

ENROLLED

CS/HB 457

2017 Legislature

1  
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

ENROLLED

CS/HB 457

2017 Legislature

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,

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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:

ENROLLED

CS/HB 457

2017 Legislature

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.

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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.

ENROLLED

CS/HB 457

2017 Legislature

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



ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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.

ENROLLED

CS/HB 457

2017 Legislature

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.—

ENROLLED

CS/HB 457

2017 Legislature

- 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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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



ENROLLED

CS/HB 457

2017 Legislature

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,

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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:

ENROLLED

CS/HB 457

2017 Legislature

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;

ENROLLED

CS/HB 457

2017 Legislature

- 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;

ENROLLED

CS/HB 457

2017 Legislature

- 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.

ENROLLED

CS/HB 457

2017 Legislature

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



ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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.

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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



ENROLLED

CS/HB 457

2017 Legislature

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.

ENROLLED

CS/HB 457

2017 Legislature

- 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:

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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



ENROLLED

CS/HB 457

2017 Legislature

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.

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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 Statute	Felony Degree	Description
--------------------	------------------	-------------

1111

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

1112

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

1113

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

1114

499.0051 (7)	1st	Knowing trafficking in contraband prescription
--------------	-----	---

ENROLLED

CS/HB 457

2017 Legislature

1115			drugs.
1115	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
1116			
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			
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			
1118	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

1123			information.
	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



ENROLLED

CS/HB 457

2017 Legislature

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>

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

1134	794.08 (3)	2nd	injury; prior conviction for specified sex offense. Female genital mutilation, removal of a victim younger than 18 years of age from this state.
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

ENROLLED

CS/HB 457

2017 Legislature

1139			battery.
	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
1140			
	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
1141			
	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
1142			
	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.

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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.

ENROLLED

CS/HB 457

2017 Legislature

1159	893.13 (6) (c)	1st	893.03(1) (a) or (b). 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,



ENROLLED

CS/HB 457

2017 Legislature

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-

ENROLLED

CS/HB 457

2017 Legislature

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.

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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>

ENROLLED

CS/HB 457

2017 Legislature

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;

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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			



ENROLLED

CS/HB 457

2017 Legislature

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.

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

1215	817.535 (4) (a) 2.	1st	employee. Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
1216	817.535 (5) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
1217	817.568 (7)	2nd, PBL	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.
1218	827.03 (2) (a)	1st	Aggravated child abuse.
1219			

ENROLLED

CS/HB 457

2017 Legislature

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.

ENROLLED

CS/HB 457

2017 Legislature

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.



ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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



ENROLLED

CS/HB 457

2017 Legislature

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.

ENROLLED

CS/HB 457

2017 Legislature

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).

ENROLLED

CS/HB 457

2017 Legislature

- 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;

ENROLLED

CS/HB 457

2017 Legislature

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.—

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

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

ENROLLED

CS/HB 457

2017 Legislature

- 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.