

1 A bill to be entitled

2 An act relating to the death penalty; amending s.  
3 775.082, F.S.; deleting provisions providing for the  
4 death penalty for capital felonies; deleting  
5 provisions relating to the effect of a declaration by  
6 a court of last resort that the death penalty in a  
7 capital felony is unconstitutional; amending ss. 27.51  
8 and 27.511, F.S.; deleting provisions relating to  
9 representation in death penalty cases; repealing ss.  
10 27.7001, 27.7002, 27.701, 27.702, 27.703, 27.704,  
11 27.7045, 27.705, 27.706, 27.707, 27.708, 27.7081,  
12 27.7091, 27.710, 27.711, and 27.715, F.S., relating to  
13 capital collateral representation and constitutionally  
14 deficient representation, respectively; amending s.  
15 119.071, F.S.; deleting a public records exemption  
16 relating to capital collateral proceedings; amending  
17 s. 282.201, F.S.; conforming a provision to changes  
18 made by the act; amending ss. 775.15 and 790.161,  
19 F.S.; deleting provisions relating to the effect of a  
20 declaration by a court of last resort declaring that  
21 the death penalty in a capital felony is  
22 unconstitutional; repealing s. 913.13, F.S., relating  
23 to jurors in capital cases; repealing s. 921.137,  
24 F.S., relating to prohibiting the imposition of the  
25 death sentence upon a defendant with mental  
26 retardation; repealing s. 921.141, F.S., relating to

27 determination of whether to impose a sentence of death  
28 or life imprisonment for a capital felony; repealing  
29 s. 921.142, F.S., relating to determination of whether  
30 to impose a sentence of death or life imprisonment for  
31 a capital drug trafficking felony; amending ss.  
32 775.021, 782.04, 394.912, 782.065, 794.011, and  
33 893.135, F.S.; conforming provisions to changes made  
34 by the act; repealing ss. 922.052, 922.06, 922.07,  
35 922.08, 922.095, 922.10, 922.105, 922.108, 922.11,  
36 922.111, 922.12, 922.14, 922.15, 924.055, 924.056, and  
37 924.057, F.S., relating to issuance of warrant of  
38 execution, stay of execution of death sentence,  
39 proceedings when person under sentence of death  
40 appears to be insane, proceedings when person under  
41 sentence of death appears to be pregnant, grounds for  
42 death warrant, execution of death sentence,  
43 prohibition against reduction of death sentence as a  
44 result of determination that a method of execution is  
45 unconstitutional, sentencing orders in capital cases,  
46 regulation of execution, transfer to state prison for  
47 safekeeping before death warrant issued, return of  
48 warrant of execution issued by Governor, sentence of  
49 death unexecuted for unjustifiable reasons, return of  
50 warrant of execution issued by Supreme Court,  
51 legislative intent concerning appeals and  
52 postconviction proceedings in death penalty cases,

53 commencement of capital postconviction actions for  
 54 which sentence of death is imposed on or after January  
 55 14, 2000, and limitation on postconviction cases in  
 56 which the death sentence was imposed before January  
 57 14, 2000, respectively; amending s. 925.11, F.S.;  
 58 deleting provisions relating to preservation of DNA  
 59 evidence in death penalty cases; amending s. 945.10,  
 60 F.S.; deleting a public records exemption for the  
 61 identity of executioners; providing an effective date.

62

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

64

65 Section 1. Paragraph (a) of subsection (1) and subsection  
 66 (2) of section 775.082, Florida Statutes, are amended to read:

67 775.082 Penalties; applicability of sentencing structures;  
 68 mandatory minimum sentences for certain reoffenders previously  
 69 released from prison.—

70 (1) (a) ~~Except as provided in paragraph (b),~~ A person who  
 71 has been convicted of a capital felony shall be punished by  
 72 ~~death if the proceeding held to determine sentence according to~~  
 73 ~~the procedure set forth in s. 921.141 results in findings by the~~  
 74 ~~court that such person shall be punished by death, otherwise~~  
 75 ~~such person shall be punished by life imprisonment and shall be~~  
 76 ineligible for parole.

77 (2) ~~In the event the death penalty in a capital felony is~~  
 78 ~~held to be unconstitutional by the Florida Supreme Court or the~~

79 ~~United States Supreme Court, the court having jurisdiction over~~  
 80 ~~a person previously sentenced to death for a capital felony~~  
 81 ~~shall cause such person to be brought before the court, and the~~  
 82 ~~court shall sentence such person to life imprisonment as~~  
 83 ~~provided in subsection (1). No sentence of death shall be~~  
 84 ~~reduced as a result of a determination that a method of~~  
 85 ~~execution is held to be unconstitutional under the State~~  
 86 ~~Constitution or the Constitution of the United States.~~

87 Section 2. Paragraphs (d), (e), and (f) of subsection (1)  
 88 of section 27.51, Florida Statutes, are amended to read:

89 27.51 Duties of public defender.—

90 (1) The public defender shall represent, without  
 91 additional compensation, any person determined to be indigent  
 92 under s. 27.52 and:

93 (d) Sought by petition filed in such court to be  
 94 involuntarily placed as a mentally ill person under part I of  
 95 chapter 394, involuntarily committed as a sexually violent  
 96 predator under part V of chapter 394, or involuntarily admitted  
 97 to residential services as a person with developmental  
 98 disabilities under chapter 393. A public defender shall not  
 99 represent any plaintiff in a civil action brought under the  
 100 Florida Rules of Civil Procedure, the Federal Rules of Civil  
 101 Procedure, or the federal statutes, or represent a petitioner in  
 102 a rule challenge under chapter 120, unless specifically  
 103 authorized by statute; or

104 ~~(e) Convicted and sentenced to death, for purposes of~~

105 ~~handling an appeal to the Supreme Court; or~~

106 (e)~~(f)~~ Is appealing a matter in a case arising under  
107 paragraphs (a)-(d).

108 Section 3. Paragraphs (e), (f), and (g) of subsection (5)  
109 and subsection (8) of section 27.511, Florida Statutes, are  
110 amended to read:

111 27.511 Offices of criminal conflict and civil regional  
112 counsel; legislative intent; qualifications; appointment;  
113 duties.—

114 (5) When the Office of the Public Defender, at any time  
115 during the representation of two or more defendants, determines  
116 that the interests of those accused are so adverse or hostile  
117 that they cannot all be counseled by the public defender or his  
118 or her staff without a conflict of interest, or that none can be  
119 counseled by the public defender or his or her staff because of  
120 a conflict of interest, and the court grants the public  
121 defender's motion to withdraw, the office of criminal conflict  
122 and civil regional counsel shall be appointed and shall provide  
123 legal services, without additional compensation, to any person  
124 determined to be indigent under s. 27.52, who is:

125 ~~(e) Convicted and sentenced to death, for purposes of~~  
126 ~~handling an appeal to the Supreme Court;~~

127 (e)~~(f)~~ Appealing a matter in a case arising under  
128 paragraphs (a)-(d); or

129 (f)~~(g)~~ Seeking correction, reduction, or modification of a  
130 sentence under Rule 3.800, Florida Rules of Criminal Procedure,

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131 or seeking postconviction relief under Rule 3.850, Florida Rules  
132 of Criminal Procedure, if, in either case, the court determines  
133 that appointment of counsel is necessary to protect a person's  
134 due process rights.

135 (8) The public defender for the judicial circuit specified  
136 in s. 27.51(4) shall, after the record on appeal is transmitted  
137 to the appellate court by the office of criminal conflict and  
138 civil regional counsel which handled the trial and if requested  
139 by the regional counsel for the indicated appellate district,  
140 handle all circuit court appeals authorized pursuant to  
141 paragraph (5) (e) ~~(f)~~ within the state courts system and any  
142 authorized appeals to the federal courts required of the  
143 official making the request. If the public defender certifies to  
144 the court that the public defender has a conflict consistent  
145 with the criteria prescribed in s. 27.5303 and moves to  
146 withdraw, the regional counsel shall handle the appeal, unless  
147 the regional counsel has a conflict, in which case the court  
148 shall appoint private counsel pursuant to s. 27.40.

149 Section 4. Sections 27.7001, 27.7002, 27.701, 27.702,  
150 27.703, 27.704, 27.7045, 27.705, 27.706, 27.707, 27.708,  
151 27.7081, 27.7091, 27.710, 27.711, and 27.715, Florida Statutes,  
152 are repealed.

153 Section 5. Paragraph (d) of subsection (1) of section  
154 119.071, Florida Statutes, is amended to read:

155 119.071 General exemptions from inspection or copying of  
156 public records.—

157 (1) AGENCY ADMINISTRATION.—

158 (d)1. A public record that was prepared by an agency  
159 attorney (including an attorney employed or retained by the  
160 agency or employed or retained by another public officer or  
161 agency to protect or represent the interests of the agency  
162 having custody of the record) or prepared at the attorney's  
163 express direction, that reflects a mental impression,  
164 conclusion, litigation strategy, or legal theory of the attorney  
165 or the agency, and that was prepared exclusively for civil or  
166 criminal litigation or for adversarial administrative  
167 proceedings, or that was prepared in anticipation of imminent  
168 civil or criminal litigation or imminent adversarial  
169 administrative proceedings, is exempt from s. 119.07(1) and s.  
170 24(a), Art. I of the State Constitution until the conclusion of  
171 the litigation or adversarial administrative proceedings. ~~For~~  
172 ~~purposes of capital collateral litigation as set forth in s.~~  
173 ~~27.7001, the Attorney General's office is entitled to claim this~~  
174 ~~exemption for those public records prepared for direct appeal as~~  
175 ~~well as for all capital collateral litigation after direct~~  
176 ~~appeal until execution of sentence or imposition of a life~~  
177 ~~sentence.~~

178 2. This exemption is not waived by the release of such  
179 public record to another public employee or officer of the same  
180 agency or any person consulted by the agency attorney. When  
181 asserting the right to withhold a public record pursuant to this  
182 paragraph, the agency shall identify the potential parties to

183 any such criminal or civil litigation or adversarial  
184 administrative proceedings. If a court finds that the document  
185 or other record has been improperly withheld under this  
186 paragraph, the party seeking access to such document or record  
187 shall be awarded reasonable attorney's fees and costs in  
188 addition to any other remedy ordered by the court.

189 Section 6. Paragraph (c) of subsection (4) of section  
190 282.201, Florida Statutes, is amended to read:

191 282.201 State data center.—The state data center is  
192 established within the Agency for State Technology and shall  
193 provide data center services that are hosted on premises or  
194 externally through a third-party provider as an enterprise  
195 information technology service. The provision of services must  
196 comply with applicable state and federal laws, regulations, and  
197 policies, including all applicable security, privacy, and  
198 auditing requirements.

199 (4) SCHEDULE FOR CONSOLIDATIONS OF AGENCY DATA CENTERS.—

200 (c) The following are exempt from state data center  
201 consolidation under this section: the Department of Law  
202 Enforcement, the Department of the Lottery's Gaming System,  
203 Systems Design and Development in the Office of Policy and  
204 Budget, the regional traffic management centers as described in  
205 s. 335.14(2) and the Office of Toll Operations of the Department  
206 of Transportation, the State Board of Administration, state  
207 attorneys, public defenders, criminal conflict and civil  
208 regional counsel, ~~capital collateral regional counsel,~~ and the



209 Florida Housing Finance Corporation.

210 Section 7. Subsection (1) of section 775.15, Florida  
 211 Statutes, is amended to read:

212 775.15 Time limitations; general time limitations;  
 213 exceptions.—

214 (1) A prosecution for a capital felony, a life felony, or  
 215 a felony that resulted in a death may be commenced at any time.  
 216 ~~If the death penalty is held to be unconstitutional by the~~  
 217 ~~Florida Supreme Court or the United States Supreme Court, all~~  
 218 ~~crimes designated as capital felonies shall be considered life~~  
 219 ~~felonies for the purposes of this section, and prosecution for~~  
 220 ~~such crimes may be commenced at any time.~~

221 Section 8. Subsection (4) of section 790.161, Florida  
 222 Statutes, is amended to read:

223 790.161 Making, possessing, throwing, projecting, placing,  
 224 or discharging any destructive device or attempt so to do,  
 225 felony; penalties.—A person who willfully and unlawfully makes,  
 226 possesses, throws, projects, places, discharges, or attempts to  
 227 make, possess, throw, project, place, or discharge any  
 228 destructive device:

229 (4) If the act results in the death of another person,  
 230 commits a capital felony, punishable as provided in s. 775.082.  
 231 ~~In the event the death penalty in a capital felony is held to be~~  
 232 ~~unconstitutional by the Florida Supreme Court or the United~~  
 233 ~~States Supreme Court, the court having jurisdiction over a~~  
 234 ~~person previously sentenced to death for a capital felony shall~~

235 ~~cause such person to be brought before the court, and the court~~  
 236 ~~shall sentence such person to life imprisonment if convicted of~~  
 237 ~~murder in the first degree or of a capital felony under this~~  
 238 ~~subsection, and such person shall be ineligible for parole. No~~  
 239 ~~sentence of death shall be reduced as a result of a~~  
 240 ~~determination that a method of execution is held to be~~  
 241 ~~unconstitutional under the State Constitution or the~~  
 242 ~~Constitution of the United States.~~

243 Section 9. Section 913.13, Florida Statutes, is repealed.

244 Section 10. Section 921.137, Florida Statutes, is  
 245 repealed.

246 Section 11. Sections 921.141 and 921.142, Florida  
 247 Statutes, are repealed.

248 Section 12. Paragraph (c) of subsection (5) of section  
 249 775.021, Florida Statutes, is amended to read:

250 775.021 Rules of construction.—

251 (5) Whoever commits an act that violates a provision of  
 252 this code or commits a criminal offense defined by another  
 253 statute and thereby causes the death of, or bodily injury to, an  
 254 unborn child commits a separate offense if the provision or  
 255 statute does not otherwise specifically provide a separate  
 256 offense for such death or injury to an unborn child.

257 ~~(c) Notwithstanding any other provision of law, the death~~  
 258 ~~penalty may not be imposed for an offense under this subsection.~~

259 Section 13. Subsection (1) of section 782.04, Florida  
 260 Statutes, is amended to read:

261 782.04 Murder.—

262 (1)~~(a)~~ The unlawful killing of a human being:

263 (a)~~1.~~ When perpetrated from a premeditated design to

264 effect the death of the person killed or any human being;

265 (b)~~2.~~ When committed by a person engaged in the

266 perpetration of, or in the attempt to perpetrate, any:

267 1.a. Trafficking offense prohibited by s. 893.135(1),

268 2.b. Arson,

269 3.c. Sexual battery,

270 4.d. Robbery,

271 5.e. Burglary,

272 6.f. Kidnapping,

273 7.g. Escape,

274 8.h. Aggravated child abuse,

275 9.i. Aggravated abuse of an elderly person or disabled

276 adult,

277 10.j. Aircraft piracy,

278 11.k. Unlawful throwing, placing, or discharging of a

279 destructive device or bomb,

280 12.l. Carjacking,

281 13.m. Home-invasion robbery,

282 14.n. Aggravated stalking,

283 15.o. Murder of another human being,

284 16.p. Resisting an officer with violence to his or her

285 person,

286 17.q. Aggravated fleeing or eluding with serious bodily

287 injury or death,

288 18.~~18.~~ Felony that is an act of terrorism or is in  
 289 furtherance of an act of terrorism; or

290 (c)~~3.~~ Which resulted from the unlawful distribution of any  
 291 substance controlled under s. 893.03(1), cocaine as described in  
 292 s. 893.03(2)(a)4., opium or any synthetic or natural salt,  
 293 compound, derivative, or preparation of opium, or methadone by a  
 294 person 18 years of age or older, when such drug is proven to be  
 295 the proximate cause of the death of the user,

296  
 297 is murder in the first degree and constitutes a capital felony,  
 298 punishable as provided in s. 775.082.

299 ~~(b) In all cases under this section, the procedure set  
 300 forth in s. 921.141 shall be followed in order to determine  
 301 sentence of death or life imprisonment.~~

302 Section 14. Paragraph (a) of subsection (9) of section  
 303 394.912, Florida Statutes, is amended to read:

304 394.912 Definitions.—As used in this part, the term:

305 (9) "Sexually violent offense" means:

306 (a) Murder of a human being while engaged in sexual  
 307 battery in violation of s. 782.04(1)(b) ~~782.04(1)(a)2.~~;

308 Section 15. Subsection (1) of section 782.065, Florida  
 309 Statutes, is amended to read:

310 782.065 Murder; law enforcement officer, correctional  
 311 officer, correctional probation officer.—Notwithstanding ss.  
 312 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant

313 shall be sentenced to life imprisonment without eligibility for  
 314 release upon findings by the trier of fact that, beyond a  
 315 reasonable doubt:

316 (1) The defendant committed murder in the first degree in  
 317 violation of s. 782.04(1) and a death sentence was not imposed;  
 318 murder in the second or third degree in violation of s.  
 319 782.04(2), (3), or (4); attempted murder in the first or second  
 320 degree in violation of s. 782.04(1)(a) ~~782.04(1)(a)1.~~ or (2); or  
 321 attempted felony murder in violation of s. 782.051; and

322 Section 16. Paragraph (a) of subsection (2) of section  
 323 794.011, Florida Statutes, is amended to read:

324 794.011 Sexual battery.—

325 (2)(a) A person 18 years of age or older who commits  
 326 sexual battery upon, or in an attempt to commit sexual battery  
 327 injures the sexual organs of, a person less than 12 years of age  
 328 commits a capital felony, punishable as provided in s. ss.  
 329 ~~775.082 and 921.141.~~

330 Section 17. Paragraphs (b) through (l) of subsection (1)  
 331 of section 893.135, Florida Statutes, are amended to read:

332 893.135 Trafficking; mandatory sentences; suspension or  
 333 reduction of sentences; conspiracy to engage in trafficking.—

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

336 (b)1. Any person who knowingly sells, purchases,  
 337 manufactures, delivers, or brings into this state, or who is  
 338 knowingly in actual or constructive possession of, 28 grams or

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339 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
340 mixture containing cocaine, but less than 150 kilograms of  
341 cocaine or any such mixture, commits a felony of the first  
342 degree, which felony shall be known as "trafficking in cocaine,"  
343 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

344 If the quantity involved:

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

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

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

356 2. Any person who knowingly sells, purchases,  
357 manufactures, delivers, or brings into this state, or who is  
358 knowingly in actual or constructive possession of, 150 kilograms  
359 or more of cocaine, as described in s. 893.03(2)(a)4., commits  
360 the first degree felony of trafficking in cocaine. A person who  
361 has been convicted of the first degree felony of trafficking in  
362 cocaine under this subparagraph shall be punished by life  
363 imprisonment and is ineligible for any form of discretionary  
364 early release except pardon or executive clemency or conditional

365 medical release under s. 947.149. However, if the court  
366 determines that, in addition to committing any act specified in  
367 this paragraph:

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

372 b. The person's conduct in committing that act led to a  
373 natural, though not inevitable, lethal result,  
374  
375 such person commits the capital felony of trafficking in  
376 cocaine, punishable as provided in s. ss. 775.082 and ~~921.142~~.  
377 Any person sentenced for a capital felony under this paragraph  
378 shall also be sentenced to pay the maximum fine provided under  
379 subparagraph 1.

380 3. Any person who knowingly brings into this state 300  
381 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
382 and who knows that the probable result of such importation would  
383 be the death of any person, commits capital importation of  
384 cocaine, a capital felony punishable as provided in s. ss.  
385 775.082 and ~~921.142~~. Any person sentenced for a capital felony  
386 under this paragraph shall also be sentenced to pay the maximum  
387 fine provided under subparagraph 1.

388 (c)1. A person who knowingly sells, purchases,  
389 manufactures, delivers, or brings into this state, or who is  
390 knowingly in actual or constructive possession of, 4 grams or

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391 more of any morphine, opium, hydromorphone, or any salt,  
392 derivative, isomer, or salt of an isomer thereof, including  
393 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
394 (3)(c)4., or 4 grams or more of any mixture containing any such  
395 substance, but less than 30 kilograms of such substance or  
396 mixture, commits a felony of the first degree, which felony  
397 shall be known as "trafficking in illegal drugs," punishable as  
398 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
399 quantity involved:

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

403 b. Is 14 grams or more, but less than 28 grams, such  
404 person shall be sentenced to a mandatory minimum term of  
405 imprisonment of 15 years and shall be ordered to pay a fine of  
406 \$100,000.

407 c. Is 28 grams or more, but less than 30 kilograms, such  
408 person shall be sentenced to a mandatory minimum term of  
409 imprisonment of 25 years and shall be ordered to pay a fine of  
410 \$500,000.

411 2. A person who knowingly sells, purchases, manufactures,  
412 delivers, or brings into this state, or who is knowingly in  
413 actual or constructive possession of, 14 grams or more of  
414 hydrocodone, or any salt, derivative, isomer, or salt of an  
415 isomer thereof, or 14 grams or more of any mixture containing  
416 any such substance, commits a felony of the first degree, which



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417 felony shall be known as "trafficking in hydrocodone,"  
418 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
419 If the quantity involved:

420 a. Is 14 grams or more, but less than 28 grams, such  
421 person shall be sentenced to a mandatory minimum term of  
422 imprisonment of 3 years and shall be ordered to pay a fine of  
423 \$50,000.

424 b. Is 28 grams or more, but less than 50 grams, such  
425 person shall be sentenced to a mandatory minimum term of  
426 imprisonment of 7 years and shall be ordered to pay a fine of  
427 \$100,000.

428 c. Is 50 grams or more, but less than 200 grams, such  
429 person shall be sentenced to a mandatory minimum term of  
430 imprisonment of 15 years and shall be ordered to pay a fine of  
431 \$500,000.

432 d. Is 200 grams or more, but less than 30 kilograms, such  
433 person shall be sentenced to a mandatory minimum term of  
434 imprisonment of 25 years and shall be ordered to pay a fine of  
435 \$750,000.

436 3. A person who knowingly sells, purchases, manufactures,  
437 delivers, or brings into this state, or who is knowingly in  
438 actual or constructive possession of, 7 grams or more of  
439 oxycodone, or any salt, derivative, isomer, or salt of an isomer  
440 thereof, or 7 grams or more of any mixture containing any such  
441 substance, commits a felony of the first degree, which felony  
442 shall be known as "trafficking in oxycodone," punishable as

443 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
444 quantity involved:

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

448 b. Is 14 grams or more, but less than 25 grams, such  
449 person shall be sentenced to a mandatory minimum term of  
450 imprisonment of 7 years and shall be ordered to pay a fine of  
451 \$100,000.

452 c. Is 25 grams or more, but less than 100 grams, such  
453 person shall be sentenced to a mandatory minimum term of  
454 imprisonment of 15 years and shall be ordered to pay a fine of  
455 \$500,000.

456 d. Is 100 grams or more, but less than 30 kilograms, such  
457 person shall be sentenced to a mandatory minimum term of  
458 imprisonment of 25 years and shall be ordered to pay a fine of  
459 \$750,000.

460 4. A person who knowingly sells, purchases, manufactures,  
461 delivers, or brings into this state, or who is knowingly in  
462 actual or constructive possession of, 30 kilograms or more of  
463 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or  
464 any salt, derivative, isomer, or salt of an isomer thereof,  
465 including heroin, as described in s. 893.03(1)(b), (2)(a),  
466 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture  
467 containing any such substance, commits the first degree felony  
468 of trafficking in illegal drugs. A person who has been convicted

469 of the first degree felony of trafficking in illegal drugs under  
470 this subparagraph shall be punished by life imprisonment and is  
471 ineligible for any form of discretionary early release except  
472 pardon or executive clemency or conditional medical release  
473 under s. 947.149. However, if the court determines that, in  
474 addition to committing any act specified in this paragraph:

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

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

481  
482 such person commits the capital felony of trafficking in illegal  
483 drugs, punishable as provided in s. ss. 775.082 and 921.142. A  
484 person sentenced for a capital felony under this paragraph shall  
485 also be sentenced to pay the maximum fine provided under  
486 subparagraph 1.

487 5. A person who knowingly brings into this state 60  
488 kilograms or more of any morphine, opium, oxycodone,  
489 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
490 salt of an isomer thereof, including heroin, as described in s.  
491 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
492 more of any mixture containing any such substance, and who knows  
493 that the probable result of such importation would be the death  
494 of a person, commits capital importation of illegal drugs, a

495 capital felony punishable as provided in s. ss. 775.082 and  
496 ~~921.142~~. A person sentenced for a capital felony under this  
497 paragraph shall also be sentenced to pay the maximum fine  
498 provided under subparagraph 1.

499 (d)1. Any person who knowingly sells, purchases,  
500 manufactures, delivers, or brings into this state, or who is  
501 knowingly in actual or constructive possession of, 28 grams or  
502 more of phencyclidine or of any mixture containing  
503 phencyclidine, as described in s. 893.03(2)(b), commits a felony  
504 of the first degree, which felony shall be known as "trafficking  
505 in phencyclidine," punishable as provided in s. 775.082, s.  
506 775.083, or s. 775.084. If the quantity involved:

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

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

515 c. Is 400 grams or more, such person shall be sentenced to  
516 a mandatory minimum term of imprisonment of 15 calendar years  
517 and pay a fine of \$250,000.

518 2. Any person who knowingly brings into this state 800  
519 grams or more of phencyclidine or of any mixture containing  
520 phencyclidine, as described in s. 893.03(2)(b), and who knows

521 that the probable result of such importation would be the death  
 522 of any person commits capital importation of phencyclidine, a  
 523 capital felony punishable as provided in s. ss. 775.082 and  
 524 ~~921.142~~. Any person sentenced for a capital felony under this  
 525 paragraph shall also be sentenced to pay the maximum fine  
 526 provided under subparagraph 1.

527 (e)1. Any person who knowingly sells, purchases,  
 528 manufactures, delivers, or brings into this state, or who is  
 529 knowingly in actual or constructive possession of, 200 grams or  
 530 more of methaqualone or of any mixture containing methaqualone,  
 531 as described in s. 893.03(1)(d), commits a felony of the first  
 532 degree, which felony shall be known as "trafficking in  
 533 methaqualone," punishable as provided in s. 775.082, s. 775.083,  
 534 or s. 775.084. If the quantity involved:

535 a. Is 200 grams or more, but less than 5 kilograms, such  
 536 person shall be sentenced to a mandatory minimum term of  
 537 imprisonment of 3 years, and the defendant shall be ordered to  
 538 pay a fine of \$50,000.

539 b. Is 5 kilograms or more, but less than 25 kilograms,  
 540 such person shall be sentenced to a mandatory minimum term of  
 541 imprisonment of 7 years, and the defendant shall be ordered to  
 542 pay a fine of \$100,000.

543 c. Is 25 kilograms or more, such person shall be sentenced  
 544 to a mandatory minimum term of imprisonment of 15 calendar years  
 545 and pay a fine of \$250,000.

546 2. Any person who knowingly brings into this state 50

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547 kilograms or more of methaqualone or of any mixture containing  
548 methaqualone, as described in s. 893.03(1)(d), and who knows  
549 that the probable result of such importation would be the death  
550 of any person commits capital importation of methaqualone, a  
551 capital felony punishable as provided in s. ss. 775.082 and  
552 ~~921.142~~. Any person sentenced for a capital felony under this  
553 paragraph shall also be sentenced to pay the maximum fine  
554 provided under subparagraph 1.

555 (f)1. Any person who knowingly sells, purchases,  
556 manufactures, delivers, or brings into this state, or who is  
557 knowingly in actual or constructive possession of, 14 grams or  
558 more of amphetamine, as described in s. 893.03(2)(c)2., or  
559 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
560 mixture containing amphetamine or methamphetamine, or  
561 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
562 in conjunction with other chemicals and equipment utilized in  
563 the manufacture of amphetamine or methamphetamine, commits a  
564 felony of the first degree, which felony shall be known as  
565 "trafficking in amphetamine," punishable as provided in s.  
566 775.082, s. 775.083, or s. 775.084. If the quantity involved:

567 a. Is 14 grams or more, but less than 28 grams, such  
568 person shall be sentenced to a mandatory minimum term of  
569 imprisonment of 3 years, and the defendant shall be ordered to  
570 pay a fine of \$50,000.

571 b. Is 28 grams or more, but less than 200 grams, such  
572 person shall be sentenced to a mandatory minimum term of

573 imprisonment of 7 years, and the defendant shall be ordered to  
 574 pay a fine of \$100,000.

575 c. Is 200 grams or more, such person shall be sentenced to  
 576 a mandatory minimum term of imprisonment of 15 calendar years  
 577 and pay a fine of \$250,000.

578 2. Any person who knowingly manufactures or brings into  
 579 this state 400 grams or more of amphetamine, as described in s.  
 580 893.03(2)(c)2., or methamphetamine, as described in s.  
 581 893.03(2)(c)4., or of any mixture containing amphetamine or  
 582 methamphetamine, or phenylacetone, phenylacetic acid,  
 583 pseudoephedrine, or ephedrine in conjunction with other  
 584 chemicals and equipment used in the manufacture of amphetamine  
 585 or methamphetamine, and who knows that the probable result of  
 586 such manufacture or importation would be the death of any person  
 587 commits capital manufacture or importation of amphetamine, a  
 588 capital felony punishable as provided in s. ss. 775.082 ~~and~~  
 589 ~~921.142~~. Any person sentenced for a capital felony under this  
 590 paragraph shall also be sentenced to pay the maximum fine  
 591 provided under subparagraph 1.

592 (g)1. Any person who knowingly sells, purchases,  
 593 manufactures, delivers, or brings into this state, or who is  
 594 knowingly in actual or constructive possession of, 4 grams or  
 595 more of flunitrazepam or any mixture containing flunitrazepam as  
 596 described in s. 893.03(1)(a) commits a felony of the first  
 597 degree, which felony shall be known as "trafficking in  
 598 flunitrazepam," punishable as provided in s. 775.082, s.

599 775.083, or s. 775.084. If the quantity involved:

600 a. Is 4 grams or more but less than 14 grams, such person  
601 shall be sentenced to a mandatory minimum term of imprisonment  
602 of 3 years, and the defendant shall be ordered to pay a fine of  
603 \$50,000.

604 b. Is 14 grams or more but less than 28 grams, such person  
605 shall be sentenced to a mandatory minimum term of imprisonment  
606 of 7 years, and the defendant shall be ordered to pay a fine of  
607 \$100,000.

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

611 2. Any person who knowingly sells, purchases,  
612 manufactures, delivers, or brings into this state or who is  
613 knowingly in actual or constructive possession of 30 kilograms  
614 or more of flunitrazepam or any mixture containing flunitrazepam  
615 as described in s. 893.03(1)(a) commits the first degree felony  
616 of trafficking in flunitrazepam. A person who has been convicted  
617 of the first degree felony of trafficking in flunitrazepam under  
618 this subparagraph shall be punished by life imprisonment and is  
619 ineligible for any form of discretionary early release except  
620 pardon or executive clemency or conditional medical release  
621 under s. 947.149. However, if the court determines that, in  
622 addition to committing any act specified in this paragraph:

623 a. The person intentionally killed an individual or  
624 counseled, commanded, induced, procured, or caused the



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625 intentional killing of an individual and such killing was the  
626 result; or

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

629  
630 such person commits the capital felony of trafficking in  
631 flunitrazepam, punishable as provided in s. 775.082 ~~and~~  
632 ~~921.142~~. Any person sentenced for a capital felony under this  
633 paragraph shall also be sentenced to pay the maximum fine  
634 provided under subparagraph 1.

635 (h)1. Any person who knowingly sells, purchases,  
636 manufactures, delivers, or brings into this state, or who is  
637 knowingly in actual or constructive possession of, 1 kilogram or  
638 more of gamma-hydroxybutyric acid (GHB), as described in s.  
639 893.03(1)(d), or any mixture containing gamma-hydroxybutyric  
640 acid (GHB), commits a felony of the first degree, which felony  
641 shall be known as "trafficking in gamma-hydroxybutyric acid  
642 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.  
643 775.084. If the quantity involved:

644 a. Is 1 kilogram or more but less than 5 kilograms, such  
645 person shall be sentenced to a mandatory minimum term of  
646 imprisonment of 3 years, and the defendant shall be ordered to  
647 pay a fine of \$50,000.

648 b. Is 5 kilograms or more but less than 10 kilograms, such  
649 person shall be sentenced to a mandatory minimum term of  
650 imprisonment of 7 years, and the defendant shall be ordered to

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651 pay a fine of \$100,000.

652 c. Is 10 kilograms or more, such person shall be sentenced  
653 to a mandatory minimum term of imprisonment of 15 calendar years  
654 and pay a fine of \$250,000.

655 2. Any person who knowingly manufactures or brings into  
656 this state 150 kilograms or more of gamma-hydroxybutyric acid  
657 (GHB), as described in s. 893.03(1)(d), or any mixture  
658 containing gamma-hydroxybutyric acid (GHB), and who knows that  
659 the probable result of such manufacture or importation would be  
660 the death of any person commits capital manufacture or  
661 importation of gamma-hydroxybutyric acid (GHB), a capital felony  
662 punishable as provided in s. ss. 775.082 and 921.142. Any person  
663 sentenced for a capital felony under this paragraph shall also  
664 be sentenced to pay the maximum fine provided under subparagraph  
665 1.

666 (i)1. Any person who knowingly sells, purchases,  
667 manufactures, delivers, or brings into this state, or who is  
668 knowingly in actual or constructive possession of, 1 kilogram or  
669 more of gamma-butyrolactone (GBL), as described in s.  
670 893.03(1)(d), or any mixture containing gamma-butyrolactone  
671 (GBL), commits a felony of the first degree, which felony shall  
672 be known as "trafficking in gamma-butyrolactone (GBL),"

673 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
674 If the quantity involved:

675 a. Is 1 kilogram or more but less than 5 kilograms, such  
676 person shall be sentenced to a mandatory minimum term of

677 imprisonment of 3 years, and the defendant shall be ordered to  
 678 pay a fine of \$50,000.

679 b. Is 5 kilograms or more but less than 10 kilograms, such  
 680 person shall be sentenced to a mandatory minimum term of  
 681 imprisonment of 7 years, and the defendant shall be ordered to  
 682 pay a fine of \$100,000.

683 c. Is 10 kilograms or more, such person shall be sentenced  
 684 to a mandatory minimum term of imprisonment of 15 calendar years  
 685 and pay a fine of \$250,000.

686 2. Any person who knowingly manufactures or brings into  
 687 the state 150 kilograms or more of gamma-butyrolactone (GBL), as  
 688 described in s. 893.03(1)(d), or any mixture containing gamma-  
 689 butyrolactone (GBL), and who knows that the probable result of  
 690 such manufacture or importation would be the death of any person  
 691 commits capital manufacture or importation of gamma-  
 692 butyrolactone (GBL), a capital felony punishable as provided in  
 693 s. ss. 775.082 and 921.142. Any person sentenced for a capital  
 694 felony under this paragraph shall also be sentenced to pay the  
 695 maximum fine provided under subparagraph 1.

696 (j)1. Any person who knowingly sells, purchases,  
 697 manufactures, delivers, or brings into this state, or who is  
 698 knowingly in actual or constructive possession of, 1 kilogram or  
 699 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of  
 700 any mixture containing 1,4-Butanediol, commits a felony of the  
 701 first degree, which felony shall be known as "trafficking in  
 702 1,4-Butanediol," punishable as provided in s. 775.082, s.

703 775.083, or s. 775.084. If the quantity involved:

704 a. Is 1 kilogram or more, but less than 5 kilograms, such  
 705 person shall be sentenced to a mandatory minimum term of  
 706 imprisonment of 3 years, and the defendant shall be ordered to  
 707 pay a fine of \$50,000.

708 b. Is 5 kilograms or more, but less than 10 kilograms,  
 709 such person shall be sentenced to a mandatory minimum term of  
 710 imprisonment of 7 years, and the defendant shall be ordered to  
 711 pay a fine of \$100,000.

712 c. Is 10 kilograms or more, such person shall be sentenced  
 713 to a mandatory minimum term of imprisonment of 15 calendar years  
 714 and pay a fine of \$500,000.

715 2. Any person who knowingly manufactures or brings into  
 716 this state 150 kilograms or more of 1,4-Butanediol as described  
 717 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,  
 718 and who knows that the probable result of such manufacture or  
 719 importation would be the death of any person commits capital  
 720 manufacture or importation of 1,4-Butanediol, a capital felony  
 721 punishable as provided in s. ss. 775.082 and 921.142. Any person  
 722 sentenced for a capital felony under this paragraph shall also  
 723 be sentenced to pay the maximum fine provided under subparagraph  
 724 1.

725 (k)1. A person who knowingly sells, purchases,  
 726 manufactures, delivers, or brings into this state, or who is  
 727 knowingly in actual or constructive possession of, 10 grams or  
 728 more of any of the following substances described in s.

729 893.03(1)(c):

- 730 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 731 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 732 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 733 d. 2,5-Dimethoxyamphetamine;
- 734 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 735 f. N-ethylamphetamine;
- 736 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 737 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 738 i. 4-methoxyamphetamine;
- 739 j. 4-methoxymethamphetamine;
- 740 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 741 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 742 m. 3,4-Methylenedioxyamphetamine;
- 743 n. N,N-dimethylamphetamine;
- 744 o. 3,4,5-Trimethoxyamphetamine;
- 745 p. 3,4-Methylenedioxy-methcathinone;
- 746 q. 3,4-Methylenedioxy-pyrovalerone (MDPV); or
- 747 r. Methylmethcathinone,

748  
 749 individually or analogs thereto or isomers thereto or in any  
 750 combination of or any mixture containing any substance listed in  
 751 sub-subparagraphs a.-r., commits a felony of the first degree,  
 752 which felony shall be known as "trafficking in Phenethylamines,"  
 753 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

754 2. If the quantity involved:

755 a. Is 10 grams or more, but less than 200 grams, such  
 756 person shall be sentenced to a mandatory minimum term of  
 757 imprisonment of 3 years and shall be ordered to pay a fine of  
 758 \$50,000.

759 b. Is 200 grams or more, but less than 400 grams, such  
 760 person shall be sentenced to a mandatory minimum term of  
 761 imprisonment of 7 years and shall be ordered to pay a fine of  
 762 \$100,000.

763 c. Is 400 grams or more, such person shall be sentenced to  
 764 a mandatory minimum term of imprisonment of 15 years and shall  
 765 be ordered to pay a fine of \$250,000.

766 3. A person who knowingly manufactures or brings into this  
 767 state 30 kilograms or more of any of the following substances  
 768 described in s. 893.03(1)(c):

- 769 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 770 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 771 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 772 d. 2,5-Dimethoxyamphetamine;
- 773 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 774 f. N-ethylamphetamine;
- 775 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 776 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 777 i. 4-methoxyamphetamine;
- 778 j. 4-methoxymethamphetamine;
- 779 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 780 l. 3,4-Methylenedioxy-N-ethylamphetamine;

- 781 m. 3,4-Methylenedioxyamphetamine;
- 782 n. N,N-dimethylamphetamine;
- 783 o. 3,4,5-Trimethoxyamphetamine;
- 784 p. 3,4-Methylenedioxymethcathinone;
- 785 q. 3,4-Methylenedioxypropylamphetamine (MDPV); or
- 786 r. Methylenedioxymethcathinone,

787

788 individually or analogs thereto or isomers thereto or in any

789 combination of or any mixture containing any substance listed in

790 sub-subparagraphs a.-r., and who knows that the probable result

791 of such manufacture or importation would be the death of any

792 person commits capital manufacture or importation of

793 Phenethylamines, a capital felony punishable as provided in s.

794 ~~ss.~~ 775.082 and 921.142. A person sentenced for a capital felony

795 under this paragraph shall also be sentenced to pay the maximum

796 fine provided under subparagraph 1.

797 (1)1. Any person who knowingly sells, purchases,

798 manufactures, delivers, or brings into this state, or who is

799 knowingly in actual or constructive possession of, 1 gram or

800 more of lysergic acid diethylamide (LSD) as described in s.

801 893.03(1)(c), or of any mixture containing lysergic acid

802 diethylamide (LSD), commits a felony of the first degree, which

803 felony shall be known as "trafficking in lysergic acid

804 diethylamide (LSD)," punishable as provided in s. 775.082, s.

805 775.083, or s. 775.084. If the quantity involved:

- 806 a. Is 1 gram or more, but less than 5 grams, such person

807 shall be sentenced to a mandatory minimum term of imprisonment  
 808 of 3 years, and the defendant shall be ordered to pay a fine of  
 809 \$50,000.

810 b. Is 5 grams or more, but less than 7 grams, such person  
 811 shall be sentenced to a mandatory minimum term of imprisonment  
 812 of 7 years, and the defendant shall be ordered to pay a fine of  
 813 \$100,000.

814 c. Is 7 grams or more, such person shall be sentenced to a  
 815 mandatory minimum term of imprisonment of 15 calendar years and  
 816 pay a fine of \$500,000.

817 2. Any person who knowingly manufactures or brings into  
 818 this state 7 grams or more of lysergic acid diethylamide (LSD)  
 819 as described in s. 893.03(1)(c), or any mixture containing  
 820 lysergic acid diethylamide (LSD), and who knows that the  
 821 probable result of such manufacture or importation would be the  
 822 death of any person commits capital manufacture or importation  
 823 of lysergic acid diethylamide (LSD), a capital felony punishable  
 824 as provided in s. ss. 775.082 and 921.142. Any person sentenced  
 825 for a capital felony under this paragraph shall also be  
 826 sentenced to pay the maximum fine provided under subparagraph 1.

827 Section 18. Sections 922.052, 922.06, 922.07, 922.08,  
 828 922.095, 922.10, 922.105, 922.108, 922.11, 922.111, 922.12,  
 829 922.14, 922.15, 924.055, 924.056, and 924.057, Florida Statutes,  
 830 are repealed.

831 Section 19. Subsection (4) of section 925.11, Florida  
 832 Statutes, is amended to read:



833 925.11 Postsentencing DNA testing.—

834 (4) PRESERVATION OF EVIDENCE.—

835 ~~(a)~~ Governmental entities that may be in possession of any  
 836 physical evidence in the case, including, but not limited to,  
 837 any investigating law enforcement agency, the clerk of the  
 838 court, the prosecuting authority, or the Department of Law  
 839 Enforcement shall maintain any physical evidence collected at  
 840 the time of the crime for which a postsentencing testing of DNA  
 841 may be requested.

842 ~~(b) In a case in which the death penalty is imposed, the~~  
 843 ~~evidence shall be maintained for 60 days after execution of the~~  
 844 ~~sentence. In all other cases, a governmental entity may dispose~~  
 845 ~~of the physical evidence if the term of the sentence imposed in~~  
 846 ~~the case has expired and no other provision of law or rule~~  
 847 ~~requires that the physical evidence be preserved or retained.~~

848 Section 20. Paragraphs (g) and (h) of subsection (1) and  
 849 subsection (2) of section 945.10, Florida Statutes, are amended  
 850 to read:

851 945.10 Confidential information.—

852 (1) Except as otherwise provided by law or in this  
 853 section, the following records and information held by the  
 854 Department of Corrections are confidential and exempt from the  
 855 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
 856 Constitution:

857 ~~(g) Information which identifies an executioner, or any~~  
 858 ~~person prescribing, preparing, compounding, dispensing, or~~

859 ~~administering a lethal injection.~~

860 (g)~~(h)~~ Records that are otherwise confidential or exempt  
861 from public disclosure by law.

862 (2) The records and information specified in subsection  
863 ~~paragraphs~~ (1)~~(a)~~~~(h)~~ may be released as follows unless  
864 expressly prohibited by federal law:

865 (a) Information specified in paragraphs (1)(b), (d), and  
866 (f) to the Office of the Governor, the Legislature, the Florida  
867 Commission on Offender Review, the Department of Children and  
868 Families, a private correctional facility or program that  
869 operates under a contract, the Department of Legal Affairs, a  
870 state attorney, the court, or a law enforcement agency. A  
871 request for records or information pursuant to this paragraph  
872 need not be in writing.

873 (b) Information specified in paragraphs (1)(c), (e), and  
874 (g)~~(h)~~ to the Office of the Governor, the Legislature, the  
875 Florida Commission on Offender Review, the Department of  
876 Children and Families, a private correctional facility or  
877 program that operates under contract, the Department of Legal  
878 Affairs, a state attorney, the court, or a law enforcement  
879 agency. A request for records or information pursuant to this  
880 paragraph must be in writing and a statement provided  
881 demonstrating a need for the records or information.

882 (c) Information specified in paragraph (1)(b) to an  
883 attorney representing an inmate under sentence of death, except  
884 those portions of the records containing a victim's statement or

885 address, or the statement or address of a relative of the  
886 victim. A request for records of information pursuant to this  
887 paragraph must be in writing and a statement provided  
888 demonstrating a need for the records or information.

889 (d) Information specified in paragraph (1)(b) to a public  
890 defender representing a defendant, except those portions of the  
891 records containing a victim's statement or address, or the  
892 statement or address of a relative of the victim. A request for  
893 records or information pursuant to this paragraph need not be in  
894 writing.

895 (e) Information specified in paragraph (1)(b) to state or  
896 local governmental agencies. A request for records or  
897 information pursuant to this paragraph must be in writing and a  
898 statement provided demonstrating a need for the records or  
899 information.

900 (f) Information specified in paragraph (1)(b) to a person  
901 conducting legitimate research. A request for records and  
902 information pursuant to this paragraph must be in writing, the  
903 person requesting the records or information must sign a  
904 confidentiality agreement, and the department must approve the  
905 request in writing.

906 (g) Information specified in paragraph (1)(a) to the  
907 Department of Health and the county health department where an  
908 inmate plans to reside if he or she has tested positive for the  
909 presence of the antibody or antigen to human immunodeficiency  
910 virus infection.

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911  
912 Records and information released under this subsection remain  
913 confidential and exempt from the provisions of s. 119.07(1) and  
914 s. 24(a), Art. I of the State Constitution when held by the  
915 receiving person or entity.

916 Section 21. This act shall take effect July 1, 2015.