

1 A bill to be entitled
2 An act relating to terrorism and terrorist activities;
3 amending s. 775.30, F.S.; extending the applicability
4 of the definition of the term "terrorism" to other
5 sections of ch. 775, F.S.; defining the term
6 "terrorist activity"; providing that a violation of
7 specified criminal provisions in furtherance of
8 certain objectives is a crime of terrorism; providing
9 penalties; providing increased penalties if the action
10 results in death or serious bodily injury; defining
11 the term "serious bodily injury"; amending s. 775.31,
12 F.S.; redefining the term "terrorism"; providing
13 applicability; creating s. 775.32, F.S.; defining
14 terms; prohibiting a person from using, attempting to
15 use, or conspiring to use military-type training
16 received from a designated foreign terrorist
17 organization for certain purposes; providing
18 penalties; providing increased penalties if the
19 actions result in death or serious bodily injury;
20 creating s. 775.33, F.S.; defining terms; prohibiting
21 a person from providing material support or resources,
22 or engaging in other specified actions, to violate
23 specified criminal provisions; providing penalties;
24 prohibiting a person from attempting to provide,
25 conspiring to provide, or knowingly providing material

26 support or resources to a designated foreign terrorist
27 organization; providing penalties; providing increased
28 penalties if specified actions result in death or
29 serious bodily injury; specifying the circumstances
30 under which a person provides material support by
31 providing personnel; prohibiting prosecution under
32 certain circumstances; providing legislative intent;
33 requiring the Department of Law Enforcement, in
34 consultation with the Office of the Attorney General,
35 to create specified guidelines; creating s. 775.34,
36 F.S.; providing penalties for a person who willfully
37 becomes a member of a designated foreign terrorist
38 organization and serves under the direction or control
39 of the organization with the intent to further the
40 illegal acts of the organization; defining the term
41 "designated foreign terrorist organization"; creating
42 s. 775.35, F.S.; providing penalties for a person who
43 intentionally disseminates or spreads any type of
44 contagious, communicable, or infectious disease among
45 crops, poultry, livestock, or other animals; providing
46 an affirmative defense; providing increased penalties
47 if specified actions result in death or serious bodily
48 injury; defining the term "serious bodily injury";
49 amending s. 782.04, F.S.; revising the provisions
50 related to terrorism for murder in the first degree,

51 murder in the second degree, and murder in the third
52 degree to include the terrorism felonies created by
53 this act; reenacting ss. 373.6055(3)(c), 381.95(1),
54 395.1056(1)(a) and (2), 874.03(7), 907.041(4)(a),
55 943.0312(2), and 943.0321(2), F.S., relating to the
56 definition of the term "terrorism," to incorporate the
57 amendment made to s. 775.30, F.S., in references
58 thereto; reenacting ss. 27.401(2), 39.806(1)(d),
59 63.089(4)(b), 95.11(10), 435.04(2)(e), 435.07(4)(c),
60 775.082(1)(b) and (3)(a), (b), and (c), 775.0823(1),
61 (2), (4), (5), (6), and (7), 782.051, 782.065,
62 903.133, 921.0022(3)(h) and (i), 921.16(1),
63 947.146(3)(i), 948.06(8)(c), 948.062(1),
64 985.265(3)(b), and 1012.315(1)(d), F.S., relating to
65 capital felonies, murder in the first degree, murder
66 in the second degree, and murder in the third degree,
67 to incorporate the amendment made to s. 782.04, F.S.,
68 in references thereto; reenacting s. 1012.467(2)(g),
69 F.S., relating to terrorism and murder, to incorporate
70 the amendments made to ss. 775.30 and 782.04, F.S., in
71 references thereto; providing an effective date.

72
73 WHEREAS, the domestic security of the State of Florida and
74 terrorism prevention within the state's borders are of paramount
75 importance, and

76 WHEREAS, the threats to the domestic security of the State
 77 of Florida are constantly evolving and expanding, and

78 WHEREAS, it is incumbent upon officials of the State of
 79 Florida to prevent future acts of terrorism and to bring to
 80 justice those who attempt, solicit, support, commit, or conspire
 81 to commit acts of terrorism, and

82 WHEREAS, law enforcement officials in the State of Florida
 83 require adequate and appropriate authority to investigate and
 84 prevent potential acts of terrorism or acts of mass catastrophe
 85 in the state, and

86 WHEREAS, the constitutional rights of the residents of and
 87 visitors to the State of Florida are also of great importance,
 88 and those rights can be safeguarded through reasonable
 89 protections in appropriate law enforcement actions, NOW,
 90 THEREFORE,

91
 92 Be It Enacted by the Legislature of the State of Florida:

93
 94 Section 1. Section 775.30, Florida Statutes, is amended to
 95 read:

96 775.30 Terrorism; defined; penalties.—

97 (1) As used in this chapter and the Florida Criminal Code,
 98 the terms ~~term~~ "terrorism" or "terrorist activity" ~~mean~~ ~~means~~ an
 99 activity that:

100 ~~(1)~~(a) Involves:

101 1. A violent act or an act dangerous to human life which is
 102 a violation of the criminal laws of this state or of the United
 103 States; or

104 ~~2.(b)~~ ~~Involves~~ A violation of s. 815.06; and

105 ~~(b)(2)~~ Is intended to:

106 ~~1.(a)~~ Intimidate, injure, or coerce a civilian population;

107 ~~2.(b)~~ Influence the policy of a government by intimidation
 108 or coercion; or

109 ~~3.(e)~~ Affect the conduct of government through destruction
 110 of property, assassination, murder, kidnapping, or aircraft
 111 piracy.

112 (2) A person who violates s. 782.04(1)(a)1. or (2), s.
 113 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.
 114 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16,
 115 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.
 116 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.
 117 859.01, or s. 876.34, in furtherance of intimidating or coercing
 118 the policy of a government, or in furtherance of affecting the
 119 conduct of a government by mass destruction, assassination, or
 120 kidnapping, commits the crime of terrorism, a felony of the
 121 first degree, punishable as provided in s. 775.082, s. 775.083,
 122 or s. 775.084.

123 (3) A person who commits a violation of subsection (2)
 124 which results in death or serious bodily injury commits a life
 125 felony, punishable as provided in s. 775.082, s. 775.083, or s.

126 | 775.084. As used in this subsection, the term "serious bodily
 127 | injury" means an injury to a person which creates a substantial
 128 | risk of death, serious personal disfigurement, or protracted
 129 | loss or impairment of the function of a bodily member or an
 130 | organ.

131 | Section 2. Section 775.31, Florida Statutes, is amended to
 132 | read:

133 | 775.31 Facilitating or furthering terrorism; felony or
 134 | misdemeanor reclassification.—

135 | (1) If a person is convicted of committing a felony or
 136 | misdemeanor that facilitated or furthered any act of terrorism,
 137 | the court shall reclassify the felony or misdemeanor to the next
 138 | higher degree as provided in this section. The reclassification
 139 | shall be made in the following manner:

140 | (a) In the case of a misdemeanor of the second degree, the
 141 | offense is reclassified as a misdemeanor of the first degree.

142 | (b) In the case of a misdemeanor of the first degree, the
 143 | offense is reclassified as a felony of the third degree.

144 | (c) In the case of a felony of the third degree, the
 145 | offense is reclassified as a felony of the second degree.

146 | (d) In the case of a felony of the second degree, the
 147 | offense is reclassified as a felony of the first degree.

148 | (e) In the case of a felony of the first degree or a
 149 | felony of the first degree punishable by a term of imprisonment
 150 | not exceeding life, the offense is reclassified as a life

151 felony.

152 (2) For purposes of sentencing under chapter 921, the
153 following offense severity ranking levels apply:

154 (a) An offense that is a misdemeanor of the first degree
155 and that is reclassified under this section as a felony of the
156 third degree is ranked in level 2 of the offense severity
157 ranking chart.

158 (b) A felony offense that is reclassified under this
159 section is ranked one level above the ranking specified in s.
160 921.0022 or s. 921.0023 for the offense committed.

161 (3) As used in this section, the term "terrorism" has the
162 same meaning as provided in s. 775.30(1) ~~means an activity that:~~

163 ~~(a)1. Involves a violent act or an act dangerous to human~~
164 ~~life which is a violation of the criminal laws of this state or~~
165 ~~of the United States; or~~

166 ~~2. Involves a violation of s. 815.06; and~~

167 ~~(b) Is intended to:~~

168 ~~1. Intimidate, injure, or coerce a civilian population;~~

169 ~~2. Influence the policy of a government by intimidation or~~
170 ~~coercion; or~~

171 ~~3. Affect the conduct of government through destruction of~~
172 ~~property, assassination, murder, kidnapping, or aircraft piracy.~~

173 (4) The reclassification of offenses under this section
174 does not apply to s. 775.30, s. 775.32, s. 775.33, s. 775.34, or
175 s. 775.35.

176 Section 3. Section 775.32, Florida Statutes, is created to
 177 read:

178 775.32 Use of military-type training provided by a
 179 designated foreign terrorist organization.-

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

181 (a) "Critical infrastructure facility" has the same
 182 meaning as provided in s. 493.631.

183 (b) "Designated foreign terrorist organization" means an
 184 organization designated as a terrorist organization under s. 219
 185 of the Immigration and Nationality Act.

186 (c) "Military-type training" means training:

187 1. In means or methods that can:

188 a. Cause the death of, or serious bodily injury to,
 189 another person;

190 b. Destroy or damage property; or

191 c. Disrupt services to a critical infrastructure facility;

192 or

193 2. On the use, storage, production, or assembly of an
 194 explosive, a firearm, or any other weapon, including a weapon of
 195 mass destruction.

196 (d) "Serious bodily injury" has the same meaning as
 197 provided in s. 775.30(3).

198 (e) "Weapon of mass destruction" has the same meaning as
 199 provided in s. 790.166.

200 (2) A person who has received military-type training from

201 a designated foreign terrorist organization may not use, attempt
202 to use, or conspire to use such military-type training with the
203 intent to unlawfully harm another person or damage a critical
204 infrastructure facility.

205 (3) A person who commits a violation of subsection (2)
206 commits a felony of the second degree, punishable as provided in
207 s. 775.082, s. 775.083, or s. 775.084.

208 (4) A person who commits a violation of subsection (2)
209 which results in the death of, or serious bodily injury to, a
210 person commits a felony of the first degree, punishable as
211 provided in s. 775.082, s. 775.083, or s. 775.084.

212 Section 4. Section 775.33, Florida Statutes, is created to
213 read:

214 775.33 Providing material support or resources for
215 terrorism or to terrorist organizations.—

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

217 (a) "Designated foreign terrorist organization" has the
218 same meaning as provided in s. 775.32.

219 (b) "Expert advice or assistance" means advice or
220 assistance derived from scientific, technical, or other
221 specialized knowledge.

222 (c) "Material support or resources" means any property,
223 tangible or intangible, or service, including currency or
224 monetary instruments or financial securities, financial
225 services, lodging, training, expert advice or assistance, safe

226 houses, false documentation or identification, communications
227 equipment, facilities, weapons, lethal substances, explosives,
228 personnel, or transportation. The term does not include medicine
229 or religious materials.

230 (d) "Serious bodily injury" has the same meaning as
231 provided in s. 775.30(3).

232 (e) "Training" means instruction or teaching designed to
233 impart a specific skill rather than general knowledge.

234 (2) A person commits a felony of the first degree,
235 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
236 if the person:

237 (a) Provides material support or resources or conceals or
238 disguises the nature, location, source, or ownership of the
239 material support or resources, knowing or intending that the
240 support or resources are to be used in preparation for or in
241 carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s.
242 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s.
243 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32,
244 s. 876.34, or s. 876.36;

245 (b) Conceals an escape from the commission of a violation
246 of paragraph (a); or

247 (c) Attempts or conspires to commit a violation of
248 paragraph (a).

249 (3) A person who knowingly provides material support or
250 resources to a designated foreign terrorist organization, or

251 attempts or conspires to do so, commits a felony of the first
252 degree, punishable as provided in s. 775.082, s. 775.083, or s.
253 775.084. To violate this subsection, a person must have
254 knowledge that the organization is a designated foreign
255 terrorist organization or that the organization has engaged in
256 or engages in terrorism or terrorist activity.

257 (4) A person who commits a violation of subsection (2) or
258 subsection (3) which results in death or serious bodily injury
259 commits a life felony, punishable as provided in s. 775.082, s.
260 775.083, or s. 775.084.

261 (5) (a) For purposes of prosecution under subsection (2) or
262 subsection (3), a person is deemed to provide material support
263 or resources by providing personnel if the person knowingly
264 provides, attempts to provide, or conspires to provide himself
265 or herself or another person to:

266 1. Work under the direction and control of a designated
267 foreign terrorist organization or a person engaged in, or
268 intending to engage in, an act of terrorism; or

269 2. Organize, manage, supervise, or otherwise direct the
270 operations of a designated foreign terrorist organization or a
271 person engaged in, or intending to engage in, an act of
272 terrorism.

273 (b) An individual who acts entirely independently of the
274 designated foreign terrorist organization or the person engaged
275 in, or intending to engage in, an act of terrorism to advance

276 | the organization's or person's goals or objectives is not
277 | working under the direction and control of the designated
278 | foreign terrorist organization or person engaged in, or
279 | intending to engage in, an act of terrorism.

280 | (6) A person may not be prosecuted under this section if
281 | his or her activity was authorized by a governmental or law
282 | enforcement agency of this state or of the United States in the
283 | agency's official capacity and pursuant to a lawful purpose.

284 | (7) It is the intent of the Legislature that subsections
285 | (2) and (3) be interpreted in a manner consistent with federal
286 | case law interpreting 18 U.S.C. ss. 2339A and 2339B,
287 | respectively.

288 | (8) The Department of Law Enforcement, in consultation
289 | with the Office of the Attorney General, shall create guidelines
290 | for law enforcement investigations conducted pursuant to this
291 | section to ensure the protection of privacy rights, civil
292 | rights, and civil liberties.

293 | Section 5. Section 775.34, Florida Statutes, is created to
294 | read:

295 | 775.34 Membership in a designated foreign terrorist
296 | organization.—A person who willfully becomes a member of a
297 | designated foreign terrorist organization and serves under the
298 | direction or control of that organization with the intent to
299 | further the illegal acts of the organization commits a felony of
300 | the second degree, punishable as provided in s. 775.082, s.

301 775.083, or s. 775.084. As used in this section, the term
302 "designated foreign terrorist organization" has the same meaning
303 as provided in s. 775.32.

304 Section 6. Section 775.35, Florida Statutes, is created to
305 read:

306 775.35 Agroterrorism; penalties.—

307 (1) A person who intentionally disseminates or spreads any
308 type of contagious, communicable, or infectious disease among
309 crops, poultry as defined in s. 583.01, livestock as defined in
310 s. 588.13, or other animals commits a felony of the second
311 degree, punishable as provided in s. 775.082, s. 775.083, or s.
312 775.084. It is an affirmative defense to this violation if the
313 activity is consistent with a medically recognized procedure or
314 if the activity is done in the course of legitimate,
315 professional scientific research.

316 (2) A person who commits a violation of subsection (1)
317 which results in death or serious bodily injury to a person
318 commits a life felony, punishable as provided in s. 775.082, s.
319 775.083, or s. 775.084. As used in this subsection, the term
320 "serious bodily injury" has the same meaning as provided in s.
321 775.30(3).

322 Section 7. Paragraph (a) of subsection (1) and subsections
323 (3) and (4) of section 782.04, Florida Statutes, are amended to
324 read:

325 782.04 Murder.—

- 326 (1) (a) The unlawful killing of a human being:
- 327 1. When perpetrated from a premeditated design to effect
- 328 the death of the person killed or any human being;
- 329 2. When committed by a person engaged in the perpetration
- 330 of, or in the attempt to perpetrate, any:
- 331 a. Trafficking offense prohibited by s. 893.135(1),
- 332 b. Arson,
- 333 c. Sexual battery,
- 334 d. Robbery,
- 335 e. Burglary,
- 336 f. Kidnapping,
- 337 g. Escape,
- 338 h. Aggravated child abuse,
- 339 i. Aggravated abuse of an elderly person or disabled
- 340 adult,
- 341 j. Aircraft piracy,
- 342 k. Unlawful throwing, placing, or discharging of a
- 343 destructive device or bomb,
- 344 l. Carjacking,
- 345 m. Home-invasion robbery,
- 346 n. Aggravated stalking,
- 347 o. Murder of another human being,
- 348 p. Resisting an officer with violence to his or her
- 349 person,
- 350 q. Aggravated fleeing or eluding with serious bodily

351 injury or death,
 352 r. Felony that is an act of terrorism or is in furtherance
 353 of an act of terrorism, including a felony under s. 775.30, s.
 354 775.32, s. 775.33, s. 775.34, or s. 775.35, or
 355 s. Human trafficking; or
 356 3. Which resulted from the unlawful distribution of any
 357 substance controlled under s. 893.03(1), cocaine as described in
 358 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
 359 compound, derivative, or preparation of opium, or methadone by a
 360 person 18 years of age or older, when such drug is proven to be
 361 the proximate cause of the death of the user,
 362
 363 is murder in the first degree and constitutes a capital felony,
 364 punishable as provided in s. 775.082.
 365 (3) When a human being is killed during the perpetration
 366 of, or during the attempt to perpetrate, any:
 367 (a) Trafficking offense prohibited by s. 893.135(1),
 368 (b) Arson,
 369 (c) Sexual battery,
 370 (d) Robbery,
 371 (e) Burglary,
 372 (f) Kidnapping,
 373 (g) Escape,
 374 (h) Aggravated child abuse,
 375 (i) Aggravated abuse of an elderly person or disabled

376 adult,
377 (j) Aircraft piracy,
378 (k) Unlawful throwing, placing, or discharging of a
379 destructive device or bomb,
380 (l) Carjacking,
381 (m) Home-invasion robbery,
382 (n) Aggravated stalking,
383 (o) Murder of another human being,
384 (p) Aggravated fleeing or eluding with serious bodily
385 injury or death,
386 (q) Resisting an officer with violence to his or her
387 person, or
388 (r) Felony that is an act of terrorism or is in
389 furtherance of an act of terrorism, including a felony under s.
390 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,
391
392 by a person other than the person engaged in the perpetration of
393 or in the attempt to perpetrate such felony, the person
394 perpetrating or attempting to perpetrate such felony commits
395 murder in the second degree, which constitutes a felony of the
396 first degree, punishable by imprisonment for a term of years not
397 exceeding life or as provided in s. 775.082, s. 775.083, or s.
398 775.084.
399 (4) The unlawful killing of a human being, when
400 perpetrated without any design to effect death, by a person

401 engaged in the perpetration of, or in the attempt to perpetrate,
 402 any felony other than any:

- 403 (a) Trafficking offense prohibited by s. 893.135(1),
- 404 (b) Arson,
- 405 (c) Sexual battery,
- 406 (d) Robbery,
- 407 (e) Burglary,
- 408 (f) Kidnapping,
- 409 (g) Escape,
- 410 (h) Aggravated child abuse,
- 411 (i) Aggravated abuse of an elderly person or disabled
 412 adult,
- 413 (j) Aircraft piracy,
- 414 (k) Unlawful throwing, placing, or discharging of a
 415 destructive device or bomb,
- 416 (l) Unlawful distribution of any substance controlled
 417 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
 418 or opium or any synthetic or natural salt, compound, derivative,
 419 or preparation of opium by a person 18 years of age or older,
 420 when such drug is proven to be the proximate cause of the death
 421 of the user,
- 422 (m) Carjacking,
- 423 (n) Home-invasion robbery,
- 424 (o) Aggravated stalking,
- 425 (p) Murder of another human being,

426 (q) Aggravated fleeing or eluding with serious bodily
 427 injury or death,

428 (r) Resisting an officer with violence to his or her
 429 person, or

430 (s) Felony that is an act of terrorism or is in
 431 furtherance of an act of terrorism, including a felony under s.
 432 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,
 433

434 is murder in the third degree and constitutes a felony of the
 435 second degree, punishable as provided in s. 775.082, s. 775.083,
 436 or s. 775.084.

437 Section 8. For the purpose of incorporating the amendment
 438 made by this act to section 775.30, Florida Statutes, in a
 439 reference thereto, paragraph (c) of subsection (3) of section
 440 373.6055, Florida Statutes, is reenacted to read:

441 373.6055 Criminal history checks for certain water
 442 management district employees and others.—

443 (3)

444 (c) In addition to other requirements for employment or
 445 access established by any water management district pursuant to
 446 its water management district's security plan for buildings,
 447 facilities, and structures, each water management district's
 448 security plan shall provide that:

449 1. Any person who has within the past 7 years been
 450 convicted, regardless of whether adjudication was withheld, for

451 a forcible felony as defined in s. 776.08; an act of terrorism
452 as defined in s. 775.30; planting of a hoax bomb as provided in
453 s. 790.165; any violation involving the manufacture, possession,
454 sale, delivery, display, use, or attempted or threatened use of
455 a weapon of mass destruction or hoax weapon of mass destruction
456 as provided in s. 790.166; dealing in stolen property; any
457 violation of s. 893.135; any violation involving the sale,
458 manufacturing, delivery, or possession with intent to sell,
459 manufacture, or deliver a controlled substance; burglary;
460 robbery; any felony violation of s. 812.014; any violation of s.
461 790.07; any crime an element of which includes use or possession
462 of a firearm; any conviction for any similar offenses under the
463 laws of another jurisdiction; or conviction for conspiracy to
464 commit any of the listed offenses may not be qualified for
465 initial employment within or authorized regular access to
466 buildings, facilities, or structures defined in the water
467 management district's security plan as restricted access areas.

468 2. Any person who has at any time been convicted of any of
469 the offenses listed in subparagraph 1. may not be qualified for
470 initial employment within or authorized regular access to
471 buildings, facilities, or structures defined in the water
472 management district's security plan as restricted access areas
473 unless, after release from incarceration and any supervision
474 imposed as a sentence, the person remained free from a
475 subsequent conviction, regardless of whether adjudication was

476 withheld, for any of the listed offenses for a period of at
477 least 7 years prior to the employment or access date under
478 consideration.

479 Section 9. For the purpose of incorporating the amendment
480 made by this act to section 775.30, Florida Statutes, in a
481 reference thereto, subsection (1) of section 381.95, Florida
482 Statutes, is reenacted to read:

483 381.95 Medical facility information maintained for
484 terrorism response purposes; confidentiality.—

485 (1) Any information identifying or describing the name,
486 location, pharmaceutical cache, contents, capacity, equipment,
487 physical features, or capabilities of individual medical
488 facilities, storage facilities, or laboratories established,
489 maintained, or regulated by the Department of Health as part of
490 the state's plan to defend against an act of terrorism as
491 defined in s. 775.30 is exempt from s. 119.07(1) and s. 24(a),
492 Art. I of the State Constitution. This exemption is remedial in
493 nature, and it is the intent of the Legislature that this
494 exemption apply to information held by the Department of Health
495 before, on, or after the effective date of this section.

496 Section 10. For the purpose of incorporating the amendment
497 made by this act to section 775.30, Florida Statutes, in
498 references thereto, paragraph (a) of subsection (1) and
499 subsection (2) of section 395.1056, Florida Statutes, are
500 reenacted to read:

501 395.1056 Plan components addressing a hospital's response
 502 to terrorism; public records exemption; public meetings
 503 exemption.—

504 (1) (a) Those portions of a comprehensive emergency
 505 management plan that address the response of a public or private
 506 hospital to an act of terrorism as defined by s. 775.30 held by
 507 the agency, a state or local law enforcement agency, a county or
 508 municipal emergency management agency, the Executive Office of
 509 the Governor, the Department of Health, or the Division of
 510 Emergency Management are confidential and exempt from s.
 511 119.07(1) and s. 24(a), Art. I of the State Constitution.

512 (2) Those portions of a comprehensive emergency management
 513 plan that address the response of a public hospital to an act of
 514 terrorism as defined by s. 775.30 held by that public hospital
 515 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 516 Constitution. Portions of a comprehensive emergency management
 517 plan that address the response of a public hospital to an act of
 518 terrorism include those portions addressing:

- 519 (a) Security systems or plans;
- 520 (b) Vulnerability analyses;
- 521 (c) Emergency evacuation transportation;
- 522 (d) Sheltering arrangements;
- 523 (e) Postdisaster activities, including provisions for
 524 emergency power, communications, food, and water;
- 525 (f) Postdisaster transportation;

- 526 (g) Supplies, including drug caches;
- 527 (h) Staffing;
- 528 (i) Emergency equipment; and
- 529 (j) Individual identification of residents, transfer of
- 530 records, and methods of responding to family inquiries.

531 Section 11. For the purpose of incorporating the amendment
 532 made by this act to section 775.30, Florida Statutes, in a
 533 reference thereto, subsection (7) of section 874.03, Florida
 534 Statutes, is reenacted to read:

535 874.03 Definitions.—As used in this chapter:

536 (7) "Terrorist organization" means any organized group
 537 engaged in or organized for the purpose of engaging in terrorism
 538 as defined in s. 775.30. This definition shall not be construed
 539 to prevent prosecution under this chapter of individuals acting
 540 alone.

541 Section 12. For the purpose of incorporating the amendment
 542 made by this act to section 775.30, Florida Statutes, in a
 543 reference thereto, paragraph (a) of subsection (4) of section
 544 907.041, Florida Statutes, is reenacted to read:

545 907.041 Pretrial detention and release.—

546 (4) PRETRIAL DETENTION.—

547 (a) As used in this subsection, "dangerous crime" means
 548 any of the following:

- 549 1. Arson;
- 550 2. Aggravated assault;

- 551 3. Aggravated battery;
- 552 4. Illegal use of explosives;
- 553 5. Child abuse or aggravated child abuse;
- 554 6. Abuse of an elderly person or disabled adult, or
- 555 aggravated abuse of an elderly person or disabled adult;
- 556 7. Aircraft piracy;
- 557 8. Kidnapping;
- 558 9. Homicide;
- 559 10. Manslaughter;
- 560 11. Sexual battery;
- 561 12. Robbery;
- 562 13. Carjacking;
- 563 14. Lewd, lascivious, or indecent assault or act upon or
- 564 in presence of a child under the age of 16 years;
- 565 15. Sexual activity with a child, who is 12 years of age
- 566 or older but less than 18 years of age, by or at solicitation of
- 567 person in familial or custodial authority;
- 568 16. Burglary of a dwelling;
- 569 17. Stalking and aggravated stalking;
- 570 18. Act of domestic violence as defined in s. 741.28;
- 571 19. Home invasion robbery;
- 572 20. Act of terrorism as defined in s. 775.30;
- 573 21. Manufacturing any substances in violation of chapter
- 574 893; and
- 575 22. Attempting or conspiring to commit any such crime.

576 Section 13. For the purpose of incorporating the amendment
577 made by this act to section 775.30, Florida Statutes, in
578 references thereto, subsection (2) of section 943.0312, Florida
579 Statutes, is reenacted to read:

580 943.0312 Regional domestic security task forces.—The
581 Legislature finds that there is a need to develop and implement
582 a statewide strategy to address prevention, preparation,
583 protection, response, and recovery efforts by federal, state,
584 and local law enforcement agencies, emergency management
585 agencies, fire and rescue departments, first-responder personnel
586 and others in dealing with potential or actual terrorist acts
587 within or affecting this state.

588 (2) In accordance with the state's domestic security
589 strategic goals and objectives, each task force shall coordinate
590 efforts to counter terrorism, as defined by s. 775.30, among
591 local, state, and federal resources to ensure that such efforts
592 are not fragmented or unnecessarily duplicated; coordinate
593 training for local and state personnel to counter terrorism as
594 defined by s. 775.30; coordinate the collection and
595 dissemination of investigative and intelligence information; and
596 facilitate responses to terrorist incidents within or affecting
597 each region. With the approval of the Chief of Domestic
598 Security, the task forces may incorporate other objectives
599 reasonably related to the goals of enhancing the state's
600 domestic security and ability to detect, prevent, and respond to

601 acts of terrorism within or affecting this state. Each task
602 force shall take into account the variety of conditions and
603 resources present within its region.

604 Section 14. For the purpose of incorporating the amendment
605 made by this act to section 775.30, Florida Statutes, in a
606 reference thereto, subsection (2) of section 943.0321, Florida
607 Statutes, is reenacted to read:

608 943.0321 The Florida Domestic Security and Counter-
609 Terrorism Intelligence Center and the Florida Domestic Security
610 and Counter-Terrorism Database.—

611 (2) The intelligence center shall:

612 (a) Gather, document, and analyze active criminal
613 intelligence and criminal investigative information related to
614 terrorism, as defined in s. 775.30, including information
615 related to individuals or groups that plot, plan, or coordinate
616 acts of terrorism, as defined in s. 775.30, and that operate
617 within this state or otherwise commit acts affecting this state;

618 (b) Maintain and operate the domestic security and
619 counter-terrorism database; and

620 (c) Provide support and assistance to federal, state, and
621 local law enforcement agencies and prosecutors that investigate
622 or prosecute terrorism, as defined in s. 775.30.

623 Section 15. For the purpose of incorporating the amendment
624 made by this act to section 782.04, Florida Statutes, in a
625 reference thereto, subsection (2) of section 27.401, Florida

626 Statutes, is reenacted to read:

627 27.401 Cross-Circuit Conflict Representation Pilot
628 Program.—

629 (2) Notwithstanding ss. 27.40 and 27.5305:

630 (a) If the public defender in the Tenth Judicial Circuit
631 is unable to provide representation to an indigent defendant
632 charged with a crime under s. 782.04(2), (3), or (4) due to a
633 conflict of interest and the criminal conflict and civil
634 regional counsel of the Second Region is also unable to provide
635 representation for the case due to a conflict of interest, the
636 public defender in the Thirteenth Judicial Circuit shall be
637 appointed. If the public defender in the Thirteenth Judicial
638 Circuit is unable to provide representation for the case due to
639 a conflict of interest, the criminal conflict and civil regional
640 counsel in the Fifth Region shall be appointed. If the criminal
641 conflict and civil regional counsel in the Fifth Region is
642 unable to provide representation due to a conflict of interest,
643 private counsel shall be appointed.

644 (b) If the public defender in the Thirteenth Judicial
645 Circuit is unable to provide representation to an indigent
646 defendant charged with a crime under s. 782.04(2), (3), or (4)
647 due to a conflict of interest and the criminal conflict and
648 civil regional counsel of the Second Region is also unable to
649 provide representation for the case due to a conflict of
650 interest, the public defender in the Tenth Judicial Circuit

651 shall be appointed. If the public defender in the Tenth Judicial
652 Circuit is unable to provide representation for the case due to
653 a conflict of interest, the criminal conflict and civil regional
654 counsel in the Fifth Region shall be appointed. If the criminal
655 conflict and civil regional counsel in the Fifth Region is
656 unable to provide representation due to a conflict of interest,
657 private counsel shall be appointed.

658 Section 16. For the purpose of incorporating the amendment
659 made by this act to section 782.04, Florida Statutes, in a
660 reference thereto, paragraph (d) of subsection (1) of section
661 39.806, Florida Statutes, is reenacted to read:

662 39.806 Grounds for termination of parental rights.—

663 (1) Grounds for the termination of parental rights may be
664 established under any of the following circumstances:

665 (d) When the parent of a child is incarcerated and either:

666 1. The period of time for which the parent is expected to
667 be incarcerated will constitute a significant portion of the
668 child's minority. When determining whether the period of time is
669 significant, the court shall consider the child's age and the
670 child's need for a permanent and stable home. The period of time
671 begins on the date that the parent enters into incarceration;

672 2. The incarcerated parent has been determined by the
673 court to be a violent career criminal as defined in s. 775.084,
674 a habitual violent felony offender as defined in s. 775.084, or
675 a sexual predator as defined in s. 775.21; has been convicted of

676 first degree or second degree murder in violation of s. 782.04
677 or a sexual battery that constitutes a capital, life, or first
678 degree felony violation of s. 794.011; or has been convicted of
679 an offense in another jurisdiction which is substantially
680 similar to one of the offenses listed in this paragraph. As used
681 in this section, the term "substantially similar offense" means
682 any offense that is substantially similar in elements and
683 penalties to one of those listed in this subparagraph, and that
684 is in violation of a law of any other jurisdiction, whether that
685 of another state, the District of Columbia, the United States or
686 any possession or territory thereof, or any foreign
687 jurisdiction; or

688 3. The court determines by clear and convincing evidence
689 that continuing the parental relationship with the incarcerated
690 parent would be harmful to the child and, for this reason, that
691 termination of the parental rights of the incarcerated parent is
692 in the best interest of the child. When determining harm, the
693 court shall consider the following factors:

- 694 a. The age of the child.
- 695 b. The relationship between the child and the parent.
- 696 c. The nature of the parent's current and past provision
697 for the child's developmental, cognitive, psychological, and
698 physical needs.
- 699 d. The parent's history of criminal behavior, which may
700 include the frequency of incarceration and the unavailability of

701 the parent to the child due to incarceration.

702 e. Any other factor the court deems relevant.

703 Section 17. For the purpose of incorporating the amendment
704 made by this act to section 782.04, Florida Statutes, in
705 references thereto, paragraph (b) of subsection (4) of section
706 63.089, Florida Statutes, is reenacted to read:

707 63.089 Proceeding to terminate parental rights pending
708 adoption; hearing; grounds; dismissal of petition; judgment.—

709 (4) FINDING OF ABANDONMENT.—A finding of abandonment
710 resulting in a termination of parental rights must be based upon
711 clear and convincing evidence that a parent or person having
712 legal custody has abandoned the child in accordance with the
713 definition contained in s. 63.032. A finding of abandonment may
714 also be based upon emotional abuse or a refusal to provide
715 reasonable financial support, when able, to a birth mother
716 during her pregnancy or on whether the person alleged to have
717 abandoned the child, while being able, failed to establish
718 contact with the child or accept responsibility for the child's
719 welfare.

720 (b) The child has been abandoned when the parent of a
721 child is incarcerated on or after October 1, 2001, in a federal,
722 state, or county correctional institution and:

723 1. The period of time for which the parent has been or is
724 expected to be incarcerated will constitute a significant
725 portion of the child's minority. In determining whether the

726 | period of time is significant, the court shall consider the
727 | child's age and the child's need for a permanent and stable
728 | home. The period of time begins on the date that the parent
729 | enters into incarceration;

730 | 2. The incarcerated parent has been determined by a court
731 | of competent jurisdiction to be a violent career criminal as
732 | defined in s. 775.084, a habitual violent felony offender as
733 | defined in s. 775.084, convicted of child abuse as defined in s.
734 | 827.03, or a sexual predator as defined in s. 775.21; has been
735 | convicted of first degree or second degree murder in violation
736 | of s. 782.04 or a sexual battery that constitutes a capital,
737 | life, or first degree felony violation of s. 794.011; or has
738 | been convicted of a substantially similar offense in another
739 | jurisdiction. As used in this section, the term "substantially
740 | similar offense" means any offense that is substantially similar
741 | in elements and penalties to one of those listed in this
742 | subparagraph, and that is in violation of a law of any other
743 | jurisdiction, whether that of another state, the District of
744 | Columbia, the United States or any possession or territory
745 | thereof, or any foreign jurisdiction; or

746 | 3. The court determines by clear and convincing evidence
747 | that continuing the parental relationship with the incarcerated
748 | parent would be harmful to the child and, for this reason,
749 | termination of the parental rights of the incarcerated parent is
750 | in the best interests of the child.

751 Section 18. For the purpose of incorporating the amendment
 752 made by this act to section 782.04, Florida Statutes, in
 753 references thereto, subsection (10) of section 95.11, Florida
 754 Statutes, is reenacted to read:

755 95.11 Limitations other than for the recovery of real
 756 property.—Actions other than for recovery of real property shall
 757 be commenced as follows:

758 (10) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS
 759 DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph
 760 (4) (d), an action for wrongful death seeking damages authorized
 761 under s. 768.21 brought against a natural person for an
 762 intentional tort resulting in death from acts described in s.
 763 782.04 or s. 782.07 may be commenced at any time. This
 764 subsection shall not be construed to require an arrest, the
 765 filing of formal criminal charges, or a conviction for a
 766 violation of s. 782.04 or s. 782.07 as a condition for filing a
 767 civil action.

768 Section 19. For the purpose of incorporating the amendment
 769 made by this act to section 782.04, Florida Statutes, in a
 770 reference thereto, paragraph (e) of subsection (2) of section
 771 435.04, Florida Statutes, is reenacted to read:

772 435.04 Level 2 screening standards.—

773 (2) The security background investigations under this
 774 section must ensure that no persons subject to the provisions of
 775 this section have been arrested for and are awaiting final

776 disposition of, have been found guilty of, regardless of
777 adjudication, or entered a plea of nolo contendere or guilty to,
778 or have been adjudicated delinquent and the record has not been
779 sealed or expunged for, any offense prohibited under any of the
780 following provisions of state law or similar law of another
781 jurisdiction:

782 (e) Section 782.04, relating to murder.

783 Section 20. For the purpose of incorporating the amendment
784 made by this act to section 782.04, Florida Statutes, in a
785 reference thereto, paragraph (c) of subsection (4) of section
786 435.07, Florida Statutes, is reenacted to read:

787 435.07 Exemptions from disqualification.—Unless otherwise
788 provided by law, the provisions of this section apply to
789 exemptions from disqualification for disqualifying offenses
790 revealed pursuant to background screenings required under this
791 chapter, regardless of whether those disqualifying offenses are
792 listed in this chapter or other laws.

793 (4)

794 (c) Disqualification from employment under this chapter
795 may not be removed from, and an exemption may not be granted to,
796 any current or prospective child care personnel, as defined in
797 s. 402.302(3), and such a person is disqualified from employment
798 as child care personnel, regardless of any previous exemptions
799 from disqualification, if the person has been registered as a
800 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has

801 | been arrested for and is awaiting final disposition of, has been
802 | convicted or found guilty of, or entered a plea of guilty or
803 | nolo contendere to, regardless of adjudication, or has been
804 | adjudicated delinquent and the record has not been sealed or
805 | expunged for, any offense prohibited under any of the following
806 | provisions of state law or a similar law of another
807 | jurisdiction:

808 | 1. A felony offense prohibited under any of the following
809 | statutes:

810 | a. Chapter 741, relating to domestic violence.

811 | b. Section 782.04, relating to murder.

812 | c. Section 782.07, relating to manslaughter, aggravated
813 | manslaughter of an elderly person or disabled adult, aggravated
814 | manslaughter of a child, or aggravated manslaughter of an
815 | officer, a firefighter, an emergency medical technician, or a
816 | paramedic.

817 | d. Section 784.021, relating to aggravated assault.

818 | e. Section 784.045, relating to aggravated battery.

819 | f. Section 787.01, relating to kidnapping.

820 | g. Section 787.025, relating to luring or enticing a
821 | child.

822 | h. Section 787.04(2), relating to leading, taking,
823 | enticing, or removing a minor beyond the state limits, or
824 | concealing the location of a minor, with criminal intent pending
825 | custody proceedings.

- 826 i. Section 787.04(3), relating to leading, taking,
827 enticing, or removing a minor beyond the state limits, or
828 concealing the location of a minor, with criminal intent pending
829 dependency proceedings or proceedings concerning alleged abuse
830 or neglect of a minor.
- 831 j. Section 794.011, relating to sexual battery.
- 832 k. Former s. 794.041, relating to sexual activity with or
833 solicitation of a child by a person in familial or custodial
834 authority.
- 835 l. Section 794.05, relating to unlawful sexual activity
836 with certain minors.
- 837 m. Section 794.08, relating to female genital mutilation.
- 838 n. Section 806.01, relating to arson.
- 839 o. Section 826.04, relating to incest.
- 840 p. Section 827.03, relating to child abuse, aggravated
841 child abuse, or neglect of a child.
- 842 q. Section 827.04, relating to contributing to the
843 delinquency or dependency of a child.
- 844 r. Section 827.071, relating to sexual performance by a
845 child.
- 846 s. Chapter 847, relating to child pornography.
- 847 t. Section 985.701, relating to sexual misconduct in
848 juvenile justice programs.
- 849 2. A misdemeanor offense prohibited under any of the
850 following statutes:

851 a. Section 784.03, relating to battery, if the victim of
852 the offense was a minor.

853 b. Section 787.025, relating to luring or enticing a
854 child.

855 c. Chapter 847, relating to child pornography.

856 3. A criminal act committed in another state or under
857 federal law which, if committed in this state, constitutes an
858 offense prohibited under any statute listed in subparagraph 1.
859 or subparagraph 2.

860 Section 21. For the purpose of incorporating the amendment
861 made by this act to section 782.04, Florida Statutes, in
862 references thereto, paragraph (b) of subsection (1) and
863 paragraphs (a), (b), and (c) of subsection (3) of section
864 775.082, Florida Statutes, are reenacted to read:

865 775.082 Penalties; applicability of sentencing structures;
866 mandatory minimum sentences for certain reoffenders previously
867 released from prison.—

868 (1)

869 (b)1. A person who actually killed, intended to kill, or
870 attempted to kill the victim and who is convicted under s.
871 782.04 of a capital felony, or an offense that was reclassified
872 as a capital felony, which was committed before the person
873 attained 18 years of age shall be punished by a term of
874 imprisonment for life if, after a sentencing hearing conducted
875 by the court in accordance with s. 921.1401, the court finds

876 that life imprisonment is an appropriate sentence. If the court
877 finds that life imprisonment is not an appropriate sentence,
878 such person shall be punished by a term of imprisonment of at
879 least 40 years. A person sentenced pursuant to this subparagraph
880 is entitled to a review of his or her sentence in accordance
881 with s. 921.1402(2)(a).

882 2. A person who did not actually kill, intend to kill, or
883 attempt to kill the victim and who is convicted under s. 782.04
884 of a capital felony, or an offense that was reclassified as a
885 capital felony, which was committed before the person attained
886 18 years of age may be punished by a term of imprisonment for
887 life or by a term of years equal to life if, after a sentencing
888 hearing conducted by the court in accordance with s. 921.1401,
889 the court finds that life imprisonment is an appropriate
890 sentence. A person who is sentenced to a term of imprisonment of
891 more than 15 years is entitled to a review of his or her
892 sentence in accordance with s. 921.1402(2)(c).

893 3. The court shall make a written finding as to whether a
894 person is eligible for a sentence review hearing under s.
895 921.1402(2)(a) or (c). Such a finding shall be based upon
896 whether the person actually killed, intended to kill, or
897 attempted to kill the victim. The court may find that multiple
898 defendants killed, intended to kill, or attempted to kill the
899 victim.

900 (3) A person who has been convicted of any other

901 designated felony may be punished as follows:

902 (a)1. For a life felony committed before October 1, 1983,
903 by a term of imprisonment for life or for a term of at least 30
904 years.

905 2. For a life felony committed on or after October 1,
906 1983, by a term of imprisonment for life or by a term of
907 imprisonment not exceeding 40 years.

908 3. Except as provided in subparagraph 4., for a life
909 felony committed on or after July 1, 1995, by a term of
910 imprisonment for life or by imprisonment for a term of years not
911 exceeding life imprisonment.

912 4.a. Except as provided in sub-subparagraph b., for a life
913 felony committed on or after September 1, 2005, which is a
914 violation of s. 800.04(5)(b), by:

915 (I) A term of imprisonment for life; or

916 (II) A split sentence that is a term of at least 25 years'
917 imprisonment and not exceeding life imprisonment, followed by
918 probation or community control for the remainder of the person's
919 natural life, as provided in s. 948.012(4).

920 b. For a life felony committed on or after July 1, 2008,
921 which is a person's second or subsequent violation of s.
922 800.04(5)(b), by a term of imprisonment for life.

923 5. Notwithstanding subparagraphs 1.-4., a person who is
924 convicted under s. 782.04 of an offense that was reclassified as
925 a life felony which was committed before the person attained 18

926 | years of age may be punished by a term of imprisonment for life
927 | or by a term of years equal to life imprisonment if the judge
928 | conducts a sentencing hearing in accordance with s. 921.1401 and
929 | finds that life imprisonment or a term of years equal to life
930 | imprisonment is an appropriate sentence.

931 | a. A person who actually killed, intended to kill, or
932 | attempted to kill the victim and is sentenced to a term of
933 | imprisonment of more than 25 years is entitled to a review of
934 | his or her sentence in accordance with s. 921.1402(2)(b).

935 | b. A person who did not actually kill, intend to kill, or
936 | attempt to kill the victim and is sentenced to a term of
937 | imprisonment of more than 15 years is entitled to a review of
938 | his or her sentence in accordance with s. 921.1402(2)(c).

939 | c. The court shall make a written finding as to whether a
940 | person is eligible for a sentence review hearing under s.
941 | 921.1402(2)(b) or (c). Such a finding shall be based upon
942 | whether the person actually killed, intended to kill, or
943 | attempted to kill the victim. The court may find that multiple
944 | defendants killed, intended to kill, or attempted to kill the
945 | victim.

946 | 6. For a life felony committed on or after October 1,
947 | 2014, which is a violation of s. 787.06(3)(g), by a term of
948 | imprisonment for life.

949 | (b)1. For a felony of the first degree, by a term of
950 | imprisonment not exceeding 30 years or, when specifically

951 provided by statute, by imprisonment for a term of years not
952 exceeding life imprisonment.

953 2. Notwithstanding subparagraph 1., a person convicted
954 under s. 782.04 of a first degree felony punishable by a term of
955 years not exceeding life imprisonment, or an offense that was
956 reclassified as a first degree felony punishable by a term of
957 years not exceeding life, which was committed before the person
958 attained 18 years of age may be punished by a term of years
959 equal to life imprisonment if the judge conducts a sentencing
960 hearing in accordance with s. 921.1401 and finds that a term of
961 years equal to life imprisonment is an appropriate sentence.

962 a. A person who actually killed, intended to kill, or
963 attempted to kill the victim and is sentenced to a term of
964 imprisonment of more than 25 years is entitled to a review of
965 his or her sentence in accordance with s. 921.1402(2)(b).

966 b. A person who did not actually kill, intend to kill, or
967 attempt to kill the victim and is sentenced to a term of
968 imprisonment of more than 15 years is entitled to a review of
969 his or her sentence in accordance with s. 921.1402(2)(c).

970 c. The court shall make a written finding as to whether a
971 person is eligible for a sentence review hearing under s.
972 921.1402(2)(b) or (c). Such a finding shall be based upon
973 whether the person actually killed, intended to kill, or
974 attempted to kill the victim. The court may find that multiple
975 defendants killed, intended to kill, or attempted to kill the

976 victim.

977 (c) Notwithstanding paragraphs (a) and (b), a person
 978 convicted of an offense that is not included in s. 782.04 but
 979 that is an offense that is a life felony or is punishable by a
 980 term of imprisonment for life or by a term of years not
 981 exceeding life imprisonment, or an offense that was reclassified
 982 as a life felony or an offense punishable by a term of
 983 imprisonment for life or by a term of years not exceeding life
 984 imprisonment, which was committed before the person attained 18
 985 years of age may be punished by a term of imprisonment for life
 986 or a term of years equal to life imprisonment if the judge
 987 conducts a sentencing hearing in accordance with s. 921.1401 and
 988 finds that life imprisonment or a term of years equal to life
 989 imprisonment is an appropriate sentence. A person who is
 990 sentenced to a term of imprisonment of more than 20 years is
 991 entitled to a review of his or her sentence in accordance with
 992 s. 921.1402(2) (d).

993 Section 22. For the purpose of incorporating the amendment
 994 made by this act to section 782.04, Florida Statutes, in
 995 references thereto, subsections (1), (2), (4), (5), (6), and (7)
 996 of section 775.0823, Florida Statutes, are reenacted to read:

997 775.0823 Violent offenses committed against law
 998 enforcement officers, correctional officers, state attorneys,
 999 assistant state attorneys, justices, or judges.—The Legislature
 1000 does hereby provide for an increase and certainty of penalty for

1001 any person convicted of a violent offense against any law
1002 enforcement or correctional officer, as defined in s. 943.10(1),
1003 (2), (3), (6), (7), (8), or (9); against any state attorney
1004 elected pursuant to s. 27.01 or assistant state attorney
1005 appointed under s. 27.181; or against any justice or judge of a
1006 court described in Art. V of the State Constitution, which
1007 offense arises out of or in the scope of the officer's duty as a
1008 law enforcement or correctional officer, the state attorney's or
1009 assistant state attorney's duty as a prosecutor or investigator,
1010 or the justice's or judge's duty as a judicial officer, as
1011 follows:

1012 (1) For murder in the first degree as described in s.
1013 782.04(1), if the death sentence is not imposed, a sentence of
1014 imprisonment for life without eligibility for release.

1015 (2) For attempted murder in the first degree as described
1016 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,
1017 or s. 775.084.

1018 (4) For murder in the second degree as described in s.
1019 782.04(2) and (3), a sentence pursuant to s. 775.082, s.
1020 775.083, or s. 775.084.

1021 (5) For attempted murder in the second degree as described
1022 in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s.
1023 775.083, or s. 775.084.

1024 (6) For murder in the third degree as described in s.
1025 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s.

1026 | 775.084.

1027 | (7) For attempted murder in the third degree as described
 1028 | in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083,
 1029 | or s. 775.084.

1030 |

1031 | Notwithstanding the provisions of s. 948.01, with respect to any
 1032 | person who is found to have violated this section, adjudication
 1033 | of guilt or imposition of sentence shall not be suspended,
 1034 | deferred, or withheld.

1035 | Section 23. For the purpose of incorporating the amendment
 1036 | made by this act to section 782.04, Florida Statutes, in
 1037 | references thereto, section 782.051, Florida Statutes, is
 1038 | reenacted to read:

1039 | 782.051 Attempted felony murder.—

1040 | (1) Any person who perpetrates or attempts to perpetrate
 1041 | any felony enumerated in s. 782.04(3) and who commits, aids, or
 1042 | abets an intentional act that is not an essential element of the
 1043 | felony and that could, but does not, cause the death of another
 1044 | commits a felony of the first degree, punishable by imprisonment
 1045 | for a term of years not exceeding life, or as provided in s.
 1046 | 775.082, s. 775.083, or s. 775.084, which is an offense ranked
 1047 | in level 9 of the Criminal Punishment Code. Victim injury points
 1048 | shall be scored under this subsection.

1049 | (2) Any person who perpetrates or attempts to perpetrate
 1050 | any felony other than a felony enumerated in s. 782.04(3) and

1051 | who commits, aids, or abets an intentional act that is not an
 1052 | essential element of the felony and that could, but does not,
 1053 | cause the death of another commits a felony of the first degree,
 1054 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 1055 | which is an offense ranked in level 8 of the Criminal Punishment
 1056 | Code. Victim injury points shall be scored under this
 1057 | subsection.

1058 | (3) When a person is injured during the perpetration of or
 1059 | the attempt to perpetrate any felony enumerated in s. 782.04(3)
 1060 | by a person other than the person engaged in the perpetration of
 1061 | or the attempt to perpetrate such felony, the person
 1062 | perpetrating or attempting to perpetrate such felony commits a
 1063 | felony of the second degree, punishable as provided in s.
 1064 | 775.082, s. 775.083, or s. 775.084, which is an offense ranked
 1065 | in level 7 of the Criminal Punishment Code. Victim injury points
 1066 | shall be scored under this subsection.

1067 | Section 24. For the purpose of incorporating the amendment
 1068 | made by this act to section 782.04, Florida Statutes, in
 1069 | references thereto, section 782.065, Florida Statutes, is
 1070 | reenacted to read:

1071 | 782.065 Murder; law enforcement officer, correctional
 1072 | officer, correctional probation officer.—Notwithstanding ss.
 1073 | 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
 1074 | shall be sentenced to life imprisonment without eligibility for
 1075 | release upon findings by the trier of fact that, beyond a

1076 reasonable doubt:

1077 (1) The defendant committed murder in the first degree in
 1078 violation of s. 782.04(1) and a death sentence was not imposed;
 1079 murder in the second or third degree in violation of s.
 1080 782.04(2), (3), or (4); attempted murder in the first or second
 1081 degree in violation of s. 782.04(1)(a)1. or (2); or attempted
 1082 felony murder in violation of s. 782.051; and

1083 (2) The victim of any offense described in subsection (1)
 1084 was a law enforcement officer, part-time law enforcement
 1085 officer, auxiliary law enforcement officer, correctional
 1086 officer, part-time correctional officer, auxiliary correctional
 1087 officer, correctional probation officer, part-time correctional
 1088 probation officer, or auxiliary correctional probation officer,
 1089 as those terms are defined in s. 943.10, engaged in the lawful
 1090 performance of a legal duty.

1091 Section 25. For the purpose of incorporating the amendment
 1092 made by this act to section 782.04, Florida Statutes, in a
 1093 reference thereto, section 903.133, Florida Statutes, is
 1094 reenacted to read:

1095 903.133 Bail on appeal; prohibited for certain felony
 1096 convictions.—Notwithstanding the provisions of s. 903.132, no
 1097 person adjudged guilty of a felony of the first degree for a
 1098 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
 1099 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
 1100 violation of s. 794.011(2) or (3), shall be admitted to bail

1101 pending review either by posttrial motion or appeal.

1102 Section 26. For the purpose of incorporating the amendment
 1103 made by this act to section 782.04, Florida Statutes, in
 1104 references thereto, paragraphs (h) and (i) of subsection (3) of
 1105 section 921.0022, Florida Statutes, are reenacted to read:

1106 921.0022 Criminal Punishment Code; offense severity
 1107 ranking chart.—

1108 (3) OFFENSE SEVERITY RANKING CHART

1109 (h) LEVEL 8

1110

Florida	Felony	
Statute	Degree	Description

1111

316.193	2nd	DUI manslaughter.
(3) (c) 3.a.		

1112

316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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1113

327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
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1114

499.0051 (7)	1st	Knowing trafficking in contraband prescription
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1115			drugs.
1115	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
1116	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
1117	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
1118	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial

1119			institutions.
	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
1120	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
1121	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
1122	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give

1123			information.
1123	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
1124	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
1125	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
1126	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
1127	787.06 (3) (e) 1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to

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1128	787.06 (3) (f) 2.	1st	<p>within the state.</p> <p>Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.</p>
1129	790.161 (3)	1st	<p>Discharging a destructive device which results in bodily harm or property damage.</p>
1130	794.011 (5) (a)	1st	<p>Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.</p>

1131	794.011 (5) (b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
1132	794.011 (5) (c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
1133	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious

1134	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.	injury; prior conviction for specified sex offense.
1135	800.04 (4) (b)	2nd	Lewd or lascivious battery.	
1136	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.	
1137	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.	
1138	810.02 (2) (a)	1st, PBL	Burglary with assault or	

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1139			battery.
1140	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
1141	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
1142	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
1143	812.13 (2) (b)	1st	Robbery with a weapon.
1143	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.

1144	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
1145	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
1146	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
1147	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
1148	817.568 (6)	2nd	Fraudulent use of personal

1149	817.611 (2) (c)	1st	<p>identification information of an individual under the age of 18.</p> <p>Traffic in or possess 50 or more counterfeit credit cards or related documents.</p>
1150	825.102 (2)	1st	<p>Aggravated abuse of an elderly person or disabled adult.</p>
1151	825.1025 (2)	2nd	<p>Lewd or lascivious battery upon an elderly person or disabled adult.</p>
1152	825.103 (3) (a)	1st	<p>Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.</p>
1153	837.02 (2)	2nd	<p>Perjury in official proceedings relating to</p>

1154	837.021 (2)	2nd	prosecution of a capital felony. Making contradictory statements in official proceedings relating to prosecution of a capital felony.
1155	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
1156	860.16	1st	Aircraft piracy.
1157	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
1158	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s.

1159			893.03(1)(a) or (b).
	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
1160			
	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
1161			
	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
1162			
	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
1163			
	893.135 (1)(c)2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
1164			
	893.135	1st	Trafficking in oxycodone,

1165	(1) (c) 3.c.		25 grams or more, less than 100 grams.
	893.135	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
1166	(1) (d) 1.b.		
	893.135	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
1167	(1) (e) 1.b.		
	893.135	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
1168	(1) (f) 1.b.		
	893.135	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
1169	(1) (g) 1.b.		
	893.135	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
1170	(1) (h) 1.b.		
	893.135	1st	Trafficking in 1,4-

1171	(1) (j) 1.b.		Butanediol, 5 kilograms or more, less than 10 kilograms.
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.b.		200 grams or more, less than 400 grams.
1172			
	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
1173			
	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
1174			
	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
1175			
	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.

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1176	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
1177	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
1178			
1179	(i) LEVEL 9		
1180			
	Florida	Felony	
	Statute	Degree	Description
1181	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
1182	327.35	1st	BUI manslaughter; failing to

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1183	(3) (c) 3.b.		render aid or give information.
1184	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
1185	499.0051 (8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
1186	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1187	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1187	655.50 (10) (b) 3.	1st	Failure to report financial transactions

1188	775.0844	1st	<p>totaling or exceeding \$100,000 by financial institution.</p> <p>Aggravated white collar crime.</p>
1189	782.04 (1)	1st	<p>Attempt, conspire, or solicit to commit premeditated murder.</p>
1190	782.04 (3)	1st, PBL	<p>Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.</p>
1191	782.051 (1)	1st	<p>Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s.</p>

1192			782.04(3).
	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
1193			
	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
1194			
	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
1195			
	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
1196			
	787.02(3)(a)	1st,PBL	False imprisonment; child under age 13;

1197	787.06(3)(c)1.	1st	perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
1198	787.06(3)(d)	1st	Human trafficking for labor and services of an unauthorized alien child.
1199	787.06(3)(f)1.	1st, PBL	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
1200	790.161	1st	Attempted capital destructive

1201			device offense.
1201	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
1202	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
1203	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
1204	794.011 (4) (a)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
1205			

1206	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
1207	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
1208	794.011 (4) (d)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
1209	794.011 (8) (b)	1st, PBL	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

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1210	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
1211	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1212	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
1213	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
1214	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or

1215	817.535 (4) (a) 2.	1st	<p>employee.</p> <p>Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.</p>
1216	817.535 (5) (b)	1st	<p>Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.</p>
1217	817.568 (7)	<p>2nd, PBL</p>	<p>Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.</p>
1218	827.03 (2) (a)	1st	<p>Aggravated child abuse.</p>
1219			

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1220	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
1221	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
1222	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
1223	893.135	1st	Attempted capital trafficking offense.
1224	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

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1225	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1226	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
1227	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
1228	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
1229	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
1230	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
1231	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.

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1232 | 893.135 | 1st | Trafficking in 1,4-
 (1) (j) 1.c. | Butanediol, 10 kilograms or
 more.

1233 | 893.135 | 1st | Trafficking in Phenethylamines,
 (1) (k) 2.c. | 400 grams or more.

1234 | 896.101 (5) (c) | 1st | Money laundering,
 financial instruments
 totaling or exceeding
 \$100,000.

1235 | 896.104 (4) (a) 3. | 1st | Structuring transactions
 to evade reporting or
 registration
 requirements, financial
 transactions totaling or
 exceeding \$100,000.

1236 |
 1237 |
 1238 | Section 27. For the purpose of incorporating the amendment
 1239 | made by this act to section 782.04, Florida Statutes, in a
 1240 | reference thereto, subsection (1) of section 921.16, Florida
 1241 | Statutes, is reenacted to read:

1242 921.16 When sentences to be concurrent and when
 1243 consecutive.—

1244 (1) A defendant convicted of two or more offenses charged
 1245 in the same indictment, information, or affidavit or in
 1246 consolidated indictments, informations, or affidavits shall
 1247 serve the sentences of imprisonment concurrently unless the
 1248 court directs that two or more of the sentences be served
 1249 consecutively. Sentences of imprisonment for offenses not
 1250 charged in the same indictment, information, or affidavit shall
 1251 be served consecutively unless the court directs that two or
 1252 more of the sentences be served concurrently. Any sentence for
 1253 sexual battery as defined in chapter 794 or murder as defined in
 1254 s. 782.04 must be imposed consecutively to any other sentence
 1255 for sexual battery or murder which arose out of a separate
 1256 criminal episode or transaction.

1257 Section 28. For the purpose of incorporating the amendment
 1258 made by this act to section 782.04, Florida Statutes, in a
 1259 reference thereto, paragraph (i) of subsection (3) of section
 1260 947.146, Florida Statutes, is reenacted to read:

1261 947.146 Control Release Authority.—

1262 (3) Within 120 days prior to the date the state
 1263 correctional system is projected pursuant to s. 216.136 to
 1264 exceed 99 percent of total capacity, the authority shall
 1265 determine eligibility for and establish a control release date
 1266 for an appropriate number of parole ineligible inmates committed

1267 to the department and incarcerated within the state who have
1268 been determined by the authority to be eligible for
1269 discretionary early release pursuant to this section. In
1270 establishing control release dates, it is the intent of the
1271 Legislature that the authority prioritize consideration of
1272 eligible inmates closest to their tentative release date. The
1273 authority shall rely upon commitment data on the offender
1274 information system maintained by the department to initially
1275 identify inmates who are to be reviewed for control release
1276 consideration. The authority may use a method of objective risk
1277 assessment in determining if an eligible inmate should be
1278 released. Such assessment shall be a part of the department's
1279 management information system. However, the authority shall have
1280 sole responsibility for determining control release eligibility,
1281 establishing a control release date, and effectuating the
1282 release of a sufficient number of inmates to maintain the inmate
1283 population between 99 percent and 100 percent of total capacity.
1284 Inmates who are ineligible for control release are inmates who
1285 are parole eligible or inmates who:

1286 (i) Are convicted, or have been previously convicted, of
1287 committing or attempting to commit murder in the first, second,
1288 or third degree under s. 782.04(1), (2), (3), or (4), or have
1289 ever been convicted of any degree of murder or attempted murder
1290 in another jurisdiction;

1291

1292 In making control release eligibility determinations under this
 1293 subsection, the authority may rely on any document leading to or
 1294 generated during the course of the criminal proceedings,
 1295 including, but not limited to, any presentence or postsentence
 1296 investigation or any information contained in arrest reports
 1297 relating to circumstances of the offense.

1298 Section 29. For the purpose of incorporating the amendment
 1299 made by this act to section 782.04, Florida Statutes, in a
 1300 reference thereto, paragraph (c) of subsection (8) of section
 1301 948.06, Florida Statutes, is reenacted to read:

1302 948.06 Violation of probation or community control;
 1303 revocation; modification; continuance; failure to pay
 1304 restitution or cost of supervision.—

1305 (8)

1306 (c) For purposes of this section, the term "qualifying
 1307 offense" means any of the following:

1308 1. Kidnapping or attempted kidnapping under s. 787.01,
 1309 false imprisonment of a child under the age of 13 under s.
 1310 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
 1311 or (c).

1312 2. Murder or attempted murder under s. 782.04, attempted
 1313 felony murder under s. 782.051, or manslaughter under s. 782.07.

1314 3. Aggravated battery or attempted aggravated battery
 1315 under s. 784.045.

1316 4. Sexual battery or attempted sexual battery under s.

1317 794.011(2), (3), (4), or (8)(b) or (c).

1318 5. Lewd or lascivious battery or attempted lewd or
 1319 lascivious battery under s. 800.04(4), lewd or lascivious
 1320 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
 1321 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
 1322 under s. 800.04(7)(b), or lewd or lascivious exhibition on
 1323 computer under s. 847.0135(5)(b).

1324 6. Robbery or attempted robbery under s. 812.13,
 1325 carjacking or attempted carjacking under s. 812.133, or home
 1326 invasion robbery or attempted home invasion robbery under s.
 1327 812.135.

1328 7. Lewd or lascivious offense upon or in the presence of
 1329 an elderly or disabled person or attempted lewd or lascivious
 1330 offense upon or in the presence of an elderly or disabled person
 1331 under s. 825.1025.

1332 8. Sexual performance by a child or attempted sexual
 1333 performance by a child under s. 827.071.

1334 9. Computer pornography under s. 847.0135(2) or (3),
 1335 transmission of child pornography under s. 847.0137, or selling
 1336 or buying of minors under s. 847.0145.

1337 10. Poisoning food or water under s. 859.01.

1338 11. Abuse of a dead human body under s. 872.06.

1339 12. Any burglary offense or attempted burglary offense
 1340 that is either a first degree felony or second degree felony
 1341 under s. 810.02(2) or (3).

- 1342 13. Arson or attempted arson under s. 806.01(1).
 1343 14. Aggravated assault under s. 784.021.
 1344 15. Aggravated stalking under s. 784.048(3), (4), (5), or
 1345 (7).
 1346 16. Aircraft piracy under s. 860.16.
 1347 17. Unlawful throwing, placing, or discharging of a
 1348 destructive device or bomb under s. 790.161(2), (3), or (4).
 1349 18. Treason under s. 876.32.
 1350 19. Any offense committed in another jurisdiction which
 1351 would be an offense listed in this paragraph if that offense had
 1352 been committed in this state.
- 1353 Section 30. For the purpose of incorporating the amendment
 1354 made by this act to section 782.04, Florida Statutes, in a
 1355 reference thereto, subsection (1) of section 948.062, Florida
 1356 Statutes, is reenacted to read:
- 1357 948.062 Reviewing and reporting serious offenses committed
 1358 by offenders placed on probation or community control.—
- 1359 (1) The department shall review the circumstances related
 1360 to an offender placed on probation or community control who has
 1361 been arrested while on supervision for the following offenses:
- 1362 (a) Any murder as provided in s. 782.04;
 1363 (b) Any sexual battery as provided in s. 794.011 or s.
 1364 794.023;
 1365 (c) Any sexual performance by a child as provided in s.
 1366 827.071;

1367 (d) Any kidnapping, false imprisonment, or luring of a
 1368 child as provided in s. 787.01, s. 787.02, or s. 787.025;

1369 (e) Any lewd and lascivious battery or lewd and lascivious
 1370 molestation as provided in s. 800.04(4) or (5);

1371 (f) Any aggravated child abuse as provided in s.
 1372 827.03(2) (a);

1373 (g) Any robbery with a firearm or other deadly weapon,
 1374 home invasion robbery, or carjacking as provided in s.
 1375 812.13(2) (a), s. 812.135, or s. 812.133;

1376 (h) Any aggravated stalking as provided in s. 784.048(3),
 1377 (4), or (5);

1378 (i) Any forcible felony as provided in s. 776.08,
 1379 committed by a person on probation or community control who is
 1380 designated as a sexual predator; or

1381 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),
 1382 or vehicular or vessel homicide as provided in s. 782.071 or s.
 1383 782.072, committed by a person who is on probation or community
 1384 control for an offense involving death or injury resulting from
 1385 a driving incident.

1386 Section 31. For the purpose of incorporating the amendment
 1387 made by this act to section 782.04, Florida Statutes, in a
 1388 reference thereto, paragraph (b) of subsection (3) of section
 1389 985.265, Florida Statutes, is reenacted to read:

1390 985.265 Detention transfer and release; education; adult
 1391 jails.—

1392 (3)
 1393 (b) When a juvenile is released from secure detention or
 1394 transferred to nonsecure detention, detention staff shall
 1395 immediately notify the appropriate law enforcement agency,
 1396 school personnel, and victim if the juvenile is charged with
 1397 committing any of the following offenses or attempting to commit
 1398 any of the following offenses:

- 1399 1. Murder, under s. 782.04;
- 1400 2. Sexual battery, under chapter 794;
- 1401 3. Stalking, under s. 784.048; or
- 1402 4. Domestic violence, as defined in s. 741.28.

1403 Section 32. For the purpose of incorporating the amendment
 1404 made by this act to section 782.04, Florida Statutes, in a
 1405 reference thereto, paragraph (d) of subsection (1) of section
 1406 1012.315, Florida Statutes, is reenacted to read:

1407 1012.315 Disqualification from employment.—A person is
 1408 ineligible for educator certification, and instructional
 1409 personnel and school administrators, as defined in s. 1012.01,
 1410 are ineligible for employment in any position that requires
 1411 direct contact with students in a district school system,
 1412 charter school, or private school that accepts scholarship
 1413 students under s. 1002.39 or s. 1002.395, if the person,
 1414 instructional personnel, or school administrator has been
 1415 convicted of:

- 1416 (1) Any felony offense prohibited under any of the

1417 following statutes:

1418 (d) Section 782.04, relating to murder.

1419 Section 33. For the purpose of incorporating the
 1420 amendments made by this act to sections 775.30 and 782.04,
 1421 Florida Statutes, in a reference thereto, paragraph (g) of
 1422 subsection (2) of section 1012.467, Florida Statutes, is
 1423 reenacted to read:

1424 1012.467 Noninstructional contractors who are permitted
 1425 access to school grounds when students are present; background
 1426 screening requirements.—

1427 (2)

1428 (g) A noninstructional contractor for whom a criminal
 1429 history check is required under this section may not have been
 1430 convicted of any of the following offenses designated in the
 1431 Florida Statutes, any similar offense in another jurisdiction,
 1432 or any similar offense committed in this state which has been
 1433 redesignated from a former provision of the Florida Statutes to
 1434 one of the following offenses:

1435 1. Any offense listed in s. 943.0435(1)(h)1., relating to
 1436 the registration of an individual as a sexual offender.

1437 2. Section 393.135, relating to sexual misconduct with
 1438 certain developmentally disabled clients and the reporting of
 1439 such sexual misconduct.

1440 3. Section 394.4593, relating to sexual misconduct with
 1441 certain mental health patients and the reporting of such sexual

1442 misconduct.

1443 4. Section 775.30, relating to terrorism.

1444 5. Section 782.04, relating to murder.

1445 6. Section 787.01, relating to kidnapping.

1446 7. Any offense under chapter 800, relating to lewdness and

1447 indecent exposure.

1448 8. Section 826.04, relating to incest.

1449 9. Section 827.03, relating to child abuse, aggravated

1450 child abuse, or neglect of a child.

1451 Section 34. This act shall take effect October 1, 2017.