

By Senator Farmer

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1 A bill to be entitled
2 An act relating to the death penalty; amending s.
3 775.082, F.S.; deleting provisions providing for 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 and constitutionally deficient
16 representation, respectively; amending ss. 23.21,
17 27.51, 27.511, 43.16, and 112.0455, F.S.; conforming
18 provisions to changes made by the act; amending s.
19 119.071, F.S.; deleting a public records exemption
20 relating to capital collateral proceedings; amending
21 ss. 186.003, 215.89, 215.985, 216.011, and 790.25,
22 F.S.; conforming provisions to changes made by the
23 act; amending ss. 775.15 and 790.161, F.S.; deleting
24 provisions relating to the effect of a declaration by
25 a court of last resort that the death penalty in a
26 capital felony is unconstitutional; repealing s.
27 913.13, F.S., relating to jurors in capital cases;
28 repealing s. 921.137, F.S., relating to prohibiting
29 the imposition of the death sentence upon a defendant

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30 with an intellectual disability; repealing s. 921.141,
31 F.S., relating to determination of whether to impose a
32 sentence of death or life imprisonment for a capital
33 felony; repealing s. 921.142, F.S., relating to
34 determination of whether to impose a sentence of death
35 or life imprisonment for a capital drug trafficking
36 felony; amending ss. 775.021, 782.04, 775.30, 394.912,
37 782.065, 794.011, 893.135, 944.275, and 948.012, F.S.;
38 conforming provisions to changes made by the act;
39 repealing ss. 922.052, 922.06, 922.07, 922.08,
40 922.095, 922.10, 922.105, 922.108, 922.11, 922.111,
41 922.12, 922.14, 922.15, 924.055, 924.056, and 924.057,
42 F.S., relating to issuance of warrant of execution,
43 stay of execution of death sentence, proceedings when
44 a person under sentence of death appears to be insane,
45 proceedings when person under sentence of death
46 appears to be pregnant, pursuit of collateral
47 remedies, execution of death sentence, prohibition
48 against reduction of death sentence as a result of
49 determination that a method of execution is
50 unconstitutional, sentencing orders in capital cases,
51 regulation of execution, transfer to state prison for
52 safekeeping before death warrant issued, return of
53 warrant of execution issued by the Governor, sentence
54 of death unexecuted for unjustifiable reasons, return
55 of warrant of execution issued by the Supreme Court,
56 legislative intent concerning appeals and
57 postconviction proceedings in death penalty cases,
58 commencement of capital postconviction actions for

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59 which sentence of death is imposed on or after January
 60 14, 2000, and limitation on postconviction cases in
 61 which the death sentence was imposed before January
 62 14, 2000, respectively; amending s. 925.11, F.S.;
 63 deleting provisions relating to preservation of DNA
 64 evidence in death penalty cases; amending s. 945.10,
 65 F.S.; deleting a public records exemption for the
 66 identity of executioners; amending ss. 316.3026,
 67 373.409, 373.430, 376.302, 403.161, 448.09, 504.013,
 68 648.571, 775.261, 787.06, 794.0115, 800.04, 907.041,
 69 921.1401, 921.1402, 944.17, 944.608, 944.609, and
 70 944.705, F.S.; conforming cross-references; providing
 71 an effective date.

72
 73 Be It Enacted by the Legislature of the State of Florida:

74
 75 Section 1. Paragraph (a) of subsection (1) and subsection
 76 (2) of section 775.082, Florida Statutes, are amended to read:

77 775.082 Penalties; applicability of sentencing structures;
 78 mandatory minimum sentences for certain reoffenders previously
 79 released from prison.—

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

87 ~~(2) In the event the death penalty in a capital felony is~~

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88 ~~held to be unconstitutional by the Florida Supreme Court or the~~
89 ~~United States Supreme Court, the court having jurisdiction over~~
90 ~~a person previously sentenced to death for a capital felony~~
91 ~~shall cause such person to be brought before the court, and the~~
92 ~~court shall sentence such person to life imprisonment as~~
93 ~~provided in subsection (1). No sentence of death shall be~~
94 ~~reduced as a result of a determination that a method of~~
95 ~~execution is held to be unconstitutional under the State~~
96 ~~Constitution or the Constitution of the United States.~~

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

99 27.51 Duties of public defender.—

100 (1) The public defender shall represent, without additional
101 compensation, any person determined to be indigent under s.
102 27.52 and:

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

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

116 (e) ~~(f)~~ Is appealing a matter in a case arising under

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117 paragraphs (a)-(d).

118 Section 3. Subsections (5) and (8) of section 27.511,
119 Florida Statutes, are amended to read:

120 27.511 Offices of criminal conflict and civil regional
121 counsel; legislative intent; qualifications; appointment;
122 duties.—

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

134 (a) Under arrest for, or charged with, a felony;

135 (b) Under arrest for, or charged with:

136 1. A misdemeanor authorized for prosecution by the state
137 attorney;

138 2. A violation of chapter 316 punishable by imprisonment;

139 3. Criminal contempt; or

140 4. A violation of a special law or county or municipal
141 ordinance ancillary to a state charge or, if not ancillary to a
142 state charge, only if the office of criminal conflict and civil
143 regional counsel contracts with the county or municipality to
144 provide representation pursuant to ss. 27.54 and 125.69.

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146 The office of criminal conflict and civil regional counsel may
 147 not provide representation pursuant to this paragraph if the
 148 court, prior to trial, files in the cause an order of no
 149 imprisonment as provided in s. 27.512;

150 (c) Alleged to be a delinquent child pursuant to a petition
 151 filed before a circuit court;

152 (d) Sought by petition filed in such court to be
 153 involuntarily placed as a mentally ill person under part I of
 154 chapter 394, involuntarily committed as a sexually violent
 155 predator under part V of chapter 394, or involuntarily admitted
 156 to residential services as a person with developmental
 157 disabilities under chapter 393;

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

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

162 (f) ~~(g)~~ Seeking correction, reduction, or modification of a
 163 sentence under Rule 3.800, Florida Rules of Criminal Procedure,
 164 or seeking postconviction relief under Rule 3.850, Florida Rules
 165 of Criminal Procedure, if, in either case, the court determines
 166 that appointment of counsel is necessary to protect a person's
 167 due process rights.

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

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175 authorized appeals to the federal courts required of the
176 official making the request. If the public defender certifies to
177 the court that the public defender has a conflict consistent
178 with the criteria prescribed in s. 27.5303 and moves to
179 withdraw, the regional counsel shall handle the appeal, unless
180 the regional counsel has a conflict, in which case the court
181 shall appoint private counsel pursuant to s. 27.40.

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

184 27.5304 Private court-appointed counsel; compensation;
185 notice.—

186 (13) Notwithstanding the limitation set forth in subsection
187 (5) and for the 2019-2020 fiscal year only, the compensation for
188 representation in a criminal proceeding may not exceed the
189 following:

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

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

194 (c) For life felonies represented at the trial level:
195 \$15,000.

196 ~~(d) For capital cases represented at the trial level:
197 \$25,000. For purposes of this paragraph, a "capital case" is any
198 offense for which the potential sentence is death and the state
199 has not waived seeking the death penalty.~~

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

201 (e)(f) This subsection expires July 1, 2020.

202 Section 5. Sections 27.7001, 27.7002, 27.701, 27.702,
203 27.703, 27.704, 27.7045, 27.705, 27.706, 27.707, 27.708,

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204 27.7081, 27.7091, 27.710, 27.711, and 27.715, Florida Statutes,
205 are repealed.

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

208 23.21 Definitions.—For purposes of this part:

209 (1) "Department" means a principal administrative unit
210 within the executive branch of state government as defined in
211 chapter 20 and includes the State Board of Administration, the
212 Executive Office of the Governor, the Fish and Wildlife
213 Conservation Commission, the Florida Commission on Offender
214 Review, the Agency for Health Care Administration, the State
215 Board of Education, the Board of Governors of the State
216 University System, the Justice Administrative Commission, ~~the~~
217 ~~capital collateral regional counsel,~~ and separate budget
218 entities placed for administrative purposes within a department.

219 Section 7. Paragraph (a) of subsection (5) of section
220 27.51, Florida Statutes, is amended to read:

221 27.51 Duties of public defender.—

222 ~~(5) (a) When direct appellate proceedings prosecuted by a~~
223 ~~public defender on behalf of an accused and challenging a~~
224 ~~judgment of conviction and sentence of death terminate in an~~
225 ~~affirmance of such conviction and sentence, whether by the~~
226 ~~Florida Supreme Court or by the United States Supreme Court or~~
227 ~~by expiration of any deadline for filing such appeal in a state~~
228 ~~or federal court, the public defender shall notify the accused~~
229 ~~of his or her rights pursuant to Rule 3.851, Florida Rules of~~
230 ~~Criminal Procedure, including any time limits pertinent thereto,~~
231 ~~and shall advise such person that representation in any~~
232 ~~collateral proceedings is the responsibility of the capital~~

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233 ~~collateral regional counsel. The public defender shall then~~
234 ~~forward all original files on the matter to the capital~~
235 ~~collateral regional counsel, retaining such copies for his or~~
236 ~~her files as may be desired.~~

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

239 27.511 Offices of criminal conflict and civil regional
240 counsel; legislative intent; qualifications; appointment;
241 duties.—

242 ~~(9) When direct appellate proceedings prosecuted by the~~
243 ~~office of criminal conflict and civil regional counsel on behalf~~
244 ~~of an accused and challenging a judgment of conviction and~~
245 ~~sentence of death terminate in an affirmance of such conviction~~
246 ~~and sentence, whether by the Supreme Court or by the United~~
247 ~~States Supreme Court or by expiration of any deadline for filing~~
248 ~~such appeal in a state or federal court, the office of criminal~~
249 ~~conflict and civil regional counsel shall notify the accused of~~
250 ~~his or her rights pursuant to Rule 3.851, Florida Rules of~~
251 ~~Criminal Procedure, including any time limits pertinent thereto,~~
252 ~~and shall advise such person that representation in any~~
253 ~~collateral proceedings is the responsibility of the capital~~
254 ~~collateral regional counsel. The office of criminal conflict and~~
255 ~~civil regional counsel shall forward all original files on the~~
256 ~~matter to the capital collateral regional counsel, retaining~~
257 ~~such copies for his or her files as may be desired or required~~
258 ~~by law.~~

259 Section 9. Paragraph (a) of subsection (5) and subsections
260 (6) and (7) of section 43.16, Florida Statutes, are amended to
261 read:

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262 43.16 Justice Administrative Commission; membership, powers
263 and duties.—

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

266 (a) The maintenance of a central state office for
267 administrative services and assistance when possible to and on
268 behalf of the state attorneys and public defenders of Florida,
269 ~~the capital collateral regional counsel of Florida,~~ the criminal
270 conflict and civil regional counsel, and the Guardian Ad Litem
271 Program.

272 (6) The commission, each state attorney, each public
273 defender, the criminal conflict and civil regional counsel, ~~the~~
274 ~~capital collateral regional counsel,~~ and the Guardian Ad Litem
275 Program shall establish and maintain internal controls designed
276 to:

277 (a) Prevent and detect fraud, waste, and abuse as defined
278 in s. 11.45(1).

279 (b) Promote and encourage compliance with applicable laws,
280 rules, contracts, grant agreements, and best practices.

281 (c) Support economical and efficient operations.

282 (d) Ensure reliability of financial records and reports.

283 (e) Safeguard assets.

284 (7) The provisions contained in this section shall be
285 supplemental to those of chapter 27, relating to state
286 attorneys, public defenders, and criminal conflict and civil
287 regional counsel, ~~and capital collateral regional counsel;~~ to
288 those of chapter 39, relating to the Guardian Ad Litem Program;
289 or to other laws pertaining hereto.

290 Section 10. Paragraph (e) of subsection (13) of section

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291 112.0455, Florida Statutes, is amended to read:

292 112.0455 Drug-Free Workplace Act.—

293 (13) RULES.—

294 (e) The Justice Administrative Commission may adopt rules
295 on behalf of the state attorneys and public defenders of
296 Florida, ~~the capital collateral regional counsel,~~ and the
297 Judicial Qualifications Commission.

298

299 This section shall not be construed to eliminate the bargainable
300 rights as provided in the collective bargaining process where
301 applicable.

302 Section 11. Paragraph (d) of subsection (1) of section
303 119.071, Florida Statutes, is amended to read:

304 119.071 General exemptions from inspection or copying of
305 public records.—

306 (1) AGENCY ADMINISTRATION.—

307 (d)1. A public record that was prepared by an agency
308 attorney (including an attorney employed or retained by the
309 agency or employed or retained by another public officer or
310 agency to protect or represent the interests of the agency
311 having custody of the record) or prepared at the attorney's
312 express direction, that reflects a mental impression,
313 conclusion, litigation strategy, or legal theory of the attorney
314 or the agency, and that was prepared exclusively for civil or
315 criminal litigation or for adversarial administrative
316 proceedings, or that was prepared in anticipation of imminent
317 civil or criminal litigation or imminent adversarial
318 administrative proceedings, is exempt from s. 119.07(1) and s.
319 24(a), Art. I of the State Constitution until the conclusion of

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320 the litigation or adversarial administrative proceedings. ~~For~~
321 ~~purposes of capital collateral litigation as set forth in s.~~
322 ~~27.7001, the Attorney General's office is entitled to claim this~~
323 ~~exemption for those public records prepared for direct appeal as~~
324 ~~well as for all capital collateral litigation after direct~~
325 ~~appeal until execution of sentence or imposition of a life~~
326 ~~sentence.~~

327 2. This exemption is not waived by the release of such
328 public record to another public employee or officer of the same
329 agency or any person consulted by the agency attorney. When
330 asserting the right to withhold a public record pursuant to this
331 paragraph, the agency shall identify the potential parties to
332 any such criminal or civil litigation or adversarial
333 administrative proceedings. If a court finds that the document
334 or other record has been improperly withheld under this
335 paragraph, the party seeking access to such document or record
336 shall be awarded reasonable attorney's fees and costs in
337 addition to any other remedy ordered by the court.

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

340 186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.-
341 As used in ss. 186.001-186.031 and 186.801-186.901, the term:

342 (6) "State agency" or "agency" means any official, officer,
343 commission, board, authority, council, committee, or department
344 of the executive branch of state government. For purposes of
345 this chapter, "state agency" or "agency" includes state
346 attorneys, public defenders, ~~the capital collateral regional~~
347 ~~counsel~~, the Justice Administrative Commission, and the Public
348 Service Commission.

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349 Section 13. Paragraph (b) of subsection (2) of section
350 215.89, Florida Statutes, is amended to read:

351 215.89 Charts of account.—

352 (2) DEFINITIONS.—As used in this section, the term:

353 (b) "State agency" means an official, officer, commission,
354 board, authority, council, committee, or department of the
355 executive branch; a state attorney, public defender, or criminal
356 conflict and civil regional counsel, ~~or capital collateral~~
357 ~~regional counsel~~; the Florida Clerks of Court Operations
358 Corporation; the Justice Administrative Commission; the Florida
359 Housing Finance Corporation; the Florida Public Service
360 Commission; the State Board of Administration; the Supreme Court
361 or a district court of appeal, circuit court, or county court;
362 or the Judicial Qualifications Commission.

363 Section 14. Paragraph (h) of subsection (14) of section
364 215.985, Florida Statutes, is amended to read:

365 215.985 Transparency in government spending.—

366 (14) The Chief Financial Officer shall establish and
367 maintain a secure contract tracking system available for viewing
368 and downloading by the public through a secure website. The
369 Chief Financial Officer shall use appropriate Internet security
370 measures to ensure that no person has the ability to alter or
371 modify records available on the website.

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

373 1. "Procurement document" means any document or material
374 provided to the public or any vendor as part of a formal
375 competitive solicitation of goods or services undertaken by a
376 state entity, and a document or material submitted in response
377 to a formal competitive solicitation by any vendor who is

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378 awarded the resulting contract.

379 2. "State entity" means an official, officer, commission,
380 board, authority, council, committee, or department of the
381 executive branch of state government; a state attorney, public
382 defender, criminal conflict and civil regional counsel, ~~capital~~
383 ~~collateral regional counsel~~, and the Justice Administrative
384 Commission; the Public Service Commission; and any part of the
385 judicial branch of state government.

386 Section 15. Paragraph (qq) of subsection (1) of section
387 216.011, Florida Statutes, is amended to read:

388 216.011 Definitions.—

389 (1) For the purpose of fiscal affairs of the state,
390 appropriations acts, legislative budgets, and approved budgets,
391 each of the following terms has the meaning indicated:

392 (qq) "State agency" or "agency" means any official,
393 officer, commission, board, authority, council, committee, or
394 department of the executive branch of state government. For
395 purposes of this chapter and chapter 215, "state agency" or
396 "agency" includes, but is not limited to, state attorneys,
397 public defenders, criminal conflict and civil regional counsel,
398 ~~capital collateral regional counsel~~, the Justice Administrative
399 Commission, the Florida Housing Finance Corporation, and the
400 Florida Public Service Commission. Solely for the purposes of
401 implementing s. 19(h), Art. III of the State Constitution, the
402 terms "state agency" or "agency" include the judicial branch.

403 Section 16. Paragraph (p) of subsection (3) of section
404 790.25, Florida Statutes, is amended to read:

405 790.25 Lawful ownership, possession, and use of firearms
406 and other weapons.—

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

412 ~~(p) Investigators employed by the capital collateral~~
413 ~~regional counsel, while actually carrying out official duties,~~
414 ~~provided such investigators:~~

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

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

420 ~~3. Are individually designated by an affidavit of consent~~
421 ~~signed by the capital collateral regional counsel and filed with~~
422 ~~the clerk of the circuit court in the county in which the~~
423 ~~investigator is headquartered.~~

424 Section 17. Subsection (1) of section 775.15, Florida
425 Statutes, is amended to read:

426 775.15 Time limitations; general time limitations;
427 exceptions.—

428 (1) A prosecution for a capital felony, a life felony, or a
429 felony that resulted in a death may be commenced at any time. ~~If~~
430 ~~the death penalty is held to be unconstitutional by the Florida~~
431 ~~Supreme Court or the United States Supreme Court, all crimes~~
432 ~~designated as capital felonies shall be considered life felonies~~
433 ~~for the purposes of this section, and prosecution for such~~
434 ~~crimes may be commenced at any time.~~

435 Section 18. Subsection (4) of section 790.161, Florida

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436 Statutes, is amended to read:

437 790.161 Making, possessing, throwing, projecting, placing,
438 or discharging any destructive device or attempt so to do,
439 felony; penalties.—A person who willfully and unlawfully makes,
440 possesses, throws, projects, places, discharges, or attempts to
441 make, possess, throw, project, place, or discharge any
442 destructive device:

443 (4) If the act results in the death of another person,
444 commits a capital felony, punishable as provided in s. 775.082.
445 ~~In the event the death penalty in a capital felony is held to be~~
446 ~~unconstitutional by the Florida Supreme Court or the United~~
447 ~~States Supreme Court, the court having jurisdiction over a~~
448 ~~person previously sentenced to death for a capital felony shall~~
449 ~~cause such person to be brought before the court, and the court~~
450 ~~shall sentence such person to life imprisonment if convicted of~~
451 ~~murder in the first degree or of a capital felony under this~~
452 ~~subsection, and such person shall be ineligible for parole. No~~
453 ~~sentence of death shall be reduced as a result of a~~
454 ~~determination that a method of execution is held to be~~
455 ~~unconstitutional under the State Constitution or the~~
456 ~~Constitution of the United States.~~

457 Section 19. Sections 913.13, 921.137, 921.141, and 921.142,
458 Florida Statutes, are repealed.

459 Section 20. Paragraph (c) of subsection (5) of section
460 775.021, Florida Statutes, is amended to read:

461 775.021 Rules of construction.—

462 (5) Whoever commits an act that violates a provision of
463 this code or commits a criminal offense defined by another
464 statute and thereby causes the death of, or bodily injury to, an

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465 unborn child commits a separate offense if the provision or
466 statute does not otherwise specifically provide a separate
467 offense for such death or injury to an unborn child.

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

470 Section 21. Subsection (1) of section 782.04, Florida
471 Statutes, is amended to read:

472 782.04 Murder.—

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

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

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

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

479 2.b. Arson,

480 3.e. Sexual battery,

481 4.d. Robbery,

482 5.e. Burglary,

483 6.f. Kidnapping,

484 7.g. Escape,

485 8.h. Aggravated child abuse,

486 9.i. Aggravated abuse of an elderly person or disabled
487 adult,

488 10.j. Aircraft piracy,

489 11.k. Unlawful throwing, placing, or discharging of a
490 destructive device or bomb,

491 12.l. Carjacking,

492 13.m. Home-invasion robbery,

493 14.n. Aggravated stalking,

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494 ~~15.e.~~ Murder of another human being,
 495 ~~16.p.~~ Resisting an officer with violence to his or her
 496 person,
 497 ~~17.g.~~ Aggravated fleeing or eluding with serious bodily
 498 injury or death,
 499 ~~18.r.~~ Felony that is an act of terrorism or is in
 500 furtherance of an act of terrorism, including a felony under s.
 501 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or
 502 ~~19.s.~~ Human trafficking; or
 503 ~~(c)3.~~ Which resulted from the unlawful distribution by a
 504 person 18 years of age or older of any of the following
 505 substances, or mixture containing any of the following
 506 substances, when such substance or mixture is proven to be the
 507 proximate cause of the death of the user:
 508 ~~1.a.~~ A substance controlled under s. 893.03(1);
 509 ~~2.b.~~ Cocaine, as described in s. 893.03(2)(a)4.;
 510 ~~3.e.~~ Opium or any synthetic or natural salt, compound,
 511 derivative, or preparation of opium;
 512 ~~4.d.~~ Methadone;
 513 ~~5.e.~~ Alfentanil, as described in s. 893.03(2)(b)1.;
 514 ~~6.f.~~ Carfentanil, as described in s. 893.03(2)(b)6.;
 515 ~~7.g.~~ Fentanyl, as described in s. 893.03(2)(b)9.;
 516 ~~8.h.~~ Sufentanil, as described in s. 893.03(2)(b)30.; or
 517 ~~9.i.~~ A controlled substance analog, as described in s.
 518 893.0356, of any substance specified in subparagraphs 1.-8. ~~sub-~~
 519 ~~subparagraphs a.-h.~~,
 520
 521 is murder in the first degree and constitutes a capital felony,
 522 punishable as provided in s. 775.082.

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523 ~~(b) In all cases under this section, the procedure set~~
524 ~~forth in s. 921.141 shall be followed in order to determine~~
525 ~~sentence of death or life imprisonment. If the prosecutor~~
526 ~~intends to seek the death penalty, the prosecutor must give~~
527 ~~notice to the defendant and file the notice with the court~~
528 ~~within 45 days after arraignment. The notice must contain a list~~
529 ~~of the aggravating factors the state intends to prove and has~~
530 ~~reason to believe it can prove beyond a reasonable doubt. The~~
531 ~~court may allow the prosecutor to amend the notice upon a~~
532 ~~showing of good cause.~~

533 Section 22. Subsection (2) of section 775.30, Florida
534 Statutes, is amended to read:

535 775.30 Terrorism; defined; penalties.—

536 (2) A person who violates s. 782.04(1)(a) ~~s. 782.04(1)(a)1.~~
537 or (2), s. 782.065, s. 782.07(1), s. 782.09, s. 784.045, s.
538 784.07, s. 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15,
539 s. 790.16, s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s.
540 790.19, s. 806.01, s. 806.031, s. 806.111, s. 815.06, s.
541 815.061, s. 859.01, or s. 876.34, in furtherance of intimidating
542 or coercing the policy of a government, or in furtherance of
543 affecting the conduct of a government by mass destruction,
544 assassination, or kidnapping, commits the crime of terrorism, a
545 felony of the first degree, punishable as provided in s.
546 775.082, s. 775.083, or s. 775.084.

547 Section 23. Subsection (9) of section 394.912, Florida
548 Statutes, is amended to read:

549 394.912 Definitions.—As used in this part, the term:

550 (9) "Sexually violent offense" means:

551 (a) Murder of a human being while engaged in sexual battery

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552 in violation of s. 782.04(1)(b) ~~s. 782.04(1)(a)2~~;

553 (b) Kidnapping of a child under the age of 13 and, in the
554 course of that offense, committing:

555 1. Sexual battery; or

556 2. A lewd, lascivious, or indecent assault or act upon or
557 in the presence of the child;

558 (c) Committing the offense of false imprisonment upon a
559 child under the age of 13 and, in the course of that offense,
560 committing:

561 1. Sexual battery; or

562 2. A lewd, lascivious, or indecent assault or act upon or
563 in the presence of the child;

564 (d) Sexual battery in violation of s. 794.011;

565 (e) Lewd, lascivious, or indecent assault or act upon or in
566 presence of the child in violation of s. 800.04 or s.
567 847.0135(5);

568 (f) An attempt, criminal solicitation, or conspiracy, in
569 violation of s. 777.04, of a sexually violent offense;

570 (g) Any conviction for a felony offense in effect at any
571 time before October 1, 1998, which is comparable to a sexually
572 violent offense under paragraphs (a)-(f) or any federal
573 conviction or conviction in another state for a felony offense
574 that in this state would be a sexually violent offense;

575 (h) Any criminal act that, either at the time of sentencing
576 for the offense or subsequently during civil commitment
577 proceedings under this part, has been determined beyond a
578 reasonable doubt to have been sexually motivated; or

579 (i) A criminal offense in which the state attorney refers a
580 person to the department for civil commitment proceedings

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581 pursuant to s. 394.9125.

582 Section 24. Section 782.065, Florida Statutes, is amended
583 to read:

584 782.065 Murder; law enforcement officer, correctional
585 officer, correctional probation officer.—Notwithstanding ss.
586 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
587 shall be sentenced to life imprisonment without eligibility for
588 release upon findings by the trier of fact that, beyond a
589 reasonable doubt:

590 (1) The defendant committed murder in the first degree in
591 violation of s. 782.04(1) and a death sentence was not imposed;
592 murder in the second or third degree in violation of s.
593 782.04(2), (3), or (4); attempted murder in the first or second
594 degree in violation of s. 782.04(1)(a) ~~s. 782.04(1)(a)1.~~ or (2);
595 or attempted felony murder in violation of s. 782.051; and

596 (2) The victim of any offense described in subsection (1)
597 was a law enforcement officer, part-time law enforcement
598 officer, auxiliary law enforcement officer, correctional
599 officer, part-time correctional officer, auxiliary correctional
600 officer, correctional probation officer, part-time correctional
601 probation officer, or auxiliary correctional probation officer,
602 as those terms are defined in s. 943.10, engaged in the lawful
603 performance of a legal duty.

604 Section 25. Paragraph (a) of subsection (2) of section
605 794.011, Florida Statutes, is amended to read:

606 794.011 Sexual battery.—

607 (2) (a) A person 18 years of age or older who commits sexual
608 battery upon, or in an attempt to commit sexual battery injures
609 the sexual organs of, a person less than 12 years of age commits

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610 a capital felony, punishable as provided in s. 775.082 ~~ss.~~
611 ~~775.082 and 921.141.~~

612 Section 26. Paragraphs (b) through (l) and paragraph (n) of
613 subsection (1) of section 893.135, Florida Statutes, are amended
614 to read:

615 893.135 Trafficking; mandatory sentences; suspension or
616 reduction of sentences; conspiracy to engage in trafficking.—

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

619 (b)1. Any person who knowingly sells, purchases,
620 manufactures, delivers, or brings into this state, or who is
621 knowingly in actual or constructive possession of, 28 grams or
622 more of cocaine, as described in s. 893.03(2)(a)4., or of any
623 mixture containing cocaine, but less than 150 kilograms of
624 cocaine or any such mixture, commits a felony of the first
625 degree, which felony shall be known as "trafficking in cocaine,"
626 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
627 If the quantity involved:

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

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

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

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639 2. Any person who knowingly sells, purchases, manufactures,
640 delivers, or brings into this state, or who is knowingly in
641 actual or constructive possession of, 150 kilograms or more of
642 cocaine, as described in s. 893.03(2)(a)4., commits the first
643 degree felony of trafficking in cocaine. A person who has been
644 convicted of the first degree felony of trafficking in cocaine
645 under this subparagraph shall be punished by life imprisonment
646 and is ineligible for any form of discretionary early release
647 except pardon or executive clemency or conditional medical
648 release under s. 947.149. However, if the court determines that,
649 in addition to committing any act specified in this paragraph:

650 a. The person intentionally killed an individual or
651 counseled, commanded, induced, procured, or caused the
652 intentional killing of an individual and such killing was the
653 result; or

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

656
657 such person commits the capital felony of trafficking in
658 cocaine, punishable as provided in s. 775.082 ~~ss. 775.082 and~~
659 ~~921.142~~. Any person sentenced for a capital felony under this
660 paragraph shall also be sentenced to pay the maximum fine
661 provided under subparagraph 1.

662 3. Any person who knowingly brings into this state 300
663 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
664 and who knows that the probable result of such importation would
665 be the death of any person, commits capital importation of
666 cocaine, a capital felony punishable as provided in s. 775.082
667 ~~ss. 775.082 and 921.142~~. Any person sentenced for a capital

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668 felony under this paragraph shall also be sentenced to pay the
669 maximum fine provided under subparagraph 1.

670 (c)1. A person who knowingly sells, purchases,
671 manufactures, delivers, or brings into this state, or who is
672 knowingly in actual or constructive possession of, 4 grams or
673 more of any morphine, opium, hydromorphone, or any salt,
674 derivative, isomer, or salt of an isomer thereof, including
675 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
676 (3)(c)4., or 4 grams or more of any mixture containing any such
677 substance, but less than 30 kilograms of such substance or
678 mixture, commits a felony of the first degree, which felony
679 shall be known as "trafficking in illegal drugs," punishable as
680 provided in s. 775.082, s. 775.083, or s. 775.084. If the
681 quantity involved:

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

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

688 c. Is 28 grams or more, but less than 30 kilograms, such
689 person shall be sentenced to a mandatory minimum term of
690 imprisonment of 25 years and shall be ordered to pay a fine of
691 \$500,000.

692 2. A person who knowingly sells, purchases, manufactures,
693 delivers, or brings into this state, or who is knowingly in
694 actual or constructive possession of, 28 grams or more of
695 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
696 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28

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697 grams or more of any mixture containing any such substance,
698 commits a felony of the first degree, which felony shall be
699 known as "trafficking in hydrocodone," punishable as provided in
700 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

704 b. Is 50 grams or more, but less than 100 grams, such
705 person shall be sentenced to a mandatory minimum term of
706 imprisonment of 7 years and shall be ordered to pay a fine of
707 \$100,000.

708 c. Is 100 grams or more, but less than 300 grams, such
709 person shall be sentenced to a mandatory minimum term of
710 imprisonment of 15 years and shall be ordered to pay a fine of
711 \$500,000.

712 d. Is 300 grams or more, but less than 30 kilograms, such
713 person shall be sentenced to a mandatory minimum term of
714 imprisonment of 25 years and shall be ordered to pay a fine of
715 \$750,000.

716 3. A person who knowingly sells, purchases, manufactures,
717 delivers, or brings into this state, or who is knowingly in
718 actual or constructive possession of, 7 grams or more of
719 oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
720 thereof, or 7 grams or more of any mixture containing any such
721 substance, commits a felony of the first degree, which felony
722 shall be known as "trafficking in oxycodone," punishable as
723 provided in s. 775.082, s. 775.083, or s. 775.084. If the
724 quantity involved:

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

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

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

731 c. Is 25 grams or more, but less than 100 grams, such
732 person shall be sentenced to a mandatory minimum term of
733 imprisonment of 15 years and shall be ordered to pay a fine of
734 \$500,000.

735 d. Is 100 grams or more, but less than 30 kilograms, such
736 person shall be sentenced to a mandatory minimum term of
737 imprisonment of 25 years and shall be ordered to pay a fine of
738 \$750,000.

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

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

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

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

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

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

747 893.03(1)(a)62.;

748 (VI) A controlled substance analog, as described in s.

749 893.0356, of any substance described in sub-sub-subparagraphs
750 (I)-(V); or

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

753
754 commits a felony of the first degree, which felony shall be

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755 known as "trafficking in fentanyl," punishable as provided in s.
756 775.082, s. 775.083, or s. 775.084.

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

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

761 (II) Is 14 grams or more, but less than 28 grams, such
762 person shall be sentenced to a mandatory minimum term of
763 imprisonment of 15 years, and shall be ordered to pay a fine of
764 \$100,000.

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

768 5. A person who knowingly sells, purchases, manufactures,
769 delivers, or brings into this state, or who is knowingly in
770 actual or constructive possession of, 30 kilograms or more of
771 any morphine, opium, oxycodone, hydrocodone, codeine,
772 hydromorphone, or any salt, derivative, isomer, or salt of an
773 isomer thereof, including heroin, as described in s.
774 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
775 more of any mixture containing any such substance, commits the
776 first degree felony of trafficking in illegal drugs. A person
777 who has been convicted of the first degree felony of trafficking
778 in illegal drugs under this subparagraph shall be punished by
779 life imprisonment and is ineligible for any form of
780 discretionary early release except pardon or executive clemency
781 or conditional medical release under s. 947.149. However, if the
782 court determines that, in addition to committing any act
783 specified in this paragraph:

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784 a. The person intentionally killed an individual or
785 counseled, commanded, induced, procured, or caused the
786 intentional killing of an individual and such killing was the
787 result; or

788 b. The person's conduct in committing that act led to a
789 natural, though not inevitable, lethal result,
790
791 such person commits the capital felony of trafficking in illegal
792 drugs, punishable as provided in s. 775.085 ~~ss. 775.082 and~~
793 ~~921.142~~. A person sentenced for a capital felony under this
794 paragraph shall also be sentenced to pay the maximum fine
795 provided under subparagraph 1.

796 6. A person who knowingly brings into this state 60
797 kilograms or more of any morphine, opium, oxycodone,
798 hydrocodone, codeine, hydromorphone, or any salt, derivative,
799 isomer, or salt of an isomer thereof, including heroin, as
800 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
801 60 kilograms or more of any mixture containing any such
802 substance, and who knows that the probable result of such
803 importation would be the death of a person, commits capital
804 importation of illegal drugs, a capital felony punishable as
805 provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A person
806 sentenced for a capital felony under this paragraph shall also
807 be sentenced to pay the maximum fine provided under subparagraph
808 1.

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

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813 substituted phenylcyclohexylamine, as described in s.
814 893.03(1)(c)195., or a substance described in s.
815 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
816 containing phencyclidine, as described in s. 893.03(2)(b)23., a
817 substituted phenylcyclohexylamine, as described in s.
818 893.03(1)(c)195., or a substance described in s.
819 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of
820 the first degree, which felony shall be known as "trafficking in
821 phencyclidine," punishable as provided in s. 775.082, s.
822 775.083, or s. 775.084. If the quantity involved:

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

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

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

834 2. Any person who knowingly brings into this state 800
835 grams or more of phencyclidine, as described in s.
836 893.03(2)(b)23., a substituted phenylcyclohexylamine, as
837 described in s. 893.03(1)(c)195., or a substance described in s.
838 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
839 containing phencyclidine, as described in s. 893.03(2)(b)23., a
840 substituted phenylcyclohexylamine, as described in s.
841 893.03(1)(c)195., or a substance described in s.

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842 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the
843 probable result of such importation would be the death of any
844 person commits capital importation of phencyclidine, a capital
845 felony punishable as provided in s. 775.082 ~~ss. 775.082 and~~
846 ~~921.142~~. Any person sentenced for a capital felony under this
847 paragraph shall also be sentenced to pay the maximum fine
848 provided under subparagraph 1.

849 (e)1. Any person who knowingly sells, purchases,
850 manufactures, delivers, or brings into this state, or who is
851 knowingly in actual or constructive possession of, 200 grams or
852 more of methaqualone or of any mixture containing methaqualone,
853 as described in s. 893.03(1)(d), commits a felony of the first
854 degree, which felony shall be known as "trafficking in
855 methaqualone," punishable as provided in s. 775.082, s. 775.083,
856 or s. 775.084. If the quantity involved:

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

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

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

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

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871 that the probable result of such importation would be the death
872 of any person commits capital importation of methaqualone, a
873 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~
874 ~~and 921.142~~. Any person sentenced for a capital felony under
875 this paragraph shall also be sentenced to pay the maximum fine
876 provided under subparagraph 1.

877 (f)1. Any person who knowingly sells, purchases,
878 manufactures, delivers, or brings into this state, or who is
879 knowingly in actual or constructive possession of, 14 grams or
880 more of amphetamine, as described in s. 893.03(2)(c)2., or
881 methamphetamine, as described in s. 893.03(2)(c)5., or of any
882 mixture containing amphetamine or methamphetamine, or
883 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
884 in conjunction with other chemicals and equipment utilized in
885 the manufacture of amphetamine or methamphetamine, commits a
886 felony of the first degree, which felony shall be known as
887 "trafficking in amphetamine," punishable as provided in s.
888 775.082, s. 775.083, or s. 775.084. If the quantity involved:

889 a. Is 14 grams or more, but less than 28 grams, such person
890 shall be sentenced to a mandatory minimum term of imprisonment
891 of 3 years, and the defendant shall be ordered to pay a fine of
892 \$50,000.

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

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

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900 2. Any person who knowingly manufactures or brings into
901 this state 400 grams or more of amphetamine, as described in s.
902 893.03(2)(c)2., or methamphetamine, as described in s.
903 893.03(2)(c)5., or of any mixture containing amphetamine or
904 methamphetamine, or phenylacetone, phenylacetic acid,
905 pseudoephedrine, or ephedrine in conjunction with other
906 chemicals and equipment used in the manufacture of amphetamine
907 or methamphetamine, and who knows that the probable result of
908 such manufacture or importation would be the death of any person
909 commits capital manufacture or importation of amphetamine, a
910 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~
911 ~~and 921.142~~. Any person sentenced for a capital felony under
912 this paragraph shall also be sentenced to pay the maximum fine
913 provided under subparagraph 1.

914 (g)1. Any person who knowingly sells, purchases,
915 manufactures, delivers, or brings into this state, or who is
916 knowingly in actual or constructive possession of, 4 grams or
917 more of flunitrazepam or any mixture containing flunitrazepam as
918 described in s. 893.03(1)(a) commits a felony of the first
919 degree, which felony shall be known as "trafficking in
920 flunitrazepam," punishable as provided in s. 775.082, s.
921 775.083, or s. 775.084. If the quantity involved:

922 a. Is 4 grams or more but less than 14 grams, such person
923 shall be sentenced to a mandatory minimum term of imprisonment
924 of 3 years, and the defendant shall be ordered to pay a fine of
925 \$50,000.

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

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929 \$100,000.

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

933 2. Any person who knowingly sells, purchases, manufactures,
934 delivers, or brings into this state or who is knowingly in
935 actual or constructive possession of 30 kilograms or more of
936 flunitrazepam or any mixture containing flunitrazepam as
937 described in s. 893.03(1)(a) commits the first degree felony of
938 trafficking in flunitrazepam. A person who has been convicted of
939 the first degree felony of trafficking in flunitrazepam under
940 this subparagraph shall be punished by life imprisonment and is
941 ineligible for any form of discretionary early release except
942 pardon or executive clemency or conditional medical release
943 under s. 947.149. However, if the court determines that, in
944 addition to committing any act specified in this paragraph:

945 a. The person intentionally killed an individual or
946 counseled, commanded, induced, procured, or caused the
947 intentional killing of an individual and such killing was the
948 result; or

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

951
952 such person commits the capital felony of trafficking in
953 flunitrazepam, punishable as provided in s. 775.082 ~~ss. 775.082~~
954 ~~and 921.142~~. Any person sentenced for a capital felony under
955 this paragraph shall also be sentenced to pay the maximum fine
956 provided under subparagraph 1.

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

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958 manufactures, delivers, or brings into this state, or who is
959 knowingly in actual or constructive possession of, 1 kilogram or
960 more of gamma-hydroxybutyric acid (GHB), as described in s.
961 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
962 acid (GHB), commits a felony of the first degree, which felony
963 shall be known as "trafficking in gamma-hydroxybutyric acid
964 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
965 775.084. If the quantity involved:

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

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

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

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

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987 subparagraph 1.

988 (i)1. Any person who knowingly sells, purchases,
989 manufactures, delivers, or brings into this state, or who is
990 knowingly in actual or constructive possession of, 1 kilogram or
991 more of gamma-butyrolactone (GBL), as described in s.
992 893.03(1)(d), or any mixture containing gamma-butyrolactone
993 (GBL), commits a felony of the first degree, which felony shall
994 be known as "trafficking in gamma-butyrolactone (GBL),"
995 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
996 If the quantity involved:

997 a. Is 1 kilogram or more but less than 5 kilograms, such
998 person shall be sentenced to a mandatory minimum term of
999 imprisonment of 3 years, and the defendant shall be ordered to
1000 pay a fine of \$50,000.

1001 b. Is 5 kilograms or more but less than 10 kilograms, such
1002 person shall be sentenced to a mandatory minimum term of
1003 imprisonment of 7 years, and the defendant shall be ordered to
1004 pay a fine of \$100,000.

1005 c. Is 10 kilograms or more, such person shall be sentenced
1006 to a mandatory minimum term of imprisonment of 15 calendar years
1007 and pay a fine of \$250,000.

1008 2. Any person who knowingly manufactures or brings into the
1009 state 150 kilograms or more of gamma-butyrolactone (GBL), as
1010 described in s. 893.03(1)(d), or any mixture containing gamma-
1011 butyrolactone (GBL), and who knows that the probable result of
1012 such manufacture or importation would be the death of any person
1013 commits capital manufacture or importation of gamma-
1014 butyrolactone (GBL), a capital felony punishable as provided in
1015 s. 775.082 ~~ss. 775.082 and 921.142~~. Any person sentenced for a

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1016 capital felony under this paragraph shall also be sentenced to
1017 pay the maximum fine provided under subparagraph 1.

1018 (j)1. Any person who knowingly sells, purchases,
1019 manufactures, delivers, or brings into this state, or who is
1020 knowingly in actual or constructive possession of, 1 kilogram or
1021 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
1022 any mixture containing 1,4-Butanediol, commits a felony of the
1023 first degree, which felony shall be known as "trafficking in
1024 1,4-Butanediol," punishable as provided in s. 775.082, s.
1025 775.083, or s. 775.084. If the quantity involved:

1026 a. Is 1 kilogram or more, but less than 5 kilograms, such
1027 person shall be sentenced to a mandatory minimum term of
1028 imprisonment of 3 years, and the defendant shall be ordered to
1029 pay a fine of \$50,000.

1030 b. Is 5 kilograms or more, but less than 10 kilograms, such
1031 person shall be sentenced to a mandatory minimum term of
1032 imprisonment of 7 years, and the defendant shall be ordered to
1033 pay a fine of \$100,000.

1034 c. Is 10 kilograms or more, such person shall be sentenced
1035 to a mandatory minimum term of imprisonment of 15 calendar years
1036 and pay a fine of \$500,000.

1037 2. Any person who knowingly manufactures or brings into
1038 this state 150 kilograms or more of 1,4-Butanediol as described
1039 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
1040 and who knows that the probable result of such manufacture or
1041 importation would be the death of any person commits capital
1042 manufacture or importation of 1,4-Butanediol, a capital felony
1043 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.

1044 Any person sentenced for a capital felony under this paragraph

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1045 shall also be sentenced to pay the maximum fine provided under
1046 subparagraph 1.

1047 (k)1. A person who knowingly sells, purchases,
1048 manufactures, delivers, or brings into this state, or who is
1049 knowingly in actual or constructive possession of, 10 grams or
1050 more of a:

1051 a. Substance described in s. 893.03(1)(c)4., 5., 10., 11.,
1052 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86.,
1053 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163.,
1054 165., or 187.-189., a substituted cathinone, as described in s.
1055 893.03(1)(c)191., or substituted phenethylamine, as described in
1056 s. 893.03(1)(c)192.;

1057 b. Mixture containing any substance described in sub-
1058 subparagraph a.; or

1059 c. Salt, isomer, ester, or ether or salt of an isomer,
1060 ester, or ether of a substance described in sub-subparagraph a.,
1061

1062 commits a felony of the first degree, which felony shall be
1063 known as "trafficking in phenethylamines," punishable as
1064 provided in s. 775.082, s. 775.083, or s. 775.084.

1065 2. If the quantity involved under subparagraph 1.:

1066 a. Is 10 grams or more, but less than 200 grams, such
1067 person shall be sentenced to a mandatory minimum term of
1068 imprisonment of 3 years and shall be ordered to pay a fine of
1069 \$50,000.

1070 b. Is 200 grams or more, but less than 400 grams, such
1071 person shall be sentenced to a mandatory minimum term of
1072 imprisonment of 7 years and shall be ordered to pay a fine of
1073 \$100,000.

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1074 c. Is 400 grams or more, such person shall be sentenced to
1075 a mandatory minimum term of imprisonment of 15 years and shall
1076 be ordered to pay a fine of \$250,000.

1077 3. A person who knowingly manufactures or brings into this
1078 state 30 kilograms or more of a substance described in sub-
1079 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,
1080 or a salt, isomer, ester, or ether or a salt of an isomer,
1081 ester, or ether described in sub-subparagraph 1.c., and who
1082 knows that the probable result of such manufacture or
1083 importation would be the death of any person commits capital
1084 manufacture or importation of phenethylamines, a capital felony
1085 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A
1086 person sentenced for a capital felony under this paragraph shall
1087 also be sentenced to pay the maximum fine under subparagraph 2.

1088 (1)1. Any person who knowingly sells, purchases,
1089 manufactures, delivers, or brings into this state, or who is
1090 knowingly in actual or constructive possession of, 1 gram or
1091 more of lysergic acid diethylamide (LSD) as described in s.
1092 893.03(1)(c), or of any mixture containing lysergic acid
1093 diethylamide (LSD), commits a felony of the first degree, which
1094 felony shall be known as "trafficking in lysergic acid
1095 diethylamide (LSD)," punishable as provided in s. 775.082, s.
1096 775.083, or s. 775.084. If the quantity involved:

1097 a. Is 1 gram or more, but less than 5 grams, such person
1098 shall be sentenced to a mandatory minimum term of imprisonment
1099 of 3 years, and the defendant shall be ordered to pay a fine of
1100 \$50,000.

1101 b. Is 5 grams or more, but less than 7 grams, such person
1102 shall be sentenced to a mandatory minimum term of imprisonment

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1103 of 7 years, and the defendant shall be ordered to pay a fine of
1104 \$100,000.

1105 c. Is 7 grams or more, such person shall be sentenced to a
1106 mandatory minimum term of imprisonment of 15 calendar years and
1107 pay a fine of \$500,000.

1108 2. Any person who knowingly manufactures or brings into
1109 this state 7 grams or more of lysergic acid diethylamide (LSD)
1110 as described in s. 893.03(1)(c), or any mixture containing
1111 lysergic acid diethylamide (LSD), and who knows that the
1112 probable result of such manufacture or importation would be the
1113 death of any person commits capital manufacture or importation
1114 of lysergic acid diethylamide (LSD), a capital felony punishable
1115 as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. Any person
1116 sentenced for a capital felony under this paragraph shall also
1117 be sentenced to pay the maximum fine provided under subparagraph
1118 1.

1119 (n)1. A person who knowingly sells, purchases,
1120 manufactures, delivers, or brings into this state, or who is
1121 knowingly in actual or constructive possession of, 14 grams or
1122 more of:

1123 a. A substance described in s. 893.03(1)(c)164., 174., or
1124 175., a n-benzyl phenethylamine compound, as described in s.
1125 893.03(1)(c)193.; or

1126 b. A mixture containing any substance described in sub-
1127 subparagraph a.,

1128
1129 commits a felony of the first degree, which felony shall be
1130 known as "trafficking in n-benzyl phenethylamines," punishable
1131 as provided in s. 775.082, s. 775.083, or s. 775.084.

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1132 2. If the quantity involved under subparagraph 1.:

1133 a. Is 14 grams or more, but less than 100 grams, such

1134 person shall be sentenced to a mandatory minimum term of

1135 imprisonment of 3 years, and the defendant shall be ordered to

1136 pay a fine of \$50,000.

1137 b. Is 100 grams or more, but less than 200 grams, such

1138 person shall be sentenced to a mandatory minimum term of

1139 imprisonment of 7 years, and the defendant shall be ordered to

1140 pay a fine of \$100,000.

1141 c. Is 200 grams or more, such person shall be sentenced to

1142 a mandatory minimum term of imprisonment of 15 years, and the

1143 defendant shall be ordered to pay a fine of \$500,000.

1144 3. A person who knowingly manufactures or brings into this

1145 state 400 grams or more of a substance described in sub-

1146 subparagraph 1.a. or a mixture described in sub-subparagraph

1147 1.b., and who knows that the probable result of such manufacture

1148 or importation would be the death of any person commits capital

1149 manufacture or importation of a n-benzyl phenethylamine

1150 compound, a capital felony punishable as provided in s. 775.082

1151 ~~ss. 775.082 and 921.142~~. A person sentenced for a capital felony

1152 under this paragraph shall also be sentenced to pay the maximum

1153 fine under subparagraph 2.

1154 Section 27. Paragraph (e) of subsection (4) of section

1155 944.275, Florida Statutes, is amended to read:

1156 944.275 Gain-time.—

1157 (4)

1158 (e) Notwithstanding subparagraph (b)3., for sentences

1159 imposed for offenses committed on or after October 1, 2014, the

1160 department may not grant incentive gain-time if the offense is a

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1161 violation of s. 782.04(1)(b)3. ~~s. 782.04(1)(a)2.e.~~; s.
1162 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011,
1163 excluding s. 794.011(10); s. 800.04; s. 825.1025; or s.
1164 847.0135(5).

1165 Section 28. Subsection (4) and paragraph (a) of subsection
1166 (5) of section 948.012, Florida Statutes, are amended to read:

1167 948.012 Split sentence of probation or community control
1168 and imprisonment.—

1169 (4) Effective for offenses committed on or after September
1170 1, 2005, the court must impose a split sentence pursuant to
1171 subsection (1) for any person who is convicted of a life felony
1172 for lewd and lascivious molestation pursuant to s. 800.04(5)(b)
1173 if the court imposes a term of years in accordance with s.
1174 775.082(2)(a)4.a.(II) ~~s. 775.082(3)(a)4.a.(II)~~ rather than life
1175 imprisonment. The probation or community control portion of the
1176 split sentence imposed by the court for a defendant must extend
1177 for the duration of the defendant's natural life and include a
1178 condition that he or she be electronically monitored.

1179 (5)(a) Effective for offenses committed on or after October
1180 1, 2014, if the court imposes a term of years in accordance with
1181 s. 775.082 which is less than the maximum sentence for the
1182 offense, the court must impose a split sentence pursuant to
1183 subsection (1) for any person who is convicted of a violation
1184 of:

- 1185 1. Section 782.04(1)(b)3. ~~782.04(1)(a)2.e.~~;
- 1186 2. Section 787.01(3)(a)2. or 3.;
- 1187 3. Section 787.02(3)(a)2. or 3.;
- 1188 4. Section 794.011, excluding s. 794.011(10);
- 1189 5. Section 800.04;

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1190 6. Section 825.1025; or

1191 7. Section 847.0135(5).

1192 Section 29. Sections 922.052, 922.06, 922.07, 922.08,
1193 922.095, 922.10, 922.105, 922.108, 922.11, 922.111, 922.12,
1194 922.14, 922.15, 924.055, 924.056, and 924.057, Florida Statutes,
1195 are repealed.

1196 Section 30. Subsection (4) of section 925.11, Florida
1197 Statutes, is amended to read:

1198 925.11 Postsentencing DNA testing.—

1199 (4) PRESERVATION OF EVIDENCE.—

1200 ~~(a)~~ Governmental entities that may be in possession of any
1201 physical evidence in the case, including, but not limited to,
1202 any investigating law enforcement agency, the clerk of the
1203 court, the prosecuting authority, or the Department of Law
1204 Enforcement shall maintain any physical evidence collected at
1205 the time of the crime for which a postsentencing testing of DNA
1206 may be requested.

1207 ~~(b) In a case in which the death penalty is imposed, the~~
1208 ~~evidence shall be maintained for 60 days after execution of the~~
1209 ~~sentence. In all other cases, a governmental entity may dispose~~
1210 ~~of the physical evidence if the term of the sentence imposed in~~
1211 ~~the case has expired and no other provision of law or rule~~
1212 ~~requires that the physical evidence be preserved or retained.~~

1213 Section 31. Paragraphs (g), (h), and (i) of subsection (1)
1214 and subsection (2) of section 945.10, Florida Statutes, are
1215 amended to read:

1216 945.10 Confidential information.—

1217 (1) Except as otherwise provided by law or in this section,
1218 the following records and information held by the Department of

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1219 Corrections are confidential and exempt from the provisions of
1220 s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1221 ~~(g) Information which identifies an executioner, or any~~
1222 ~~person prescribing, preparing, compounding, dispensing, or~~
1223 ~~administering a lethal injection.~~

1224 (g) ~~(h)~~ The identity of any inmate or offender upon whom an
1225 HIV test has been performed and the inmate's or offender's test
1226 results, in accordance with s. 381.004. The term "HIV test" has
1227 the same meaning as provided in s. 381.004. This paragraph is
1228 subject to the Open Government Sunset Review Act of 1995 in
1229 accordance with s. 119.15 and shall stand repealed on October 2,
1230 2022, unless reviewed and saved from repeal through reenactment
1231 by the Legislature.

1232 (h) ~~(i)~~ Records that are otherwise confidential or exempt
1233 from public disclosure by law.

1234 (2) The records and information specified in paragraphs
1235 (1) (a) - (h) ~~(1) (a) - (i)~~ may be released as follows unless
1236 expressly prohibited by federal law:

1237 (a) Information specified in paragraphs (1) (b), (d), and
1238 (f) to the Executive Office of the Governor, the Legislature,
1239 the Florida Commission on Offender Review, the Department of
1240 Children and Families, a private correctional facility or
1241 program that operates under a contract, the Department of Legal
1242 Affairs, a state attorney, the court, or a law enforcement
1243 agency. A request for records or information pursuant to this
1244 paragraph need not be in writing.

1245 (b) Information specified in paragraphs (1) (c), (e), and
1246 (h) ~~(i)~~ to the Executive Office of the Governor, the
1247 Legislature, the Florida Commission on Offender Review, the

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1248 Department of Children and Families, a private correctional
1249 facility or program that operates under contract, the Department
1250 of Legal Affairs, a state attorney, the court, or a law
1251 enforcement agency. A request for records or information
1252 pursuant to this paragraph must be in writing and a statement
1253 provided demonstrating a need for the records or information.

1254 (c) Information specified in paragraph (1)(b) to an
1255 attorney representing an inmate under sentence of death, except
1256 those portions of the records containing a victim's statement or
1257 address, or the statement or address of a relative of the
1258 victim. A request for records of information pursuant to this
1259 paragraph must be in writing and a statement provided
1260 demonstrating a need for the records or information.

1261 (d) Information specified in paragraph (1)(b) to a public
1262 defender representing a defendant, except those portions of the
1263 records containing a victim's statement or address, or the
1264 statement or address of a relative of the victim. A request for
1265 records or information pursuant to this paragraph need not be in
1266 writing.

1267 (e) Information specified in paragraph (1)(b) to state or
1268 local governmental agencies. A request for records or
1269 information pursuant to this paragraph must be in writing and a
1270 statement provided demonstrating a need for the records or
1271 information.

1272 (f) Information specified in paragraph (1)(b) to a person
1273 conducting legitimate research. A request for records and
1274 information pursuant to this paragraph must be in writing, the
1275 person requesting the records or information must sign a
1276 confidentiality agreement, and the department must approve the

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1277 request in writing.

1278 (g) Protected health information and records specified in
1279 paragraphs (1) (a) and (g) ~~(h)~~ to the Department of Health and
1280 the county health department where an inmate plans to reside if
1281 he or she has tested positive for the presence of the antibody
1282 or antigen to human immunodeficiency virus infection or as
1283 authorized in s. 381.004.

1284 (h) Protected health information and mental health,
1285 medical, or substance abuse records specified in paragraph
1286 (1) (a) to the Executive Office of the Governor, the Correctional
1287 Medical Authority, and the Department of Health for health care
1288 oversight activities authorized by state or federal law,
1289 including audits; civil, administrative, or criminal
1290 investigations; or inspections relating to the provision of
1291 health services, in accordance with 45 C.F.R. part 164, subpart
1292 E.

1293 (i) Protected health information and mental health,
1294 medical, or substance abuse records specified in paragraph
1295 (1) (a) to a state attorney, a state court, or a law enforcement
1296 agency conducting an ongoing criminal investigation, if the
1297 inmate agrees to the disclosure and provides written consent or,
1298 if the inmate refuses to provide written consent, in response to
1299 an order of a court of competent jurisdiction, a subpoena,
1300 including a grand jury, investigative, or administrative
1301 subpoena, a court-ordered warrant, or a statutorily authorized
1302 investigative demand or other process as authorized by law, in
1303 accordance with 45 C.F.R. part 164, subpart E, provided that:

1304 1. The protected health information and records sought are
1305 relevant and material to a legitimate law enforcement inquiry;

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1306 2. There is a clear connection between the investigated
1307 incident and the inmate whose protected health information and
1308 records are sought;

1309 3. The request is specific and limited in scope to the
1310 extent reasonably practicable in light of the purpose for which
1311 the information or records are sought; and

1312 4. Deidentified information could not reasonably be used.

1313 (j) Protected health information and mental health,
1314 medical, or substance abuse records specified in paragraph
1315 (1) (a) of an inmate who is or is suspected of being the victim
1316 of a crime, to a state attorney or a law enforcement agency if
1317 the inmate agrees to the disclosure and provides written consent
1318 or if the inmate is unable to agree because of incapacity or
1319 other emergency circumstance, in accordance with 45 C.F.R. part
1320 164, subpart E, provided that:

1321 1. Such protected health information and records are needed
1322 to determine whether a violation of law by a person other than
1323 the inmate victim has occurred;

1324 2. Such protected health information or records are not
1325 intended to be used against the inmate victim;

1326 3. The immediate law enforcement activity that depends upon
1327 the disclosure would be materially and adversely affected by
1328 waiting until the inmate victim is able to agree to the
1329 disclosure; and

1330 4. The disclosure is in the best interests of the inmate
1331 victim, as determined by the department.

1332 (k) Protected health information and mental health,
1333 medical, or substance abuse records specified in paragraph
1334 (1) (a) to a state attorney or a law enforcement agency if the

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1335 department believes in good faith that the information and
1336 records constitute evidence of criminal conduct that occurred in
1337 a correctional institution or facility, in accordance with 45
1338 C.F.R. part 164, subpart E, provided that:

1339 1. The protected health information and records disclosed
1340 are specific and limited in scope to the extent reasonably
1341 practicable in light of the purpose for which the information or
1342 records are sought;

1343 2. There is a clear connection between the criminal conduct
1344 and the inmate whose protected health information and records
1345 are sought; and

1346 3. Deidentified information could not reasonably be used.

1347 (1) Protected health information and mental health,
1348 medical, or substance abuse records specified in paragraph
1349 (1) (a) to the Division of Risk Management of the Department of
1350 Financial Services, in accordance with 45 C.F.R. part 164,
1351 subpart E, upon certification by the Division of Risk Management
1352 that such information and records are necessary to investigate
1353 and provide legal representation for a claim against the
1354 Department of Corrections.

1355 (m) Protected health information and mental health,
1356 medical, or substance abuse records specified in paragraph
1357 (1) (a) of an inmate who is bringing a legal action against the
1358 department, to the Department of Legal Affairs or to an attorney
1359 retained to represent the department in a legal proceeding, in
1360 accordance with 45 C.F.R. part 164, subpart E.

1361 (n) Protected health information and mental health,
1362 medical, or substance abuse records of an inmate as specified in
1363 paragraph (1) (a) to another correctional institution or facility

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1364 or law enforcement official having lawful custody of the inmate,
1365 in accordance with 45 C.F.R. part 164, subpart E, if the
1366 protected health information or records are necessary for:

- 1367 1. The provision of health care to the inmate;
- 1368 2. The health and safety of the inmate or other inmates;
- 1369 3. The health and safety of the officers, employees, or
1370 others at the correctional institution or facility;
- 1371 4. The health and safety of the individuals or officers
1372 responsible for transporting the inmate from one correctional
1373 institution, facility, or setting to another;
- 1374 5. Law enforcement on the premises of the correctional
1375 institution or facility; or
- 1376 6. The administration and maintenance of the safety,
1377 security, and good order of the correctional institution or
1378 facility.

1379 (o) Protected health information and mental health,
1380 medical, or substance abuse records of an inmate as specified in
1381 paragraph (1)(a) to the Department of Children and Families and
1382 the Florida Commission on Offender Review, in accordance with 45
1383 C.F.R. part 164, subpart E, if the inmate received mental health
1384 treatment while in the custody of the Department of Corrections
1385 and becomes eligible for release under supervision or upon the
1386 end of his or her sentence.

1387 (p) Notwithstanding s. 456.057 and in accordance with 45
1388 C.F.R. part 164, subpart E, protected health information and
1389 mental health, medical, or substance abuse records specified in
1390 paragraph (1)(a) of a deceased inmate or offender to an
1391 individual with authority to act on behalf of the deceased
1392 inmate or offender, upon the individual's request. For purposes

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1393 of this section, the following individuals have authority to act
1394 on behalf of a deceased inmate or offender only for the purpose
1395 of requesting access to such protected health information and
1396 records:

1397 1. A person appointed by a court to act as the personal
1398 representative, executor, administrator, curator, or temporary
1399 administrator of the deceased inmate's or offender's estate;

1400 2. If a court has not made a judicial appointment under
1401 subparagraph 1., a person designated by the inmate or offender
1402 to act as his or her personal representative in a last will that
1403 is self-proved under s. 732.503; or

1404 3. If a court has not made a judicial appointment under
1405 subparagraph 1. or if the inmate or offender has not designated
1406 a person in a self-proved last will as provided in subparagraph
1407 2., only the following individuals:

1408 a. A surviving spouse.

1409 b. If there is no surviving spouse, a surviving adult child
1410 of the inmate or offender.

1411 c. If there is no surviving spouse or adult child, a parent
1412 of the inmate or offender.

1413 (q) All requests for access to a deceased inmate's or
1414 offender's protected health information or mental health,
1415 medical, or substance abuse records specified in paragraph
1416 (1)(a) must be in writing and must be accompanied by the
1417 following:

1418 1. If made by a person authorized under subparagraph (p)1.,
1419 a copy of the letter of administration and a copy of the court
1420 order appointing such person as the representative of the
1421 inmate's or offender's estate.

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1422 2. If made by a person authorized under subparagraph (p)2.,
1423 a copy of the self-proved last will designating the person as
1424 the inmate's or offender's representative.

1425 3. If made by a person authorized under subparagraph (p)3.,
1426 a letter from the person's attorney verifying the person's
1427 relationship to the inmate or offender and the absence of a
1428 court-appointed representative and self-proved last will.

1429

1430 Records and information released under this subsection remain
1431 confidential and exempt from the provisions of s. 119.07(1) and
1432 s. 24(a), Art. I of the State Constitution when held by the
1433 receiving person or entity.

1434 Section 32. Subsection (2) of section 316.3026, Florida
1435 Statutes, is amended to read:

1436 316.3026 Unlawful operation of motor carriers.—

1437 (2) Any motor carrier enjoined or prohibited from operating
1438 by an out-of-service order by this state, any other state, or
1439 the Federal Motor Carrier Safety Administration may not operate
1440 on the roadways of this state until the motor carrier has been
1441 authorized to resume operations by the originating enforcement
1442 jurisdiction. Commercial motor vehicles owned or operated by any
1443 motor carrier prohibited from operation found on the roadways of
1444 this state shall be placed out of service by law enforcement
1445 officers of the Department of Highway Safety and Motor Vehicles,
1446 and the motor carrier assessed a \$10,000 civil penalty pursuant
1447 to 49 C.F.R. s. 383.53, in addition to any other penalties
1448 imposed on the driver or other responsible person. Any person
1449 who knowingly drives, operates, or causes to be operated any
1450 commercial motor vehicle in violation of an out-of-service order

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1451 issued by the department in accordance with this section commits
1452 a felony of the third degree, punishable as provided in s.
1453 775.082(2)(e) ~~s. 775.082(3)(e)~~. Any costs associated with the
1454 impoundment or storage of such vehicles are the responsibility
1455 of the motor carrier. Vehicle out-of-service orders may be
1456 rescinded when the department receives proof of authorization
1457 for the motor carrier to resume operation.

1458 Section 33. Subsection (3) of section 373.409, Florida
1459 Statutes, is amended to read:

1460 373.409 Headgates, valves, and measuring devices.—

1461 (3) No person shall alter or tamper with a measuring device
1462 so as to cause it to register other than the actual amount of
1463 water diverted, discharged, or taken. Violation of this
1464 subsection shall be a misdemeanor of the second degree,
1465 punishable under s. 775.082(3)(b) ~~s. 775.082(4)(b)~~.

1466 Section 34. Subsections (3), (4), and (5) of section
1467 373.430, Florida Statutes, are amended to read:

1468 373.430 Prohibitions, violation, penalty, intent.—

1469 (3) Any person who willfully commits a violation specified
1470 in paragraph (1)(a) is guilty of a felony of the third degree,
1471 punishable as provided in ss. 775.082(2)(e) ~~775.082(3)(e)~~ and
1472 775.083(1)(g), by a fine of not more than \$50,000 or by
1473 imprisonment for 5 years, or by both, for each offense. Each day
1474 during any portion of which such violation occurs constitutes a
1475 separate offense.

1476 (4) Any person who commits a violation specified in
1477 paragraph (1)(a) due to reckless indifference or gross careless
1478 disregard is guilty of a misdemeanor of the second degree,
1479 punishable as provided in ss. 775.082(3)(b) ~~775.082(4)(b)~~ and

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1480 775.083(1)(g), by a fine of not more than \$5,000 or 60 days in
1481 jail, or by both, for each offense.

1482 (5) Any person who willfully commits a violation specified
1483 in paragraph (1)(b) or paragraph (1)(c) is guilty of a
1484 misdemeanor of the first degree, punishable as provided in ss.
1485 775.082(3)(a) ~~775.082(4)(a)~~ and 775.083(1)(g), by a fine of not
1486 more than \$10,000 or by 6 months in jail, or by both, for each
1487 offense.

1488 Section 35. Subsections (3) and (4) of section 376.302,
1489 Florida Statutes, are amended to read:

1490 376.302 Prohibited acts; penalties.—

1491 (3) Any person who willfully commits a violation specified
1492 in paragraph (1)(a) or paragraph (1)(b) shall be guilty of a
1493 misdemeanor of the first degree punishable as provided in ss.
1494 775.082(3)(a) ~~775.082(4)(a)~~ and 775.083(1)(g), by a fine of not
1495 less than \$2,500 or more than \$25,000, or punishable by 1 year
1496 in jail, or by both for each offense. Each day during any
1497 portion of which such violation occurs constitutes a separate
1498 offense.

1499 (4) Any person who commits a violation specified in
1500 paragraph (1)(c) shall be guilty of a misdemeanor of the first
1501 degree punishable as provided in ss. 775.082(3)(a) ~~775.082(4)(a)~~
1502 and 775.083(1)(g), by a fine of not more than \$10,000, or by 6
1503 months in jail, or by both for each offense.

1504 Section 36. Subsection (3) of section 403.161, Florida
1505 Statutes, is amended to read:

1506 403.161 Prohibitions, violation, penalty, intent.—

1507 (3) Any person who willfully commits a violation specified
1508 in paragraph (1)(a) is guilty of a felony of the third degree

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1509 punishable as provided in ss. 775.082(2)(e) ~~775.082(3)(e)~~ and
1510 775.083(1)(g) by a fine of not more than \$50,000 or by
1511 imprisonment for 5 years, or by both, for each offense. Each day
1512 during any portion of which such violation occurs constitutes a
1513 separate offense.

1514 Section 37. Subsection (2) of section 448.09, Florida
1515 Statutes, is amended to read:

1516 448.09 Unauthorized aliens; employment prohibited.—

1517 (2) The first violation of subsection (1) shall be a
1518 noncriminal violation as defined in s. 775.08(2) ~~s. 775.08(3)~~
1519 and, upon conviction, shall be punishable as provided in s.
1520 775.082(5) by a civil fine of not more than \$500, regardless of
1521 the number of aliens with respect to whom the violation
1522 occurred.

1523 Section 38. Section 504.013, Florida Statutes, is amended
1524 to read:

1525 504.013 Penalties.—Any person, firm, or corporation engaged
1526 in the business of the retail vending of fresh fruits, fresh
1527 vegetables, bee pollen, or honey who willfully and knowingly
1528 removes any labels or identifying marks from fruits, vegetables,
1529 bee pollen, or honey so labeled is guilty of a noncriminal
1530 violation as defined in s. 775.08(3) and upon conviction shall
1531 be punished as provided in s. 775.082(4) ~~s. 775.082(5)~~ by a
1532 civil fine of not more than \$500.

1533 Section 39. Paragraph (c) of subsection (3) of section
1534 648.571, Florida Statutes, is amended to read:

1535 648.571 Failure to return collateral; penalty.—

1536 (3)

1537 (c) Allowable expenses incurred in apprehending a defendant

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1538 because of a bond forfeiture or judgment under s. 903.29 may be
1539 deducted if such expenses are accounted for. The failure to
1540 return collateral under these terms is punishable as follows:

1541 1. If the collateral is of a value less than \$100, as
1542 provided in s. 775.082 (3) (a) ~~s. 775.082 (4) (a)~~.

1543 2. If the collateral is of a value of \$100 or more, as
1544 provided in s. 775.082 (2) (e) ~~s. 775.082 (3) (e)~~.

1545 3. If the collateral is of a value of \$1,500 or more, as
1546 provided in s. 775.082 (2) (d) ~~s. 775.082 (3) (d)~~.

1547 4. If the collateral is of a value of \$10,000 or more, as
1548 provided in s. 775.082 (2) (b) ~~s. 775.082 (3) (b)~~.

1549 Section 40. Paragraph (a) of subsection (2) of section
1550 775.261, Florida Statutes, is amended to read:

1551 775.261 The Florida Career Offender Registration Act.—

1552 (2) DEFINITIONS.—As used in this section, the term:

1553 (a) "Career offender" means any person who is designated as
1554 a habitual violent felony offender, a violent career criminal,
1555 or a three-time violent felony offender under s. 775.084 or as a
1556 prison releasee reoffender under s. 775.082 (8) ~~s. 775.082 (9)~~.

1557 Section 41. Paragraph (g) of subsection (3) of section
1558 787.06, Florida Statutes, is amended to read:

1559 787.06 Human trafficking.—

1560 (3) Any person who knowingly, or in reckless disregard of
1561 the facts, engages in human trafficking, or attempts to engage
1562 in human trafficking, or benefits financially by receiving
1563 anything of value from participation in a venture that has
1564 subjected a person to human trafficking:

1565 (g) For commercial sexual activity in which any child under
1566 the age of 18, or in which any person who is mentally defective

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1567 or mentally incapacitated as those terms are defined in s.
1568 794.011(1), is involved commits a life felony, punishable as
1569 provided in s. 775.082(2)(a)6. ~~s. 775.082(3)(a)6.~~, s. 775.083,
1570 or s. 775.084.

1571
1572 For each instance of human trafficking of any individual under
1573 this subsection, a separate crime is committed and a separate
1574 punishment is authorized.

1575 Section 42. Subsection (6) of section 794.0115, Florida
1576 Statutes, is amended to read:

1577 794.0115 Dangerous sexual felony offender; mandatory
1578 sentencing.—

1579 (6) Notwithstanding s. 775.082(2) ~~s. 775.082(3)~~, chapter
1580 958, any other law, or any interpretation or construction
1581 thereof, a person subject to sentencing under this section must
1582 be sentenced to the mandatory term of imprisonment provided
1583 under this section. If the mandatory minimum term of
1584 imprisonment imposed under this section exceeds the maximum
1585 sentence authorized under s. 775.082, s. 775.084, or chapter
1586 921, the mandatory minimum term of imprisonment under this
1587 section must be imposed. If the mandatory minimum term of
1588 imprisonment under this section is less than the sentence that
1589 could be imposed under s. 775.082, s. 775.084, or chapter 921,
1590 the sentence imposed must include the mandatory minimum term of
1591 imprisonment under this section.

1592 Section 43. Paragraph (b) of subsection (5) of section
1593 800.04, Florida Statutes, is amended to read:

1594 800.04 Lewd or lascivious offenses committed upon or in the
1595 presence of persons less than 16 years of age.—

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1596 (5) LEWD OR LASCIVIOUS MOLESTATION.—

1597 (b) An offender 18 years of age or older who commits lewd
1598 or lascivious molestation against a victim less than 12 years of
1599 age commits a life felony, punishable as provided in s.
1600 775.082(2)(a)4. ~~s. 775.082(3)(a)4.~~

1601 Section 44. Paragraph (c) of subsection (4) of section
1602 907.041, Florida Statutes, is amended to read:

1603 907.041 Pretrial detention and release.—

1604 (4) PRETRIAL DETENTION.—

1605 (c) The court may order pretrial detention if it finds a
1606 substantial probability, based on a defendant's past and present
1607 patterns of behavior, the criteria in s. 903.046, and any other
1608 relevant facts, that any of the following circumstances exist:

1609 1. The defendant has previously violated conditions of
1610 release and that no further conditions of release are reasonably
1611 likely to assure the defendant's appearance at subsequent
1612 proceedings;

1613 2. The defendant, with the intent to obstruct the judicial
1614 process, has threatened, intimidated, or injured any victim,
1615 potential witness, juror, or judicial officer, or has attempted
1616 or conspired to do so, and that no condition of release will
1617 reasonably prevent the obstruction of the judicial process;

1618 3. The defendant is charged with trafficking in controlled
1619 substances as defined by s. 893.135, that there is a substantial
1620 probability that the defendant has committed the offense, and
1621 that no conditions of release will reasonably assure the
1622 defendant's appearance at subsequent criminal proceedings;

1623 4. The defendant is charged with DUI manslaughter, as
1624 defined by s. 316.193, and that there is a substantial

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1625 probability that the defendant committed the crime and that the
1626 defendant poses a threat of harm to the community; conditions
1627 that would support a finding by the court pursuant to this
1628 subparagraph that the defendant poses a threat of harm to the
1629 community include, but are not limited to, any of the following:

1630 a. The defendant has previously been convicted of any crime
1631 under s. 316.193, or of any crime in any other state or
1632 territory of the United States that is substantially similar to
1633 any crime under s. 316.193;

1634 b. The defendant was driving with a suspended driver
1635 license when the charged crime was committed; or

1636 c. The defendant has previously been found guilty of, or
1637 has had adjudication of guilt withheld for, driving while the
1638 defendant's driver license was suspended or revoked in violation
1639 of s. 322.34;

1640 5. The defendant poses the threat of harm to the community.
1641 The court may so conclude, if it finds that the defendant is
1642 presently charged with a dangerous crime, that there is a
1643 substantial probability that the defendant committed such crime,
1644 that the factual circumstances of the crime indicate a disregard
1645 for the safety of the community, and that there are no
1646 conditions of release reasonably sufficient to protect the
1647 community from the risk of physical harm to persons;

1648 6. The defendant was on probation, parole, or other release
1649 pending completion of sentence or on pretrial release for a
1650 dangerous crime at the time the current offense was committed;

1651 7. The defendant has violated one or more conditions of
1652 pretrial release or bond for the offense currently before the
1653 court and the violation, in the discretion of the court,

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1654 supports a finding that no conditions of release can reasonably
1655 protect the community from risk of physical harm to persons or
1656 assure the presence of the accused at trial; or

1657 8.a. The defendant has ever been sentenced pursuant to s.
1658 775.082(8) ~~s. 775.082(9)~~ or s. 775.084 as a prison releasee
1659 reoffender, habitual violent felony offender, three-time violent
1660 felony offender, or violent career criminal, or the state
1661 attorney files a notice seeking that the defendant be sentenced
1662 pursuant to s. 775.082(8) ~~s. 775.082(9)~~ or s. 775.084, as a
1663 prison releasee reoffender, habitual violent felony offender,
1664 three-time violent felony offender, or violent career criminal;

1665 b. There is a substantial probability that the defendant
1666 committed the offense; and

1667 c. There are no conditions of release that can reasonably
1668 protect the community from risk of physical harm or ensure the
1669 presence of the accused at trial.

1670 Section 45. Subsection (1) of section 921.1401, Florida
1671 Statutes, is amended to read:

1672 921.1401 Sentence of life imprisonment for persons who are
1673 under the age of 18 years at the time of the offense; sentencing
1674 proceedings.-

1675 (1) Upon conviction or adjudication of guilt of an offense
1676 described in s. 775.082(1)(b), s. 775.082(2)(a)5. ~~s.~~
1677 ~~775.082(3)(a)5.~~, s. 775.082(2)(b)2. ~~s. 775.082(3)(b)2.~~, or s.
1678 775.082(2)(c) ~~s. 775.082(3)(c)~~ which was committed on or after
1679 July 1, 2014, the court may conduct a separate sentencing
1680 hearing to determine if a term of imprisonment for life or a
1681 term of years equal to life imprisonment is an appropriate
1682 sentence.

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1683 Section 46. Paragraphs (b), (c), and (d) of subsection (2)
1684 of section 921.1402, Florida Statutes, are amended to read:

1685 921.1402 Review of sentences for persons convicted of
1686 specified offenses committed while under the age of 18 years.—

1687 (2)

1688 (b) A juvenile offender sentenced to a term of more than 25
1689 years under s. 775.082(2)(a)5.a. ~~s. 775.082(3)(a)5.a.~~ or s.
1690 775.082(2)(b)2.a. ~~s. 775.082(3)(b)2.a.~~ is entitled to a review
1691 of his or her sentence after 25 years.

1692 (c) A juvenile offender sentenced to a term of more than 15
1693 years under s. 775.082(1)(b)2., s. 775.082(2)(a)5.b. ~~s.~~
1694 ~~775.082(3)(a)5.b.~~, or s. 775.082(2)(b)2.b. ~~s. 775.082(3)(b)2.b.~~
1695 is entitled to a review of his or her sentence after 15 years.

1696 (d) A juvenile offender sentenced to a term of 20 years or
1697 more under s. 775.082(2)(c) ~~s. 775.082(3)(e)~~ is entitled to a
1698 review of his or her sentence after 20 years. If the juvenile
1699 offender is not resentenced at the initial review hearing, he or
1700 she is eligible for one subsequent review hearing 10 years after
1701 the initial review hearing.

1702 Section 47. Paragraph (c) of subsection (3) of section
1703 944.17, Florida Statutes, is amended to read:

1704 944.17 Commitments and classification; transfers.—

1705 (3)

1706 (c)1. When the highest ranking offense for which the
1707 prisoner is convicted is a felony, the trial court shall
1708 sentence the prisoner pursuant to the Criminal Punishment Code
1709 in chapter 921.

1710 2. When the highest ranking offense for which the prisoner
1711 is convicted is a misdemeanor, the trial court shall sentence

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1712 the prisoner pursuant to s. 775.082(3) ~~s. 775.082(4)~~.

1713 Section 48. Subsection (1) of section 944.608, Florida
1714 Statutes, is amended to read:

1715 944.608 Notification to Department of Law Enforcement of
1716 information on career offenders.—

1717 (1) As used in this section, the term “career offender”
1718 means a person who is in the custody or control of, or under the
1719 supervision of, the department or is in the custody or control
1720 of, or under the supervision of, a private correctional
1721 facility, and who is designated as a habitual violent felony
1722 offender, a violent career criminal, or a three-time violent
1723 felony offender under s. 775.084 or as a prison releasee
1724 reoffender under s. 775.082(8) ~~s. 775.082(9)~~.

1725 Section 49. Subsection (1) of section 944.609, Florida
1726 Statutes, is amended to read:

1727 944.609 Career offenders; notification upon release.—

1728 (1) As used in this section, the term “career offender”
1729 means a person who is in the custody or control of, or under the
1730 supervision of, the department or is in the custody or control
1731 of, or under the supervision of a private correctional facility,
1732 who is designated as a habitual violent felony offender, a
1733 violent career criminal, or a three-time violent felony offender
1734 under s. 775.084 or as a prison releasee reoffender under s.
1735 775.082(8) ~~s. 775.082(9)~~.

1736 Section 50. Subsection (7) of section 944.705, Florida
1737 Statutes, is amended to read:

1738 944.705 Release orientation program.—

1739 (7) (a) The department shall notify every inmate in the
1740 inmate’s release documents:

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1741 1. Of all outstanding terms of the inmate's sentence at the
1742 time of release to assist the inmate in determining his or her
1743 status with regard to the completion of all terms of sentence,
1744 as that term is defined in s. 98.0751. This subparagraph does
1745 not apply to inmates who are being released from the custody of
1746 the department to any type of supervision monitored by the
1747 department; and

1748 2. In not less than 18-point type, that the inmate may be
1749 sentenced pursuant to s. 775.082(8) ~~s. 775.082(9)~~ if the inmate
1750 commits any felony offense described in s. 775.082(8) ~~s.~~
1751 ~~775.082(9)~~ within 3 years after the inmate's release. This
1752 notice must be prefaced by the word "WARNING" in boldfaced type.

1753 (b) This section does not preclude the sentencing of a
1754 person pursuant to s. 775.082(8) ~~s. 775.082(9)~~, and evidence
1755 that the department failed to provide this notice does not
1756 prohibit a person from being sentenced pursuant to s. 775.082(8)
1757 ~~s. 775.082(9)~~. The state is not required to demonstrate that a
1758 person received any notice from the department in order for the
1759 court to impose a sentence pursuant to s. 775.082(8) ~~s.~~
1760 ~~775.082(9)~~.

1761 Section 51. This act shall take effect upon becoming a law.