

By Senator Bean

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

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33 providing personnel; prohibiting prosecution under  
34 certain circumstances; providing legislative intent;  
35 requiring the Department of Law Enforcement, in  
36 consultation with the Office of the Attorney General,  
37 to create specified guidelines; creating s. 775.34,  
38 F.S.; providing penalties for a person who willfully  
39 becomes a member of a designated foreign terrorist  
40 organization and serves under the direction or control  
41 of the organization with the intent to further the  
42 illegal acts of the organization; defining the term  
43 "designated foreign terrorist organization"; creating  
44 s. 775.35, F.S.; providing penalties for a person who  
45 intentionally disseminates or spreads any type of  
46 contagious, communicable, or infectious disease among  
47 crops, poultry, livestock, or other animals; providing  
48 an affirmative defense; providing increased penalties  
49 if specified actions result in death or serious bodily  
50 injury; defining the term "serious bodily injury";  
51 amending s. 782.04, F.S.; revising the provisions  
52 related to terrorism for murder in the first degree,  
53 murder in the second degree, and murder in the third  
54 degree to include the terrorism felonies created by  
55 this act; reenacting ss. 373.6055(3)(c), 381.95(1),  
56 395.1056(1)(a) and (2), 874.03(7), 907.041(4)(a),  
57 943.0312(2), and 943.0321(2), F.S., relating to the  
58 definition of the term "terrorism," to incorporate the  
59 amendment made to s. 775.30, F.S., in references  
60 thereto; reenacting ss. 27.401(2), 39.806(1)(d),  
61 63.089(4)(b), 95.11(10), 435.04(2)(e), 435.07(4)(c),

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62 775.082(1)(b) and (3)(a), (b), and (c), 775.0823(1),  
63 (2), (4), (5), (6), and (7), 782.051, 782.065,  
64 903.133, 921.0022(3)(h) and (i), 921.16(1),  
65 947.146(3)(i), 948.06(8)(c), 948.062(1),  
66 985.265(3)(b), and 1012.315(1)(d), F.S., relating to  
67 capital felonies, murder in the first degree, murder  
68 in the second degree, and murder in the third degree,  
69 to incorporate the amendment made to s. 782.04, F.S.,  
70 in references thereto; reenacting s. 1012.467(2)(g),  
71 F.S., relating to terrorism and murder, to incorporate  
72 the amendments made to ss. 775.30 and 782.04, F.S., in  
73 references thereto; providing an effective date.

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

78 WHEREAS, the threats to the domestic security of the State  
79 of Florida are constantly evolving and expanding, and

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

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

88 WHEREAS, the constitutional rights of the residents of and  
89 visitors to the State of Florida are also of great importance,  
90 and those rights can be safeguarded through reasonable

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91 protections in appropriate law enforcement actions, NOW,  
 92 THEREFORE,

93  
 94 Be It Enacted by the Legislature of the State of Florida:

95  
 96 Section 1. Section 775.30, Florida Statutes, is amended to  
 97 read:

98 775.30 Terrorism; defined; penalties.-

99 (1) As used in this chapter and the Florida Criminal Code,  
 100 the term "terrorism" or "terrorist activity" means an activity  
 101 that:

102 ~~(1)~~ (a) Involves a violent act or an act dangerous to human  
 103 life which is a violation of the criminal laws of this state or  
 104 of the United States; or

105 (b) Involves a violation of s. 815.06; and

106 (c) ~~(2)~~ Is intended to:

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

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

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

113 (2) A person who violates s. 782.04(1)(a)1. or (2), s.  
 114 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.  
 115 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16,  
 116 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.  
 117 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.  
 118 859.01, or s. 876.34, when intending to influence or affect by  
 119 intimidation or coercion, or to retaliate against, the conduct

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120 of government, commits the crime of terrorism, a felony of the  
121 first degree, punishable as provided in s. 775.082, s. 775.083,  
122 or s. 775.084.

123 (3) A person who commits a violation of subsection (2)  
124 which results in death or serious bodily injury commits a life  
125 felony, punishable as provided in s. 775.082, s. 775.083, or s.  
126 775.084. As used in this subsection, the term "serious bodily  
127 injury" means an injury to a person which creates a substantial  
128 risk of death, serious personal disfigurement, or protracted  
129 loss or impairment of the function of a bodily member or an  
130 organ.

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

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

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

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

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

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

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

148 (e) In the case of a felony of the first degree or a felony

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149 of the first degree punishable by a term of imprisonment not  
150 exceeding life, the offense is reclassified as a life felony.

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

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

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

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

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

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

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

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

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

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

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

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

177 775.32 Use of military-type training provided by a

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178 designated foreign terrorist organization.-

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

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

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

185 (c) "Military-type training" means training in means or  
186 methods that can cause the death of, or serious bodily injury  
187 to, another person, destroy or damage property or critical  
188 infrastructure facilities, or disrupt services to critical  
189 infrastructure; or training on the use, storage, production, or  
190 assembly of an explosive, a firearm, or any other weapon,  
191 including a weapon of mass destruction.

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

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

196 (2) A person who has received military-type training from a  
197 designated foreign terrorist organization may not use, attempt  
198 to use, or conspire to use such military-type training with the  
199 intent to harm another person or damage critical infrastructure  
200 facilities.

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

204 (4) A person who commits a violation of subsection (2)  
205 which results in the death of, or serious bodily injury to, a  
206 person commits a felony of the first degree, punishable as

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207 provided in s. 775.082, s. 775.083, or s. 775.084.

208 Section 4. Section 775.33, Florida Statutes, is created to  
209 read:

210 775.33 Providing material support or resources for  
211 terrorism or to terrorist organizations.-

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

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

215 (b) "Expert advice or assistance" means advice or  
216 assistance derived from scientific, technical, or other  
217 specialized knowledge.

218 (c) "Material support or resources" means any property,  
219 tangible or intangible, or service, including currency or  
220 monetary instruments or financial securities, financial  
221 services, lodging, training, expert advice or assistance, safe  
222 houses, false documentation or identification, communications  
223 equipment, facilities, weapons, lethal substances, explosives,  
224 personnel, or transportation. The term does not include medicine  
225 or religious materials.

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

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

230 (2) A person who provides material support or resources or  
231 conceals or disguises the nature, location, source, or ownership  
232 of material support or resources, knowing or intending that the  
233 support or resources are to be used in preparation for or in  
234 carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s.  
235 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s.



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236 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32,  
237 s. 876.34, or s. 876.36; who conceals an escape from the  
238 commission of any such violation; or who attempts or conspires  
239 to carry out such violation commits a felony of the first  
240 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
241 775.084.

242 (3) A person who knowingly provides material support or  
243 resources to a designated foreign terrorist organization, or  
244 attempts or conspires to do so, commits a felony of the first  
245 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
246 775.084. To violate this subsection, a person must have  
247 knowledge that the organization is a designated foreign  
248 terrorist organization or that the organization has engaged in  
249 or engages in terrorism or terrorist activity.

250 (4) A person who commits a violation of subsection (2) or  
251 subsection (3) which results in death or serious bodily injury  
252 commits a life felony, punishable as provided in s. 775.082, s.  
253 775.083, or s. 775.084.

254 (5) (a) For purposes of prosecution under subsection (2) or  
255 subsection (3), a person is deemed to provide material support  
256 or resources by providing personnel if the person knowingly  
257 provides, attempts to provide, or conspires to provide himself  
258 or herself or another person:

259 1. To a person engaged in, or intending to engage in, an  
260 act of terrorism to work under the direction and control of the  
261 person engaged in, or intending to engage in, an act of  
262 terrorism, or to organize, manage, supervise, or otherwise  
263 direct the operations of the person engaged in, or intending to  
264 engage in, an act of terrorism; or

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265 2. To work under the direction and control of a designated  
266 foreign terrorist organization, or to organize, manage,  
267 supervise, or otherwise direct the operation of that  
268 organization.

269 (b) An individual who acts entirely independently of the  
270 person engaged in, or intending to engage in, an act of  
271 terrorism or the designated foreign terrorist organization to  
272 advance the person's or organization's goals or objectives is  
273 not working under the direction and control of the person  
274 engaged in, or intending to engage in, an act of terrorism or  
275 the designated foreign terrorist organization.

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

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

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

289 Section 5. Section 775.34, Florida Statutes, is created to  
290 read:

291 775.34 Membership in a designated foreign terrorist  
292 organization.—A person who willfully becomes a member of a  
293 designated foreign terrorist organization and serves under the

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294 direction or control of that organization with the intent to  
295 further the illegal acts of the organization commits a felony of  
296 the second degree, punishable as provided in s. 775.082, s.  
297 775.083, or s. 775.084. As used in this section, the term  
298 "designated foreign terrorist organization" has the same meaning  
299 as provided in s. 775.32.

300 Section 6. Section 775.35, Florida Statutes, is created to  
301 read:

302 775.35 Agroterrorism; penalties.—

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

312 (2) A person who commits a violation of subsection (1)  
313 which results in death or serious bodily injury to a person  
314 commits a life felony, punishable as provided in s. 775.082, s.  
315 775.083, or s. 775.084. As used in this subsection, the term  
316 "serious bodily injury" has the same meaning as provided in s.  
317 775.30(3).

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

321 782.04 Murder.—

322 (1) (a) The unlawful killing of a human being:

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- 323           1. When perpetrated from a premeditated design to effect  
324 the death of the person killed or any human being;
- 325           2. When committed by a person engaged in the perpetration  
326 of, or in the attempt to perpetrate, any:
- 327           a. Trafficking offense prohibited by s. 893.135(1),  
328           b. Arson,  
329           c. Sexual battery,  
330           d. Robbery,  
331           e. Burglary,  
332           f. Kidnapping,  
333           g. Escape,  
334           h. Aggravated child abuse,  
335           i. Aggravated abuse of an elderly person or disabled adult,  
336           j. Aircraft piracy,  
337           k. Unlawful throwing, placing, or discharging of a  
338 destructive device or bomb,  
339           l. Carjacking,  
340           m. Home-invasion robbery,  
341           n. Aggravated stalking,  
342           o. Murder of another human being,  
343           p. Resisting an officer with violence to his or her person,  
344           q. Aggravated fleeing or eluding with serious bodily injury  
345 or death,  
346           r. Felony that is an act of terrorism or is in furtherance  
347 of an act of terrorism, including a felony under s. 775.30, s.  
348 775.32, s. 775.33, s. 775.34, or s. 775.35, or  
349           s. Human trafficking; or
- 350           3. Which resulted from the unlawful distribution of any  
351 substance controlled under s. 893.03(1), cocaine as described in

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352 s. 893.03(2)(a)4., opium or any synthetic or natural salt,  
353 compound, derivative, or preparation of opium, or methadone by a  
354 person 18 years of age or older, when such drug is proven to be  
355 the proximate cause of the death of the user,

356

357 is murder in the first degree and constitutes a capital felony,  
358 punishable as provided in s. 775.082.

359 (3) When a human being is killed during the perpetration  
360 of, or during the attempt to perpetrate, any:

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

362 (b) Arson,

363 (c) Sexual battery,

364 (d) Robbery,

365 (e) Burglary,

366 (f) Kidnapping,

367 (g) Escape,

368 (h) Aggravated child abuse,

369 (i) Aggravated abuse of an elderly person or disabled  
370 adult,

371 (j) Aircraft piracy,

372 (k) Unlawful throwing, placing, or discharging of a  
373 destructive device or bomb,

374 (l) Carjacking,

375 (m) Home-invasion robbery,

376 (n) Aggravated stalking,

377 (o) Murder of another human being,

378 (p) Aggravated fleeing or eluding with serious bodily  
379 injury or death,

380 (q) Resisting an officer with violence to his or her

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381 person, or

382 (r) Felony that is an act of terrorism or is in furtherance  
383 of an act of terrorism, including a felony under s. 775.30, s.  
384 775.32, s. 775.33, s. 775.34, or s. 775.35,

385

386 by a person other than the person engaged in the perpetration of  
387 or in the attempt to perpetrate such felony, the person  
388 perpetrating or attempting to perpetrate such felony commits  
389 murder in the second degree, which constitutes a felony of the  
390 first degree, punishable by imprisonment for a term of years not  
391 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
392 775.084.

393 (4) The unlawful killing of a human being, when perpetrated  
394 without any design to effect death, by a person engaged in the  
395 perpetration of, or in the attempt to perpetrate, any felony  
396 other than any:

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

398 (b) Arson,

399 (c) Sexual battery,

400 (d) Robbery,

401 (e) Burglary,

402 (f) Kidnapping,

403 (g) Escape,

404 (h) Aggravated child abuse,

405 (i) Aggravated abuse of an elderly person or disabled  
406 adult,

407 (j) Aircraft piracy,

408 (k) Unlawful throwing, placing, or discharging of a  
409 destructive device or bomb,

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410 (l) Unlawful distribution of any substance controlled under  
411 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or  
412 opium or any synthetic or natural salt, compound, derivative, or  
413 preparation of opium by a person 18 years of age or older, when  
414 such drug is proven to be the proximate cause of the death of  
415 the user,

416 (m) Carjacking,

417 (n) Home-invasion robbery,

418 (o) Aggravated stalking,

419 (p) Murder of another human being,

420 (q) Aggravated fleeing or eluding with serious bodily  
421 injury or death,

422 (r) Resisting an officer with violence to his or her  
423 person, or

424 (s) Felony that is an act of terrorism or is in furtherance  
425 of an act of terrorism, including a felony under s. 775.30, s.  
426 775.32, s. 775.33, s. 775.34, or s. 775.35,

427  
428 is murder in the third degree and constitutes a felony of the  
429 second degree, punishable as provided in s. 775.082, s. 775.083,  
430 or s. 775.084.

431 Section 8. For the purpose of incorporating the amendment  
432 made by this act to section 775.30, Florida Statutes, in a  
433 reference thereto, paragraph (c) of subsection (3) of section  
434 373.6055, Florida Statutes, is reenacted to read:

435 373.6055 Criminal history checks for certain water  
436 management district employees and others.—

437 (3)

438 (c) In addition to other requirements for employment or

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439 access established by any water management district pursuant to  
440 its water management district's security plan for buildings,  
441 facilities, and structures, each water management district's  
442 security plan shall provide that:

443 1. Any person who has within the past 7 years been  
444 convicted, regardless of whether adjudication was withheld, for  
445 a forcible felony as defined in s. 776.08; an act of terrorism  
446 as defined in s. 775.30; planting of a hoax bomb as provided in  
447 s. 790.165; any violation involving the manufacture, possession,  
448 sale, delivery, display, use, or attempted or threatened use of  
449 a weapon of mass destruction or hoax weapon of mass destruction  
450 as provided in s. 790.166; dealing in stolen property; any  
451 violation of s. 893.135; any violation involving the sale,  
452 manufacturing, delivery, or possession with intent to sell,  
453 manufacture, or deliver a controlled substance; burglary;  
454 robbery; any felony violation of s. 812.014; any violation of s.  
455 790.07; any crime an element of which includes use or possession  
456 of a firearm; any conviction for any similar offenses under the  
457 laws of another jurisdiction; or conviction for conspiracy to  
458 commit any of the listed offenses may not be qualified for  
459 initial employment within or authorized regular access to  
460 buildings, facilities, or structures defined in the water  
461 management district's security plan as restricted access areas.

462 2. Any person who has at any time been convicted of any of  
463 the offenses listed in subparagraph 1. may not be qualified for  
464 initial employment within or authorized regular access to  
465 buildings, facilities, or structures defined in the water  
466 management district's security plan as restricted access areas  
467 unless, after release from incarceration and any supervision



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468 imposed as a sentence, the person remained free from a  
469 subsequent conviction, regardless of whether adjudication was  
470 withheld, for any of the listed offenses for a period of at  
471 least 7 years prior to the employment or access date under  
472 consideration.

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

477 381.95 Medical facility information maintained for  
478 terrorism response purposes; confidentiality.—

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

490 Section 10. For the purpose of incorporating the amendment  
491 made by this act to section 775.30, Florida Statutes, in  
492 references thereto, paragraph (a) of subsection (1) and  
493 subsection (2) of section 395.1056, Florida Statutes, are  
494 reenacted to read:

495 395.1056 Plan components addressing a hospital's response  
496 to terrorism; public records exemption; public meetings

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497 exemption.—

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

506 (2) Those portions of a comprehensive emergency management  
507 plan that address the response of a public hospital to an act of  
508 terrorism as defined by s. 775.30 held by that public hospital  
509 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
510 Constitution. Portions of a comprehensive emergency management  
511 plan that address the response of a public hospital to an act of  
512 terrorism include those portions addressing:

- 513 (a) Security systems or plans;  
514 (b) Vulnerability analyses;  
515 (c) Emergency evacuation transportation;  
516 (d) Sheltering arrangements;  
517 (e) Postdisaster activities, including provisions for  
518 emergency power, communications, food, and water;  
519 (f) Postdisaster transportation;  
520 (g) Supplies, including drug caches;  
521 (h) Staffing;  
522 (i) Emergency equipment; and  
523 (j) Individual identification of residents, transfer of  
524 records, and methods of responding to family inquiries.

525 Section 11. For the purpose of incorporating the amendment

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526 made by this act to section 775.30, Florida Statutes, in a  
527 reference thereto, subsection (7) of section 874.03, Florida  
528 Statutes, is reenacted to read:

529 874.03 Definitions.—As used in this chapter:

530 (7) "Terrorist organization" means any organized group  
531 engaged in or organized for the purpose of engaging in terrorism  
532 as defined in s. 775.30. This definition shall not be construed  
533 to prevent prosecution under this chapter of individuals acting  
534 alone.

535 Section 12. For the purpose of incorporating the amendment  
536 made by this act to section 775.30, Florida Statutes, in a  
537 reference thereto, paragraph (a) of subsection (4) of section  
538 907.041, Florida Statutes, is reenacted to read:

539 907.041 Pretrial detention and release.—

540 (4) PRETRIAL DETENTION.—

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

- 543 1. Arson;
- 544 2. Aggravated assault;
- 545 3. Aggravated battery;
- 546 4. Illegal use of explosives;
- 547 5. Child abuse or aggravated child abuse;
- 548 6. Abuse of an elderly person or disabled adult, or  
549 aggravated abuse of an elderly person or disabled adult;
- 550 7. Aircraft piracy;
- 551 8. Kidnapping;
- 552 9. Homicide;
- 553 10. Manslaughter;
- 554 11. Sexual battery;

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- 555 12. Robbery;
- 556 13. Carjacking;
- 557 14. Lewd, lascivious, or indecent assault or act upon or in
- 558 presence of a child under the age of 16 years;
- 559 15. Sexual activity with a child, who is 12 years of age or
- 560 older but less than 18 years of age, by or at solicitation of
- 561 person in familial or custodial authority;
- 562 16. Burglary of a dwelling;
- 563 17. Stalking and aggravated stalking;
- 564 18. Act of domestic violence as defined in s. 741.28;
- 565 19. Home invasion robbery;
- 566 20. Act of terrorism as defined in s. 775.30;
- 567 21. Manufacturing any substances in violation of chapter
- 568 893; and
- 569 22. Attempting or conspiring to commit any such crime.

570 Section 13. For the purpose of incorporating the amendment  
 571 made by this act to section 775.30, Florida Statutes, in a  
 572 reference thereto, subsection (2) of section 943.0312, Florida  
 573 Statutes, is reenacted to read:

574 943.0312 Regional domestic security task forces.—The  
 575 Legislature finds that there is a need to develop and implement  
 576 a statewide strategy to address prevention, preparation,  
 577 protection, response, and recovery efforts by federal, state,  
 578 and local law enforcement agencies, emergency management  
 579 agencies, fire and rescue departments, first-responder personnel  
 580 and others in dealing with potential or actual terrorist acts  
 581 within or affecting this state.

582 (2) In accordance with the state's domestic security  
 583 strategic goals and objectives, each task force shall coordinate

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584 efforts to counter terrorism, as defined by s. 775.30, among  
585 local, state, and federal resources to ensure that such efforts  
586 are not fragmented or unnecessarily duplicated; coordinate  
587 training for local and state personnel to counter terrorism as  
588 defined by s. 775.30; coordinate the collection and  
589 dissemination of investigative and intelligence information; and  
590 facilitate responses to terrorist incidents within or affecting  
591 each region. With the approval of the Chief of Domestic  
592 Security, the task forces may incorporate other objectives  
593 reasonably related to the goals of enhancing the state's  
594 domestic security and ability to detect, prevent, and respond to  
595 acts of terrorism within or affecting this state. Each task  
596 force shall take into account the variety of conditions and  
597 resources present within its region.

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

602 943.0321 The Florida Domestic Security and Counter-  
603 Terrorism Intelligence Center and the Florida Domestic Security  
604 and Counter-Terrorism Database.—

605 (2) The intelligence center shall:

606 (a) Gather, document, and analyze active criminal  
607 intelligence and criminal investigative information related to  
608 terrorism, as defined in s. 775.30, including information  
609 related to individuals or groups that plot, plan, or coordinate  
610 acts of terrorism, as defined in s. 775.30, and that operate  
611 within this state or otherwise commit acts affecting this state;

612 (b) Maintain and operate the domestic security and counter-

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613 terrorism database; and

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

617 Section 15. For the purpose of incorporating the amendment  
618 made by this act to section 782.04, Florida Statutes, in a  
619 reference thereto, subsection (2) of section 27.401, Florida  
620 Statutes, is reenacted to read:

621 27.401 Cross-Circuit Conflict Representation Pilot  
622 Program.—

623 (2) Notwithstanding ss. 27.40 and 27.5305:

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

638 (b) If the public defender in the Thirteenth Judicial  
639 Circuit is unable to provide representation to an indigent  
640 defendant charged with a crime under s. 782.04(2), (3), or (4)  
641 due to a conflict of interest and the criminal conflict and

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642 civil regional counsel of the Second Region is also unable to  
643 provide representation for the case due to a conflict of  
644 interest, the public defender in the Tenth Judicial Circuit  
645 shall be appointed. If the public defender in the Tenth Judicial  
646 Circuit is unable to provide representation for the case due to  
647 a conflict of interest, the criminal conflict and civil regional  
648 counsel in the Fifth Region shall be appointed. If the criminal  
649 conflict and civil regional counsel in the Fifth Region is  
650 unable to provide representation due to a conflict of interest,  
651 private counsel shall be appointed.

652 Section 16. For the purpose of incorporating the amendment  
653 made by this act to section 782.04, Florida Statutes, in a  
654 reference thereto, paragraph (d) of subsection (1) of section  
655 39.806, Florida Statutes, is reenacted to read:

656 39.806 Grounds for termination of parental rights.—

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

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

660 1. The period of time for which the parent is expected to  
661 be incarcerated will constitute a significant portion of the  
662 child's minority. When determining whether the period of time is  
663 significant, the court shall consider the child's age and the  
664 child's need for a permanent and stable home. The period of time  
665 begins on the date that the parent enters into incarceration;

666 2. The incarcerated parent has been determined by the court  
667 to be a violent career criminal as defined in s. 775.084, a  
668 habitual violent felony offender as defined in s. 775.084, or a  
669 sexual predator as defined in s. 775.21; has been convicted of  
670 first degree or second degree murder in violation of s. 782.04

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

682 3. The court determines by clear and convincing evidence  
683 that continuing the parental relationship with the incarcerated  
684 parent would be harmful to the child and, for this reason, that  
685 termination of the parental rights of the incarcerated parent is  
686 in the best interest of the child. When determining harm, the  
687 court shall consider the following factors:

688 a. The age of the child.

689 b. The relationship between the child and the parent.

690 c. The nature of the parent's current and past provision  
691 for the child's developmental, cognitive, psychological, and  
692 physical needs.

693 d. The parent's history of criminal behavior, which may  
694 include the frequency of incarceration and the unavailability of  
695 the parent to the child due to incarceration.

696 e. Any other factor the court deems relevant.

697 Section 17. For the purpose of incorporating the amendment  
698 made by this act to section 782.04, Florida Statutes, in a  
699 reference thereto, paragraph (b) of subsection (4) of section



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700 63.089, Florida Statutes, is reenacted to read:

701 63.089 Proceeding to terminate parental rights pending  
702 adoption; hearing; grounds; dismissal of petition; judgment.—

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

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

717 1. The period of time for which the parent has been or is  
718 expected to be incarcerated will constitute a significant  
719 portion of the child's minority. In determining whether the  
720 period of time is significant, the court shall consider the  
721 child's age and the child's need for a permanent and stable  
722 home. The period of time begins on the date that the parent  
723 enters into incarceration;

724 2. The incarcerated parent has been determined by a court  
725 of competent jurisdiction to be a violent career criminal as  
726 defined in s. 775.084, a habitual violent felony offender as  
727 defined in s. 775.084, convicted of child abuse as defined in s.  
728 827.03, or a sexual predator as defined in s. 775.21; has been

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729 convicted of first degree or second degree murder in violation  
730 of s. 782.04 or a sexual battery that constitutes a capital,  
731 life, or first degree felony violation of s. 794.011; or has  
732 been convicted of a substantially similar offense in another  
733 jurisdiction. As used in this section, the term "substantially  
734 similar offense" means any offense that is substantially similar  
735 in elements and penalties to one of those listed in this  
736 subparagraph, and that is in violation of a law of any other  
737 jurisdiction, whether that of another state, the District of  
738 Columbia, the United States or any possession or territory  
739 thereof, or any foreign jurisdiction; or

740 3. The court determines by clear and convincing evidence  
741 that continuing the parental relationship with the incarcerated  
742 parent would be harmful to the child and, for this reason,  
743 termination of the parental rights of the incarcerated parent is  
744 in the best interests of the child.

745 Section 18. For the purpose of incorporating the amendment  
746 made by this act to section 782.04, Florida Statutes, in a  
747 reference thereto, subsection (10) of section 95.11, Florida  
748 Statutes, is reenacted to read:

749 95.11 Limitations other than for the recovery of real  
750 property.—Actions other than for recovery of real property shall  
751 be commenced as follows:

752 (10) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS  
753 DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph  
754 (4) (d), an action for wrongful death seeking damages authorized  
755 under s. 768.21 brought against a natural person for an  
756 intentional tort resulting in death from acts described in s.  
757 782.04 or s. 782.07 may be commenced at any time. This

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758 subsection shall not be construed to require an arrest, the  
759 filing of formal criminal charges, or a conviction for a  
760 violation of s. 782.04 or s. 782.07 as a condition for filing a  
761 civil action.

762 Section 19. For the purpose of incorporating the amendment  
763 made by this act to section 782.04, Florida Statutes, in a  
764 reference thereto, paragraph (e) of subsection (2) of section  
765 435.04, Florida Statutes, is reenacted to read:

766 435.04 Level 2 screening standards.—

767 (2) The security background investigations under this  
768 section must ensure that no persons subject to the provisions of  
769 this section have been arrested for and are awaiting final  
770 disposition of, have been found guilty of, regardless of  
771 adjudication, or entered a plea of nolo contendere or guilty to,  
772 or have been adjudicated delinquent and the record has not been  
773 sealed or expunged for, any offense prohibited under any of the  
774 following provisions of state law or similar law of another  
775 jurisdiction:

776 (e) Section 782.04, relating to murder.

777 Section 20. For the purpose of incorporating the amendment  
778 made by this act to section 782.04, Florida Statutes, in a  
779 reference thereto, paragraph (c) of subsection (4) of section  
780 435.07, Florida Statutes, is reenacted to read:

781 435.07 Exemptions from disqualification.—Unless otherwise  
782 provided by law, the provisions of this section apply to  
783 exemptions from disqualification for disqualifying offenses  
784 revealed pursuant to background screenings required under this  
785 chapter, regardless of whether those disqualifying offenses are  
786 listed in this chapter or other laws.

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787 (4)  
788 (c) Disqualification from employment under this chapter may  
789 not be removed from, and an exemption may not be granted to, any  
790 current or prospective child care personnel, as defined in s.  
791 402.302(3), and such a person is disqualified from employment as  
792 child care personnel, regardless of any previous exemptions from  
793 disqualification, if the person has been registered as a sex  
794 offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has been  
795 arrested for and is awaiting final disposition of, has been  
796 convicted or found guilty of, or entered a plea of guilty or  
797 nolo contendere to, regardless of adjudication, or has been  
798 adjudicated delinquent and the record has not been sealed or  
799 expunged for, any offense prohibited under any of the following  
800 provisions of state law or a similar law of another  
801 jurisdiction:

- 802 1. A felony offense prohibited under any of the following  
803 statutes:
- 804 a. Chapter 741, relating to domestic violence.
  - 805 b. Section 782.04, relating to murder.
  - 806 c. Section 782.07, relating to manslaughter, aggravated  
807 manslaughter of an elderly person or disabled adult, aggravated  
808 manslaughter of a child, or aggravated manslaughter of an  
809 officer, a firefighter, an emergency medical technician, or a  
810 paramedic.
  - 811 d. Section 784.021, relating to aggravated assault.
  - 812 e. Section 784.045, relating to aggravated battery.
  - 813 f. Section 787.01, relating to kidnapping.
  - 814 g. Section 787.025, relating to luring or enticing a child.
  - 815 h. Section 787.04(2), relating to leading, taking,

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816 enticing, or removing a minor beyond the state limits, or  
817 concealing the location of a minor, with criminal intent pending  
818 custody proceedings.

819 i. Section 787.04(3), relating to leading, taking,  
820 enticing, or removing a minor beyond the state limits, or  
821 concealing the location of a minor, with criminal intent pending  
822 dependency proceedings or proceedings concerning alleged abuse  
823 or neglect of a minor.

824 j. Section 794.011, relating to sexual battery.

825 k. Former s. 794.041, relating to sexual activity with or  
826 solicitation of a child by a person in familial or custodial  
827 authority.

828 l. Section 794.05, relating to unlawful sexual activity  
829 with certain minors.

830 m. Section 794.08, relating to female genital mutilation.

831 n. Section 806.01, relating to arson.

832 o. Section 826.04, relating to incest.

833 p. Section 827.03, relating to child abuse, aggravated  
834 child abuse, or neglect of a child.

835 q. Section 827.04, relating to contributing to the  
836 delinquency or dependency of a child.

837 r. Section 827.071, relating to sexual performance by a  
838 child.

839 s. Chapter 847, relating to child pornography.

840 t. Section 985.701, relating to sexual misconduct in  
841 juvenile justice programs.

842 2. A misdemeanor offense prohibited under any of the  
843 following statutes:

844 a. Section 784.03, relating to battery, if the victim of

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845 the offense was a minor.

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

847 c. Chapter 847, relating to child pornography.

848 3. A criminal act committed in another state or under  
849 federal law which, if committed in this state, constitutes an  
850 offense prohibited under any statute listed in subparagraph 1.  
851 or subparagraph 2.

852 Section 21. For the purpose of incorporating the amendment  
853 made by this act to section 782.04, Florida Statutes, in  
854 references thereto, paragraph (b) of subsection (1) and  
855 paragraphs (a), (b), and (c) of subsection (3) of section  
856 775.082, Florida Statutes, are reenacted to read:

857 775.082 Penalties; applicability of sentencing structures;  
858 mandatory minimum sentences for certain reoffenders previously  
859 released from prison.—

860 (1)

861 (b)1. A person who actually killed, intended to kill, or  
862 attempted to kill the victim and who is convicted under s.  
863 782.04 of a capital felony, or an offense that was reclassified  
864 as a capital felony, which was committed before the person  
865 attained 18 years of age shall be punished by a term of  
866 imprisonment for life if, after a sentencing hearing conducted  
867 by the court in accordance with s. 921.1401, the court finds  
868 that life imprisonment is an appropriate sentence. If the court  
869 finds that life imprisonment is not an appropriate sentence,  
870 such person shall be punished by a term of imprisonment of at  
871 least 40 years. A person sentenced pursuant to this subparagraph  
872 is entitled to a review of his or her sentence in accordance  
873 with s. 921.1402(2)(a).

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874           2. A person who did not actually kill, intend to kill, or  
875 attempt to kill the victim and who is convicted under s. 782.04  
876 of a capital felony, or an offense that was reclassified as a  
877 capital felony, which was committed before the person attained  
878 18 years of age may be punished by a term of imprisonment for  
879 life or by a term of years equal to life if, after a sentencing  
880 hearing conducted by the court in accordance with s. 921.1401,  
881 the court finds that life imprisonment is an appropriate  
882 sentence. A person who is sentenced to a term of imprisonment of  
883 more than 15 years is entitled to a review of his or her  
884 sentence in accordance with s. 921.1402(2)(c).

885           3. The court shall make a written finding as to whether a  
886 person is eligible for a sentence review hearing under s.  
887 921.1402(2)(a) or (c). Such a finding shall be based upon  
888 whether the person actually killed, intended to kill, or  
889 attempted to kill the victim. The court may find that multiple  
890 defendants killed, intended to kill, or attempted to kill the  
891 victim.

892           (3) A person who has been convicted of any other designated  
893 felony may be punished as follows:

894           (a)1. For a life felony committed before October 1, 1983,  
895 by a term of imprisonment for life or for a term of at least 30  
896 years.

897           2. For a life felony committed on or after October 1, 1983,  
898 by a term of imprisonment for life or by a term of imprisonment  
899 not exceeding 40 years.

900           3. Except as provided in subparagraph 4., for a life felony  
901 committed on or after July 1, 1995, by a term of imprisonment  
902 for life or by imprisonment for a term of years not exceeding

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903 life imprisonment.

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

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

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

912 b. For a life felony committed on or after July 1, 2008,  
913 which is a person's second or subsequent violation of s.  
914 800.04(5)(b), by a term of imprisonment for life.

915 5. Notwithstanding subparagraphs 1.-4., a person who is  
916 convicted under s. 782.04 of an offense that was reclassified as  
917 a life felony which was committed before the person attained 18  
918 years of age may be punished by a term of imprisonment for life  
919 or by a term of years equal to life imprisonment if the judge  
920 conducts a sentencing hearing in accordance with s. 921.1401 and  
921 finds that life imprisonment or a term of years equal to life  
922 imprisonment is an appropriate sentence.

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

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

931 c. The court shall make a written finding as to whether a



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932 person is eligible for a sentence review hearing under s.  
933 921.1402(2)(b) or (c). Such a finding shall be based upon  
934 whether the person actually killed, intended to kill, or  
935 attempted to kill the victim. The court may find that multiple  
936 defendants killed, intended to kill, or attempted to kill the  
937 victim.

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

941 (b)1. For a felony of the first degree, by a term of  
942 imprisonment not exceeding 30 years or, when specifically  
943 provided by statute, by imprisonment for a term of years not  
944 exceeding life imprisonment.

945 2. Notwithstanding subparagraph 1., a person convicted  
946 under s. 782.04 of a first degree felony punishable by a term of  
947 years not exceeding life imprisonment, or an offense that was  
948 reclassified as a first degree felony punishable by a term of  
949 years not exceeding life, which was committed before the person  
950 attained 18 years of age may be punished by a term of years  
951 equal to life imprisonment if the judge conducts a sentencing  
952 hearing in accordance with s. 921.1401 and finds that a term of  
953 years equal to life imprisonment is an appropriate sentence.

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

958 b. A person who did not actually kill, intend to kill, or  
959 attempt to kill the victim and is sentenced to a term of  
960 imprisonment of more than 15 years is entitled to a review of

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961 his or her sentence in accordance with s. 921.1402(2)(c).

962 c. The court shall make a written finding as to whether a  
963 person is eligible for a sentence review hearing under s.  
964 921.1402(2)(b) or (c). Such a finding shall be based upon  
965 whether the person actually killed, intended to kill, or  
966 attempted to kill the victim. The court may find that multiple  
967 defendants killed, intended to kill, or attempted to kill the  
968 victim.

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

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

989 775.0823 Violent offenses committed against law enforcement

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990 officers, correctional officers, state attorneys, assistant  
991 state attorneys, justices, or judges.—The Legislature does  
992 hereby provide for an increase and certainty of penalty for any  
993 person convicted of a violent offense against any law  
994 enforcement or correctional officer, as defined in s. 943.10(1),  
995 (2), (3), (6), (7), (8), or (9); against any state attorney  
996 elected pursuant to s. 27.01 or assistant state attorney  
997 appointed under s. 27.181; or against any justice or judge of a  
998 court described in Art. V of the State Constitution, which  
999 offense arises out of or in the scope of the officer's duty as a  
1000 law enforcement or correctional officer, the state attorney's or  
1001 assistant state attorney's duty as a prosecutor or investigator,  
1002 or the justice's or judge's duty as a judicial officer, as  
1003 follows:

1004 (1) For murder in the first degree as described in s.  
1005 782.04(1), if the death sentence is not imposed, a sentence of  
1006 imprisonment for life without eligibility for release.

1007 (2) For attempted murder in the first degree as described  
1008 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,  
1009 or s. 775.084.

1010 (4) For murder in the second degree as described in s.  
1011 782.04(2) and (3), a sentence pursuant to s. 775.082, s.  
1012 775.083, or s. 775.084.

1013 (5) For attempted murder in the second degree as described  
1014 in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s.  
1015 775.083, or s. 775.084.

1016 (6) For murder in the third degree as described in s.  
1017 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s.  
1018 775.084.

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1019 (7) For attempted murder in the third degree as described  
1020 in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083,  
1021 or s. 775.084.

1022  
1023 Notwithstanding the provisions of s. 948.01, with respect to any  
1024 person who is found to have violated this section, adjudication  
1025 of guilt or imposition of sentence shall not be suspended,  
1026 deferred, or withheld.

1027 Section 23. For the purpose of incorporating the amendment  
1028 made by this act to section 782.04, Florida Statutes, in a  
1029 reference thereto, section 782.051, Florida Statutes, is  
1030 reenacted to read:

1031 782.051 Attempted felony murder.—

1032 (1) Any person who perpetrates or attempts to perpetrate  
1033 any felony enumerated in s. 782.04(3) and who commits, aids, or  
1034 abets an intentional act that is not an essential element of the  
1035 felony and that could, but does not, cause the death of another  
1036 commits a felony of the first degree, punishable by imprisonment  
1037 for a term of years not exceeding life, or as provided in s.  
1038 775.082, s. 775.083, or s. 775.084, which is an offense ranked  
1039 in level 9 of the Criminal Punishment Code. Victim injury points  
1040 shall be scored under this subsection.

1041 (2) Any person who perpetrates or attempts to perpetrate  
1042 any felony other than a felony enumerated in s. 782.04(3) and  
1043 who commits, aids, or abets an intentional act that is not an  
1044 essential element of the felony and that could, but does not,  
1045 cause the death of another commits a felony of the first degree,  
1046 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
1047 which is an offense ranked in level 8 of the Criminal Punishment

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1048 Code. Victim injury points shall be scored under this  
1049 subsection.

1050 (3) When a person is injured during the perpetration of or  
1051 the attempt to perpetrate any felony enumerated in s. 782.04(3)  
1052 by a person other than the person engaged in the perpetration of  
1053 or the attempt to perpetrate such felony, the person  
1054 perpetrating or attempting to perpetrate such felony commits a  
1055 felony of the second degree, punishable as provided in s.  
1056 775.082, s. 775.083, or s. 775.084, which is an offense ranked  
1057 in level 7 of the Criminal Punishment Code. Victim injury points  
1058 shall be scored under this subsection.

1059 Section 24. For the purpose of incorporating the amendment  
1060 made by this act to section 782.04, Florida Statutes, in a  
1061 reference thereto, section 782.065, Florida Statutes, is  
1062 reenacted to read:

1063 782.065 Murder; law enforcement officer, correctional  
1064 officer, correctional probation officer.—Notwithstanding ss.  
1065 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant  
1066 shall be sentenced to life imprisonment without eligibility for  
1067 release upon findings by the trier of fact that, beyond a  
1068 reasonable doubt:

1069 (1) The defendant committed murder in the first degree in  
1070 violation of s. 782.04(1) and a death sentence was not imposed;  
1071 murder in the second or third degree in violation of s.  
1072 782.04(2), (3), or (4); attempted murder in the first or second  
1073 degree in violation of s. 782.04(1)(a)1. or (2); or attempted  
1074 felony murder in violation of s. 782.051; and

1075 (2) The victim of any offense described in subsection (1)  
1076 was a law enforcement officer, part-time law enforcement

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1077 officer, auxiliary law enforcement officer, correctional  
 1078 officer, part-time correctional officer, auxiliary correctional  
 1079 officer, correctional probation officer, part-time correctional  
 1080 probation officer, or auxiliary correctional probation officer,  
 1081 as those terms are defined in s. 943.10, engaged in the lawful  
 1082 performance of a legal duty.

1083 Section 25. For the purpose of incorporating the amendment  
 1084 made by this act to section 782.04, Florida Statutes, in a  
 1085 reference thereto, section 903.133, Florida Statutes, is  
 1086 reenacted to read:

1087 903.133 Bail on appeal; prohibited for certain felony  
 1088 convictions.—Notwithstanding the provisions of s. 903.132, no  
 1089 person adjudged guilty of a felony of the first degree for a  
 1090 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.  
 1091 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a  
 1092 violation of s. 794.011(2) or (3), shall be admitted to bail  
 1093 pending review either by posttrial motion or appeal.

1094 Section 26. For the purpose of incorporating the amendment  
 1095 made by this act to section 782.04, Florida Statutes, in  
 1096 references thereto, paragraphs (h) and (i) of subsection (3) of  
 1097 section 921.0022, Florida Statutes, are reenacted to read:

1098 921.0022 Criminal Punishment Code; offense severity ranking  
 1099 chart.—

1100 (3) OFFENSE SEVERITY RANKING CHART

1101 (h) LEVEL 8

1102

|         |        |             |
|---------|--------|-------------|
| Florida | Felony |             |
| Statute | Degree | Description |

1103

|      |                         |     |   |
|------|-------------------------|-----|---|
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| 1104 | 316.193<br>(3) (c) 3.a. | 2nd | DUI manslaughter.   |
| 1105 | 316.1935 (4) (b)        | 1st | Aggravated fleeing or attempted eluding with serious bodily injury or death.  |
| 1106 | 327.35 (3) (c) 3.       | 2nd | Vessel BUI manslaughter.  |
| 1107 | 499.0051 (7)            | 1st | Knowing trafficking in contraband prescription drugs.   |
| 1108 | 499.0051 (8)            | 1st | Knowing forgery of prescription labels or prescription drug labels.   |
| 1109 | 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. |
|      | 560.125 (5) (b)         | 2nd | Money transmitter business by unauthorized person, currency or payment instruments  |

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1110

totaling or exceeding  
\$20,000, but less than  
\$100,000.

655.50 (10) (b) 2.

2nd

Failure to report  
financial transactions  
totaling or exceeding  
\$20,000, but less than  
\$100,000 by financial  
institutions.

1111

777.03 (2) (a)

1st

Accessory after the fact,  
capital felony.

1112

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.

1113

782.051 (2)

1st

Attempted felony murder  
while perpetrating or



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|      |                   |     |  |
|------|-------------------|-----|--|
|      |                   |     | attempting to perpetrate<br>a felony not enumerated<br>in s. 782.04(3).                          |
| 1114 | 782.071 (1) (b)   | 1st | Committing vehicular<br>homicide and failing to<br>render aid or give<br>information.            |
| 1115 | 782.072 (2)       | 1st | Committing vessel<br>homicide and failing to<br>render aid or give<br>information.               |
| 1116 | 787.06 (3) (a) 1. | 1st | Human trafficking for<br>labor and services of a<br>child.                                       |
| 1117 | 787.06 (3) (b)    | 1st | Human trafficking using<br>coercion for commercial<br>sexual activity of an<br>adult.            |
| 1118 | 787.06 (3) (c) 2. | 1st | Human trafficking using<br>coercion for labor and<br>services of an<br>unauthorized alien adult. |
| 1119 | 787.06 (3) (e) 1. | 1st | Human trafficking for  |

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|      |                   |     |  |
|------|-------------------|-----|--|
| 1120 | 787.06 (3) (f) 2. | 1st | labor and services by the transfer or transport of a child from outside Florida to within the state.   |
| 1121 | 790.161 (3)       | 1st | Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.  |
| 1122 | 794.011 (5) (a)   | 1st | Discharging a destructive device which results in bodily harm or property damage.  |
| 1123 | 794.011 (5) (b)   | 2nd | 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.<br>Sexual battery; victim and offender 18 years of |

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|      |                 |     |   |
|------|-----------------|-----|---|
| 1124 | 794.011 (5) (c) | 2nd | age or older; offender does not use physical force likely to cause serious injury.  |
| 1125 | 794.011 (5) (d) | 1st | Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.                     |
| 1126 | 794.08 (3)      | 2nd | Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense. |
| 1127 | 800.04 (4) (b)  | 2nd | Female genital mutilation, removal of a victim younger than 18 years of age from this state.  |
| 1128 |                 |     | Lewd or lascivious battery.   |

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|      |                    |          |  |
|------|--------------------|----------|--|
| 1129 | 800.04 (4) (c)     | 1st      | Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense. |
| 1130 | 806.01 (1)         | 1st      | Maliciously damage dwelling or structure by fire or explosive, believing person in structure.              |
| 1131 | 810.02 (2) (a)     | 1st, PBL | Burglary with assault or battery.  |
| 1132 | 810.02 (2) (b)     | 1st, PBL | Burglary; armed with explosives or dangerous weapon.   |
| 1133 | 810.02 (2) (c)     | 1st      | Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.          |
| 1133 | 812.014 (2) (a) 2. | 1st      | Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.                              |

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1134

812.13 (2) (b) 1st Robbery with a weapon.

1135

812.135 (2) (c) 1st Home-invasion robbery, no  
firearm, deadly weapon,  
or other weapon.

1136

817.535 (2) (b) 2nd Filing false lien or  
other unauthorized  
document; second or  
subsequent offense.

1137

817.535 (3) (a) 2nd Filing false lien or  
other unauthorized  
document; property owner  
is a public officer or  
employee.

1138

817.535 (4) (a) 1. 2nd Filing false lien or  
other unauthorized  
document; defendant is  
incarcerated or under  
supervision.

1139

817.535 (5) (a) 2nd Filing false lien or  
other unauthorized  
document; owner of the  
property incurs financial  
loss as a result of the

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1140

817.568 (6)

2nd

false instrument.

Fraudulent use of personal identification information of an individual under the age of 18.

1141

817.611 (2) (c)

1st

Traffic in or possess 50 or more counterfeit credit cards or related documents.

1142

825.102 (2)

1st

Aggravated abuse of an elderly person or disabled adult.

1143

825.1025 (2)

2nd

Lewd or lascivious battery upon an elderly person or disabled adult.

1144

825.103 (3) (a)

1st

Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.

1145

837.02 (2)

2nd

Perjury in official proceedings relating to prosecution of a capital

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1146

felony.

837.021 (2)

2nd

Making contradictory statements in official proceedings relating to prosecution of a capital felony.

1147

860.121 (2) (c)

1st

Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

1148

860.16

1st

Aircraft piracy.

1149

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).

1150

893.13 (2) (b)

1st

Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

1151

893.13 (6) (c)

1st

Possess in excess of 10 grams of any substance specified in s.

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|      |                         |     |  |
|------|-------------------------|-----|--|
| 1152 |                         |     | 893.03(1) (a) or (b).  |
|      | 893.135 (1) (a) 2.      | 1st | Trafficking in cannabis,<br>more than 2,000 lbs.,<br>less than 10,000 lbs.       |
| 1153 |                         |     |  |
|      | 893.135<br>(1) (b) 1.b. | 1st | Trafficking in cocaine,<br>more than 200 grams, less<br>than 400 grams.          |
| 1154 |                         |     |  |
|      | 893.135<br>(1) (c) 1.b. | 1st | Trafficking in illegal<br>drugs, more than 14<br>grams, less than 28<br>grams.   |
| 1155 |                         |     |  |
|      | 893.135<br>(1) (c) 2.c. | 1st | Trafficking in<br>hydrocodone, 50 grams or<br>more, less than 200<br>grams.      |
| 1156 |                         |     |  |
|      | 893.135<br>(1) (c) 3.c. | 1st | Trafficking in oxycodone,<br>25 grams or more, less<br>than 100 grams.           |
| 1157 |                         |     |  |
|      | 893.135<br>(1) (d) 1.b. | 1st | Trafficking in<br>phencyclidine, more than<br>200 grams, less than 400<br>grams. |
| 1158 |                         |     |  |



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1159 893.135 1st Trafficking in  
 (1) (e) 1.b. methaqualone, more than 5  
 kilograms, less than 25  
 kilograms.

1160 893.135 1st Trafficking in  
 (1) (f) 1.b. amphetamine, more than 28  
 grams, less than 200  
 grams.

1161 893.135 1st Trafficking in  
 (1) (g) 1.b. flunitrazepam, 14 grams  
 or more, less than 28  
 grams.

1162 893.135 1st Trafficking in gamma-  
 (1) (h) 1.b. hydroxybutyric acid  
 (GHB), 5 kilograms or  
 more, less than 10  
 kilograms.

1163 893.135 1st Trafficking in 1,4-  
 (1) (j) 1.b. Butanediol, 5 kilograms  
 or more, less than 10  
 kilograms.

893.135 1st Trafficking in  
 (1) (k) 2.b. Phenethylamines, 200  
 grams or more, less than

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1164

400 grams.

893.1351(3)

1st

Possession of a place used to manufacture controlled substance when minor is present or resides there.

1165

895.03(1)

1st

Use or invest proceeds derived from pattern of racketeering activity.

1166

895.03(2)

1st

Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

1167

895.03(3)

1st

Conduct or participate in any enterprise through pattern of racketeering activity.

1168

896.101(5)(b)

2nd

Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

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1169

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.

1170

1171

(i) LEVEL 9

1172

Florida  
Statute

Felony  
Degree

Description

1173

316.193  
(3) (c) 3.b.

1st

DUI manslaughter; failing to render aid or give information.

1174

327.35  
(3) (c) 3.b.

1st

BUI manslaughter; failing to render aid or give information.

1175

409.920  
(2) (b) 1.c.

1st

Medicaid provider fraud; \$50,000 or more.

1176

499.0051 (8)

1st

Knowing sale or purchase of contraband prescription drugs resulting in great bodily

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|      |                 |         |   |
|------|-----------------|---------|---|
| 1177 |                 |         | harm.   |
|      | 560.123(8)(b)3. | 1st     | Failure to report<br>currency or payment<br>instruments totaling or<br>exceeding \$100,000 by<br>money transmitter.                 |
| 1178 |                 |         |   |
|      | 560.125(5)(c)   | 1st     | Money transmitter<br>business by unauthorized<br>person, currency, or<br>payment instruments<br>totaling or exceeding<br>\$100,000. |
| 1179 |                 |         |   |
|      | 655.50(10)(b)3. | 1st     | Failure to report<br>financial transactions<br>totaling or exceeding<br>\$100,000 by financial<br>institution.                      |
| 1180 |                 |         |   |
|      | 775.0844        | 1st     | Aggravated white collar<br>crime.   |
| 1181 |                 |         |   |
|      | 782.04(1)       | 1st     | Attempt, conspire, or<br>solicit to commit<br>premeditated murder.  |
| 1182 |                 |         |   |
|      | 782.04(3)       | 1st,PBL | Accomplice to murder in   |

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|      |                   |          |   |
|------|-------------------|----------|---|
| 1183 | 782.051 (1)       | 1st      | <p>connection with arson,<br/>sexual battery, robbery,<br/>burglary, aggravated<br/>fleeing or eluding with<br/>serious bodily injury or<br/>death, and other<br/>specified felonies.</p> |
| 1184 | 782.07 (2)        | 1st      | <p>Attempted felony murder<br/>while perpetrating or<br/>attempting to perpetrate<br/>a felony enumerated in s.<br/>782.04(3).</p>  |
| 1185 | 787.01 (1) (a) 1. | 1st, PBL | <p>Aggravated manslaughter<br/>of an elderly person or<br/>disabled adult.</p>  |
| 1186 | 787.01 (1) (a) 2. | 1st, PBL | <p>Kidnapping; hold for<br/>ransom or reward or as a<br/>shield or hostage.</p>   |
| 1187 | 787.01 (1) (a) 4. | 1st, PBL | <p>Kidnapping with intent to<br/>commit or facilitate<br/>commission of any felony.</p> <p>Kidnapping with intent to<br/>interfere with<br/>performance of any</p>                        |

|      |                   |         |  |
|------|-------------------|---------|--|
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| 1188 |                   |         | governmental or political function.  |
|      | 787.02 (3) (a)    | 1st,PBL | False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition. |
| 1189 |                   |         |  |
|      | 787.06 (3) (c) 1. | 1st     | Human trafficking for labor and services of an unauthorized alien child.   |
| 1190 |                   |         |  |
|      | 787.06 (3) (d)    | 1st     | Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.  |
| 1191 |                   |         |  |
|      | 787.06 (3) (f) 1. | 1st,PBL | Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.   |
| 1192 |                   |         |  |
|      | 790.161           | 1st     | Attempted capital  |

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1193

destructive device  
offense.

790.166 (2)

1st, PBL

Possessing, selling,  
using, or attempting to  
use a weapon of mass  
destruction.

1194

794.011 (2)

1st

Attempted sexual battery;  
victim less than 12 years  
of age.

1195

794.011 (2)

Life

Sexual battery; offender  
younger than 18 years and  
commits sexual battery on  
a person less than 12  
years.

1196

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.

1197

794.011 (4) (b)

1st

Sexual battery, certain  
circumstances; victim and  
offender 18 years of age  
or older.

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1198

794.011 (4) (c) 1st Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.

1199

794.011 (4) (d) 1st, PBL Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.

1200

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.

1201

794.08 (2) 1st Female genital mutilation; victim younger than 18 years of age.

1202

800.04 (5) (b) Life Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

1203



|      |                    |          |  |
|------|--------------------|----------|--|
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| 1204 | 812.13 (2) (a)     | 1st, PBL | Robbery with firearm or other deadly weapon.   |
| 1205 | 812.133 (2) (a)    | 1st, PBL | Carjacking; firearm or other deadly weapon.  |
| 1206 | 812.135 (2) (b)    | 1st      | Home-invasion robbery with weapon.   |
| 1207 | 817.535 (3) (b)    | 1st      | Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.  |
| 1208 | 817.535 (4) (a) 2. | 1st      | Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.                               |
|      | 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 |

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1209

result of the false  
instrument.

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.

1210

827.03 (2) (a)

1st

Aggravated child abuse.

1211

847.0145 (1)

1st

Selling, or otherwise  
transferring custody or  
control, of a minor.

1212

847.0145 (2)

1st

Purchasing, or otherwise  
obtaining custody or  
control, of a minor.

1213

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.

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1214  
1215  
1216  
1217  
1218  
1219  
1220  
1221

|                         |     |   |
|-------------------------|-----|---|
| 893.135                 | 1st | Attempted capital trafficking offense.                                    |
| 893.135 (1) (a) 3.      | 1st | Trafficking in cannabis, more than 10,000 lbs.                            |
| 893.135<br>(1) (b) 1.c. | 1st | Trafficking in cocaine, more than 400 grams, less than 150 kilograms.     |
| 893.135<br>(1) (c) 1.c. | 1st | Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms. |
| 893.135<br>(1) (c) 2.d. | 1st | Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.    |
| 893.135<br>(1) (c) 3.d. | 1st | Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.      |
| 893.135<br>(1) (d) 1.c. | 1st | Trafficking in phencyclidine, more than 400 grams.                        |

|      |                         |     |  |
|------|-------------------------|-----|--|
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| 1222 | 893.135<br>(1) (e) 1.c. | 1st | Trafficking in methaqualone, more than 25 kilograms.                     |
| 1223 | 893.135<br>(1) (f) 1.c. | 1st | Trafficking in amphetamine, more than 200 grams.                         |
| 1224 | 893.135<br>(1) (h) 1.c. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.    |
| 1225 | 893.135<br>(1) (j) 1.c. | 1st | Trafficking in 1,4-Butanediol, 10 kilograms or more.                     |
| 1226 | 893.135<br>(1) (k) 2.c. | 1st | Trafficking in Phenethylamines, 400 grams or more.                       |
| 1227 | 896.101 (5) (c)         | 1st | Money laundering, financial instruments totaling or exceeding \$100,000. |
|      | 896.104 (4) (a) 3.      | 1st | Structuring transactions to evade reporting or registration              |

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requirements, financial transactions totaling or exceeding \$100,000.

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

921.16 When sentences to be concurrent and when consecutive.—

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

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

947.146 Control Release Authority.—

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1254 (3) Within 120 days prior to the date the state  
1255 correctional system is projected pursuant to s. 216.136 to  
1256 exceed 99 percent of total capacity, the authority shall  
1257 determine eligibility for and establish a control release date  
1258 for an appropriate number of parole ineligible inmates committed  
1259 to the department and incarcerated within the state who have  
1260 been determined by the authority to be eligible for  
1261 discretionary early release pursuant to this section. In  
1262 establishing control release dates, it is the intent of the  
1263 Legislature that the authority prioritize consideration of  
1264 eligible inmates closest to their tentative release date. The  
1265 authority shall rely upon commitment data on the offender  
1266 information system maintained by the department to initially  
1267 identify inmates who are to be reviewed for control release  
1268 consideration. The authority may use a method of objective risk  
1269 assessment in determining if an eligible inmate should be  
1270 released. Such assessment shall be a part of the department's  
1271 management information system. However, the authority shall have  
1272 sole responsibility for determining control release eligibility,  
1273 establishing a control release date, and effectuating the  
1274 release of a sufficient number of inmates to maintain the inmate  
1275 population between 99 percent and 100 percent of total capacity.  
1276 Inmates who are ineligible for control release are inmates who  
1277 are parole eligible or inmates who:

1278 (i) Are convicted, or have been previously convicted, of  
1279 committing or attempting to commit murder in the first, second,  
1280 or third degree under s. 782.04(1), (2), (3), or (4), or have  
1281 ever been convicted of any degree of murder or attempted murder  
1282 in another jurisdiction;

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1284 In making control release eligibility determinations under this  
1285 subsection, the authority may rely on any document leading to or  
1286 generated during the course of the criminal proceedings,  
1287 including, but not limited to, any presentence or postsentence  
1288 investigation or any information contained in arrest reports  
1289 relating to circumstances of the offense.

1290 Section 29. For the purpose of incorporating the amendment  
1291 made by this act to section 782.04, Florida Statutes, in a  
1292 reference thereto, paragraph (c) of subsection (8) of section  
1293 948.06, Florida Statutes, is reenacted to read:

1294 948.06 Violation of probation or community control;  
1295 revocation; modification; continuance; failure to pay  
1296 restitution or cost of supervision.—

1297 (8)

1298 (c) For purposes of this section, the term "qualifying  
1299 offense" means any of the following:

1300 1. Kidnapping or attempted kidnapping under s. 787.01,  
1301 false imprisonment of a child under the age of 13 under s.  
1302 787.02(3), or luring or enticing a child under s. 787.025(2)(b)  
1303 or (c).

1304 2. Murder or attempted murder under s. 782.04, attempted  
1305 felony murder under s. 782.051, or manslaughter under s. 782.07.

1306 3. Aggravated battery or attempted aggravated battery under  
1307 s. 784.045.

1308 4. Sexual battery or attempted sexual battery under s.  
1309 794.011(2), (3), (4), or (8)(b) or (c).

1310 5. Lewd or lascivious battery or attempted lewd or  
1311 lascivious battery under s. 800.04(4), lewd or lascivious

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1312 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious  
1313 conduct under s. 800.04(6)(b), lewd or lascivious exhibition  
1314 under s. 800.04(7)(b), or lewd or lascivious exhibition on  
1315 computer under s. 847.0135(5)(b).

1316 6. Robbery or attempted robbery under s. 812.13, carjacking  
1317 or attempted carjacking under s. 812.133, or home invasion  
1318 robbery or attempted home invasion robbery under s. 812.135.

1319 7. Lewd or lascivious offense upon or in the presence of an  
1320 elderly or disabled person or attempted lewd or lascivious  
1321 offense upon or in the presence of an elderly or disabled person  
1322 under s. 825.1025.

1323 8. Sexual performance by a child or attempted sexual  
1324 performance by a child under s. 827.071.

1325 9. Computer pornography under s. 847.0135(2) or (3),  
1326 transmission of child pornography under s. 847.0137, or selling  
1327 or buying of minors under s. 847.0145.

1328 10. Poisoning food or water under s. 859.01.

1329 11. Abuse of a dead human body under s. 872.06.

1330 12. Any burglary offense or attempted burglary offense that  
1331 is either a first degree felony or second degree felony under s.  
1332 810.02(2) or (3).

1333 13. Arson or attempted arson under s. 806.01(1).

1334 14. Aggravated assault under s. 784.021.

1335 15. Aggravated stalking under s. 784.048(3), (4), (5), or  
1336 (7).

1337 16. Aircraft piracy under s. 860.16.

1338 17. Unlawful throwing, placing, or discharging of a  
1339 destructive device or bomb under s. 790.161(2), (3), or (4).

1340 18. Treason under s. 876.32.



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1341 19. Any offense committed in another jurisdiction which  
1342 would be an offense listed in this paragraph if that offense had  
1343 been committed in this state.

1344 Section 30. For the purpose of incorporating the amendment  
1345 made by this act to section 782.04, Florida Statutes, in a  
1346 reference thereto, subsection (1) of section 948.062, Florida  
1347 Statutes, is reenacted to read:

1348 948.062 Reviewing and reporting serious offenses committed  
1349 by offenders placed on probation or community control.—

1350 (1) The department shall review the circumstances related  
1351 to an offender placed on probation or community control who has  
1352 been arrested while on supervision for the following offenses:

1353 (a) Any murder as provided in s. 782.04;

1354 (b) Any sexual battery as provided in s. 794.011 or s.  
1355 794.023;

1356 (c) Any sexual performance by a child as provided in s.  
1357 827.071;

1358 (d) Any kidnapping, false imprisonment, or luring of a  
1359 child as provided in s. 787.01, s. 787.02, or s. 787.025;

1360 (e) Any lewd and lascivious battery or lewd and lascivious  
1361 molestation as provided in s. 800.04(4) or (5);

1362 (f) Any aggravated child abuse as provided in s.  
1363 827.03(2) (a);

1364 (g) Any robbery with a firearm or other deadly weapon, home  
1365 invasion robbery, or carjacking as provided in s. 812.13(2) (a),  
1366 s. 812.135, or s. 812.133;

1367 (h) Any aggravated stalking as provided in s. 784.048(3),  
1368 (4), or (5);

1369 (i) Any forcible felony as provided in s. 776.08, committed

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1370 by a person on probation or community control who is designated  
1371 as a sexual predator; or

1372 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),  
1373 or vehicular or vessel homicide as provided in s. 782.071 or s.  
1374 782.072, committed by a person who is on probation or community  
1375 control for an offense involving death or injury resulting from  
1376 a driving incident.

1377 Section 31. For the purpose of incorporating the amendment  
1378 made by this act to section 782.04, Florida Statutes, in a  
1379 reference thereto, paragraph (b) of subsection (3) of section  
1380 985.265, Florida Statutes, is reenacted to read:

1381 985.265 Detention transfer and release; education; adult  
1382 jails.—

1383 (3)

1384 (b) When a juvenile is released from secure detention or  
1385 transferred to nonsecure detention, detention staff shall  
1386 immediately notify the appropriate law enforcement agency,  
1387 school personnel, and victim if the juvenile is charged with  
1388 committing any of the following offenses or attempting to commit  
1389 any of the following offenses:

- 1390 1. Murder, under s. 782.04;
- 1391 2. Sexual battery, under chapter 794;
- 1392 3. Stalking, under s. 784.048; or
- 1393 4. Domestic violence, as defined in s. 741.28.

1394 Section 32. For the purpose of incorporating the amendment  
1395 made by this act to section 782.04, Florida Statutes, in a  
1396 reference thereto, paragraph (d) of subsection (1) of section  
1397 1012.315, Florida Statutes, is reenacted to read:

1398 1012.315 Disqualification from employment.—A person is

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1399 ineligible for educator certification, and instructional  
1400 personnel and school administrators, as defined in s. 1012.01,  
1401 are ineligible for employment in any position that requires  
1402 direct contact with students in a district school system,  
1403 charter school, or private school that accepts scholarship  
1404 students under s. 1002.39 or s. 1002.395, if the person,  
1405 instructional personnel, or school administrator has been  
1406 convicted of:

1407 (1) Any felony offense prohibited under any of the  
1408 following statutes:

1409 (d) Section 782.04, relating to murder.

1410 Section 33. For the purpose of incorporating the amendments  
1411 made by this act to sections 775.30 and 782.04, Florida  
1412 Statutes, in a reference thereto, paragraph (g) of subsection  
1413 (2) of section 1012.467, Florida Statutes, is reenacted to read:

1414 1012.467 Noninstructional contractors who are permitted  
1415 access to school grounds when students are present; background  
1416 screening requirements.—

1417 (2)

1418 (g) A noninstructional contractor for whom a criminal  
1419 history check is required under this section may not have been  
1420 convicted of any of the following offenses designated in the  
1421 Florida Statutes, any similar offense in another jurisdiction,  
1422 or any similar offense committed in this state which has been  
1423 redesignated from a former provision of the Florida Statutes to  
1424 one of the following offenses:

1425 1. Any offense listed in s. 943.0435(1)(h)1., relating to  
1426 the registration of an individual as a sexual offender.

1427 2. Section 393.135, relating to sexual misconduct with

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1428 certain developmentally disabled clients and the reporting of  
1429 such sexual misconduct.

1430 3. Section 394.4593, relating to sexual misconduct with  
1431 certain mental health patients and the reporting of such sexual  
1432 misconduct.

1433 4. Section 775.30, relating to terrorism.

1434 5. Section 782.04, relating to murder.

1435 6. Section 787.01, relating to kidnapping.

1436 7. Any offense under chapter 800, relating to lewdness and  
1437 indecent exposure.

1438 8. Section 826.04, relating to incest.

1439 9. Section 827.03, relating to child abuse, aggravated  
1440 child abuse, or neglect of a child.

1441 Section 34. This act shall take effect October 1, 2017.