

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,

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.—

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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~~

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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.e. 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.~~r.~~ 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

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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. 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. 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

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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. 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. ss. 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

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-Methylenedioxypropylamphetamine (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-Methylenedioxypyrovalerone (MDPV); or
- 786 r. Methylmethcathinone,

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, 2016.