

26 | retardation; repealing s. 921.141, F.S., relating to
 27 | determination of whether to impose a sentence of death
 28 | or life imprisonment for a capital felony; repealing
 29 | s. 921.142, F.S., relating to determination of whether
 30 | to impose a sentence of death or life imprisonment for
 31 | a capital drug trafficking felony; amending ss.
 32 | 775.021, 782.04, 394.912, 782.065, 794.011, 893.135,
 33 | 944.275, and 948.012, F.S.; conforming provisions to
 34 | changes made by the act; repealing ss. 922.052,
 35 | 922.06, 922.07, 922.08, 922.095, 922.10, 922.105,
 36 | 922.108, 922.11, 922.111, 922.12, 922.14, 922.15,
 37 | 924.055, 924.056, 924.057, F.S., relating to issuance
 38 | of warrant of execution, stay of execution of death
 39 | sentence, proceedings when person under sentence of
 40 | death appears to be insane, proceedings when person
 41 | under sentence of death appears to be pregnant,
 42 | grounds for death warrant, execution of death
 43 | sentence, prohibition against reduction of death
 44 | sentence as a result of determination that a method of
 45 | execution is unconstitutional, sentencing orders in
 46 | capital cases, regulation of execution, transfer to
 47 | state prison for safekeeping before death warrant
 48 | issued, return of warrant of execution issued by
 49 | Governor, sentence of death unexecuted for
 50 | unjustifiable reasons, return of warrant of execution

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

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

65
66 Section 1. Paragraph (a) of subsection (1) and subsection
67 (2) of section 775.082, Florida Statutes, are amended to read:
68 775.082 Penalties; applicability of sentencing structures;
69 mandatory minimum sentences for certain reoffenders previously
70 released from prison.—

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

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76 | ~~person shall be punished by~~ life imprisonment and shall be
77 | ineligible for parole.

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

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

90 | 27.51 Duties of public defender.—

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

94 | (d) Sought by petition filed in such court to be
95 | involuntarily placed as a mentally ill person under part I of
96 | chapter 394, involuntarily committed as a sexually violent
97 | predator under part V of chapter 394, or involuntarily admitted
98 | to residential services as a person with developmental
99 | disabilities under chapter 393. A public defender shall not
100 | represent any plaintiff in a civil action brought under the

101 Florida Rules of Civil Procedure, the Federal Rules of Civil
 102 Procedure, or the federal statutes, or represent a petitioner in
 103 a rule challenge under chapter 120, unless specifically
 104 authorized by statute; or

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

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

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

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

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

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

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

130 (f)~~(g)~~ Seeking correction, reduction, or modification of a
131 sentence under Rule 3.800, Florida Rules of Criminal Procedure,
132 or seeking postconviction relief under Rule 3.850, Florida Rules
133 of Criminal Procedure, if, in either case, the court determines
134 that appointment of counsel is necessary to protect a person's
135 due process rights.

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

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

154 Section 5. Paragraph (d) of subsection (1) of section
155 119.071, Florida Statutes, is amended to read:

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

158 (1) AGENCY ADMINISTRATION.—

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

175 ~~exemption for those public records prepared for direct appeal as~~
176 ~~well as for all capital collateral litigation after direct~~
177 ~~appeal until execution of sentence or imposition of a life~~
178 ~~sentence.~~

179 2. This exemption is not waived by the release of such
180 public record to another public employee or officer of the same
181 agency or any person consulted by the agency attorney. When
182 asserting the right to withhold a public record pursuant to this
183 paragraph, the agency shall identify the potential parties to
184 any such criminal or civil litigation or adversarial
185 administrative proceedings. If a court finds that the document
186 or other record has been improperly withheld under this
187 paragraph, the party seeking access to such document or record
188 shall be awarded reasonable attorney's fees and costs in
189 addition to any other remedy ordered by the court.

190 Section 6. Paragraph (c) of subsection (4) of section
191 282.201, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

224 790.161 Making, possessing, throwing, projecting, placing,

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

230 (4) If the act results in the death of another person,
231 commits a capital felony, punishable as provided in s. 775.082.
232 ~~In the event the death penalty in a capital felony is held to be~~
233 ~~unconstitutional by the Florida Supreme Court or the United~~
234 ~~States Supreme Court, the court having jurisdiction over a~~
235 ~~person previously sentenced to death for a capital felony shall~~
236 ~~cause such person to be brought before the court, and the court~~
237 ~~shall sentence such person to life imprisonment if convicted of~~
238 ~~murder in the first degree or of a capital felony under this~~
239 ~~subsection, and such person shall be ineligible for parole. No~~
240 ~~sentence of death shall be reduced as a result of a~~
241 ~~determination that a method of execution is held to be~~
242 ~~unconstitutional under the State Constitution or the~~
243 ~~Constitution of the United States.~~

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

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

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

249 Section 12. Paragraph (c) of subsection (5) of section
 250 775.021, Florida Statutes, is amended to read:

251 775.021 Rules of construction.—

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

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

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

262 782.04 Murder.—

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

264 (a)1. When perpetrated from a premeditated design to
 265 effect the death of the person killed or any human being;

266 (b)2. When committed by a person engaged in the
 267 perpetration of, or in the attempt to perpetrate, any:

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

269 2.b. Arson,

270 3.c. Sexual battery,

271 4.d. Robbery,

272 5.e. Burglary,

273 6.f. Kidnapping,

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274 7.g. Escape,
275 8.h. Aggravated child abuse,
276 9.i. Aggravated abuse of an elderly person or disabled
277 adult,
278 10.j. Aircraft piracy,
279 11.k. Unlawful throwing, placing, or discharging of a
280 destructive device or bomb,
281 12.l. Carjacking,
282 13.m. Home-invasion robbery,
283 14.n. Aggravated stalking,
284 15.o. Murder of another human being,
285 16.p. Resisting an officer with violence to his or her
286 person,
287 17.q. Aggravated fleeing or eluding with serious bodily
288 injury or death,
289 18.r. Felony that is an act of terrorism or is in
290 furtherance of an act of terrorism,
291 19.s. Human trafficking; or
292 (c)3. Which resulted from the unlawful distribution of any
293 substance controlled under s. 893.03(1), cocaine as described in
294 s. 893.03(2) (a)4., opium or any synthetic or natural salt,
295 compound, derivative, or preparation of opium, or methadone by a
296 person 18 years of age or older, when such drug is proven to be
297 the proximate cause of the death of the user,
298

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

301 ~~(b) In all cases under this section, the procedure set~~
 302 ~~forth in s. 921.141 shall be followed in order to determine~~
 303 ~~sentence of death or life imprisonment. If the prosecutor~~
 304 ~~intends to seek the death penalty, the prosecutor must give~~
 305 ~~notice to the defendant and file the notice with the court~~
 306 ~~within 45 days after arraignment. The notice must contain a list~~
 307 ~~of the aggravating factors the state intends to prove and has~~
 308 ~~reason to believe it can prove beyond a reasonable doubt. The~~
 309 ~~court may allow the prosecutor to amend the notice upon a~~
 310 ~~showing of good cause.~~

311 Section 14. Paragraph (a) of subsection (9) of section
 312 394.912, Florida Statutes, is amended to read:

313 394.912 Definitions.—As used in this part, the term:

314 (9) "Sexually violent offense" means:

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

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

319 782.065 Murder; law enforcement officer, correctional
 320 officer, correctional probation officer.—Notwithstanding ss.
 321 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
 322 shall be sentenced to life imprisonment without eligibility for
 323 release upon findings by the trier of fact that, beyond a

324 reasonable doubt:

325 (1) The defendant committed murder in the first degree in
 326 violation of s. 782.04(1) and a death sentence was not imposed;
 327 murder in the second or third degree in violation of s.
 328 782.04(2), (3), or (4); attempted murder in the first or second
 329 degree in violation of s. 782.04(1)(a) ~~782.04(1)(a)1.~~ or (2); or
 330 attempted felony murder in violation of s. 782.051; and

331 Section 16. Paragraph (a) of subsection (2) of section
 332 794.011, Florida Statutes, is amended to read:

333 794.011 Sexual battery.—

334 (2)(a) A person 18 years of age or older who commits
 335 sexual battery upon, or in an attempt to commit sexual battery
 336 injures the sexual organs of, a person less than 12 years of age
 337 commits a capital felony, punishable as provided in s. ss.
 338 775.082 ~~and 921.141.~~

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

341 893.135 Trafficking; mandatory sentences; suspension or
 342 reduction of sentences; conspiracy to engage in trafficking.—

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

345 (b)1. Any person who knowingly sells, purchases,
 346 manufactures, delivers, or brings into this state, or who is
 347 knowingly in actual or constructive possession of, 28 grams or
 348 more of cocaine, as described in s. 893.03(2)(a)4., or of any

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349 mixture containing cocaine, but less than 150 kilograms of
350 cocaine or any such mixture, commits a felony of the first
351 degree, which felony shall be known as "trafficking in cocaine,"
352 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

353 If the quantity involved:

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

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

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

365 2. Any person who knowingly sells, purchases,
366 manufactures, delivers, or brings into this state, or who is
367 knowingly in actual or constructive possession of, 150 kilograms
368 or more of cocaine, as described in s. 893.03(2)(a)4., commits
369 the first degree felony of trafficking in cocaine. A person who
370 has been convicted of the first degree felony of trafficking in
371 cocaine under this subparagraph shall be punished by life
372 imprisonment and is ineligible for any form of discretionary
373 early release except pardon or executive clemency or conditional

374 medical release under s. 947.149. However, if the court
375 determines that, in addition to committing any act specified in
376 this paragraph:

377 a. The person intentionally killed an individual or
378 counseled, commanded, induced, procured, or caused the
379 intentional killing of an individual and such killing was the
380 result; or

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

383
384 such person commits the capital felony of trafficking in
385 cocaine, punishable as provided in s. ss. 775.082 and ~~921.142~~.
386 Any person sentenced for a capital felony under this paragraph
387 shall also be sentenced to pay the maximum fine provided under
388 subparagraph 1.

389 3. Any person who knowingly brings into this state 300
390 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
391 and who knows that the probable result of such importation would
392 be the death of any person, commits capital importation of
393 cocaine, a capital felony punishable as provided in s. ss.
394 775.082 and ~~921.142~~. Any person sentenced for a capital felony
395 under this paragraph shall also be sentenced to pay the maximum
396 fine provided under subparagraph 1.

397 (c)1. A person who knowingly sells, purchases,
398 manufactures, delivers, or brings into this state, or who is

399 knowingly in actual or constructive possession of, 4 grams or
400 more of any morphine, opium, hydromorphone, or any salt,
401 derivative, isomer, or salt of an isomer thereof, including
402 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
403 (3)(c)4., or 4 grams or more of any mixture containing any such
404 substance, but less than 30 kilograms of such substance or
405 mixture, commits a felony of the first degree, which felony
406 shall be known as "trafficking in illegal drugs," punishable as
407 provided in s. 775.082, s. 775.083, or s. 775.084. If the
408 quantity involved:

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

412 b. Is 14 grams or more, but less than 28 grams, such
413 person shall be sentenced to a mandatory minimum term of
414 imprisonment of 15 years and shall be ordered to pay a fine of
415 \$100,000.

416 c. Is 28 grams or more, but less than 30 kilograms, such
417 person shall be sentenced to a mandatory minimum term of
418 imprisonment of 25 years and shall be ordered to pay a fine of
419 \$500,000.

420 2. A person who knowingly sells, purchases, manufactures,
421 delivers, or brings into this state, or who is knowingly in
422 actual or constructive possession of, 14 grams or more of
423 hydrocodone, or any salt, derivative, isomer, or salt of an

424 isomer thereof, or 14 grams or more of any mixture containing
425 any such substance, commits a felony of the first degree, which
426 felony shall be known as "trafficking in hydrocodone,"
427 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

428 If the quantity involved:

429 a. Is 14 grams or more, but less than 28 grams, such
430 person shall be sentenced to a mandatory minimum term of
431 imprisonment of 3 years and shall be ordered to pay a fine of
432 \$50,000.

433 b. Is 28 grams or more, but less than 50 grams, such
434 person shall be sentenced to a mandatory minimum term of
435 imprisonment of 7 years and shall be ordered to pay a fine of
436 \$100,000.

437 c. Is 50 grams or more, but less than 200 grams, such
438 person shall be sentenced to a mandatory minimum term of
439 imprisonment of 15 years and shall be ordered to pay a fine of
440 \$500,000.

441 d. Is 200 grams or more, but less than 30 kilograms, such
442 person shall be sentenced to a mandatory minimum term of
443 imprisonment of 25 years and shall be ordered to pay a fine of
444 \$750,000.

445 3. A person who knowingly sells, purchases, manufactures,
446 delivers, or brings into this state, or who is knowingly in
447 actual or constructive possession of, 7 grams or more of
448 oxycodone, or any salt, derivative, isomer, or salt of an isomer

449 thereof, or 7 grams or more of any mixture containing any such
450 substance, commits a felony of the first degree, which felony
451 shall be known as "trafficking in oxycodone," punishable as
452 provided in s. 775.082, s. 775.083, or s. 775.084. If the
453 quantity involved:

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

457 b. Is 14 grams or more, but less than 25 grams, such
458 person shall be sentenced to a mandatory minimum term of
459 imprisonment of 7 years and shall be ordered to pay a fine of
460 \$100,000.

461 c. Is 25 grams or more, but less than 100 grams, such
462 person shall be sentenced to a mandatory minimum term of
463 imprisonment of 15 years and shall be ordered to pay a fine of
464 \$500,000.

465 d. Is 100 grams or more, but less than 30 kilograms, such
466 person shall be sentenced to a mandatory minimum term of
467 imprisonment of 25 years and shall be ordered to pay a fine of
468 \$750,000.

469 4. A person who knowingly sells, purchases, manufactures,
470 delivers, or brings into this state, or who is knowingly in
471 actual or constructive possession of, 30 kilograms or more of
472 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or
473 any salt, derivative, isomer, or salt of an isomer thereof,

474 including heroin, as described in s. 893.03(1)(b), (2)(a),
475 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture
476 containing any such substance, commits the first degree felony
477 of trafficking in illegal drugs. A person who has been convicted
478 of the first degree felony of trafficking in illegal drugs under
479 this subparagraph shall be punished by life imprisonment and is
480 ineligible for any form of discretionary early release except
481 pardon or executive clemency or conditional medical release
482 under s. 947.149. However, if the court determines that, in
483 addition to committing any act specified in this paragraph:

484 a. The person intentionally killed an individual or
485 counseled, commanded, induced, procured, or caused the
486 intentional killing of an individual and such killing was the
487 result; or

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

490
491 such person commits the capital felony of trafficking in illegal
492 drugs, punishable as provided in s. ss. 775.082 and 921.142. A
493 person sentenced for a capital felony under this paragraph shall
494 also be sentenced to pay the maximum fine provided under
495 subparagraph 1.

496 5. A person who knowingly brings into this state 60
497 kilograms or more of any morphine, opium, oxycodone,
498 hydrocodone, hydromorphone, or any salt, derivative, isomer, or

499 salt of an isomer thereof, including heroin, as described in s.
 500 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
 501 more of any mixture containing any such substance, and who knows
 502 that the probable result of such importation would be the death
 503 of a person, commits capital importation of illegal drugs, a
 504 capital felony punishable as provided in s. ~~ss.~~ 775.082 ~~and~~
 505 ~~921.142~~. A person sentenced for a capital felony under this
 506 paragraph shall also be sentenced to pay the maximum fine
 507 provided under subparagraph 1.

508 (d)1. Any person who knowingly sells, purchases,
 509 manufactures, delivers, or brings into this state, or who is
 510 knowingly in actual or constructive possession of, 28 grams or
 511 more of phencyclidine or of any mixture containing
 512 phencyclidine, as described in s. 893.03(2)(b), commits a felony
 513 of the first degree, which felony shall be known as "trafficking
 514 in phencyclidine," punishable as provided in s. 775.082, s.
 515 775.083, or s. 775.084. If the quantity involved:

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

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

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

527 2. Any person who knowingly brings into this state 800
528 grams or more of phencyclidine or of any mixture containing
529 phencyclidine, as described in s. 893.03(2)(b), and who knows
530 that the probable result of such importation would be the death
531 of any person commits capital importation of phencyclidine, a
532 capital felony punishable as provided in s. ss. 775.082 ~~and~~
533 ~~921.142~~. Any person sentenced for a capital felony under this
534 paragraph shall also be sentenced to pay the maximum fine
535 provided under subparagraph 1.

536 (e)1. Any person who knowingly sells, purchases,
537 manufactures, delivers, or brings into this state, or who is
538 knowingly in actual or constructive possession of, 200 grams or
539 more of methaqualone or of any mixture containing methaqualone,
540 as described in s. 893.03(1)(d), commits a felony of the first
541 degree, which felony shall be known as "trafficking in
542 methaqualone," punishable as provided in s. 775.082, s. 775.083,
543 or s. 775.084. If the quantity involved:

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

548 b. Is 5 kilograms or more, but less than 25 kilograms,

549 such person shall be sentenced to a mandatory minimum term of
550 imprisonment of 7 years, and the defendant shall be ordered to
551 pay a fine of \$100,000.

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

555 2. Any person who knowingly brings into this state 50
556 kilograms or more of methaqualone or of any mixture containing
557 methaqualone, as described in s. 893.03(1)(d), and who knows
558 that the probable result of such importation would be the death
559 of any person commits capital importation of methaqualone, a
560 capital felony punishable as provided in s. ss. 775.082 ~~and~~
561 ~~921.142~~. Any person sentenced for a capital felony under this
562 paragraph shall also be sentenced to pay the maximum fine
563 provided under subparagraph 1.

564 (f)1. Any person who knowingly sells, purchases,
565 manufactures, delivers, or brings into this state, or who is
566 knowingly in actual or constructive possession of, 14 grams or
567 more of amphetamine, as described in s. 893.03(2)(c)2., or
568 methamphetamine, as described in s. 893.03(2)(c)4., or of any
569 mixture containing amphetamine or methamphetamine, or
570 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
571 in conjunction with other chemicals and equipment utilized in
572 the manufacture of amphetamine or methamphetamine, commits a
573 felony of the first degree, which felony shall be known as

574 "trafficking in amphetamine," punishable as provided in s.
575 775.082, s. 775.083, or s. 775.084. If the quantity involved:
576 a. Is 14 grams or more, but less than 28 grams, such
577 person shall be sentenced to a mandatory minimum term of
578 imprisonment of 3 years, and the defendant shall be ordered to
579 pay a fine of \$50,000.
580 b. Is 28 grams or more, but less than 200 grams, such
581 person shall be sentenced to a mandatory minimum term of
582 imprisonment of 7 years, and the defendant shall be ordered to
583 pay a fine of \$100,000.
584 c. Is 200 grams or more, such person shall be sentenced to
585 a mandatory minimum term of imprisonment of 15 calendar years
586 and pay a fine of \$250,000.
587 2. Any person who knowingly manufactures or brings into
588 this state 400 grams or more of amphetamine, as described in s.
589 893.03(2)(c)2., or methamphetamine, as described in s.
590 893.03(2)(c)4., or of any mixture containing amphetamine or
591 methamphetamine, or phenylacetone, phenylacetic acid,
592 pseudoephedrine, or ephedrine in conjunction with other
593 chemicals and equipment used in the manufacture of amphetamine
594 or methamphetamine, and who knows that the probable result of
595 such manufacture or importation would be the death of any person
596 commits capital manufacture or importation of amphetamine, a
597 capital felony punishable as provided in s. ss. 775.082 and
598 921.142. Any person sentenced for a capital felony under this

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599 paragraph shall also be sentenced to pay the maximum fine
600 provided under subparagraph 1.

601 (g)1. Any person who knowingly sells, purchases,
602 manufactures, delivers, or brings into this state, or who is
603 knowingly in actual or constructive possession of, 4 grams or
604 more of flunitrazepam or any mixture containing flunitrazepam as
605 described in s. 893.03(1)(a) commits a felony of the first
606 degree, which felony shall be known as "trafficking in
607 flunitrazepam," punishable as provided in s. 775.082, s.
608 775.083, or s. 775.084. If the quantity involved:

609 a. Is 4 grams or more but less than 14 grams, such person
610 shall be sentenced to a mandatory minimum term of imprisonment
611 of 3 years, and the defendant shall be ordered to pay a fine of
612 \$50,000.

613 b. Is 14 grams or more but less than 28 grams, such person
614 shall be sentenced to a mandatory minimum term of imprisonment
615 of 7 years, and the defendant shall be ordered to pay a fine of
616 \$100,000.

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

620 2. Any person who knowingly sells, purchases,
621 manufactures, delivers, or brings into this state or who is
622 knowingly in actual or constructive possession of 30 kilograms
623 or more of flunitrazepam or any mixture containing flunitrazepam

624 as described in s. 893.03(1)(a) commits the first degree felony
625 of trafficking in flunitrazepam. A person who has been convicted
626 of the first degree felony of trafficking in flunitrazepam under
627 this subparagraph shall be punished by life imprisonment and is
628 ineligible for any form of discretionary early release except
629 pardon or executive clemency or conditional medical release
630 under s. 947.149. However, if the court determines that, in
631 addition to committing any act specified in this paragraph:

632 a. The person intentionally killed an individual or
633 counseled, commanded, induced, procured, or caused the
634 intentional killing of an individual and such killing was the
635 result; or

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

638
639 such person commits the capital felony of trafficking in
640 flunitrazepam, punishable as provided in s. ss. 775.082 and
641 ~~921.142~~. Any person sentenced for a capital felony under this
642 paragraph shall also be sentenced to pay the maximum fine
643 provided under subparagraph 1.

644 (h)1. Any person who knowingly sells, purchases,
645 manufactures, delivers, or brings into this state, or who is
646 knowingly in actual or constructive possession of, 1 kilogram or
647 more of gamma-hydroxybutyric acid (GHB), as described in s.
648 893.03(1)(d), or any mixture containing gamma-hydroxybutyric

649 acid (GHB), commits a felony of the first degree, which felony
650 shall be known as "trafficking in gamma-hydroxybutyric acid
651 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
652 775.084. If the quantity involved:

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

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

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

664 2. Any person who knowingly manufactures or brings into
665 this state 150 kilograms or more of gamma-hydroxybutyric acid
666 (GHB), as described in s. 893.03(1)(d), or any mixture
667 containing gamma-hydroxybutyric acid (GHB), and who knows that
668 the probable result of such manufacture or importation would be
669 the death of any person commits capital manufacture or
670 importation of gamma-hydroxybutyric acid (GHB), a capital felony
671 punishable as provided in s. ss. 775.082 and ~~921.142~~. Any person
672 sentenced for a capital felony under this paragraph shall also
673 be sentenced to pay the maximum fine provided under subparagraph

674 1.

675 (i)1. Any person who knowingly sells, purchases,
 676 manufactures, delivers, or brings into this state, or who is
 677 knowingly in actual or constructive possession of, 1 kilogram or
 678 more of gamma-butyrolactone (GBL), as described in s.
 679 893.03(1)(d), or any mixture containing gamma-butyrolactone
 680 (GBL), commits a felony of the first degree, which felony shall
 681 be known as "trafficking in gamma-butyrolactone (GBL),"
 682 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 683 If the quantity involved:

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

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

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

695 2. Any person who knowingly manufactures or brings into
 696 the state 150 kilograms or more of gamma-butyrolactone (GBL), as
 697 described in s. 893.03(1)(d), or any mixture containing gamma-
 698 butyrolactone (GBL), and who knows that the probable result of

699 such manufacture or importation would be the death of any person
700 commits capital manufacture or importation of gamma-
701 butyrolactone (GBL), a capital felony punishable as provided in
702 s. ss. 775.082 and 921.142. Any person sentenced for a capital
703 felony under this paragraph shall also be sentenced to pay the
704 maximum fine provided under subparagraph 1.

705 (j)1. Any person who knowingly sells, purchases,
706 manufactures, delivers, or brings into this state, or who is
707 knowingly in actual or constructive possession of, 1 kilogram or
708 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
709 any mixture containing 1,4-Butanediol, commits a felony of the
710 first degree, which felony shall be known as "trafficking in
711 1,4-Butanediol," punishable as provided in s. 775.082, s.
712 775.083, or s. 775.084. If the quantity involved:

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

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

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

724 2. Any person who knowingly manufactures or brings into
 725 this state 150 kilograms or more of 1,4-Butanediol as described
 726 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
 727 and who knows that the probable result of such manufacture or
 728 importation would be the death of any person commits capital
 729 manufacture or importation of 1,4-Butanediol, a capital felony
 730 punishable as provided in s. ss. 775.082 and 921.142. Any person
 731 sentenced for a capital felony under this paragraph shall also
 732 be sentenced to pay the maximum fine provided under subparagraph
 733 1.

734 (k)1. A person who knowingly sells, purchases,
 735 manufactures, delivers, or brings into this state, or who is
 736 knowingly in actual or constructive possession of, 10 grams or
 737 more of any of the following substances described in s.
 738 893.03(1)(c):

- 739 a. (MDMA) 3,4-Methylenedioxyamphetamine;
- 740 b. DOB (4-Bromo-2,5-dimethoxyamphetamine);
- 741 c. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine);
- 742 d. 2,5-Dimethoxyamphetamine;
- 743 e. DOET (4-Ethyl-2,5-dimethoxyamphetamine);
- 744 f. N-ethylamphetamine;
- 745 g. 3,4-Methylenedioxy-N-hydroxyamphetamine;
- 746 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 747 i. PMA (4-methoxyamphetamine);
- 748 j. PMMA (4-methoxymethamphetamine);

- 749 k. DOM (4-Methyl-2,5-dimethoxyamphetamine);
- 750 l. MDEA (3,4-Methylenedioxy-N-ethylamphetamine);
- 751 m. MDA (3,4-Methylenedioxyamphetamine);
- 752 n. N,N-dimethylamphetamine;
- 753 o. 3,4,5-Trimethoxyamphetamine;
- 754 p. Methylone (3,4-Methylenedioxymethcathinone);
- 755 q. MDPV (3,4-Methylenedioxypropylone); or
- 756 r. Methylnormetamfetamine,
- 757
- 758 individually or analogs thereto or isomers thereto or in any
- 759 combination of or any mixture containing any substance listed in
- 760 sub-subparagraphs a.-r., commits a felony of the first degree,
- 761 which felony shall be known as "trafficking in Phenethylamines,"
- 762 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
- 763 2. If the quantity involved:
- 764 a. Is 10 grams or more, but less than 200 grams, such
- 765 person shall be sentenced to a mandatory minimum term of
- 766 imprisonment of 3 years and shall be ordered to pay a fine of
- 767 \$50,000.
- 768 b. Is 200 grams or more, but less than 400 grams, such
- 769 person shall be sentenced to a mandatory minimum term of
- 770 imprisonment of 7 years and shall be ordered to pay a fine of
- 771 \$100,000.
- 772 c. Is 400 grams or more, such person shall be sentenced to
- 773 a mandatory minimum term of imprisonment of 15 years and shall

774 | be ordered to pay a fine of \$250,000.

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

- 778 | a. MDMA (3,4-Methylenedioxyamphetamine);
- 779 | b. DOB (4-Bromo-2,5-dimethoxyamphetamine);
- 780 | c. 2C-B (4-Bromo-2,5-dimethoxyphenethylamine);
- 781 | d. 2,5-Dimethoxyamphetamine;
- 782 | e. DOET (4-Ethyl-2,5-dimethoxyamphetamine);
- 783 | f. N-ethylamphetamine;
- 784 | g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 785 | h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 786 | i. PMA (4-methoxyamphetamine);
- 787 | j. PMMA (4-methoxymethamphetamine);
- 788 | k. DOM (4-Methyl-2,5-dimethoxyamphetamine);
- 789 | l. MDEA (3,4-Methylenedioxy-N-ethylamphetamine);
- 790 | m. MDA (3,4-Methylenedioxyamphetamine);
- 791 | n. N,N-dimethylamphetamine;
- 792 | o. 3,4,5-Trimethoxyamphetamine;
- 793 | p. Methylone (3,4-Methylenedioxy-methcathinone);
- 794 | q. MDPV (3,4-Methylenedioxy-pyrovalerone); or
- 795 | r. Methylmethcathinone,

796 |
797 | individually or analogs thereto or isomers thereto or in any
798 | combination of or any mixture containing any substance listed in

799 sub-subparagraphs a.-r., and who knows that the probable result
800 of such manufacture or importation would be the death of any
801 person commits capital manufacture or importation of
802 Phenethylamines, a capital felony punishable as provided in s.
803 ~~ss.~~ 775.082 and ~~921.142~~. A person sentenced for a capital felony
804 under this paragraph shall also be sentenced to pay the maximum
805 fine provided under subparagraph 1.

806 (1)1. Any person who knowingly sells, purchases,
807 manufactures, delivers, or brings into this state, or who is
808 knowingly in actual or constructive possession of, 1 gram or
809 more of lysergic acid diethylamide (LSD) as described in s.
810 893.03(1)(c), or of any mixture containing lysergic acid
811 diethylamide (LSD), commits a felony of the first degree, which
812 felony shall be known as "trafficking in lysergic acid
813 diethylamide (LSD)," punishable as provided in s. 775.082, s.
814 775.083, or s. 775.084. If the quantity involved:

815 a. Is 1 gram or more, but less than 5 grams, such person
816 shall be sentenced to a mandatory minimum term of imprisonment
817 of 3 years, and the defendant shall be ordered to pay a fine of
818 \$50,000.

819 b. Is 5 grams or more, but less than 7 grams, such person
820 shall be sentenced to a mandatory minimum term of imprisonment
821 of 7 years, and the defendant shall be ordered to pay a fine of
822 \$100,000.

823 c. Is 7 grams or more, such person shall be sentenced to a

824 mandatory minimum term of imprisonment of 15 calendar years and
 825 pay a fine of \$500,000.

826 2. Any person who knowingly manufactures or brings into
 827 this state 7 grams or more of lysergic acid diethylamide (LSD)
 828 as described in s. 893.03(1)(c), or any mixture containing
 829 lysergic acid diethylamide (LSD), and who knows that the
 830 probable result of such manufacture or importation would be the
 831 death of any person commits capital manufacture or importation
 832 of lysergic acid diethylamide (LSD), a capital felony punishable
 833 as provided in s. ss. 775.082 and 921.142. Any person sentenced
 834 for a capital felony under this paragraph shall also be
 835 sentenced to pay the maximum fine provided under subparagraph 1.

836 Section 18. Paragraph (e) of subsection (4) of section
 837 944.275, Florida Statutes, is amended to read:

838 944.275 Gain-time.—

839 (4)

840 (e) Notwithstanding subparagraph (b)3., for sentences
 841 imposed for offenses committed on or after October 1, 2014, the
 842 department may not grant incentive gain-time if the offense is a
 843 violation of s. 782.04(1)(b)3. ~~782.04(1)(a)2.e.~~; s.
 844 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011,
 845 excluding s. 794.011(10); s. 800.04; s. 825.1025; or s.
 846 847.0135(5).

847 Section 19. Paragraph (a) of subsection (5) of section
 848 948.012, Florida Statutes, is amended to read:

849 948.012 Split sentence of probation or community control
 850 and imprisonment.—

851 (5) (a) Effective for offenses committed on or after
 852 October 1, 2014, if the court imposes a term of years in
 853 accordance with s. 775.082 which is less than the maximum
 854 sentence for the offense, the court must impose a split sentence
 855 pursuant to subsection (1) for any person who is convicted of a
 856 violation of:

- 857 1. Section 782.04(1)(b)3. ~~782.04(1)(a)2.c.;~~
- 858 2. Section 787.01(3)(a)2. or 3.;
- 859 3. Section 787.02(3)(a)2. or 3.;
- 860 4. Section 794.011, excluding s. 794.011(10);
- 861 5. Section 800.04;
- 862 6. Section 825.1025; or
- 863 7. Section 847.0135(5).

864 Section 20. Sections 922.052, 922.06, 922.07, 922.08,
 865 922.095, 922.10, 922.105, 922.108, 922.11, 922.111, 922.12,
 866 922.14, 922.15, 924.055, 924.056, and 924.057, Florida Statutes,
 867 are repealed.

868 Section 21. Subsection (4) of section 925.11, Florida
 869 Statutes, is amended to read:

870 925.11 Postsentencing DNA testing.—

871 (4) PRESERVATION OF EVIDENCE.—

872 ~~(a)~~ Governmental entities that may be in possession of any
 873 physical evidence in the case, including, but not limited to,

874 any investigating law enforcement agency, the clerk of the
875 court, the prosecuting authority, or the Department of Law
876 Enforcement shall maintain any physical evidence collected at
877 the time of the crime for which a postsentencing testing of DNA
878 may be requested.

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

885 Section 22. Paragraphs (g) and (h) of subsection (1) and
886 subsection (2) of section 945.10, Florida Statutes, are amended
887 to read:

888 945.10 Confidential information.—

889 (1) Except as otherwise provided by law or in this
890 section, the following records and information held by the
891 Department of Corrections are confidential and exempt from the
892 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
893 Constitution:

894 ~~(g) Information which identifies an executioner, or any~~
895 ~~person prescribing, preparing, compounding, dispensing, or~~
896 ~~administering a lethal injection.~~

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

899 (2) The records and information specified in subsection
 900 ~~paragraphs~~ (1) ~~(a)–(h)~~ may be released as follows unless
 901 expressly prohibited by federal law:

902 (a) Information specified in paragraphs (1) (b), (d), and
 903 (f) to the Office of the Governor, the Legislature, the Florida
 904 Commission on Offender Review, the Department of Children and
 905 Families, a private correctional facility or program that
 906 operates under a contract, the Department of Legal Affairs, a
 907 state attorney, the court, or a law enforcement agency. A
 908 request for records or information pursuant to this paragraph
 909 need not be in writing.

910 (b) Information specified in paragraphs (1) (c), (e), and
 911 (g) ~~(h)~~ to the Office of the Governor, the Legislature, the
 912 Florida Commission on Offender Review, the Department of
 913 Children and Families, a private correctional facility or
 914 program that operates under contract, the Department of Legal
 915 Affairs, a state attorney, the court, or a law enforcement
 916 agency. A request for records or information pursuant to this
 917 paragraph must be in writing and a statement provided
 918 demonstrating a need for the records or information.

919 (c) Information specified in paragraph (1) (b) to an
 920 attorney representing an inmate under sentence of death, except
 921 those portions of the records containing a victim's statement or
 922 address, or the statement or address of a relative of the
 923 victim. A request for records of information pursuant to this

924 paragraph must be in writing and a statement provided
925 demonstrating a need for the records or information.

926 (d) Information specified in paragraph (1)(b) to a public
927 defender representing a defendant, except those portions of the
928 records containing a victim's statement or address, or the
929 statement or address of a relative of the victim. A request for
930 records or information pursuant to this paragraph need not be in
931 writing.

932 (e) Information specified in paragraph (1)(b) to state or
933 local governmental agencies. A request for records or
934 information pursuant to this paragraph must be in writing and a
935 statement provided demonstrating a need for the records or
936 information.

937 (f) Information specified in paragraph (1)(b) to a person
938 conducting legitimate research. A request for records and
939 information pursuant to this paragraph must be in writing, the
940 person requesting the records or information must sign a
941 confidentiality agreement, and the department must approve the
942 request in writing.

943 (g) Information specified in paragraph (1)(a) to the
944 Department of Health and the county health department where an
945 inmate plans to reside if he or she has tested positive for the
946 presence of the antibody or antigen to human immunodeficiency
947 virus infection.

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949 | Records and information released under this subsection remain
950 | confidential and exempt from the provisions of s. 119.07(1) and
951 | s. 24(a), Art. I of the State Constitution when held by the
952 | receiving person or entity.

953 | Section 23. This act shall take effect July 1, 2017.