

By Senator Farmer

34-00229-19

2019472__

1 A bill to be entitled
2 An act relating to the death penalty; amending s.
3 775.082, F.S.; deleting provisions specifying the
4 death penalty for capital felonies; deleting
5 provisions relating to the effect of a declaration by
6 a court of last resort that the death penalty in a
7 capital felony is unconstitutional; amending ss. 27.51
8 and 27.511, F.S.; deleting provisions relating to
9 representation in death penalty cases; amending s.
10 27.5304, F.S.; conforming provisions to changes made
11 by the act; repealing ss. 27.7001, 27.7002, 27.701,
12 27.702, 27.703, 27.704, 27.7045, 27.705, 27.706,
13 27.707, 27.708, 27.7081, 27.7091, 27.710, 27.711, and
14 27.715, F.S., relating to capital collateral
15 representation; amending ss. 23.21, 27.51, 27.511,
16 43.16, and 112.0455, F.S.; conforming provisions to
17 changes made by the act; amending s. 119.071, F.S.;
18 deleting a public records exemption relating to
19 capital collateral proceedings; amending ss. 186.003,
20 215.89, 215.985, 216.011, 282.201, and 790.25, F.S.;
21 conforming provisions to changes made by the act;
22 amending ss. 775.15 and 790.161, F.S.; deleting
23 provisions relating to the effect of a declaration by
24 a court of last resort that the death penalty in a
25 capital felony is unconstitutional; repealing s.
26 913.13, F.S., relating to jurors in capital cases;
27 repealing s. 921.137, F.S., relating to prohibiting
28 the imposition of the death sentence upon a defendant
29 with an intellectual disability; repealing s. 921.141,

34-00229-19

2019472__

30 F.S., relating to determination of whether to impose a
31 sentence of death or life imprisonment for a capital
32 felony; repealing s. 921.142, F.S., relating to
33 determination of whether to impose a sentence of death
34 or life imprisonment for a capital drug trafficking
35 felony; amending ss. 775.021, 782.04, 775.30, 394.912,
36 782.065, 794.011, 893.135, 944.275, and 948.012, F.S.;
37 conforming provisions to changes made by the act;
38 repealing ss. 922.052, 922.06, 922.07, 922.08,
39 922.095, 922.10, 922.105, 922.108, 922.11, 922.111,
40 922.12, 922.14, 922.15, 924.055, 924.056, and 924.057,
41 F.S., relating to issuance of warrant of execution,
42 stay of execution of death sentence, proceedings when
43 a person under sentence of death appears to be insane,
44 proceedings when a person under sentence of death
45 appears to be pregnant, pursuit of collateral
46 remedies, execution of death sentence, prohibition
47 against reduction of death sentence as a result of
48 determination that a method of execution is
49 unconstitutional, sentencing orders in capital cases,
50 regulation of execution, transfer to state prison for
51 safekeeping before death warrant issued, return of
52 warrant of execution issued by the Governor, sentence
53 of death unexecuted for unjustifiable reasons, return
54 of warrant of execution issued by the Supreme Court,
55 legislative intent concerning appeals and
56 postconviction proceedings in death penalty cases,
57 commencement of capital postconviction actions for
58 which sentence of death is imposed on or after January

34-00229-19

2019472__

59 14, 2000, and limitation on postconviction cases in
60 which the death sentence was imposed before January
61 14, 2000, respectively; amending s. 925.11, F.S.;
62 deleting provisions relating to preservation of DNA
63 evidence in death penalty cases; amending s. 945.10,
64 F.S.; deleting a public records exemption for the
65 identity of executioners; providing an effective date.
66

67 Be It Enacted by the Legislature of the State of Florida:
68

69 Section 1. Paragraph (a) of subsection (1) and subsection
70 (2) of section 775.082, Florida Statutes, are amended to read:
71 775.082 Penalties; applicability of sentencing structures;
72 mandatory minimum sentences for certain reoffenders previously
73 released from prison.-

74 (1) (a) ~~Except as provided in paragraph (b),~~ A person who
75 has been convicted of a capital felony shall be punished by
76 death if the proceeding held to determine sentence according to
77 the procedure set forth in s. 921.141 results in a determination
78 that such person shall be punished by death, otherwise such
79 person shall be punished by life imprisonment and shall be
80 ineligible for parole.

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

34-00229-19

2019472__

88 ~~reduced as a result of a determination that a method of~~
89 ~~execution is held to be unconstitutional under the State~~
90 ~~Constitution or the Constitution of the United States.~~

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

93 27.51 Duties of public defender.—

94 (1) The public defender shall represent, without additional
95 compensation, any person determined to be indigent under s.
96 27.52 and:

97 (d) Sought by petition filed in such court to be
98 involuntarily placed as a mentally ill person under part I of
99 chapter 394, involuntarily committed as a sexually violent
100 predator under part V of chapter 394, or involuntarily admitted
101 to residential services as a person with developmental
102 disabilities under chapter 393. A public defender shall not
103 represent any plaintiff in a civil action brought under the
104 Florida Rules of Civil Procedure, the Federal Rules of Civil
105 Procedure, or the federal statutes, or represent a petitioner in
106 a rule challenge under chapter 120, unless specifically
107 authorized by statute; or

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

110 (e)-(f) Who is appealing a matter in a case arising under
111 paragraphs (a)-(d).

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

115 27.511 Offices of criminal conflict and civil regional
116 counsel; legislative intent; qualifications; appointment;

34-00229-19

2019472__

117 duties.-

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

129 ~~(c) Convicted and sentenced to death, for purposes of~~
130 ~~handling an appeal to the Supreme Court;~~

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

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

139 (8) The public defender for the judicial circuit specified
140 in s. 27.51(4) shall, after the record on appeal is transmitted
141 to the appellate court by the office of criminal conflict and
142 civil regional counsel which handled the trial and if requested
143 by the regional counsel for the indicated appellate district,
144 handle all circuit court appeals authorized pursuant to
145 paragraph (5) (e)~~(f)~~ within the state courts system and any

34-00229-19

2019472__

146 authorized appeals to the federal courts required of the
147 official making the request. If the public defender certifies to
148 the court that the public defender has a conflict consistent
149 with the criteria prescribed in s. 27.5303 and moves to
150 withdraw, the regional counsel shall handle the appeal, unless
151 the regional counsel has a conflict, in which case the court
152 shall appoint private counsel pursuant to s. 27.40.

153 Section 4. Subsection (13) of section 27.5304, Florida
154 Statutes, is amended to read:

155 27.5304 Private court-appointed counsel; compensation;
156 notice.—

157 (13) Notwithstanding the limitation set forth in subsection
158 (5) and for the 2018-2019 fiscal year only, the compensation for
159 representation in a criminal proceeding may not exceed the
160 following:

161 (a) For misdemeanors and juveniles represented at the trial
162 level: \$1,000.

163 (b) For noncapital, nonlife felonies represented at the
164 trial level: \$15,000.

165 (c) For life felonies represented at the trial level:
166 \$15,000.

167 ~~(d) For capital cases represented at the trial level:
168 \$25,000. For purposes of this paragraph, a "capital case" is any
169 offense for which the potential sentence is death and the state
170 has not waived seeking the death penalty.~~

171 (d)(e) For representation on appeal: \$9,000.

172 (e)(f) This subsection expires July 1, 2019.

173 Section 5. Part IV of chapter 27, titled "CAPITAL
174 COLLATERAL REPRESENTATION," consisting of sections 27.7001,

34-00229-19

2019472__

175 27.7002, 27.701, 27.702, 27.703, 27.704, 27.7045, 27.705,
 176 27.706, 27.707, 27.708, 27.7081, 27.7091, 27.710, 27.711, and
 177 27.715, Florida Statutes, is repealed.

178 Section 6. Subsection (1) of section 23.21, Florida
 179 Statutes, is amended to read:

180 23.21 Definitions.—For purposes of this part:

181 (1) "Department" means a principal administrative unit
 182 within the executive branch of state government as defined in
 183 chapter 20 and includes the State Board of Administration, the
 184 Executive Office of the Governor, the Fish and Wildlife
 185 Conservation Commission, the Florida Commission on Offender
 186 Review, the Agency for Health Care Administration, the State
 187 Board of Education, the Board of Governors of the State
 188 University System, the Justice Administrative Commission, ~~the~~
 189 ~~capital collateral regional counsel,~~ and separate budget
 190 entities placed for administrative purposes within a department.

191 Section 7. Paragraph (a) of subsection (5) of section
 192 27.51, Florida Statutes, is amended to read:

193 27.51 Duties of public defender.—

194 ~~(5)(a) When direct appellate proceedings prosecuted by a~~
 195 ~~public defender on behalf of an accused and challenging a~~
 196 ~~judgment of conviction and sentence of death terminate in an~~
 197 ~~affirmance of such conviction and sentence, whether by the~~
 198 ~~Florida Supreme Court or by the United States Supreme Court or~~
 199 ~~by expiration of any deadline for filing such appeal in a state~~
 200 ~~or federal court, the public defender shall notify the accused~~
 201 ~~of his or her rights pursuant to Rule 3.851, Florida Rules of~~
 202 ~~Criminal Procedure, including any time limits pertinent thereto,~~
 203 ~~and shall advise such person that representation in any~~

34-00229-19

2019472__

204 ~~collateral proceedings is the responsibility of the capital~~
205 ~~collateral regional counsel. The public defender shall then~~
206 ~~forward all original files on the matter to the capital~~
207 ~~collateral regional counsel, retaining such copies for his or~~
208 ~~her files as may be desired.~~

209 Section 8. Subsection (9) of section 27.511, Florida
210 Statutes, is amended to read:

211 27.511 Offices of criminal conflict and civil regional
212 counsel; legislative intent; qualifications; appointment;
213 duties.-

214 ~~(9) When direct appellate proceedings prosecuted by the~~
215 ~~office of criminal conflict and civil regional counsel on behalf~~
216 ~~of an accused and challenging a judgment of conviction and~~
217 ~~sentence of death terminate in an affirmance of such conviction~~
218 ~~and sentence, whether by the Supreme Court or by the United~~
219 ~~States Supreme Court or by expiration of any deadline for filing~~
220 ~~such appeal in a state or federal court, the office of criminal~~
221 ~~conflict and civil regional counsel shall notify the accused of~~
222 ~~his or her rights pursuant to Rule 3.851, Florida Rules of~~
223 ~~Criminal Procedure, including any time limits pertinent thereto,~~
224 ~~and shall advise such person that representation in any~~
225 ~~collateral proceedings is the responsibility of the capital~~
226 ~~collateral regional counsel. The office of criminal conflict and~~
227 ~~civil regional counsel shall forward all original files on the~~
228 ~~matter to the capital collateral regional counsel, retaining~~
229 ~~such copies for his or her files as may be desired or required~~
230 ~~by law.~~

231 Section 9. Paragraph (a) of subsection (5) and subsection
232 (6) of section 43.16, Florida Statutes, are amended to read:

34-00229-19

2019472__

233 43.16 Justice Administrative Commission; membership, powers
234 and duties.—

235 (5) The duties of the commission shall include, but not be
236 limited to, the following:

237 (a) The maintenance of a central state office for
238 administrative services and assistance when possible to and on
239 behalf of the state attorneys and public defenders of Florida,
240 ~~the capital collateral regional counsel of Florida,~~ the criminal
241 conflict and civil regional counsel, and the Guardian Ad Litem
242 Program.

243 (6) The provisions contained in this section shall be
244 supplemental to those of chapter 27, relating to state
245 attorneys, public defenders, and criminal conflict and civil
246 regional counsel, ~~and capital collateral regional counsel;~~ to
247 those of chapter 39, relating to the Guardian Ad Litem Program;
248 or to other laws pertaining hereto.

249 Section 10. Paragraph (e) of subsection (13) of section
250 112.0455, Florida Statutes, is amended to read:

251 112.0455 Drug-Free Workplace Act.—

252 (13) RULES.—

253 (e) The Justice Administrative Commission may adopt rules
254 on behalf of the state attorneys and public defenders of
255 Florida, ~~the capital collateral regional counsel,~~ and the
256 Judicial Qualifications Commission.

257

258 This section shall not be construed to eliminate the bargainable
259 rights as provided in the collective bargaining process where
260 applicable.

261 Section 11. Paragraph (d) of subsection (1) of section

34-00229-19

2019472__

262 119.071, Florida Statutes, is amended to read:

263 119.071 General exemptions from inspection or copying of
264 public records.—

265 (1) AGENCY ADMINISTRATION.—

266 (d)1. A public record that was prepared by an agency
267 attorney (including an attorney employed or retained by the
268 agency or employed or retained by another public officer or
269 agency to protect or represent the interests of the agency
270 having custody of the record) or prepared at the attorney's
271 express direction, that reflects a mental impression,
272 conclusion, litigation strategy, or legal theory of the attorney
273 or the agency, and that was prepared exclusively for civil or
274 criminal litigation or for adversarial administrative
275 proceedings, or that was prepared in anticipation of imminent
276 civil or criminal litigation or imminent adversarial
277 administrative proceedings, is exempt from s. 119.07(1) and s.
278 24(a), Art. I of the State Constitution until the conclusion of
279 the litigation or adversarial administrative proceedings. ~~For~~
280 ~~purposes of capital collateral litigation as set forth in s.~~
281 ~~27.7001, the Attorney General's office is entitled to claim this~~
282 ~~exemption for those public records prepared for direct appeal as~~
283 ~~well as for all capital collateral litigation after direct~~
284 ~~appeal until execution of sentence or imposition of a life~~
285 ~~sentence.~~

286 2. This exemption is not waived by the release of such
287 public record to another public employee or officer of the same
288 agency or any person consulted by the agency attorney. When
289 asserting the right to withhold a public record pursuant to this
290 paragraph, the agency shall identify the potential parties to

34-00229-19

2019472__

291 any such criminal or civil litigation or adversarial
292 administrative proceedings. If a court finds that the document
293 or other record has been improperly withheld under this
294 paragraph, the party seeking access to such document or record
295 shall be awarded reasonable attorney's fees and costs in
296 addition to any other remedy ordered by the court.

297 Section 12. Subsection (6) of section 186.003, Florida
298 Statutes, is amended to read:

299 186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.-
300 As used in ss. 186.001-186.031 and 186.801-186.901, the term:

301 (6) "State agency" or "agency" means any official, officer,
302 commission, board, authority, council, committee, or department
303 of the executive branch of state government. For purposes of
304 this chapter, "state agency" or "agency" includes state
305 attorneys, public defenders, ~~the capital collateral regional~~
306 ~~counsel~~, the Justice Administrative Commission, and the Public
307 Service Commission.

308 Section 13. Paragraph (b) of subsection (2) of section
309 215.89, Florida Statutes, is amended to read:

310 215.89 Charts of account.-

311 (2) DEFINITIONS.-As used in this section, the term:

312 (b) "State agency" means an official, officer, commission,
313 board, authority, council, committee, or department of the
314 executive branch; a state attorney, public defender, or criminal
315 conflict and civil regional counsel, ~~or capital collateral~~
316 ~~regional counsel~~; the Florida Clerks of Court Operations
317 Corporation; the Justice Administrative Commission; the Florida
318 Housing Finance Corporation; the Florida Public Service
319 Commission; the State Board of Administration; the Supreme Court

34-00229-19

2019472__

320 or a district court of appeal, circuit court, or county court;
 321 or the Judicial Qualifications Commission.

322 Section 14. Paragraph (h) of subsection (14) of section
 323 215.985, Florida Statutes, is amended to read:

324 215.985 Transparency in government spending.—

325 (14) The Chief Financial Officer shall establish and
 326 maintain a secure contract tracking system available for viewing
 327 and downloading by the public through a secure website. The
 328 Chief Financial Officer shall use appropriate Internet security
 329 measures to ensure that no person has the ability to alter or
 330 modify records available on the website.

331 (h) For purposes of this subsection, the term:

332 1. "Procurement document" means any document or material
 333 provided to the public or any vendor as part of a formal
 334 competitive solicitation of goods or services undertaken by a
 335 state entity, and a document or material submitted in response
 336 to a formal competitive solicitation by any vendor who is
 337 awarded the resulting contract.

338 2. "State entity" means an official, officer, commission,
 339 board, authority, council, committee, or department of the
 340 executive branch of state government; a state attorney, public
 341 defender, criminal conflict and civil regional counsel, ~~capital~~
 342 ~~collateral regional counsel~~, and the Justice Administrative
 343 Commission; the Public Service Commission; and any part of the
 344 judicial branch of state government.

345 Section 15. Paragraph (qq) of subsection (1) of section
 346 216.011, Florida Statutes, is amended to read:

347 216.011 Definitions.—

348 (1) For the purpose of fiscal affairs of the state,

34-00229-19

2019472__

349 appropriations acts, legislative budgets, and approved budgets,
 350 each of the following terms has the meaning indicated:

351 (qq) "State agency" or "agency" means any official,
 352 officer, commission, board, authority, council, committee, or
 353 department of the executive branch of state government. For
 354 purposes of this chapter and chapter 215, "state agency" or
 355 "agency" includes, but is not limited to, state attorneys,
 356 public defenders, criminal conflict and civil regional counsel,
 357 ~~capital collateral regional counsel~~, the Justice Administrative
 358 Commission, the Florida Housing Finance Corporation, and the
 359 Florida Public Service Commission. Solely for the purposes of
 360 implementing s. 19(h), Art. III of the State Constitution, the
 361 terms "state agency" or "agency" include the judicial branch.

362 Section 16. Paragraph (c) of subsection (4) of section
 363 282.201, Florida Statutes, is amended to read:

364 282.201 State data center.—The state data center is
 365 established within the Agency for State Technology and shall
 366 provide data center services that are hosted on premises or
 367 externally through a third-party provider as an enterprise
 368 information technology service. The provision of data center
 369 services must comply with applicable state and federal laws,
 370 regulations, and policies, including all applicable security,
 371 privacy, and auditing requirements.

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

373 (c) The following are exempt from state data center
 374 consolidation under this section: the Department of Law
 375 Enforcement, the Department of the Lottery's Gaming System,
 376 Systems Design and Development in the Office of Policy and
 377 Budget, the regional traffic management centers as described in

34-00229-19

2019472__

378 s. 335.14(2) and the Office of Toll Operations of the Department
379 of Transportation, the State Board of Administration, state
380 attorneys, public defenders, criminal conflict and civil
381 regional counsel, ~~capital collateral regional counsel~~, and the
382 Florida Housing Finance Corporation.

383 Section 17. Paragraph (p) of subsection (3) of section
384 790.25, Florida Statutes, is amended to read:

385 790.25 Lawful ownership, possession, and use of firearms
386 and other weapons.—

387 (3) LAWFUL USES.—The provisions of ss. 790.053 and 790.06
388 do not apply in the following instances, and, despite such
389 sections, it is lawful for the following persons to own,
390 possess, and lawfully use firearms and other weapons,
391 ammunition, and supplies for lawful purposes:

392 ~~(p) Investigators employed by the capital collateral
393 regional counsel, while actually carrying out official duties,
394 provided such investigators:~~

395 ~~1. Are employed full time;~~

396 ~~2. Meet the official training standards for firearms as
397 established by the Criminal Justice Standards and Training
398 Commission as provided in s. 943.12(1) and the requirements of
399 ss. 493.6108(1)(a) and 943.13(1)-(4); and~~

400 ~~3. Are individually designated by an affidavit of consent
401 signed by the capital collateral regional counsel and filed with
402 the clerk of the circuit court in the county in which the
403 investigator is headquartered.~~

404 Section 18. Subsection (1) of section 775.15, Florida
405 Statutes, is amended to read:

406 775.15 Time limitations; general time limitations;

34-00229-19

2019472__

407 exceptions.-

408 (1) A prosecution for a capital felony, a life felony, or a
409 felony that resulted in a death may be commenced at any time. ~~If~~
410 ~~the death penalty is held to be unconstitutional by the Florida~~
411 ~~Supreme Court or the United States Supreme Court, all crimes~~
412 ~~designated as capital felonies shall be considered life felonies~~
413 ~~for the purposes of this section, and prosecution for such~~
414 ~~crimes may be commenced at any time.~~

415 Section 19. Subsection (4) of section 790.161, Florida
416 Statutes, is amended to read:

417 790.161 Making, possessing, throwing, projecting, placing,
418 or discharging any destructive device or attempt so to do,
419 felony; penalties.—A person who willfully and unlawfully makes,
420 possesses, throws, projects, places, discharges, or attempts to
421 make, possess, throw, project, place, or discharge any
422 destructive device:

423 (4) If the act results in the death of another person,
424 commits a capital felony, punishable as provided in s. 775.082.
425 ~~In the event the death penalty in a capital felony is held to be~~
426 ~~unconstitutional by the Florida Supreme Court or the United~~
427 ~~States Supreme Court, the court having jurisdiction over a~~
428 ~~person previously sentenced to death for a capital felony shall~~
429 ~~cause such person to be brought before the court, and the court~~
430 ~~shall sentence such person to life imprisonment if convicted of~~
431 ~~murder in the first degree or of a capital felony under this~~
432 ~~subsection, and such person shall be ineligible for parole. No~~
433 ~~sentence of death shall be reduced as a result of a~~
434 ~~determination that a method of execution is held to be~~
435 ~~unconstitutional under the State Constitution or the~~

34-00229-19

2019472__

436 ~~Constitution of the United States.~~

437 Section 20. Sections 913.13, 921.137, 921.141, and 921.142,
438 Florida Statutes, are repealed.

439 Section 21. Paragraph (c) of subsection (5) of section
440 775.021, Florida Statutes, is amended to read:

441 775.021 Rules of construction.—

442 (5) Whoever commits an act that violates a provision of
443 this code or commits a criminal offense defined by another
444 statute and thereby causes the death of, or bodily injury to, an
445 unborn child commits a separate offense if the provision or
446 statute does not otherwise specifically provide a separate
447 offense for such death or injury to an unborn child.

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

450 Section 22. Subsection (1) of section 782.04, Florida
451 Statutes, is amended to read:

452 782.04 Murder.—

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

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

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

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

459 2.b. Arson,

460 3.c. Sexual battery,

461 4.d. Robbery,

462 5.e. Burglary,

463 6.f. Kidnapping,

464 7.g. Escape,

34-00229-19

2019472__

465 ~~8.h.~~ Aggravated child abuse,
466 ~~9.i.~~ Aggravated abuse of an elderly person or disabled
467 adult,
468 ~~10.j.~~ Aircraft piracy,
469 ~~11.k.~~ Unlawful throwing, placing, or discharging of a
470 destructive device or bomb,
471 ~~12.l.~~ Carjacking,
472 ~~13.m.~~ Home-invasion robbery,
473 ~~14.n.~~ Aggravated stalking,
474 ~~15.o.~~ Murder of another human being,
475 ~~16.p.~~ Resisting an officer with violence to his or her
476 person,
477 ~~17.q.~~ Aggravated fleeing or eluding with serious bodily
478 injury or death,
479 ~~18.r.~~ Felony that is an act of terrorism or is in
480 furtherance of an act of terrorism, including a felony under s.
481 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or
482 ~~19.s.~~ Human trafficking; or
483 ~~(c)3.~~ Which resulted from the unlawful distribution by a
484 person 18 years of age or older of any of the following
485 substances, or mixture containing any of the following
486 substances, when such substance or mixture is proven to be the
487 proximate cause of the death of the user:
488 ~~1.a.~~ A substance controlled under s. 893.03(1);
489 ~~2.b.~~ Cocaine, as described in s. 893.03(2)(a)4.;
490 ~~3.e.~~ Opium or any synthetic or natural salt, compound,
491 derivative, or preparation of opium;
492 ~~4.d.~~ Methadone;
493 ~~5.e.~~ Alfentanil, as described in s. 893.03(2)(b)1.;

34-00229-19

2019472__

494 ~~6.f.~~ Carfentanil, as described in s. 893.03(2)(b)6.;

495 ~~7.g.~~ Fentanyl, as described in s. 893.03(2)(b)9.;

496 ~~8.h.~~ Sufentanil, as described in s. 893.03(2)(b)30.; or

497 ~~9.i.~~ A controlled substance analog, as described in s.

498 893.0356, of any substance specified in subparagraphs 1.-8. ~~sub-~~

499 ~~subparagraphs a.-h.~~,

500

501 is murder in the first degree and constitutes a capital felony,

502 punishable as provided in s. 775.082.

503 ~~(b) In all cases under this section, the procedure set~~

504 ~~forth in s. 921.141 shall be followed in order to determine~~

505 ~~sentence of death or life imprisonment. If the prosecutor~~

506 ~~intends to seek the death penalty, the prosecutor must give~~

507 ~~notice to the defendant and file the notice with the court~~

508 ~~within 45 days after arraignment. The notice must contain a list~~

509 ~~of the aggravating factors the state intends to prove and has~~

510 ~~reason to believe it can prove beyond a reasonable doubt. The~~

511 ~~court may allow the prosecutor to amend the notice upon a~~

512 ~~showing of good cause.~~

513 Section 23. Subsection (2) of section 775.30, Florida

514 Statutes, is amended to read:

515 775.30 Terrorism; defined; penalties.-

516 (2) A person who violates s. 782.04(1)(a) ~~s. 782.04(1)(a)1-~~

517 ~~or (2),~~ s. 782.065, s. 782.07(1), s. 782.09, s. 784.045, s.

518 784.07, s. 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15,

519 s. 790.16, s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s.

520 790.19, s. 806.01, s. 806.031, s. 806.111, s. 815.06, s.

521 815.061, s. 859.01, or s. 876.34, in furtherance of intimidating

522 or coercing the policy of a government, or in furtherance of

34-00229-19

2019472__

523 affecting the conduct of a government by mass destruction,
524 assassination, or kidnapping, commits the crime of terrorism, a
525 felony of the first degree, punishable as provided in s.
526 775.082, s. 775.083, or s. 775.084.

527 Section 24. Paragraph (a) of subsection (9) of section
528 394.912, Florida Statutes, is amended to read:

529 394.912 Definitions.—As used in this part, the term:

530 (9) "Sexually violent offense" means:

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

533 Section 25. Subsection (1) of section 782.065, Florida
534 Statutes, is amended to read:

535 782.065 Murder; law enforcement officer, correctional
536 officer, correctional probation officer.—Notwithstanding ss.
537 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
538 shall be sentenced to life imprisonment without eligibility for
539 release upon findings by the trier of fact that, beyond a
540 reasonable doubt:

541 (1) The defendant committed murder in the first degree in
542 violation of s. 782.04(1) and a death sentence was not imposed;
543 murder in the second or third degree in violation of s.
544 782.04(2), (3), or (4); attempted murder in the first or second
545 degree in violation of s. 782.04(1)(a) ~~s. 782.04(1)(a)1.~~ or (2);
546 or attempted felony murder in violation of s. 782.051; and

547 Section 26. Paragraph (a) of subsection (2) of section
548 794.011, Florida Statutes, is amended to read:

549 794.011 Sexual battery.—

550 (2) (a) A person 18 years of age or older who commits sexual
551 battery upon, or in an attempt to commit sexual battery injures

34-00229-19

2019472__

552 the sexual organs of, a person less than 12 years of age commits
553 a capital felony, punishable as provided in s. 775.082 ~~ss.~~
554 ~~775.082 and 921.141.~~

555 Section 27. Paragraphs (b) through (l) and paragraph (n) of
556 subsection (1) of section 893.135, Florida Statutes, are amended
557 to read:

558 893.135 Trafficking; mandatory sentences; suspension or
559 reduction of sentences; conspiracy to engage in trafficking.—

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

562 (b)1. Any person who knowingly sells, purchases,
563 manufactures, delivers, or brings into this state, or who is
564 knowingly in actual or constructive possession of, 28 grams or
565 more of cocaine, as described in s. 893.03(2)(a)4., or of any
566 mixture containing cocaine, but less than 150 kilograms of
567 cocaine or any such mixture, commits a felony of the first
568 degree, which felony shall be known as "trafficking in cocaine,"
569 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
570 If the quantity involved:

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

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

579 c. Is 400 grams or more, but less than 150 kilograms, such
580 person shall be sentenced to a mandatory minimum term of

34-00229-19

2019472__

581 imprisonment of 15 calendar years and pay a fine of \$250,000.

582 2. Any person who knowingly sells, purchases, manufactures,
583 delivers, or brings into this state, or who is knowingly in
584 actual or constructive possession of, 150 kilograms or more of
585 cocaine, as described in s. 893.03(2)(a)4., commits the first
586 degree felony of trafficking in cocaine. A person who has been
587 convicted of the first degree felony of trafficking in cocaine
588 under this subparagraph shall be punished by life imprisonment
589 and is ineligible for any form of discretionary early release
590 except pardon or executive clemency or conditional medical
591 release under s. 947.149. However, if the court determines that,
592 in addition to committing any act specified in this paragraph:

593 a. The person intentionally killed an individual or
594 counseled, commanded, induced, procured, or caused the
595 intentional killing of an individual and such killing was the
596 result; or

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

599
600 such person commits the capital felony of trafficking in
601 cocaine, punishable as provided in s. 775.082 ~~ss. 775.082 and~~
602 ~~921.142~~. Any person sentenced for a capital felony under this
603 paragraph shall also be sentenced to pay the maximum fine
604 provided under subparagraph 1.

605 3. Any person who knowingly brings into this state 300
606 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
607 and who knows that the probable result of such importation would
608 be the death of any person, commits capital importation of
609 cocaine, a capital felony punishable as provided in s. 775.082

34-00229-19

2019472__

610 ~~ss. 775.082 and 921.142.~~ Any person sentenced for a capital
611 felony under this paragraph shall also be sentenced to pay the
612 maximum fine provided under subparagraph 1.

613 (c)1. A person who knowingly sells, purchases,
614 manufactures, delivers, or brings into this state, or who is
615 knowingly in actual or constructive possession of, 4 grams or
616 more of any morphine, opium, hydromorphone, or any salt,
617 derivative, isomer, or salt of an isomer thereof, including
618 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
619 (3)(c)4., or 4 grams or more of any mixture containing any such
620 substance, but less than 30 kilograms of such substance or
621 mixture, commits a felony of the first degree, which felony
622 shall be known as "trafficking in illegal drugs," punishable as
623 provided in s. 775.082, s. 775.083, or s. 775.084. If the
624 quantity involved:

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

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

631 c. Is 28 grams or more, but less than 30 kilograms, such
632 person shall be sentenced to a mandatory minimum term of
633 imprisonment of 25 years and shall be ordered to pay a fine of
634 \$500,000.

635 2. A person who knowingly sells, purchases, manufactures,
636 delivers, or brings into this state, or who is knowingly in
637 actual or constructive possession of, 14 grams or more of
638 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as

34-00229-19

2019472__

639 described in s. 893.03(2)(a)1.g., or any salt thereof, or 14
640 grams or more of any mixture containing any such substance,
641 commits a felony of the first degree, which felony shall be
642 known as "trafficking in hydrocodone," punishable as provided in
643 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

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

650 c. Is 50 grams or more, but less than 200 grams, such
651 person shall be sentenced to a mandatory minimum term of
652 imprisonment of 15 years and shall be ordered to pay a fine of
653 \$500,000.

654 d. Is 200 grams or more, but less than 30 kilograms, such
655 person shall be sentenced to a mandatory minimum term of
656 imprisonment of 25 years and shall be ordered to pay a fine of
657 \$750,000.

658 3. A person who knowingly sells, purchases, manufactures,
659 delivers, or brings into this state, or who is knowingly in
660 actual or constructive possession of, 7 grams or more of
661 oxycodone, as described in s. 893.03(2)(a)1.g., or any salt
662 thereof, or 7 grams or more of any mixture containing any such
663 substance, commits a felony of the first degree, which felony
664 shall be known as "trafficking in oxycodone," punishable as
665 provided in s. 775.082, s. 775.083, or s. 775.084. If the
666 quantity involved:

667 a. Is 7 grams or more, but less than 14 grams, such person

34-00229-19

2019472__

668 shall be sentenced to a mandatory minimum term of imprisonment
669 of 3 years and shall be ordered to pay a fine of \$50,000.

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

673 c. Is 25 grams or more, but less than 100 grams, such
674 person shall be sentenced to a mandatory minimum term of
675 imprisonment of 15 years and shall be ordered to pay a fine of
676 \$500,000.

677 d. Is 100 grams or more, but less than 30 kilograms, such
678 person shall be sentenced to a mandatory minimum term of
679 imprisonment of 25 years and shall be ordered to pay a fine of
680 \$750,000.

681 4.a. A person who knowingly sells, purchases, manufactures,
682 delivers, or brings into this state, or who is knowingly in
683 actual or constructive possession of, 4 grams or more of:

684 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

685 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

686 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

687 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;

688 (V) A fentanyl derivative, as described in s.

689 893.03(1)(a)62.;

690 (VI) A controlled substance analog, as described in s.
691 893.0356, of any substance described in sub-sub-subparagraphs
692 (I)-(V); or

693 (VII) A mixture containing any substance described in sub-
694 sub-subparagraphs (I)-(VI),

695
696 commits a felony of the first degree, which felony shall be

34-00229-19

2019472__

697 known as "trafficking in fentanyl," punishable as provided in s.
698 775.082, s. 775.083, or s. 775.084.

699 b. If the quantity involved under sub-subparagraph a.:

700 (I) Is 4 grams or more, but less than 14 grams, such person
701 shall be sentenced to a mandatory minimum term of imprisonment
702 of 3 years, and shall be ordered to pay a fine of \$50,000.

703 (II) Is 14 grams or more, but less than 28 grams, such
704 person shall be sentenced to a mandatory minimum term of
705 imprisonment of 15 years, and shall be ordered to pay a fine of
706 \$100,000.

707 (III) Is 28 grams or more, such person shall be sentenced
708 to a mandatory minimum term of imprisonment of 25 years, and
709 shall be ordered to pay a fine of \$500,000.

710 5. A person who knowingly sells, purchases, manufactures,
711 delivers, or brings into this state, or who is knowingly in
712 actual or constructive possession of, 30 kilograms or more of
713 any morphine, opium, oxycodone, hydrocodone, codeine,
714 hydromorphone, or any salt, derivative, isomer, or salt of an
715 isomer thereof, including heroin, as described in s.
716 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
717 more of any mixture containing any such substance, commits the
718 first degree felony of trafficking in illegal drugs. A person
719 who has been convicted of the first degree felony of trafficking
720 in illegal drugs under this subparagraph shall be punished by
721 life imprisonment and is ineligible for any form of
722 discretionary early release except pardon or executive clemency
723 or conditional medical release under s. 947.149. However, if the
724 court determines that, in addition to committing any act
725 specified in this paragraph:

34-00229-19

2019472__

726 a. The person intentionally killed an individual or
727 counseled, commanded, induced, procured, or caused the
728 intentional killing of an individual and such killing was the
729 result; or

730 b. The person's conduct in committing that act led to a
731 natural, though not inevitable, lethal result,
732
733 such person commits the capital felony of trafficking in illegal
734 drugs, punishable as provided in s. 775.085 ~~ss. 775.082 and~~
735 ~~921.142~~. A person sentenced for a capital felony under this
736 paragraph shall also be sentenced to pay the maximum fine
737 provided under subparagraph 1.

738 6. A person who knowingly brings into this state 60
739 kilograms or more of any morphine, opium, oxycodone,
740 hydrocodone, codeine, hydromorphone, or any salt, derivative,
741 isomer, or salt of an isomer thereof, including heroin, as
742 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
743 60 kilograms or more of any mixture containing any such
744 substance, and who knows that the probable result of such
745 importation would be the death of a person, commits capital
746 importation of illegal drugs, a capital felony punishable as
747 provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A person
748 sentenced for a capital felony under this paragraph shall also
749 be sentenced to pay the maximum fine provided under subparagraph
750 1.

751 (d)1. Any person who knowingly sells, purchases,
752 manufactures, delivers, or brings into this state, or who is
753 knowingly in actual or constructive possession of, 28 grams or
754 more of phencyclidine, as described in s. 893.03(2)(b)23., a

34-00229-19

2019472__

755 substituted phenylcyclohexylamine, as described in s.
756 893.03(1)(c)195., or a substance described in s.
757 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
758 containing phencyclidine, as described in s. 893.03(2)(b)23., a
759 substituted phenylcyclohexylamine, as described in s.
760 893.03(1)(c)195., or a substance described in s.
761 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of
762 the first degree, which felony shall be known as "trafficking in
763 phencyclidine," punishable as provided in s. 775.082, s.
764 775.083, or s. 775.084. If the quantity involved:

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

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

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

776 2. Any person who knowingly brings into this state 800
777 grams or more of phencyclidine, as described in s.
778 893.03(2)(b)23., a substituted phenylcyclohexylamine, as
779 described in s. 893.03(1)(c)195., or a substance described in s.
780 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
781 containing phencyclidine, as described in s. 893.03(2)(b)23., a
782 substituted phenylcyclohexylamine, as described in s.
783 893.03(1)(c)195., or a substance described in s.

34-00229-19

2019472__

784 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the
785 probable result of such importation would be the death of any
786 person commits capital importation of phencyclidine, a capital
787 felony punishable as provided in s. 775.082 ~~ss. 775.082 and~~
788 ~~921.142~~. Any person sentenced for a capital felony under this
789 paragraph shall also be sentenced to pay the maximum fine
790 provided under subparagraph 1.

791 (e)1. Any person who knowingly sells, purchases,
792 manufactures, delivers, or brings into this state, or who is
793 knowingly in actual or constructive possession of, 200 grams or
794 more of methaqualone or of any mixture containing methaqualone,
795 as described in s. 893.03(1)(d), commits a felony of the first
796 degree, which felony shall be known as "trafficking in
797 methaqualone," punishable as provided in s. 775.082, s. 775.083,
798 or s. 775.084. If the quantity involved:

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

803 b. Is 5 kilograms or more, but less than 25 kilograms, such
804 person shall be sentenced to a mandatory minimum term of
805 imprisonment of 7 years, and the defendant shall be ordered to
806 pay a fine of \$100,000.

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

810 2. Any person who knowingly brings into this state 50
811 kilograms or more of methaqualone or of any mixture containing
812 methaqualone, as described in s. 893.03(1)(d), and who knows

34-00229-19

2019472__

813 that the probable result of such importation would be the death
814 of any person commits capital importation of methaqualone, a
815 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~
816 ~~and 921.142~~. Any person sentenced for a capital felony under
817 this paragraph shall also be sentenced to pay the maximum fine
818 provided under subparagraph 1.

819 (f)1. Any person who knowingly sells, purchases,
820 manufactures, delivers, or brings into this state, or who is
821 knowingly in actual or constructive possession of, 14 grams or
822 more of amphetamine, as described in s. 893.03(2)(c)2., or
823 methamphetamine, as described in s. 893.03(2)(c)5., or of any
824 mixture containing amphetamine or methamphetamine, or
825 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
826 in conjunction with other chemicals and equipment utilized in
827 the manufacture of amphetamine or methamphetamine, commits a
828 felony of the first degree, which felony shall be known as
829 "trafficking in amphetamine," punishable as provided in s.
830 775.082, s. 775.083, or s. 775.084. If the quantity involved:

831 a. Is 14 grams or more, but less than 28 grams, such person
832 shall be sentenced to a mandatory minimum term of imprisonment
833 of 3 years, and the defendant shall be ordered to pay a fine of
834 \$50,000.

835 b. Is 28 grams or more, but less than 200 grams, such
836 person shall be sentenced to a mandatory minimum term of
837 imprisonment of 7 years, and the defendant shall be ordered to
838 pay a fine of \$100,000.

839 c. Is 200 grams or more, such person shall be sentenced to
840 a mandatory minimum term of imprisonment of 15 calendar years
841 and pay a fine of \$250,000.

34-00229-19

2019472__

842 2. Any person who knowingly manufactures or brings into
843 this state 400 grams or more of amphetamine, as described in s.
844 893.03(2)(c)2., or methamphetamine, as described in s.
845 893.03(2)(c)5., or of any mixture containing amphetamine or
846 methamphetamine, or phenylacetone, phenylacetic acid,
847 pseudoephedrine, or ephedrine in conjunction with other
848 chemicals and equipment used in the manufacture of amphetamine
849 or methamphetamine, and who knows that the probable result of
850 such manufacture or importation would be the death of any person
851 commits capital manufacture or importation of amphetamine, a
852 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~
853 ~~and 921.142~~. Any person sentenced for a capital felony under
854 this paragraph shall also be sentenced to pay the maximum fine
855 provided under subparagraph 1.

856 (g)1. Any person who knowingly sells, purchases,
857 manufactures, delivers, or brings into this state, or who is
858 knowingly in actual or constructive possession of, 4 grams or
859 more of flunitrazepam or any mixture containing flunitrazepam as
860 described in s. 893.03(1)(a) commits a felony of the first
861 degree, which felony shall be known as "trafficking in
862 flunitrazepam," punishable as provided in s. 775.082, s.
863 775.083, or s. 775.084. If the quantity involved:

864 a. Is 4 grams or more but less than 14 grams, such person
865 shall be sentenced to a mandatory minimum term of imprisonment
866 of 3 years, and the defendant shall be ordered to pay a fine of
867 \$50,000.

868 b. Is 14 grams or more but less than 28 grams, such person
869 shall be sentenced to a mandatory minimum term of imprisonment
870 of 7 years, and the defendant shall be ordered to pay a fine of

34-00229-19

2019472__

871 \$100,000.

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

875 2. Any person who knowingly sells, purchases, manufactures,
876 delivers, or brings into this state or who is knowingly in
877 actual or constructive possession of 30 kilograms or more of
878 flunitrazepam or any mixture containing flunitrazepam as
879 described in s. 893.03(1)(a) commits the first degree felony of
880 trafficking in flunitrazepam. A person who has been convicted of
881 the first degree felony of trafficking in flunitrazepam under
882 this subparagraph shall be punished by life imprisonment and is
883 ineligible for any form of discretionary early release except
884 pardon or executive clemency or conditional medical release
885 under s. 947.149. However, if the court determines that, in
886 addition to committing any act specified in this paragraph:

887 a. The person intentionally killed an individual or
888 counseled, commanded, induced, procured, or caused the
889 intentional killing of an individual and such killing was the
890 result; or

891 b. The person's conduct in committing that act led to a
892 natural, though not inevitable, lethal result,
893
894 such person commits the capital felony of trafficking in
895 flunitrazepam, punishable as provided in s. 775.082 ~~ss. 775.082~~
896 ~~and 921.142~~. Any person sentenced for a capital felony under
897 this paragraph shall also be sentenced to pay the maximum fine
898 provided under subparagraph 1.

899 (h)1. Any person who knowingly sells, purchases,

34-00229-19

2019472__

900 manufactures, delivers, or brings into this state, or who is
901 knowingly in actual or constructive possession of, 1 kilogram or
902 more of gamma-hydroxybutyric acid (GHB), as described in s.
903 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
904 acid (GHB), commits a felony of the first degree, which felony
905 shall be known as "trafficking in gamma-hydroxybutyric acid
906 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
907 775.084. If the quantity involved:

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

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

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

919 2. Any person who knowingly manufactures or brings into
920 this state 150 kilograms or more of gamma-hydroxybutyric acid
921 (GHB), as described in s. 893.03(1)(d), or any mixture
922 containing gamma-hydroxybutyric acid (GHB), and who knows that
923 the probable result of such manufacture or importation would be
924 the death of any person commits capital manufacture or
925 importation of gamma-hydroxybutyric acid (GHB), a capital felony
926 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.
927 Any person sentenced for a capital felony under this paragraph
928 shall also be sentenced to pay the maximum fine provided under

34-00229-19

2019472__

929 subparagraph 1.

930 (i)1. Any person who knowingly sells, purchases,
931 manufactures, delivers, or brings into this state, or who is
932 knowingly in actual or constructive possession of, 1 kilogram or
933 more of gamma-butyrolactone (GBL), as described in s.
934 893.03(1)(d), or any mixture containing gamma-butyrolactone
935 (GBL), commits a felony of the first degree, which felony shall
936 be known as "trafficking in gamma-butyrolactone (GBL),"
937 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
938 If the quantity involved:

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

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

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

950 2. Any person who knowingly manufactures or brings into the
951 state 150 kilograms or more of gamma-butyrolactone (GBL), as
952 described in s. 893.03(1)(d), or any mixture containing gamma-
953 butyrolactone (GBL), and who knows that the probable result of
954 such manufacture or importation would be the death of any person
955 commits capital manufacture or importation of gamma-
956 butyrolactone (GBL), a capital felony punishable as provided in
957 s. 775.082 ~~ss. 775.082 and 921.142~~. Any person sentenced for a

34-00229-19

2019472__

958 capital felony under this paragraph shall also be sentenced to
959 pay the maximum fine provided under subparagraph 1.

960 (j)1. Any person who knowingly sells, purchases,
961 manufactures, delivers, or brings into this state, or who is
962 knowingly in actual or constructive possession of, 1 kilogram or
963 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
964 any mixture containing 1,4-Butanediol, commits a felony of the
965 first degree, which felony shall be known as "trafficking in
966 1,4-Butanediol," punishable as provided in s. 775.082, s.
967 775.083, or s. 775.084. If the quantity involved:

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

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

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

979 2. Any person who knowingly manufactures or brings into
980 this state 150 kilograms or more of 1,4-Butanediol as described
981 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
982 and who knows that the probable result of such manufacture or
983 importation would be the death of any person commits capital
984 manufacture or importation of 1,4-Butanediol, a capital felony
985 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.
986 Any person sentenced for a capital felony under this paragraph

34-00229-19

2019472__

987 shall also be sentenced to pay the maximum fine provided under
988 subparagraph 1.

989 (k)1. A person who knowingly sells, purchases,
990 manufactures, delivers, or brings into this state, or who is
991 knowingly in actual or constructive possession of, 10 grams or
992 more of a:

993 a. Substance described in s. 893.03(1)(c)4., 5., 10., 11.,
994 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86.,
995 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163.,
996 165., or 187.-189., a substituted cathinone, as described in s.
997 893.03(1)(c)191., or substituted phenethylamine, as described in
998 s. 893.03(1)(c)192.;

999 b. Mixture containing any substance described in sub-
1000 subparagraph a.; or

1001 c. Salt, isomer, ester, or ether or salt of an isomer,
1002 ester, or ether of a substance described in sub-subparagraph a.,
1003
1004 commits a felony of the first degree, which felony shall be
1005 known as "trafficking in phenethylamines," punishable as
1006 provided in s. 775.082, s. 775.083, or s. 775.084.

1007 2. If the quantity involved under subparagraph 1.:

1008 a. Is 10 grams or more, but less than 200 grams, such
1009 person shall be sentenced to a mandatory minimum term of
1010 imprisonment of 3 years and shall be ordered to pay a fine of
1011 \$50,000.

1012 b. Is 200 grams or more, but less than 400 grams, such
1013 person shall be sentenced to a mandatory minimum term of
1014 imprisonment of 7 years and shall be ordered to pay a fine of
1015 \$100,000.

34-00229-19

2019472__

1016 c. Is 400 grams or more, such person shall be sentenced to
1017 a mandatory minimum term of imprisonment of 15 years and shall
1018 be ordered to pay a fine of \$250,000.

1019 3. A person who knowingly manufactures or brings into this
1020 state 30 kilograms or more of a substance described in sub-
1021 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,
1022 or a salt, isomer, ester, or ether or a salt of an isomer,
1023 ester, or ether described in sub-subparagraph 1.c., and who
1024 knows that the probable result of such manufacture or
1025 importation would be the death of any person commits capital
1026 manufacture or importation of phenethylamines, a capital felony
1027 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A
1028 person sentenced for a capital felony under this paragraph shall
1029 also be sentenced to pay the maximum fine under subparagraph 2.

1030 (1)1. Any person who knowingly sells, purchases,
1031 manufactures, delivers, or brings into this state, or who is
1032 knowingly in actual or constructive possession of, 1 gram or
1033 more of lysergic acid diethylamide (LSD) as described in s.
1034 893.03(1)(c), or of any mixture containing lysergic acid
1035 diethylamide (LSD), commits a felony of the first degree, which
1036 felony shall be known as "trafficking in lysergic acid
1037 diethylamide (LSD)," punishable as provided in s. 775.082, s.
1038 775.083, or s. 775.084. If the quantity involved:

1039 a. Is 1 gram or more, but less than 5 grams, such person
1040 shall be sentenced to a mandatory minimum term of imprisonment
1041 of 3 years, and the defendant shall be ordered to pay a fine of
1042 \$50,000.

1043 b. Is 5 grams or more, but less than 7 grams, such person
1044 shall be sentenced to a mandatory minimum term of imprisonment

34-00229-19

2019472__

1045 of 7 years, and the defendant shall be ordered to pay a fine of
1046 \$100,000.

1047 c. Is 7 grams or more, such person shall be sentenced to a
1048 mandatory minimum term of imprisonment of 15 calendar years and
1049 pay a fine of \$500,000.

1050 2. Any person who knowingly manufactures or brings into
1051 this state 7 grams or more of lysergic acid diethylamide (LSD)
1052 as described in s. 893.03(1)(c), or any mixture containing
1053 lysergic acid diethylamide (LSD), and who knows that the
1054 probable result of such manufacture or importation would be the
1055 death of any person commits capital manufacture or importation
1056 of lysergic acid diethylamide (LSD), a capital felony punishable
1057 as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. Any person
1058 sentenced for a capital felony under this paragraph shall also
1059 be sentenced to pay the maximum fine provided under subparagraph
1060 1.

1061 (n)1. A person who knowingly sells, purchases,
1062 manufactures, delivers, or brings into this state, or who is
1063 knowingly in actual or constructive possession of, 14 grams or
1064 more of:

1065 a. A substance described in s. 893.03(1)(c)164., 174., or
1066 175., a n-benzyl phenethylamine compound, as described in s.
1067 893.03(1)(c)193.; or

1068 b. A mixture containing any substance described in sub-
1069 subparagraph a.,

1070
1071 commits a felony of the first degree, which felony shall be
1072 known as "trafficking in n-benzyl phenethylamines," punishable
1073 as provided in s. 775.082, s. 775.083, or s. 775.084.

34-00229-19

2019472__

1074
1075
1076
1077
1078
1079
1080
1081
1082
1083
1084
1085
1086
1087
1088
1089
1090
1091
1092
1093
1094
1095
1096
1097
1098
1099
1100
1101
1102

2. If the quantity involved under subparagraph 1.:

a. Is 14 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

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

c. Is 200 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years, and the defendant shall be ordered to pay a fine of \$500,000.

3. A person who knowingly manufactures or brings into this state 400 grams or more of a substance described in subparagraph 1.a. or a mixture described in sub-subparagraph 1.b., and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of a n-benzyl phenethylamine compound, a capital felony punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine under subparagraph 2.

Section 28. Paragraph (e) of subsection (4) of section 944.275, Florida Statutes, is amended to read:

944.275 Gain-time.—

(4)

(e) Notwithstanding subparagraph (b)3., for sentences imposed for offenses committed on or after October 1, 2014, the department may not grant incentive gain-time if the offense is a

34-00229-19

2019472__

1103 violation of s. 782.04(1)(b)3. ~~s. 782.04(1)(a)2.e.~~; s.
 1104 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011,
 1105 excluding s. 794.011(10); s. 800.04; s. 825.1025; or s.
 1106 847.0135(5).

1107 Section 29. Paragraph (a) of subsection (5) of section
 1108 948.012, Florida Statutes, is amended to read:

1109 948.012 Split sentence of probation or community control
 1110 and imprisonment.—

1111 (5)(a) Effective for offenses committed on or after October
 1112 1, 2014, if the court imposes a term of years in accordance with
 1113 s. 775.082 which is less than the maximum sentence for the
 1114 offense, the court must impose a split sentence pursuant to
 1115 subsection (1) for any person who is convicted of a violation
 1116 of:

- 1117 1. Section 782.04(1)(b)3. ~~782.04(1)(a)2.e.~~;
- 1118 2. Section 787.01(3)(a)2. or 3.;
- 1119 3. Section 787.02(3)(a)2. or 3.;
- 1120 4. Section 794.011, excluding s. 794.011(10);
- 1121 5. Section 800.04;
- 1122 6. Section 825.1025; or
- 1123 7. Section 847.0135(5).

1124 Section 30. Sections 922.052, 922.06, 922.07, 922.08,
 1125 922.095, 922.10, 922.105, 922.108, 922.11, 922.111, 922.12,
 1126 922.14, 922.15, 924.055, 924.056, and 924.057, Florida Statutes,
 1127 are repealed.

1128 Section 31. Subsection (4) of section 925.11, Florida
 1129 Statutes, is amended to read:

1130 925.11 Postsentencing DNA testing.—

1131 (4) PRESERVATION OF EVIDENCE.—

34-00229-19

2019472__

1132 ~~(a)~~ Governmental entities that may be in possession of any
1133 physical evidence in the case, including, but not limited to,
1134 any investigating law enforcement agency, the clerk of the
1135 court, the prosecuting authority, or the Department of Law
1136 Enforcement shall maintain any physical evidence collected at
1137 the time of the crime for which a postsentencing testing of DNA
1138 may be requested.

1139 ~~(b) In a case in which the death penalty is imposed, the~~
1140 ~~evidence shall be maintained for 60 days after execution of the~~
1141 ~~sentence. In all other cases, a governmental entity may dispose~~
1142 ~~of the physical evidence if the term of the sentence imposed in~~
1143 ~~the case has expired and no other provision of law or rule~~
1144 ~~requires that the physical evidence be preserved or retained.~~

1145 Section 32. Paragraphs (g), (h), and (i) of subsection (1)
1146 and subsection (2) of section 945.10, Florida Statutes, are
1147 amended to read:

1148 945.10 Confidential information.-

1149 (1) Except as otherwise provided by law or in this section,
1150 the following records and information held by the Department of
1151 Corrections are confidential and exempt from the provisions of
1152 s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1153 ~~(g) Information which identifies an executioner, or any~~
1154 ~~person prescribing, preparing, compounding, dispensing, or~~
1155 ~~administering a lethal injection.~~

1156 (g)~~(h)~~ The identity of any inmate or offender upon whom an
1157 HIV test has been performed and the inmate's or offender's test
1158 results, in accordance with s. 381.004. The term "HIV test" has
1159 the same meaning as provided in s. 381.004. This paragraph is
1160 subject to the Open Government Sunset Review Act of 1995 in

34-00229-19

2019472__

1161 accordance with s. 119.15 and shall stand repealed on October 2,
1162 2022, unless reviewed and saved from repeal through reenactment
1163 by the Legislature.

1164 (h)~~(i)~~ Records that are otherwise confidential or exempt
1165 from public disclosure by law.

1166 (2) The records and information specified in paragraphs
1167 (1) (a) - (h) ~~(1) (a) - (i)~~ may be released as follows unless
1168 expressly prohibited by federal law:

1169 (a) Information specified in paragraphs (1) (b), (d), and
1170 (f) to the Executive Office of the Governor, the Legislature,
1171 the Florida Commission on Offender Review, the Department of
1172 Children and Families, a private correctional facility or
1173 program that operates under a contract, the Department of Legal
1174 Affairs, a state attorney, the court, or a law enforcement
1175 agency. A request for records or information pursuant to this
1176 paragraph need not be in writing.

1177 (b) Information specified in paragraphs (1) (c), (e), and
1178 (h) ~~(i)~~ to the Executive Office of the Governor, the
1179 Legislature, the Florida Commission on Offender Review, the
1180 Department of Children and Families, a private correctional
1181 facility or program that operates under contract, the Department
1182 of Legal Affairs, a state attorney, the court, or a law
1183 enforcement agency. A request for records or information
1184 pursuant to this paragraph must be in writing and a statement
1185 provided demonstrating a need for the records or information.

1186 (c) Information specified in paragraph (1) (b) to an
1187 attorney representing an inmate under sentence of death, except
1188 those portions of the records containing a victim's statement or
1189 address, or the statement or address of a relative of the

34-00229-19

2019472__

1190 victim. A request for records of information pursuant to this
1191 paragraph must be in writing and a statement provided
1192 demonstrating a need for the records or information.

1193 (d) Information specified in paragraph (1)(b) to a public
1194 defender representing a defendant, except those portions of the
1195 records containing a victim's statement or address, or the
1196 statement or address of a relative of the victim. A request for
1197 records or information pursuant to this paragraph need not be in
1198 writing.

1199 (e) Information specified in paragraph (1)(b) to state or
1200 local governmental agencies. A request for records or
1201 information pursuant to this paragraph must be in writing and a
1202 statement provided demonstrating a need for the records or
1203 information.

1204 (f) Information specified in paragraph (1)(b) to a person
1205 conducting legitimate research. A request for records and
1206 information pursuant to this paragraph must be in writing, the
1207 person requesting the records or information must sign a
1208 confidentiality agreement, and the department must approve the
1209 request in writing.

1210 (g) Protected health information and records specified in
1211 paragraphs (1)(a) and (g) ~~(h)~~ to the Department of Health and
1212 the county health department where an inmate plans to reside if
1213 he or she has tested positive for the presence of the antibody
1214 or antigen to human immunodeficiency virus infection or as
1215 authorized in s. 381.004.

1216 (h) Protected health information and mental health,
1217 medical, or substance abuse records specified in paragraph
1218 (1)(a) to the Executive Office of the Governor, the Correctional

34-00229-19

2019472__

1219 Medical Authority, and the Department of Health for health care
1220 oversight activities authorized by state or federal law,
1221 including audits; civil, administrative, or criminal
1222 investigations; or inspections relating to the provision of
1223 health services, in accordance with 45 C.F.R. part 164, subpart
1224 E.

1225 (i) Protected health information and mental health,
1226 medical, or substance abuse records specified in paragraph
1227 (1) (a) to a state attorney, a state court, or a law enforcement
1228 agency conducting an ongoing criminal investigation, if the
1229 inmate agrees to the disclosure and provides written consent or,
1230 if the inmate refuses to provide written consent, in response to
1231 an order of a court of competent jurisdiction, a subpoena,
1232 including a grand jury, investigative, or administrative
1233 subpoena, a court-ordered warrant, or a statutorily authorized
1234 investigative demand or other process as authorized by law, in
1235 accordance with 45 C.F.R. part 164, subpart E, provided that:

1236 1. The protected health information and records sought are
1237 relevant and material to a legitimate law enforcement inquiry;

1238 2. There is a clear connection between the investigated
1239 incident and the inmate whose protected health information and
1240 records are sought;

1241 3. The request is specific and limited in scope to the
1242 extent reasonably practicable in light of the purpose for which
1243 the information or records are sought; and

1244 4. Deidentified information could not reasonably be used.

1245 (j) Protected health information and mental health,
1246 medical, or substance abuse records specified in paragraph
1247 (1) (a) of an inmate who is or is suspected of being the victim

34-00229-19

2019472__

1248 of a crime, to a state attorney or a law enforcement agency if
1249 the inmate agrees to the disclosure and provides written consent
1250 or if the inmate is unable to agree because of incapacity or
1251 other emergency circumstance, in accordance with 45 C.F.R. part
1252 164, subpart E, provided that:

1253 1. Such protected health information and records are needed
1254 to determine whether a violation of law by a person other than
1255 the inmate victim has occurred;

1256 2. Such protected health information or records are not
1257 intended to be used against the inmate victim;

1258 3. The immediate law enforcement activity that depends upon
1259 the disclosure would be materially and adversely affected by
1260 waiting until the inmate victim is able to agree to the
1261 disclosure; and

1262 4. The disclosure is in the best interests of the inmate
1263 victim, as determined by the department.

1264 (k) Protected health information and mental health,
1265 medical, or substance abuse records specified in paragraph
1266 (1)(a) to a state attorney or a law enforcement agency if the
1267 department believes in good faith that the information and
1268 records constitute evidence of criminal conduct that occurred in
1269 a correctional institution or facility, in accordance with 45
1270 C.F.R. part 164, subpart E, provided that:

1271 1. The protected health information and records disclosed
1272 are specific and limited in scope to the extent reasonably
1273 practicable in light of the purpose for which the information or
1274 records are sought;

1275 2. There is a clear connection between the criminal conduct
1276 and the inmate whose protected health information and records

34-00229-19

2019472__

1277 are sought; and

1278 3. Deidentified information could not reasonably be used.

1279 (1) Protected health information and mental health,
1280 medical, or substance abuse records specified in paragraph
1281 (1) (a) to the Division of Risk Management of the Department of
1282 Financial Services, in accordance with 45 C.F.R. part 164,
1283 subpart E, upon certification by the Division of Risk Management
1284 that such information and records are necessary to investigate
1285 and provide legal representation for a claim against the
1286 Department of Corrections.

1287 (m) Protected health information and mental health,
1288 medical, or substance abuse records specified in paragraph
1289 (1) (a) of an inmate who is bringing a legal action against the
1290 department, to the Department of Legal Affairs or to an attorney
1291 retained to represent the department in a legal proceeding, in
1292 accordance with 45 C.F.R. part 164, subpart E.

1293 (n) Protected health information and mental health,
1294 medical, or substance abuse records of an inmate as specified in
1295 paragraph (1) (a) to another correctional institution or facility
1296 or law enforcement official having lawful custody of the inmate,
1297 in accordance with 45 C.F.R. part 164, subpart E, if the
1298 protected health information or records are necessary for:

- 1299 1. The provision of health care to the inmate;
- 1300 2. The health and safety of the inmate or other inmates;
- 1301 3. The health and safety of the officers, employees, or
1302 others at the correctional institution or facility;
- 1303 4. The health and safety of the individuals or officers
1304 responsible for transporting the inmate from one correctional
1305 institution, facility, or setting to another;

34-00229-19

2019472__

1306 5. Law enforcement on the premises of the correctional
1307 institution or facility; or

1308 6. The administration and maintenance of the safety,
1309 security, and good order of the correctional institution or
1310 facility.

1311 (o) Protected health information and mental health,
1312 medical, or substance abuse records of an inmate as specified in
1313 paragraph (1)(a) to the Department of Children and Families and
1314 the Florida Commission on Offender Review, in accordance with 45
1315 C.F.R. part 164, subpart E, if the inmate received mental health
1316 treatment while in the custody of the Department of Corrections
1317 and becomes eligible for release under supervision or upon the
1318 end of his or her sentence.

1319 (p) Notwithstanding s. 456.057 and in accordance with 45
1320 C.F.R. part 164, subpart E, protected health information and
1321 mental health, medical, or substance abuse records specified in
1322 paragraph (1)(a) of a deceased inmate or offender to an
1323 individual with authority to act on behalf of the deceased
1324 inmate or offender, upon the individual's request. For purposes
1325 of this section, the following individuals have authority to act
1326 on behalf of a deceased inmate or offender only for the purpose
1327 of requesting access to such protected health information and
1328 records:

1329 1. A person appointed by a court to act as the personal
1330 representative, executor, administrator, curator, or temporary
1331 administrator of the deceased inmate's or offender's estate;

1332 2. If a court has not made a judicial appointment under
1333 subparagraph 1., a person designated by the inmate or offender
1334 to act as his or her personal representative in a last will that

34-00229-19

2019472__

1335 is self-proved under s. 732.503; or

1336 3. If a court has not made a judicial appointment under
1337 subparagraph 1. or if the inmate or offender has not designated
1338 a person in a self-proved last will as provided in subparagraph
1339 2., only the following individuals:

1340 a. A surviving spouse.

1341 b. If there is no surviving spouse, a surviving adult child
1342 of the inmate or offender.

1343 c. If there is no surviving spouse or adult child, a parent
1344 of the inmate or offender.

1345 (q) All requests for access to a deceased inmate's or
1346 offender's protected health information or mental health,
1347 medical, or substance abuse records specified in paragraph
1348 (1)(a) must be in writing and must be accompanied by the
1349 following:

1350 1. If made by a person authorized under subparagraph (p)1.,
1351 a copy of the letter of administration and a copy of the court
1352 order appointing such person as the representative of the
1353 inmate's or offender's estate.

1354 2. If made by a person authorized under subparagraph (p)2.,
1355 a copy of the self-proved last will designating the person as
1356 the inmate's or offender's representative.

1357 3. If made by a person authorized under subparagraph (p)3.,
1358 a letter from the person's attorney verifying the person's
1359 relationship to the inmate or offender and the absence of a
1360 court-appointed representative and self-proved last will.

1361
1362 Records and information released under this subsection remain
1363 confidential and exempt from the provisions of s. 119.07(1) and

34-00229-19

2019472__

1364 s. 24(a), Art. I of the State Constitution when held by the
1365 receiving person or entity.

1366 Section 33. This act shall take effect upon becoming a law.