5) .  
 1166 |       10. Petit theft, as defined in s. 812.014.  
 1167 |       11. Cruelty to animals, as defined in s. 828.12(1).  
 1168 |       12. Arson, resulting in bodily harm to a firefighter, as  
 1169 | defined in s. 806.031(1) .  
 1170 |       13. Unlawful possession or discharge of a weapon or  
 1171 | firearm at a school-sponsored event or on school property as  
 1172 | defined in s. 790.115.  
 1173 |  
 1174 | A law enforcement agency may fingerprint and photograph a child  
 1175 | taken into custody upon probable cause that such child has  
 1176 | committed any other violation of law, as the agency deems  
 1177 | appropriate. Such fingerprint records and photographs shall be  
 1178 | retained by the law enforcement agency in a separate file, and  
 1179 | these records and all copies thereof must be marked "Juvenile  
 1180 | Confidential." These records are not available for public  
 1181 | disclosure and inspection under s. 119.07(1) except as provided  
 1182 | in ss. 943.053 and 985.04(2), but shall be available to other  
 1183 | law enforcement agencies, criminal justice agencies, state  
 1184 | attorneys, the courts, the child, the parents or legal  
 1185 | custodians of the child, their attorneys, and any other person  
 1186 | authorized by the court to have access to such records. In  
 1187 | addition, such records may be submitted to the Department of Law  
 1188 | Enforcement for inclusion in the state criminal history records  
 1189 | and used by criminal justice agencies for criminal justice



1190 purposes. These records may, in the discretion of the court, be  
 1191 open to inspection by anyone upon a showing of cause. The  
 1192 fingerprint and photograph records shall be produced in the  
 1193 court whenever directed by the court. Any photograph taken  
 1194 pursuant to this section may be shown by a law enforcement  
 1195 officer to any victim or witness of a crime for the purpose of  
 1196 identifying the person who committed such crime.

1197 (c) The court shall be responsible for the fingerprinting  
 1198 of any child at the disposition hearing if the child has been  
 1199 adjudicated or had adjudication withheld for any felony in the  
 1200 case currently before the court.

1201 Section 30. For the purpose of incorporating the amendment  
 1202 made by this act to section 800.03, Florida Statutes, in a  
 1203 reference thereto, subsection (2) of section 985.441, Florida  
 1204 Statutes, is reenacted to read:

1205 985.441 Commitment.—

1206 (2) Notwithstanding subsection (1), the court having  
 1207 jurisdiction over an adjudicated delinquent child whose offense  
 1208 is a misdemeanor, or a child who is currently on probation for a  
 1209 misdemeanor, may not commit the child for any misdemeanor  
 1210 offense or any probation violation that is technical in nature  
 1211 and not a new violation of law at a restrictiveness level other  
 1212 than minimum-risk nonresidential. However, the court may commit  
 1213 such child to a nonsecure residential placement if:

1214 (a) The child has previously been adjudicated or had

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1215 adjudication withheld for a felony offense;

1216 (b) The child has previously been adjudicated or had  
1217 adjudication withheld for three or more misdemeanor offenses  
1218 within the previous 18 months;

1219 (c) The child is before the court for disposition for a  
1220 violation of s. 800.03, s. 806.031, or s. 828.12; or

1221 (d) The court finds by a preponderance of the evidence  
1222 that the protection of the public requires such placement or  
1223 that the particular needs of the child would be best served by  
1224 such placement. Such finding must be in writing.

1225 Section 31. This act shall take effect October 1, 2018.