

By Senator Farmer

34-00614-21

2021568\_\_

1                   A bill to be entitled  
2       An act relating to the death penalty; amending s.  
3       775.082, F.S.; deleting provisions relating to 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, constitutionally deficient  
16      representation, and postconviction capital collateral  
17      proceedings; amending ss. 23.21, 27.51, 27.511, 43.16,  
18      and 112.0455, F.S.; conforming provisions to changes  
19      made by the act; amending s. 119.071, F.S.; deleting a  
20      public records exemption relating to capital  
21      collateral proceedings; amending ss. 186.003, 215.89,  
22      215.985, 216.011, and 790.25, F.S.; conforming  
23      provisions to changes made by the act; amending ss.  
24      775.15 and 790.161, F.S.; deleting provisions relating  
25      to the effect of a declaration by a court of last  
26      resort that the death penalty in a capital felony is  
27      unconstitutional; repealing ss. 913.13, 921.137,  
28      921.141, and 921.142, F.S., relating to jurors in  
29      capital cases, prohibiting the imposition of the death

34-00614-21

2021568\_\_

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

34-00614-21

2021568\_\_

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

71

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

73

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

76 775.082 Penalties; applicability of sentencing structures;  
77 mandatory minimum sentences for certain reoffenders previously  
78 released from prison.—

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

86 (2) ~~In the event the death penalty in a capital felony is~~  
87 ~~held to be unconstitutional by the Florida Supreme Court or the~~

34-00614-21

2021568\_\_

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

96 Section 2. Subsection (1) of section 27.51, Florida  
97 Statutes, is amended to read:

98 27.51 Duties of public defender.—

99 (1) The public defender shall represent, without additional  
100 compensation, any person determined to be indigent under s.

101 27.52 and:

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

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

104 1. A misdemeanor authorized for prosecution by the state  
105 attorney;

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

107 3. Criminal contempt; or

108 4. A violation of a special law or county or municipal  
109 ordinance ancillary to a state charge, or if not ancillary to a  
110 state charge, only if the public defender contracts with the  
111 county or municipality to provide representation pursuant to ss.  
112 27.54 and 125.69.

113  
114 The public defender shall not provide representation pursuant to  
115 this paragraph if the court, prior to trial, files in the cause  
116 an order of no imprisonment as provided in s. 27.512;

34-00614-21

2021568\_\_

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

119 (d) Sought by petition filed in such court to be  
120 involuntarily placed as a mentally ill person under part I of  
121 chapter 394, involuntarily committed as a sexually violent  
122 predator under part V of chapter 394, or involuntarily admitted  
123 to residential services as a person with developmental  
124 disabilities under chapter 393. A public defender shall not  
125 represent any plaintiff in a civil action brought under the  
126 Florida Rules of Civil Procedure, the Federal Rules of Civil  
127 Procedure, or the federal statutes, or represent a petitioner in  
128 a rule challenge under chapter 120, unless specifically  
129 authorized by statute; or

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

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

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

136 27.511 Offices of criminal conflict and civil regional  
137 counsel; legislative intent; qualifications; appointment;  
138 duties.—

139 (5) When the Office of the Public Defender, at any time  
140 during the representation of two or more defendants, determines  
141 that the interests of those accused are so adverse or hostile  
142 that they cannot all be counseled by the public defender or his  
143 or her staff without a conflict of interest, or that none can be  
144 counseled by the public defender or his or her staff because of  
145 a conflict of interest, and the court grants the public

34-00614-21

2021568\_\_

146 defender's motion to withdraw, the office of criminal conflict  
147 and civil regional counsel shall be appointed and shall provide  
148 legal services, without additional compensation, to any person  
149 determined to be indigent under s. 27.52, who is:

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

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

152 1. A misdemeanor authorized for prosecution by the state  
153 attorney;

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

155 3. Criminal contempt; or

156 4. A violation of a special law or county or municipal  
157 ordinance ancillary to a state charge or, if not ancillary to a  
158 state charge, only if the office of criminal conflict and civil  
159 regional counsel contracts with the county or municipality to  
160 provide representation pursuant to ss. 27.54 and 125.69.

161  
162 The office of criminal conflict and civil regional counsel may  
163 not provide representation pursuant to this paragraph if the  
164 court, prior to trial, files in the cause an order of no  
165 imprisonment as provided in s. 27.512;

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

168 (d) Sought by petition filed in such court to be  
169 involuntarily placed as a mentally ill person under part I of  
170 chapter 394, involuntarily committed as a sexually violent  
171 predator under part V of chapter 394, or involuntarily admitted  
172 to residential services as a person with developmental  
173 disabilities under chapter 393;

174 ~~(e) Convicted and sentenced to death, for purposes of~~

34-00614-21

2021568\_\_

175 ~~handling an appeal to the Supreme Court;~~

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

178 (f)~~(g)~~ Seeking correction, reduction, or modification of a  
179 sentence under Rule 3.800, Florida Rules of Criminal Procedure,  
180 or seeking postconviction relief under Rule 3.850, Florida Rules  
181 of Criminal Procedure, if, in either case, the court determines  
182 that appointment of counsel is necessary to protect a person's  
183 due process rights.

184 (8) The public defender for the judicial circuit specified  
185 in s. 27.51(4) shall, after the record on appeal is transmitted  
186 to the appellate court by the office of criminal conflict and  
187 civil regional counsel which handled the trial and if requested  
188 by the regional counsel for the indicated appellate district,  
189 handle all circuit court and county court appeals authorized  
190 pursuant to paragraph (5)(e) ~~(5)(f)~~ within the state courts  
191 system and any authorized appeals to the federal courts required  
192 of the official making the request. If the public defender  
193 certifies to the court that the public defender has a conflict  
194 consistent with the criteria prescribed in s. 27.5303 and moves  
195 to withdraw, the regional counsel shall handle the appeal,  
196 unless the regional counsel has a conflict, in which case the  
197 court shall appoint private counsel pursuant to s. 27.40.

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

200 27.5304 Private court-appointed counsel; compensation;  
201 notice.—

202 (13) Notwithstanding the limitation set forth in subsection  
203 (5) and for the 2020-2021 fiscal year only, the compensation for

34-00614-21

2021568\_\_

204 representation in a criminal proceeding may not exceed the  
205 following:

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

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

210 (c) For life felonies represented at the trial level:  
211 \$15,000.

212 ~~(d) For capital cases represented at the trial level:  
213 \$25,000. For purposes of this paragraph, a "capital case" is any  
214 offense for which the potential sentence is death and the state  
215 has not waived seeking the death penalty.~~

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

217 (e)~~(f)~~ This subsection expires July 1, 2021.

218 Section 5. Sections 27.7001, 27.7002, 27.701, 27.702,  
219 27.703, 27.704, 27.7045, 27.705, 27.706, 27.707, 27.708,  
220 27.7081, 27.7091, 27.710, 27.711, and 27.715, Florida Statutes,  
221 are repealed.

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

224 23.21 Definitions.—For purposes of this part:

225 (1) "Department" means a principal administrative unit  
226 within the executive branch of state government as defined in  
227 chapter 20 and includes the State Board of Administration, the  
228 Executive Office of the Governor, the Fish and Wildlife  
229 Conservation Commission, the Florida Commission on Offender  
230 Review, the Agency for Health Care Administration, the State  
231 Board of Education, the Board of Governors of the State  
232 University System, the Justice Administrative Commission, ~~the~~

34-00614-21

2021568\_\_

233 ~~capital collateral regional counsel~~, and separate budget  
234 entities placed for administrative purposes within a department.

235 Section 7. Subsection (5) of section 27.51, Florida  
236 Statutes, is amended to read:

237 27.51 Duties of public defender.-

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

253 ~~(b)~~ It is the intent of the Legislature that any public  
254 defender representing an inmate in any collateral proceedings in  
255 any court on June 24, 1985, shall continue representation of  
256 that inmate in all postconviction proceedings unless relieved of  
257 responsibility from further representation by the court.

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

260 27.511 Offices of criminal conflict and civil regional  
261 counsel; legislative intent; qualifications; appointment;

34-00614-21

2021568\_\_

262 duties.-

263 ~~(9) When direct appellate proceedings prosecuted by the~~  
264 ~~office of criminal conflict and civil regional counsel on behalf~~  
265 ~~of an accused and challenging a judgment of conviction and~~  
266 ~~sentence of death terminate in an affirmance of such conviction~~  
267 ~~and sentence, whether by the Supreme Court or by the United~~  
268 ~~States Supreme Court or by expiration of any deadline for filing~~  
269 ~~such appeal in a state or federal court, the office of criminal~~  
270 ~~conflict and civil regional counsel shall notify the accused of~~  
271 ~~his or her rights pursuant to Rule 3.851, Florida Rules of~~  
272 ~~Criminal Procedure, including any time limits pertinent thereto,~~  
273 ~~and shall advise such person that representation in any~~  
274 ~~collateral proceedings is the responsibility of the capital~~  
275 ~~collateral regional counsel. The office of criminal conflict and~~  
276 ~~civil regional counsel shall forward all original files on the~~  
277 ~~matter to the capital collateral regional counsel, retaining~~  
278 ~~such copies for his or her files as may be desired or required~~  
279 ~~by law.~~

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

283 43.16 Justice Administrative Commission; membership, powers  
284 and duties.-

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

287 (a) The maintenance of a central state office for  
288 administrative services and assistance when possible to and on  
289 behalf of the state attorneys and public defenders of Florida,  
290 ~~the capital collateral regional counsel of Florida,~~ the criminal

34-00614-21

2021568\_\_

291 conflict and civil regional counsel, and the Guardian Ad Litem  
292 Program.

293 (6) The commission, each state attorney, each public  
294 defender, the criminal conflict and civil regional counsel, ~~the~~  
295 ~~capital collateral regional counsel~~, and the Guardian Ad Litem  
296 Program shall establish and maintain internal controls designed  
297 to:

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

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

302 (c) Support economical and efficient operations.

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

304 (e) Safeguard assets.

305 (7) The provisions contained in this section shall be  
306 supplemental to those of chapter 27, relating to state  
307 attorneys, public defenders, and criminal conflict and civil  
308 regional counsel, ~~and capital collateral regional counsel~~; to  
309 those of chapter 39, relating to the Guardian Ad Litem Program;  
310 or to other laws pertaining hereto.

311 Section 10. Paragraph (e) of subsection (13) of section  
312 112.0455, Florida Statutes, is amended to read:

313 112.0455 Drug-Free Workplace Act.—

314 (13) RULES.—

315 (e) The Justice Administrative Commission may adopt rules  
316 on behalf of the state attorneys and public defenders of  
317 Florida, ~~the capital collateral regional counsel~~, and the  
318 Judicial Qualifications Commission.

319

34-00614-21

2021568\_\_

320 This section shall not be construed to eliminate the bargainable  
321 rights as provided in the collective bargaining process where  
322 applicable.

323 Section 11. Paragraph (d) of subsection (1) of section  
324 119.071, Florida Statutes, is amended to read:

325 119.071 General exemptions from inspection or copying of  
326 public records.—

327 (1) AGENCY ADMINISTRATION.—

328 (d)1. A public record that was prepared by an agency  
329 attorney (including an attorney employed or retained by the  
330 agency or employed or retained by another public officer or  
331 agency to protect or represent the interests of the agency  
332 having custody of the record) or prepared at the attorney's  
333 express direction, that reflects a mental impression,  
334 conclusion, litigation strategy, or legal theory of the attorney  
335 or the agency, and that was prepared exclusively for civil or  
336 criminal litigation or for adversarial administrative  
337 proceedings, or that was prepared in anticipation of imminent  
338 civil or criminal litigation or imminent adversarial  
339 administrative proceedings, is exempt from s. 119.07(1) and s.  
340 24(a), Art. I of the State Constitution until the conclusion of  
341 the litigation or adversarial administrative proceedings. ~~For~~  
342 ~~purposes of capital collateral litigation as set forth in s.~~  
343 ~~27.7001, the Attorney General's office is entitled to claim this~~  
344 ~~exemption for those public records prepared for direct appeal as~~  
345 ~~well as for all capital collateral litigation after direct~~  
346 ~~appeal until execution of sentence or imposition of a life~~  
347 ~~sentence.~~

348 2. This exemption is not waived by the release of such

34-00614-21

2021568\_\_

349 public record to another public employee or officer of the same  
350 agency or any person consulted by the agency attorney. When  
351 asserting the right to withhold a public record pursuant to this  
352 paragraph, the agency shall identify the potential parties to  
353 any such criminal or civil litigation or adversarial  
354 administrative proceedings. If a court finds that the document  
355 or other record has been improperly withheld under this  
356 paragraph, the party seeking access to such document or record  
357 shall be awarded reasonable attorney's fees and costs in  
358 addition to any other remedy ordered by the court.

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

361 186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.-  
362 As used in ss. 186.001-186.031 and 186.801-186.901, the term:

363 (6) "State agency" or "agency" means any official, officer,  
364 commission, board, authority, council, committee, or department  
365 of the executive branch of state government. For purposes of  
366 this chapter, "state agency" or "agency" includes state  
367 attorneys, public defenders, ~~the capital collateral regional~~  
368 ~~counsel~~, the Justice Administrative Commission, and the Public  
369 Service Commission.

370 Section 13. Paragraph (b) of subsection (2) of section  
371 215.89, Florida Statutes, is amended to read:

372 215.89 Charts of account.-

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

374 (b) "State agency" means an official, officer, commission,  
375 board, authority, council, committee, or department of the  
376 executive branch; a state attorney, public defender, or criminal  
377 conflict and civil regional counsel, ~~or capital collateral~~

34-00614-21

2021568\_\_

378 ~~regional counsel~~; the Florida Clerks of Court Operations  
379 Corporation; the Justice Administrative Commission; the Florida  
380 Housing Finance Corporation; the Florida Public Service  
381 Commission; the State Board of Administration; the Supreme Court  
382 or a district court of appeal, circuit court, or county court;  
383 or the Judicial Qualifications Commission.

384 Section 14. Paragraph (h) of subsection (14) of section  
385 215.985, Florida Statutes, is amended to read:

386 215.985 Transparency in government spending.—

387 (14) The Chief Financial Officer shall establish and  
388 maintain a secure contract tracking system available for viewing  
389 and downloading by the public through a secure website. The  
390 Chief Financial Officer shall use appropriate Internet security  
391 measures to ensure that no person has the ability to alter or  
392 modify records available on the website.

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

394 1. "Procurement document" means any document or material  
395 provided to the public or any vendor as part of a formal  
396 competitive solicitation of goods or services undertaken by a  
397 state entity, and a document or material submitted in response  
398 to a formal competitive solicitation by any vendor who is  
399 awarded the resulting contract.

400 2. "State entity" means an official, officer, commission,  
401 board, authority, council, committee, or department of the  
402 executive branch of state government; a state attorney, public  
403 defender, criminal conflict and civil regional counsel, ~~capital~~  
404 ~~collateral regional counsel~~, and the Justice Administrative  
405 Commission; the Public Service Commission; and any part of the  
406 judicial branch of state government.

34-00614-21

2021568\_\_

407 Section 15. Paragraph (qq) of subsection (1) of section  
408 216.011, Florida Statutes, is amended to read:

409 216.011 Definitions.—

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

413 (qq) "State agency" or "agency" means any official,  
414 officer, commission, board, authority, council, committee, or  
415 department of the executive branch of state government. For  
416 purposes of this chapter and chapter 215, "state agency" or  
417 "agency" includes, but is not limited to, state attorneys,  
418 public defenders, criminal conflict and civil regional counsel,  
419 ~~capital collateral regional counsel~~, the Justice Administrative  
420 Commission, the Florida Housing Finance Corporation, and the  
421 Florida Public Service Commission. Solely for the purposes of  
422 implementing s. 19(h), Art. III of the State Constitution, the  
423 terms "state agency" or "agency" include the judicial branch.

424 Section 16. Subsection (3) of section 790.25, Florida  
425 Statutes, is amended to read:

426 790.25 Lawful ownership, possession, and use of firearms  
427 and other weapons.—

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

433 (a) Members of the Militia, National Guard, Florida State  
434 Defense Force, Army, Navy, Air Force, Marine Corps, Coast Guard,  
435 organized reserves, and other armed forces of the state and of

34-00614-21

2021568\_\_

436 the United States, when on duty, when training or preparing  
437 themselves for military duty, or while subject to recall or  
438 mobilization;

439 (b) Citizens of this state subject to duty in the Armed  
440 Forces under s. 2, Art. X of the State Constitution, under  
441 chapters 250 and 251, and under federal laws, when on duty or  
442 when training or preparing themselves for military duty;

443 (c) Persons carrying out or training for emergency  
444 management duties under chapter 252;

445 (d) Sheriffs, marshals, prison or jail wardens, police  
446 officers, Florida highway patrol officers, game wardens, revenue  
447 officers, forest officials, special officers appointed under the  
448 provisions of chapter 354, and other peace and law enforcement  
449 officers and their deputies and assistants and full-time paid  
450 peace officers of other states and of the Federal Government who  
451 are carrying out official duties while in this state;

452 (e) Officers or employees of the state or United States  
453 duly authorized to carry a concealed weapon;

454 (f) Guards or messengers of common carriers, express  
455 companies, armored car carriers, mail carriers, banks, and other  
456 financial institutions, while actually employed in and about the  
457 shipment, transportation, or delivery of any money, treasure,  
458 bullion, bonds, or other thing of value within this state;

459 (g) Regularly enrolled members of any organization duly  
460 authorized to purchase or receive weapons from the United States  
461 or from this state, or regularly enrolled members of clubs  
462 organized for target, skeet, or trap shooting, while at or going  
463 to or from shooting practice; or regularly enrolled members of  
464 clubs organized for modern or antique firearms collecting, while

34-00614-21

2021568\_\_

465 such members are at or going to or from their collectors' gun  
466 shows, conventions, or exhibits;

467 (h) A person engaged in fishing, camping, or lawful hunting  
468 or going to or returning from a fishing, camping, or lawful  
469 hunting expedition;

470 (i) A person engaged in the business of manufacturing,  
471 repairing, or dealing in firearms, or the agent or  
472 representative of any such person while engaged in the lawful  
473 course of such business;

474 (j) A person firing weapons for testing or target practice  
475 under safe conditions and in a safe place not prohibited by law  
476 or going to or from such place;

477 (k) A person firing weapons in a safe and secure indoor  
478 range for testing and target practice;

479 (l) A person traveling by private conveyance when the  
480 weapon is securely encased or in a public conveyance when the  
481 weapon is securely encased and not in the person's manual  
482 possession;

483 (m) A person while carrying a pistol unloaded and in a  
484 secure wrapper, concealed or otherwise, from the place of  
485 purchase to his or her home or place of business or to a place  
486 of repair or back to his or her home or place of business;

487 (n) A person possessing arms at his or her home or place of  
488 business;

489 (o) Investigators employed by the several public defenders  
490 of the state, while actually carrying out official duties,  
491 provided such investigators:

- 492 1. Are employed full time;  
493 2. Meet the official training standards for firearms

34-00614-21

2021568\_\_

494 established by the Criminal Justice Standards and Training  
495 Commission as provided in s. 943.12(5) and the requirements of  
496 ss. 493.6108(1)(a) and 943.13(1)-(4); and

497 3. Are individually designated by an affidavit of consent  
498 signed by the employing public defender and filed with the clerk  
499 of the circuit court in the county in which the employing public  
500 defender resides; and.

501 ~~(p) Investigators employed by the capital collateral~~  
502 ~~regional counsel, while actually carrying out official duties,~~  
503 ~~provided such investigators:~~

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

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

509 3. ~~Are individually designated by an affidavit of consent~~  
510 ~~signed by the capital collateral regional counsel and filed with~~  
511 ~~the clerk of the circuit court in the county in which the~~  
512 ~~investigator is headquartered.~~

513 (p) ~~(q)~~ 1. A tactical medical professional who is actively  
514 operating in direct support of a tactical operation by a law  
515 enforcement agency provided that:

516 a. The tactical medical professional is lawfully able to  
517 possess firearms and has an active concealed weapons permit  
518 issued pursuant to s. 790.06.

519 b. The tactical medical professional is appointed to a law  
520 enforcement tactical team of a law enforcement agency by the  
521 head of the law enforcement agency.

522 c. The law enforcement agency has an established policy

34-00614-21

2021568\_\_

523 providing for the appointment, training, and deployment of the  
524 tactical medical professional.

525 d. The tactical medical professional successfully completes  
526 a firearms safety training and tactical training as established  
527 or designated by the appointing law enforcement agency.

528 e. The law enforcement agency provides and the tactical  
529 medical professional participates in annual firearm training and  
530 tactical training.

531 2. While actively operating in direct support of a tactical  
532 operation by a law enforcement agency, a tactical medical  
533 professional:

534 a. May carry a firearm in the same manner as a law  
535 enforcement officer, as defined in s. 943.10 and,  
536 notwithstanding any other law, at any place a tactical law  
537 enforcement operation occurs.

538 b. Has no duty to retreat and is justified in the use of  
539 any force which he or she reasonably believes is necessary to  
540 defend himself or herself or another from bodily harm.

541 c. Has the same immunities and privileges as a law  
542 enforcement officer, as defined in s. 943.10, in a civil or  
543 criminal action arising out of a tactical law enforcement  
544 operation when acting within the scope of his or her official  
545 duties.

546 3. This paragraph may not be construed to authorize a  
547 tactical medical professional to carry, transport, or store any  
548 firearm or ammunition on any fire apparatus or EMS vehicle.

549 4. The appointing law enforcement agency shall issue any  
550 firearm or ammunition that the tactical medical professional  
551 carries in accordance with this paragraph.

34-00614-21

2021568\_\_

552           5. For the purposes of this paragraph, the term "tactical  
553 medical professional" means a paramedic, as defined in s.  
554 401.23, a physician, as defined in s. 458.305, or an osteopathic  
555 physician, as defined in s. 459.003, who is appointed to provide  
556 direct support to a tactical law enforcement unit by providing  
557 medical services at high-risk incidents, including, but not  
558 limited to, hostage incidents, narcotics raids, hazardous  
559 surveillance, sniper incidents, armed suicidal persons,  
560 barricaded suspects, high-risk felony warrant service, fugitives  
561 refusing to surrender, and active shooter incidents.

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

564           775.15 Time limitations; general time limitations;  
565 exceptions.—

566           (1) A prosecution for a capital felony, a life felony, or a  
567 felony that resulted in a death may be commenced at any time. ~~If~~  
568 ~~the death penalty is held to be unconstitutional by the Florida~~  
569 ~~Supreme Court or the United States Supreme Court, all crimes~~  
570 ~~designated as capital felonies shall be considered life felonies~~  
571 ~~for the purposes of this section, and prosecution for such~~  
572 ~~crimes may be commenced at any time.~~

573           Section 18. Subsection (4) of section 790.161, Florida  
574 Statutes, is amended to read:

575           790.161 Making, possessing, throwing, projecting, placing,  
576 or discharging any destructive device or attempt so to do,  
577 felony; penalties.—A person who willfully and unlawfully makes,  
578 possesses, throws, projects, places, discharges, or attempts to  
579 make, possess, throw, project, place, or discharge any  
580 destructive device:

34-00614-21

2021568\_\_

581 (4) If the act results in the death of another person,  
582 commits a capital felony, punishable as provided in s. 775.082.  
583 ~~In the event the death penalty in a capital felony is held to be~~  
584 ~~unconstitutional by the Florida Supreme Court or the United~~  
585 ~~States Supreme Court, the court having jurisdiction over a~~  
586 ~~person previously sentenced to death for a capital felony shall~~  
587 ~~cause such person to be brought before the court, and the court~~  
588 ~~shall sentence such person to life imprisonment if convicted of~~  
589 ~~murder in the first degree or of a capital felony under this~~  
590 ~~subsection, and such person shall be ineligible for parole. No~~  
591 ~~sentence of death shall be reduced as a result of a~~  
592 ~~determination that a method of execution is held to be~~  
593 ~~unconstitutional under the State Constitution or the~~  
594 ~~Constitution of the United States.~~

595 Section 19. Sections 913.13, 921.137, 921.141, and 921.142,  
596 Florida Statutes, are repealed.

597 Section 20. Subsection (9) of section 394.912, Florida  
598 Statutes, is amended to read:

599 394.912 Definitions.—As used in this part, the term:

600 (9) "Sexually violent offense" means:

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

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

605 1. Sexual battery; or

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

608 (c) Committing the offense of false imprisonment upon a  
609 child under the age of 13 and, in the course of that offense,

34-00614-21

2021568\_\_

610 committing:

611 1. Sexual battery; or

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

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

615 (e) Lewd, lascivious, or indecent assault or act upon or in  
616 presence of the child in violation of s. 800.04 or s.  
617 847.0135(5);

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

620 (g) Any conviction for a felony offense in effect at any  
621 time before October 1, 1998, which is comparable to a sexually  
622 violent offense under paragraphs (a)-(f) or any federal  
623 conviction or conviction in another state for a felony offense  
624 that in this state would be a sexually violent offense;

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

629 (i) A criminal offense in which the state attorney refers a  
630 person to the department for civil commitment proceedings  
631 pursuant to s. 394.9125.

632 Section 21. Paragraph (c) of subsection (5) of section  
633 775.021, Florida Statutes, is amended to read:

634 775.021 Rules of construction.—

635 (5) Whoever commits an act that violates a provision of  
636 this code or commits a criminal offense defined by another  
637 statute and thereby causes the death of, or bodily injury to, an  
638 unborn child commits a separate offense if the provision or

34-00614-21

2021568\_\_

639 statute does not otherwise specifically provide a separate  
640 offense for such death or injury to an unborn child.

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

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

645 775.30 Terrorism; defined; penalties.—

646 (2) A person who violates s. 782.04(1)(a) ~~s. 782.04(1)(a)1-~~  
647 or (2), s. 782.065, s. 782.07(1), s. 782.09, s. 784.045, s.  
648 784.07, s. 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15,  
649 s. 790.16, s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s.  
650 790.19, s. 806.01, s. 806.031, s. 806.111, s. 815.06, s.  
651 815.061, s. 859.01, or s. 876.34, in furtherance of intimidating  
652 or coercing the policy of a government, or in furtherance of  
653 affecting the conduct of a government by mass destruction,  
654 assassination, or kidnapping, commits the crime of terrorism, a  
655 felony of the first degree, punishable as provided in s.  
656 775.082, s. 775.083, or s. 775.084.

657 Section 23. Subsection (1) of section 782.04, Florida  
658 Statutes, is amended to read:

659 782.04 Murder.—

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

661 (a)1- When perpetrated from a premeditated design to effect  
662 the death of the person killed or any human being;

663 (b)2- When committed by a person engaged in the  
664 perpetration of, or in the attempt to perpetrate, any:

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

666 2.b- Arson,

667 3.e- Sexual battery,

34-00614-21

2021568\_\_

668        4.d. Robbery,  
 669        5.e. Burglary,  
 670        6.f. Kidnapping,  
 671        7.g. Escape,  
 672        8.h. Aggravated child abuse,  
 673        9.i. Aggravated abuse of an elderly person or disabled  
 674 adult,  
 675        10.j. Aircraft piracy,  
 676        11.k. Unlawful throwing, placing, or discharging of a  
 677 destructive device or bomb,  
 678        12.l. Carjacking,  
 679        13.m. Home-invasion robbery,  
 680        14.n. Aggravated stalking,  
 681        15.o. Murder of another human being,  
 682        16.p. Resisting an officer with violence to his or her  
 683 person,  
 684        17.q. Aggravated fleeing or eluding with serious bodily  
 685 injury or death,  
 686        18.r. Felony that is an act of terrorism or is in  
 687 furtherance of an act of terrorism, including a felony under s.  
 688 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or  
 689        19.s. Human trafficking; or  
 690        (c)3. Which resulted from the unlawful distribution by a  
 691 person 18 years of age or older of any of the following  
 692 substances, or mixture containing any of the following  
 693 substances, when such substance or mixture is proven to be the  
 694 proximate cause of the death of the user:  
 695        1.a. A substance controlled under s. 893.03(1);  
 696        2.b. Cocaine, as described in s. 893.03(2)(a)4.;

34-00614-21

2021568\_\_

697       ~~3.e.~~ Opium or any synthetic or natural salt, compound,  
 698 derivative, or preparation of opium;  
 699       ~~4.d.~~ Methadone;  
 700       ~~5.e.~~ Alfentanil, as described in s. 893.03(2)(b)1.;  
 701       ~~6.f.~~ Carfentanil, as described in s. 893.03(2)(b)6.;  
 702       ~~7.g.~~ Fentanyl, as described in s. 893.03(2)(b)9.;  
 703       ~~8.h.~~ Sufentanil, as described in s. 893.03(2)(b)30.; or  
 704       ~~9.i.~~ A controlled substance analog, as described in s.  
 705 893.0356, of any substance specified in subparagraphs 1.-8. ~~sub-~~  
 706 ~~subparagraphs a.-h.~~,

707  
 708 is murder in the first degree and constitutes a capital felony,  
 709 punishable as provided in s. 775.082.

710       ~~(b) In all cases under this section, the procedure set~~  
 711 ~~forth in s. 921.141 shall be followed in order to determine~~  
 712 ~~sentence of death or life imprisonment. If the prosecutor~~  
 713 ~~intends to seek the death penalty, the prosecutor must give~~  
 714 ~~notice to the defendant and file the notice with the court~~  
 715 ~~within 45 days after arraignment. The notice must contain a list~~  
 716 ~~of the aggravating factors the state intends to prove and has~~  
 717 ~~reason to believe it can prove beyond a reasonable doubt. The~~  
 718 ~~court may allow the prosecutor to amend the notice upon a~~  
 719 ~~showing of good cause.~~

720       Section 24. Section 782.065, Florida Statutes, is amended  
 721 to read:

722       782.065 Murder; law enforcement officer, correctional  
 723 officer, correctional probation officer.—Notwithstanding ss.  
 724 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant  
 725 shall be sentenced to life imprisonment without eligibility for

34-00614-21

2021568\_\_

726 release upon findings by the trier of fact that, beyond a  
727 reasonable doubt:

728 (1) The defendant committed murder in the first degree in  
729 violation of s. 782.04(1) and a death sentence was not imposed;  
730 murder in the second or third degree in violation of s.  
731 782.04(2), (3), or (4); attempted murder in the first or second  
732 degree in violation of s. 782.04(1)(a) ~~s. 782.04(1)(a)1.~~ or (2);  
733 or attempted felony murder in violation of s. 782.051; and

734 (2) The victim of any offense described in subsection (1)  
735 was a law enforcement officer, part-time law enforcement  
736 officer, auxiliary law enforcement officer, correctional  
737 officer, part-time correctional officer, auxiliary correctional  
738 officer, correctional probation officer, part-time correctional  
739 probation officer, or auxiliary correctional probation officer,  
740 as those terms are defined in s. 943.10, engaged in the lawful  
741 performance of a legal duty.

742 Section 25. Paragraph (a) of subsection (2) of section  
743 794.011, Florida Statutes, is amended to read:

744 794.011 Sexual battery.—

745 (2)(a) A person 18 years of age or older who commits sexual  
746 battery upon, or in an attempt to commit sexual battery injures  
747 the sexual organs of, a person less than 12 years of age commits  
748 a capital felony, punishable as provided in s. 775.082 ~~ss.~~  
749 ~~775.082 and 921.141.~~

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

753 893.135 Trafficking; mandatory sentences; suspension or  
754 reduction of sentences; conspiracy to engage in trafficking.—

34-00614-21

2021568\_\_

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

757 (b)1. Any person who knowingly sells, purchases,  
758 manufactures, delivers, or brings into this state, or who is  
759 knowingly in actual or constructive possession of, 28 grams or  
760 more of cocaine, as described in s. 893.03(2)(a)4., or of any  
761 mixture containing cocaine, but less than 150 kilograms of  
762 cocaine or any such mixture, commits a felony of the first  
763 degree, which felony shall be known as "trafficking in cocaine,"  
764 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
765 If the quantity involved:

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

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

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

777 2. Any person who knowingly sells, purchases, manufactures,  
778 delivers, or brings into this state, or who is knowingly in  
779 actual or constructive possession of, 150 kilograms or more of  
780 cocaine, as described in s. 893.03(2)(a)4., commits the first  
781 degree felony of trafficking in cocaine. A person who has been  
782 convicted of the first degree felony of trafficking in cocaine  
783 under this subparagraph shall be punished by life imprisonment

34-00614-21

2021568\_\_

784 and is ineligible for any form of discretionary early release  
785 except pardon or executive clemency or conditional medical  
786 release under s. 947.149. However, if the court determines that,  
787 in addition to committing any act specified in this paragraph:

788 a. The person intentionally killed an individual or  
789 counseled, commanded, induced, procured, or caused the  
790 intentional killing of an individual and such killing was the  
791 result; or

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

794  
795 such person commits the capital felony of trafficking in  
796 cocaine, punishable as provided in s. 775.082 ~~ss. 775.082 and~~  
797 ~~921.142~~. Any person sentenced for a capital felony under this  
798 paragraph shall also be sentenced to pay the maximum fine  
799 provided under subparagraph 1.

800 3. Any person who knowingly brings into this state 300  
801 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
802 and who knows that the probable result of such importation would  
803 be the death of any person, commits capital importation of  
804 cocaine, a capital felony punishable as provided in s. 775.082  
805 ~~ss. 775.082 and 921.142~~. Any person sentenced for a capital  
806 felony under this paragraph shall also be sentenced to pay the  
807 maximum fine provided under subparagraph 1.

808 (c)1. A person who knowingly sells, purchases,  
809 manufactures, delivers, or brings into this state, or who is  
810 knowingly in actual or constructive possession of, 4 grams or  
811 more of any morphine, opium, hydromorphone, or any salt,  
812 derivative, isomer, or salt of an isomer thereof, including

34-00614-21

2021568\_\_

813 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
814 (3)(c)4., or 4 grams or more of any mixture containing any such  
815 substance, but less than 30 kilograms of such substance or  
816 mixture, commits a felony of the first degree, which felony  
817 shall be known as "trafficking in illegal drugs," punishable as  
818 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
819 quantity involved:

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

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

826 c. Is 28 grams or more, but less than 30 kilograms, such  
827 person shall be sentenced to a mandatory minimum term of  
828 imprisonment of 25 years and shall be ordered to pay a fine of  
829 \$500,000.

830 2. A person who knowingly sells, purchases, manufactures,  
831 delivers, or brings into this state, or who is knowingly in  
832 actual or constructive possession of, 28 grams or more of  
833 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as  
834 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28  
835 grams or more of any mixture containing any such substance,  
836 commits a felony of the first degree, which felony shall be  
837 known as "trafficking in hydrocodone," punishable as provided in  
838 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

34-00614-21

2021568\_\_

842           b. Is 50 grams or more, but less than 100 grams, such  
843 person shall be sentenced to a mandatory minimum term of  
844 imprisonment of 7 years and shall be ordered to pay a fine of  
845 \$100,000.

846           c. Is 100 grams or more, but less than 300 grams, such  
847 person shall be sentenced to a mandatory minimum term of  
848 imprisonment of 15 years and shall be ordered to pay a fine of  
849 \$500,000.

850           d. Is 300 grams or more, but less than 30 kilograms, such  
851 person shall be sentenced to a mandatory minimum term of  
852 imprisonment of 25 years and shall be ordered to pay a fine of  
853 \$750,000.

854           3. A person who knowingly sells, purchases, manufactures,  
855 delivers, or brings into this state, or who is knowingly in  
856 actual or constructive possession of, 7 grams or more of  
857 oxycodone, as described in s. 893.03(2)(a)1.g., or any salt  
858 thereof, or 7 grams or more of any mixture containing any such  
859 substance, commits a felony of the first degree, which felony  
860 shall be known as "trafficking in oxycodone," punishable as  
861 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
862 quantity involved:

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

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

869           c. Is 25 grams or more, but less than 100 grams, such  
870 person shall be sentenced to a mandatory minimum term of

34-00614-21

2021568\_\_

871 imprisonment of 15 years and shall be ordered to pay a fine of  
872 \$500,000.

873 d. Is 100 grams or more, but less than 30 kilograms, such  
874 person shall be sentenced to a mandatory minimum term of  
875 imprisonment of 25 years and shall be ordered to pay a fine of  
876 \$750,000.

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

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

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

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

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

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

885 893.03(1)(a)62.;

886 (VI) A controlled substance analog, as described in s.  
887 893.0356, of any substance described in sub-sub-subparagraphs  
888 (I)-(V); or

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

891  
892 commits a felony of the first degree, which felony shall be  
893 known as "trafficking in fentanyl," punishable as provided in s.  
894 775.082, s. 775.083, or s. 775.084.

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

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

899 (II) Is 14 grams or more, but less than 28 grams, such

34-00614-21

2021568\_\_

900 person shall be sentenced to a mandatory minimum term of  
901 imprisonment of 15 years, and shall be ordered to pay a fine of  
902 \$100,000.

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

906 5. A person who knowingly sells, purchases, manufactures,  
907 delivers, or brings into this state, or who is knowingly in  
908 actual or constructive possession of, 30 kilograms or more of  
909 any morphine, opium, oxycodone, hydrocodone, codeine,  
910 hydromorphone, or any salt, derivative, isomer, or salt of an  
911 isomer thereof, including heroin, as described in s.  
912 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
913 more of any mixture containing any such substance, commits the  
914 first degree felony of trafficking in illegal drugs. A person  
915 who has been convicted of the first degree felony of trafficking  
916 in illegal drugs under this subparagraph shall be punished by  
917 life imprisonment and is ineligible for any form of  
918 discretionary early release except pardon or executive clemency  
919 or conditional medical release under s. 947.149. However, if the  
920 court determines that, in addition to committing any act  
921 specified in this paragraph:

922 a. The person intentionally killed an individual or  
923 counseled, commanded, induced, procured, or caused the  
924 intentional killing of an individual and such killing was the  
925 result; or

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

928

34-00614-21

2021568\_\_

929 such person commits the capital felony of trafficking in illegal  
930 drugs, punishable as provided in s. 775.082 ~~ss. 775.082 and~~  
931 ~~921.142~~. A person sentenced for a capital felony under this  
932 paragraph shall also be sentenced to pay the maximum fine  
933 provided under subparagraph 1.

934 6. A person who knowingly brings into this state 60  
935 kilograms or more of any morphine, opium, oxycodone,  
936 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
937 isomer, or salt of an isomer thereof, including heroin, as  
938 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
939 60 kilograms or more of any mixture containing any such  
940 substance, and who knows that the probable result of such  
941 importation would be the death of a person, commits capital  
942 importation of illegal drugs, a capital felony punishable as  
943 provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A person  
944 sentenced for a capital felony under this paragraph shall also  
945 be sentenced to pay the maximum fine provided under subparagraph  
946 1.

947 (d)1. Any person who knowingly sells, purchases,  
948 manufactures, delivers, or brings into this state, or who is  
949 knowingly in actual or constructive possession of, 28 grams or  
950 more of phencyclidine, as described in s. 893.03(2)(b)23., a  
951 substituted phenylcyclohexylamine, as described in s.  
952 893.03(1)(c)195., or a substance described in s.  
953 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture  
954 containing phencyclidine, as described in s. 893.03(2)(b)23., a  
955 substituted phenylcyclohexylamine, as described in s.  
956 893.03(1)(c)195., or a substance described in s.  
957 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of

34-00614-21

2021568\_\_

958 the first degree, which felony shall be known as "trafficking in  
959 phencyclidine," punishable as provided in s. 775.082, s.  
960 775.083, or s. 775.084. If the quantity involved:

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

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

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

972 2. Any person who knowingly brings into this state 800  
973 grams or more of phencyclidine, as described in s.  
974 893.03(2)(b)23., a substituted phenylcyclohexylamine, as  
975 described in s. 893.03(1)(c)195., or a substance described in s.  
976 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture  
977 containing phencyclidine, as described in s. 893.03(2)(b)23., a  
978 substituted phenylcyclohexylamine, as described in s.  
979 893.03(1)(c)195., or a substance described in s.  
980 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the  
981 probable result of such importation would be the death of any  
982 person commits capital importation of phencyclidine, a capital  
983 felony punishable as provided in s. 775.082 ~~ss. 775.082 and~~  
984 ~~921.142~~. Any person sentenced for a capital felony under this  
985 paragraph shall also be sentenced to pay the maximum fine  
986 provided under subparagraph 1.

34-00614-21

2021568\_\_

987 (e)1. Any person who knowingly sells, purchases,  
988 manufactures, delivers, or brings into this state, or who is  
989 knowingly in actual or constructive possession of, 200 grams or  
990 more of methaqualone or of any mixture containing methaqualone,  
991 as described in s. 893.03(1)(d), commits a felony of the first  
992 degree, which felony shall be known as "trafficking in  
993 methaqualone," punishable as provided in s. 775.082, s. 775.083,  
994 or s. 775.084. If the quantity involved:

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

999 b. Is 5 kilograms or more, but less than 25 kilograms, such  
1000 person shall be sentenced to a mandatory minimum term of  
1001 imprisonment of 7 years, and the defendant shall be ordered to  
1002 pay a fine of \$100,000.

1003 c. Is 25 kilograms or more, such person shall be sentenced  
1004 to a mandatory minimum term of imprisonment of 15 calendar years  
1005 and pay a fine of \$250,000.

1006 2. Any person who knowingly brings into this state 50  
1007 kilograms or more of methaqualone or of any mixture containing  
1008 methaqualone, as described in s. 893.03(1)(d), and who knows  
1009 that the probable result of such importation would be the death  
1010 of any person commits capital importation of methaqualone, a  
1011 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~  
1012 ~~and 921.142~~. Any person sentenced for a capital felony under  
1013 this paragraph shall also be sentenced to pay the maximum fine  
1014 provided under subparagraph 1.

1015 (f)1. Any person who knowingly sells, purchases,

34-00614-21

2021568\_\_

1016 manufactures, delivers, or brings into this state, or who is  
1017 knowingly in actual or constructive possession of, 14 grams or  
1018 more of amphetamine, as described in s. 893.03(2)(c)2., or  
1019 methamphetamine, as described in s. 893.03(2)(c)5., or of any  
1020 mixture containing amphetamine or methamphetamine, or  
1021 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
1022 in conjunction with other chemicals and equipment utilized in  
1023 the manufacture of amphetamine or methamphetamine, commits a  
1024 felony of the first degree, which felony shall be known as  
1025 "trafficking in amphetamine," punishable as provided in s.  
1026 775.082, s. 775.083, or s. 775.084. If the quantity involved:

1027       a. Is 14 grams or more, but less than 28 grams, such person  
1028 shall be sentenced to a mandatory minimum term of imprisonment  
1029 of 3 years, and the defendant shall be ordered to pay a fine of  
1030 \$50,000.

1031       b. Is 28 grams or more, but less than 200 grams, such  
1032 person shall be sentenced to a mandatory minimum term of  
1033 imprisonment of 7 years, and the defendant shall be ordered to  
1034 pay a fine of \$100,000.

1035       c. Is 200 grams or more, such person shall be sentenced to  
1036 a mandatory minimum term of imprisonment of 15 calendar years  
1037 and pay a fine of \$250,000.

1038       2. Any person who knowingly manufactures or brings into  
1039 this state 400 grams or more of amphetamine, as described in s.  
1040 893.03(2)(c)2., or methamphetamine, as described in s.  
1041 893.03(2)(c)5., or of any mixture containing amphetamine or  
1042 methamphetamine, or phenylacetone, phenylacetic acid,  
1043 pseudoephedrine, or ephedrine in conjunction with other  
1044 chemicals and equipment used in the manufacture of amphetamine

34-00614-21

2021568\_\_

1045 or methamphetamine, and who knows that the probable result of  
1046 such manufacture or importation would be the death of any person  
1047 commits capital manufacture or importation of amphetamine, a  
1048 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~  
1049 ~~and 921.142~~. Any person sentenced for a capital felony under  
1050 this paragraph shall also be sentenced to pay the maximum fine  
1051 provided under subparagraph 1.

1052 (g)1. Any person who knowingly sells, purchases,  
1053 manufactures, delivers, or brings into this state, or who is  
1054 knowingly in actual or constructive possession of, 4 grams or  
1055 more of flunitrazepam or any mixture containing flunitrazepam as  
1056 described in s. 893.03(1)(a) commits a felony of the first  
1057 degree, which felony shall be known as "trafficking in  
1058 flunitrazepam," punishable as provided in s. 775.082, s.  
1059 775.083, or s. 775.084. If the quantity involved:

1060 a. Is 4 grams or more but less than 14 grams, such person  
1061 shall be sentenced to a mandatory minimum term of imprisonment  
1062 of 3 years, and the defendant shall be ordered to pay a fine of  
1063 \$50,000.

1064 b. Is 14 grams or more but less than 28 grams, such person  
1065 shall be sentenced to a mandatory minimum term of imprisonment  
1066 of 7 years, and the defendant shall be ordered to pay a fine of  
1067 \$100,000.

1068 c. Is 28 grams or more but less than 30 kilograms, such  
1069 person shall be sentenced to a mandatory minimum term of  
1070 imprisonment of 25 calendar years and pay a fine of \$500,000.

1071 2. Any person who knowingly sells, purchases, manufactures,  
1072 delivers, or brings into this state or who is knowingly in  
1073 actual or constructive possession of 30 kilograms or more of

34-00614-21

2021568\_\_

1074 flunitrazepam or any mixture containing flunitrazepam as  
1075 described in s. 893.03(1) (a) commits the first degree felony of  
1076 trafficking in flunitrazepam. A person who has been convicted of  
1077 the first degree felony of trafficking in flunitrazepam under  
1078 this subparagraph shall be punished by life imprisonment and is  
1079 ineligible for any form of discretionary early release except  
1080 pardon or executive clemency or conditional medical release  
1081 under s. 947.149. However, if the court determines that, in  
1082 addition to committing any act specified in this paragraph:

1083       a. The person intentionally killed an individual or  
1084 counseled, commanded, induced, procured, or caused the  
1085 intentional killing of an individual and such killing was the  
1086 result; or

1087       b. The person's conduct in committing that act led to a  
1088 natural, though not inevitable, lethal result,

1089  
1090 such person commits the capital felony of trafficking in  
1091 flunitrazepam, punishable as provided in s. 775.082 ~~ss. 775.082~~  
1092 ~~and 921.142~~. Any person sentenced for a capital felony under  
1093 this paragraph shall also be sentenced to pay the maximum fine  
1094 provided under subparagraph 1.

1095       (h)1. Any person who knowingly sells, purchases,  
1096 manufactures, delivers, or brings into this state, or who is  
1097 knowingly in actual or constructive possession of, 1 kilogram or  
1098 more of gamma-hydroxybutyric acid (GHB), as described in s.  
1099 893.03(1) (d), or any mixture containing gamma-hydroxybutyric  
1100 acid (GHB), commits a felony of the first degree, which felony  
1101 shall be known as "trafficking in gamma-hydroxybutyric acid  
1102 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.

34-00614-21

2021568\_\_

1103 775.084. If the quantity involved:

1104 a. Is 1 kilogram or more but less than 5 kilograms, such  
1105 person shall be sentenced to a mandatory minimum term of  
1106 imprisonment of 3 years, and the defendant shall be ordered to  
1107 pay a fine of \$50,000.

1108 b. Is 5 kilograms or more but less than 10 kilograms, such  
1109 person shall be sentenced to a mandatory minimum term of  
1110 imprisonment of 7 years, and the defendant shall be ordered to  
1111 pay a fine of \$100,000.

1112 c. Is 10 kilograms or more, such person shall be sentenced  
1113 to a mandatory minimum term of imprisonment of 15 calendar years  
1114 and pay a fine of \$250,000.

1115 2. Any person who knowingly manufactures or brings into  
1116 this state 150 kilograms or more of gamma-hydroxybutyric acid  
1117 (GHB), as described in s. 893.03(1)(d), or any mixture  
1118 containing gamma-hydroxybutyric acid (GHB), and who knows that  
1119 the probable result of such manufacture or importation would be  
1120 the death of any person commits capital manufacture or  
1121 importation of gamma-hydroxybutyric acid (GHB), a capital felony  
1122 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.  
1123 Any person sentenced for a capital felony under this paragraph  
1124 shall also be sentenced to pay the maximum fine provided under  
1125 subparagraph 1.

1126 (i)1. Any person who knowingly sells, purchases,  
1127 manufactures, delivers, or brings into this state, or who is  
1128 knowingly in actual or constructive possession of, 1 kilogram or  
1129 more of gamma-butyrolactone (GBL), as described in s.  
1130 893.03(1)(d), or any mixture containing gamma-butyrolactone  
1131 (GBL), commits a felony of the first degree, which felony shall

34-00614-21

2021568\_\_

1132 be known as "trafficking in gamma-butyrolactone (GBL),"  
1133 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
1134 If the quantity involved:

1135 a. Is 1 kilogram or more but less than 5 kilograms, such  
1136 person shall be sentenced to a mandatory minimum term of  
1137 imprisonment of 3 years, and the defendant shall be ordered to  
1138 pay a fine of \$50,000.

1139 b. Is 5 kilograms or more but less than 10 kilograms, such  
1140 person shall be sentenced to a mandatory minimum term of  
1141 imprisonment of 7 years, and the defendant shall be ordered to  
1142 pay a fine of \$100,000.

1143 c. Is 10 kilograms or more, such person shall be sentenced  
1144 to a mandatory minimum term of imprisonment of 15 calendar years  
1145 and pay a fine of \$250,000.

1146 2. Any person who knowingly manufactures or brings into the  
1147 state 150 kilograms or more of gamma-butyrolactone (GBL), as  
1148 described in s. 893.03(1)(d), or any mixture containing gamma-  
1149 butyrolactone (GBL), and who knows that the probable result of  
1150 such manufacture or importation would be the death of any person  
1151 commits capital manufacture or importation of gamma-  
1152 butyrolactone (GBL), a capital felony punishable as provided in  
1153 s. 775.082 ~~ss. 775.082 and 921.142~~. Any person sentenced for a  
1154 capital felony under this paragraph shall also be sentenced to  
1155 pay the maximum fine provided under subparagraph 1.

1156 (j)1. Any person who knowingly sells, purchases,  
1157 manufactures, delivers, or brings into this state, or who is  
1158 knowingly in actual or constructive possession of, 1 kilogram or  
1159 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of  
1160 any mixture containing 1,4-Butanediol, commits a felony of the

34-00614-21

2021568\_\_

1161 first degree, which felony shall be known as "trafficking in  
1162 1,4-Butanediol," punishable as provided in s. 775.082, s.  
1163 775.083, or s. 775.084. If the quantity involved:

1164 a. Is 1 kilogram or more, but less than 5 kilograms, such  
1165 person shall be sentenced to a mandatory minimum term of  
1166 imprisonment of 3 years, and the defendant shall be ordered to  
1167 pay a fine of \$50,000.

1168 b. Is 5 kilograms or more, but less than 10 kilograms, such  
1169 person shall be sentenced to a mandatory minimum term of  
1170 imprisonment of 7 years, and the defendant shall be ordered to  
1171 pay a fine of \$100,000.

1172 c. Is 10 kilograms or more, such person shall be sentenced  
1173 to a mandatory minimum term of imprisonment of 15 calendar years  
1174 and pay a fine of \$500,000.

1175 2. Any person who knowingly manufactures or brings into  
1176 this state 150 kilograms or more of 1,4-Butanediol as described  
1177 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,  
1178 and who knows that the probable result of such manufacture or  
1179 importation would be the death of any person commits capital  
1180 manufacture or importation of 1,4-Butanediol, a capital felony  
1181 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.

1182 Any person sentenced for a capital felony under this paragraph  
1183 shall also be sentenced to pay the maximum fine provided under  
1184 subparagraph 1.

1185 (k)1. A person who knowingly sells, purchases,  
1186 manufactures, delivers, or brings into this state, or who is  
1187 knowingly in actual or constructive possession of, 10 grams or  
1188 more of a:

1189 a. Substance described in s. 893.03(1)(c)4., 5., 10., 11.,

34-00614-21

2021568\_\_

1190 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86.,  
1191 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163.,  
1192 165., or 187.-189., a substituted cathinone, as described in s.  
1193 893.03(1)(c)191., or substituted phenethylamine, as described in  
1194 s. 893.03(1)(c)192.;

1195 b. Mixture containing any substance described in sub-  
1196 subparagraph a.; or

1197 c. Salt, isomer, ester, or ether or salt of an isomer,  
1198 ester, or ether of a substance described in sub-subparagraph a.,  
1199

1200 commits a felony of the first degree, which felony shall be  
1201 known as "trafficking in phenethylamines," punishable as  
1202 provided in s. 775.082, s. 775.083, or s. 775.084.

1203 2. If the quantity involved under subparagraph 1.:

1204 a. Is 10 grams or more, but less than 200 grams, such  
1205 person shall be sentenced to a mandatory minimum term of  
1206 imprisonment of 3 years and shall be ordered to pay a fine of  
1207 \$50,000.

1208 b. Is 200 grams or more, but less than 400 grams, such  
1209 person shall be sentenced to a mandatory minimum term of  
1210 imprisonment of 7 years and shall be ordered to pay a fine of  
1211 \$100,000.

1212 c. Is 400 grams or more, such person shall be sentenced to  
1213 a mandatory minimum term of imprisonment of 15 years and shall  
1214 be ordered to pay a fine of \$250,000.

1215 3. A person who knowingly manufactures or brings into this  
1216 state 30 kilograms or more of a substance described in sub-  
1217 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,  
1218 or a salt, isomer, ester, or ether or a salt of an isomer,

34-00614-21

2021568\_\_

1219 ester, or ether described in sub-subparagraph 1.c., and who  
1220 knows that the probable result of such manufacture or  
1221 importation would be the death of any person commits capital  
1222 manufacture or importation of phenethylamines, a capital felony  
1223 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A  
1224 person sentenced for a capital felony under this paragraph shall  
1225 also be sentenced to pay the maximum fine under subparagraph 2.

1226 (1)1. Any person who knowingly sells, purchases,  
1227 manufactures, delivers, or brings into this state, or who is  
1228 knowingly in actual or constructive possession of, 1 gram or  
1229 more of lysergic acid diethylamide (LSD) as described in s.  
1230 893.03(1)(c), or of any mixture containing lysergic acid  
1231 diethylamide (LSD), commits a felony of the first degree, which  
1232 felony shall be known as "trafficking in lysergic acid  
1233 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
1234 775.083, or s. 775.084. If the quantity involved:

1235 a. Is 1 gram or more, but less than 5 grams, such person  
1236 shall be sentenced to a mandatory minimum term of imprisonment  
1237 of 3 years, and the defendant shall be ordered to pay a fine of  
1238 \$50,000.

1239 b. Is 5 grams or more, but less than 7 grams, such person  
1240 shall be sentenced to a mandatory minimum term of imprisonment  
1241 of 7 years, and the defendant shall be ordered to pay a fine of  
1242 \$100,000.

1243 c. Is 7 grams or more, such person shall be sentenced to a  
1244 mandatory minimum term of imprisonment of 15 calendar years and  
1245 pay a fine of \$500,000.

1246 2. Any person who knowingly manufactures or brings into  
1247 this state 7 grams or more of lysergic acid diethylamide (LSD)

34-00614-21

2021568\_\_

1248 as described in s. 893.03(1)(c), or any mixture containing  
1249 lysergic acid diethylamide (LSD), and who knows that the  
1250 probable result of such manufacture or importation would be the  
1251 death of any person commits capital manufacture or importation  
1252 of lysergic acid diethylamide (LSD), a capital felony punishable  
1253 as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. Any person  
1254 sentenced for a capital felony under this paragraph shall also  
1255 be sentenced to pay the maximum fine provided under subparagraph  
1256 1.

1257 (n)1. A person who knowingly sells, purchases,  
1258 manufactures, delivers, or brings into this state, or who is  
1259 knowingly in actual or constructive possession of, 14 grams or  
1260 more of:

1261 a. A substance described in s. 893.03(1)(c)164., 174., or  
1262 175., a n-benzyl phenethylamine compound, as described in s.  
1263 893.03(1)(c)193.; or

1264 b. A mixture containing any substance described in sub-  
1265 subparagraph a.,

1266  
1267 commits a felony of the first degree, which felony shall be  
1268 known as "trafficking in n-benzyl phenethylamines," punishable  
1269 as provided in s. 775.082, s. 775.083, or s. 775.084.

1270 2. If the quantity involved under subparagraph 1.:

1271 a. Is 14 grams or more, but less than 100 grams, such  
1272 person shall be sentenced to a mandatory minimum term of  
1273 imprisonment of 3 years, and the defendant shall be ordered to  
1274 pay a fine of \$50,000.

1275 b. Is 100 grams or more, but less than 200 grams, such  
1276 person shall be sentenced to a mandatory minimum term of

34-00614-21

2021568\_\_

1277 imprisonment of 7 years, and the defendant shall be ordered to  
1278 pay a fine of \$100,000.

1279 c. Is 200 grams or more, such person shall be sentenced to  
1280 a mandatory minimum term of imprisonment of 15 years, and the  
1281 defendant shall be ordered to pay a fine of \$500,000.

1282 3. A person who knowingly manufactures or brings into this  
1283 state 400 grams or more of a substance described in sub-  
1284 subparagraph 1.a. or a mixture described in sub-subparagraph  
1285 1.b., and who knows that the probable result of such manufacture  
1286 or importation would be the death of any person commits capital  
1287 manufacture or importation of a n-benzyl phenethylamine  
1288 compound, a capital felony punishable as provided in s. 775.082  
1289 ~~ss. 775.082 and 921.142~~. A person sentenced for a capital felony  
1290 under this paragraph shall also be sentenced to pay the maximum  
1291 fine under subparagraph 2.

1292 Section 27. Paragraph (e) of subsection (4) of section  
1293 944.275, Florida Statutes, is amended to read:

1294 944.275 Gain-time.—

1295 (4)

1296 (e) Notwithstanding subparagraph (b)3., for sentences  
1297 imposed for offenses committed on or after October 1, 2014, the  
1298 department may not grant incentive gain-time if the offense is a  
1299 violation of s. 782.04(1)(b)3. ~~s. 782.04(1)(a)2.c.~~; s.  
1300 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011,  
1301 excluding s. 794.011(10); s. 800.04; s. 825.1025; or s.  
1302 847.0135(5).

1303 Section 28. Subsection (4) and paragraph (a) of subsection  
1304 (5) of section 948.012, Florida Statutes, are amended to read:

1305 948.012 Split sentence of probation or community control

34-00614-21

2021568\_\_

1306 and imprisonment.—

1307 (4) Effective for offenses committed on or after September  
1308 1, 2005, the court must impose a split sentence pursuant to  
1309 subsection (1) for any person who is convicted of a life felony  
1310 for lewd and lascivious molestation pursuant to s. 800.04(5)(b)  
1311 if the court imposes a term of years in accordance with s.  
1312 775.082(2)(a)4.a.(II) ~~s. 775.082(3)(a)4.a.(II)~~ rather than life  
1313 imprisonment. The probation or community control portion of the  
1314 split sentence imposed by the court for a defendant must extend  
1315 for the duration of the defendant's natural life and include a  
1316 condition that he or she be electronically monitored.

1317 (5)(a) Effective for offenses committed on or after October  
1318 1, 2014, if the court imposes a term of years in accordance with  
1319 s. 775.082 which is less than the maximum sentence for the  
1320 offense, the court must impose a split sentence pursuant to  
1321 subsection (1) for any person who is convicted of a violation  
1322 of:

- 1323 1. Section 782.04(1)(b)3. ~~782.04(1)(a)2.e.;~~
- 1324 2. Section 787.01(3)(a)2. or 3.;
- 1325 3. Section 787.02(3)(a)2. or 3.;
- 1326 4. Section 794.011, excluding s. 794.011(10);
- 1327 5. Section 800.04;
- 1328 6. Section 825.1025; or
- 1329 7. Section 847.0135(5).

1330 Section 29. Sections 922.052, 922.06, 922.07, 922.08,  
1331 922.095, 922.10, 922.105, 922.108, 922.11, 922.111, 922.12,  
1332 922.14, 922.15, 924.055, 924.056, and 924.057, Florida Statutes,  
1333 are repealed.

1334 Section 30. Subsection (4) of section 925.11, Florida

34-00614-21

2021568\_\_

1335 Statutes, is amended to read:

1336 925.11 Postsentencing DNA testing.—

1337 (4) PRESERVATION OF EVIDENCE.—

1338 ~~(a)~~ Governmental entities that may be in possession of any  
1339 physical evidence in the case, including, but not limited to,  
1340 any investigating law enforcement agency, the clerk of the  
1341 court, the prosecuting authority, or the Department of Law  
1342 Enforcement shall maintain any physical evidence collected at  
1343 the time of the crime for which a postsentencing testing of DNA  
1344 may be requested.

1345 ~~(b) In a case in which the death penalty is imposed, the~~  
1346 ~~evidence shall be maintained for 60 days after execution of the~~  
1347 ~~sentence. In all other cases, a governmental entity may dispose~~  
1348 ~~of the physical evidence if the term of the sentence imposed in~~  
1349 ~~the case has expired and no other provision of law or rule~~  
1350 ~~requires that the physical evidence be preserved or retained.~~

1351 Section 31. Paragraphs (g) of subsection (1) and subsection  
1352 (2) of section 945.10, Florida Statutes, are amended to read:

1353 945.10 Confidential information.—

1354 (1) Except as otherwise provided by law or in this section,  
1355 the following records and information held by the Department of  
1356 Corrections are confidential and exempt from the provisions of  
1357 s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1358 ~~(g) Information which identifies an executioner, or any~~  
1359 ~~person prescribing, preparing, compounding, dispensing, or~~  
1360 ~~administering a lethal injection.~~

1361 (2) The records and information specified in paragraphs  
1362 (1) (a)-(h) ~~(1) (a)-(i)~~ may be released as follows unless  
1363 expressly prohibited by federal law:

34-00614-21

2021568\_\_

1364 (a) Information specified in paragraphs (1)(b), (d), and  
1365 (f) to the Executive Office of the Governor, the Legislature,  
1366 the Florida Commission on Offender Review, the Department of  
1367 Children and Families, a private correctional facility or  
1368 program that operates under a contract, the Department of Legal  
1369 Affairs, a state attorney, the court, or a law enforcement  
1370 agency. A request for records or information pursuant to this  
1371 paragraph need not be in writing.

1372 (b) Information specified in paragraphs (1)(c), (e), and  
1373 (h) ~~(i)~~ to the Executive Office of the Governor, the  
1374 Legislature, the Florida Commission on Offender Review, the  
1375 Department of Children and Families, a private correctional  
1376 facility or program that operates under contract, the Department  
1377 of Legal Affairs, a state attorney, the court, or a law  
1378 enforcement agency. A request for records or information  
1379 pursuant to this paragraph must be in writing and a statement  
1380 provided demonstrating a need for the records or information.

1381 (c) Information specified in paragraph (1)(b) to an  
1382 attorney representing an inmate under sentence of death, except  
1383 those portions of the records containing a victim's statement or  
1384 address, or the statement or address of a relative of the  
1385 victim. A request for records of information pursuant to this  
1386 paragraph must be in writing and a statement provided  
1387 demonstrating a need for the records or information.

1388 (d) Information specified in paragraph (1)(b) to a public  
1389 defender representing a defendant, except those portions of the  
1390 records containing a victim's statement or address, or the  
1391 statement or address of a relative of the victim. A request for  
1392 records or information pursuant to this paragraph need not be in

34-00614-21

2021568\_\_

1393 writing.

1394 (e) Information specified in paragraph (1)(b) to state or  
1395 local governmental agencies. A request for records or  
1396 information pursuant to this paragraph must be in writing and a  
1397 statement provided demonstrating a need for the records or  
1398 information.

1399 (f) Information specified in paragraph (1)(b) to a person  
1400 conducting legitimate research. A request for records and  
1401 information pursuant to this paragraph must be in writing, the  
1402 person requesting the records or information must sign a  
1403 confidentiality agreement, and the department must approve the  
1404 request in writing.

1405 (g) Protected health information and records specified in  
1406 paragraphs (1)(a) and (g) ~~(h)~~ to the Department of Health and  
1407 the county health department where an inmate plans to reside if  
1408 he or she has tested positive for the presence of the antibody  
1409 or antigen to human immunodeficiency virus infection or as  
1410 authorized in s. 381.004.

1411 (h) Protected health information and mental health,  
1412 medical, or substance abuse records specified in paragraph  
1413 (1)(a) to the Executive Office of the Governor, the Correctional  
1414 Medical Authority, and the Department of Health for health care  
1415 oversight activities authorized by state or federal law,  
1416 including audits; civil, administrative, or criminal  
1417 investigations; or inspections relating to the provision of  
1418 health services, in accordance with 45 C.F.R. part 164, subpart  
1419 E.

1420 (i) Protected health information and mental health,  
1421 medical, or substance abuse records specified in paragraph

34-00614-21

2021568\_\_

1422 (1) (a) to a state attorney, a state court, or a law enforcement  
1423 agency conducting an ongoing criminal investigation, if the  
1424 inmate agrees to the disclosure and provides written consent or,  
1425 if the inmate refuses to provide written consent, in response to  
1426 an order of a court of competent jurisdiction, a subpoena,  
1427 including a grand jury, investigative, or administrative  
1428 subpoena, a court-ordered warrant, or a statutorily authorized  
1429 investigative demand or other process as authorized by law, in  
1430 accordance with 45 C.F.R. part 164, subpart E, provided that:

1431 1. The protected health information and records sought are  
1432 relevant and material to a legitimate law enforcement inquiry;

1433 2. There is a clear connection between the investigated  
1434 incident and the inmate whose protected health information and  
1435 records are sought;

1436 3. The request is specific and limited in scope to the  
1437 extent reasonably practicable in light of the purpose for which  
1438 the information or records are sought; and

1439 4. Deidentified information could not reasonably be used.

1440 (j) Protected health information and mental health,  
1441 medical, or substance abuse records specified in paragraph  
1442 (1) (a) of an inmate who is or is suspected of being the victim  
1443 of a crime, to a state attorney or a law enforcement agency if  
1444 the inmate agrees to the disclosure and provides written consent  
1445 or if the inmate is unable to agree because of incapacity or  
1446 other emergency circumstance, in accordance with 45 C.F.R. part  
1447 164, subpart E, provided that:

1448 1. Such protected health information and records are needed  
1449 to determine whether a violation of law by a person other than  
1450 the inmate victim has occurred;

34-00614-21

2021568\_\_

1451           2. Such protected health information or records are not  
1452 intended to be used against the inmate victim;

1453           3. The immediate law enforcement activity that depends upon  
1454 the disclosure would be materially and adversely affected by  
1455 waiting until the inmate victim is able to agree to the  
1456 disclosure; and

1457           4. The disclosure is in the best interests of the inmate  
1458 victim, as determined by the department.

1459           (k) Protected health information and mental health,  
1460 medical, or substance abuse records specified in paragraph  
1461 (1) (a) to a state attorney or a law enforcement agency if the  
1462 department believes in good faith that the information and  
1463 records constitute evidence of criminal conduct that occurred in  
1464 a correctional institution or facility, in accordance with 45  
1465 C.F.R. part 164, subpart E, provided that:

1466           1. The protected health information and records disclosed  
1467 are specific and limited in scope to the extent reasonably  
1468 practicable in light of the purpose for which the information or  
1469 records are sought;

1470           2. There is a clear connection between the criminal conduct  
1471 and the inmate whose protected health information and records  
1472 are sought; and

1473           3. Deidentified information could not reasonably be used.

1474           (1) Protected health information and mental health,  
1475 medical, or substance abuse records specified in paragraph  
1476 (1) (a) to the Division of Risk Management of the Department of  
1477 Financial Services, in accordance with 45 C.F.R. part 164,  
1478 subpart E, upon certification by the Division of Risk Management  
1479 that such information and records are necessary to investigate

34-00614-21

2021568\_\_

1480 and provide legal representation for a claim against the  
1481 Department of Corrections.

1482 (m) Protected health information and mental health,  
1483 medical, or substance abuse records specified in paragraph  
1484 (1) (a) of an inmate who is bringing a legal action against the  
1485 department, to the Department of Legal Affairs or to an attorney  
1486 retained to represent the department in a legal proceeding, in  
1487 accordance with 45 C.F.R. part 164, subpart E.

1488 (n) Protected health information and mental health,  
1489 medical, or substance abuse records of an inmate as specified in  
1490 paragraph (1) (a) to another correctional institution or facility  
1491 or law enforcement official having lawful custody of the inmate,  
1492 in accordance with 45 C.F.R. part 164, subpart E, if the  
1493 protected health information or records are necessary for:

- 1494 1. The provision of health care to the inmate;
- 1495 2. The health and safety of the inmate or other inmates;
- 1496 3. The health and safety of the officers, employees, or  
1497 others at the correctional institution or facility;
- 1498 4. The health and safety of the individuals or officers  
1499 responsible for transporting the inmate from one correctional  
1500 institution, facility, or setting to another;
- 1501 5. Law enforcement on the premises of the correctional  
1502 institution or facility; or
- 1503 6. The administration and maintenance of the safety,  
1504 security, and good order of the correctional institution or  
1505 facility.

1506 (o) Protected health information and mental health,  
1507 medical, or substance abuse records of an inmate as specified in  
1508 paragraph (1) (a) to the Department of Children and Families and

34-00614-21

2021568\_\_

1509 the Florida Commission on Offender Review, in accordance with 45  
1510 C.F.R. part 164, subpart E, if the inmate received mental health  
1511 treatment while in the custody of the Department of Corrections  
1512 and becomes eligible for release under supervision or upon the  
1513 end of his or her sentence.

1514 (p) Notwithstanding s. 456.057 and in accordance with 45  
1515 C.F.R. part 164, subpart E, protected health information and  
1516 mental health, medical, or substance abuse records specified in  
1517 paragraph (1)(a) of a deceased inmate or offender to an  
1518 individual with authority to act on behalf of the deceased  
1519 inmate or offender, upon the individual's request. For purposes  
1520 of this section, the following individuals have authority to act  
1521 on behalf of a deceased inmate or offender only for the purpose  
1522 of requesting access to such protected health information and  
1523 records:

1524 1. A person appointed by a court to act as the personal  
1525 representative, executor, administrator, curator, or temporary  
1526 administrator of the deceased inmate's or offender's estate;

1527 2. If a court has not made a judicial appointment under  
1528 subparagraph 1., a person designated by the inmate or offender  
1529 to act as his or her personal representative in a last will that  
1530 is self-proved under s. 732.503; or

1531 3. If a court has not made a judicial appointment under  
1532 subparagraph 1. or if the inmate or offender has not designated  
1533 a person in a self-proved last will as provided in subparagraph  
1534 2., only the following individuals:

1535 a. A surviving spouse.

1536 b. If there is no surviving spouse, a surviving adult child  
1537 of the inmate or offender.

34-00614-21

2021568\_\_

1538 c. If there is no surviving spouse or adult child, a parent  
1539 of the inmate or offender.

1540 (q) All requests for access to a deceased inmate's or  
1541 offender's protected health information or mental health,  
1542 medical, or substance abuse records specified in paragraph  
1543 (1)(a) must be in writing and must be accompanied by the  
1544 following:

1545 1. If made by a person authorized under subparagraph (p)1.,  
1546 a copy of the letter of administration and a copy of the court  
1547 order appointing such person as the representative of the  
1548 inmate's or offender's estate.

1549 2. If made by a person authorized under subparagraph (p)2.,  
1550 a copy of the self-proved last will designating the person as  
1551 the inmate's or offender's representative.

1552 3. If made by a person authorized under subparagraph (p)3.,  
1553 a letter from the person's attorney verifying the person's  
1554 relationship to the inmate or offender and the absence of a  
1555 court-appointed representative and self-proved last will.

1556  
1557 Records and information released under this subsection remain  
1558 confidential and exempt from the provisions of s. 119.07(1) and  
1559 s. 24(a), Art. I of the State Constitution when held by the  
1560 receiving person or entity.

1561 Section 32. Subsection (2) of section 316.3026, Florida  
1562 Statutes, is amended to read:

1563 316.3026 Unlawful operation of motor carriers.—

1564 (2) Any motor carrier enjoined or prohibited from operating  
1565 by an out-of-service order by this state, any other state, or  
1566 the Federal Motor Carrier Safety Administration may not operate

34-00614-21

2021568\_\_

1567 on the roadways of this state until the motor carrier has been  
1568 authorized to resume operations by the originating enforcement  
1569 jurisdiction. Commercial motor vehicles owned or operated by any  
1570 motor carrier prohibited from operation found on the roadways of  
1571 this state shall be placed out of service by law enforcement  
1572 officers of the Department of Highway Safety and Motor Vehicles,  
1573 and the motor carrier assessed a \$10,000 civil penalty pursuant  
1574 to 49 C.F.R. s. 383.53, in addition to any other penalties  
1575 imposed on the driver or other responsible person. Any person  
1576 who knowingly drives, operates, or causes to be operated any  
1577 commercial motor vehicle in violation of an out-of-service order  
1578 issued by the department in accordance with this section commits  
1579 a felony of the third degree, punishable as provided in s.  
1580 775.082(2)(e) ~~s. 775.082(3)(e)~~. Any costs associated with the  
1581 impoundment or storage of such vehicles are the responsibility  
1582 of the motor carrier. Vehicle out-of-service orders may be  
1583 rescinded when the department receives proof of authorization  
1584 for the motor carrier to resume operation.

1585 Section 33. Subsection (3) of section 373.409, Florida  
1586 Statutes, is amended to read:

1587 373.409 Headgates, valves, and measuring devices.—

1588 (3) No person shall alter or tamper with a measuring device  
1589 so as to cause it to register other than the actual amount of  
1590 water diverted, discharged, or taken. Violation of this  
1591 subsection shall be a misdemeanor of the second degree,  
1592 punishable under s. 775.082(3)(b) ~~s. 775.082(4)(b)~~.

1593 Section 34. Subsections (3), (4), and (5) of section  
1594 373.430, Florida Statutes, are amended to read:

1595 373.430 Prohibitions, violation, penalty, intent.—

34-00614-21

2021568\_\_

1596 (3) A person who willfully commits a violation specified in  
1597 paragraph (1) (a) commits a felony of the third degree,  
1598 punishable as provided in ss. 775.082(2)(e) ~~775.082(3)(e)~~ and  
1599 775.083(1)(g), by a fine of not more than \$50,000 or by  
1600 imprisonment for 5 years, or by both, for each offense. Each day  
1601 during any portion of which such violation occurs constitutes a  
1602 separate offense.

1603 (4) A person who commits a violation specified in paragraph  
1604 (1) (a) or paragraph (1) (b) due to reckless indifference or gross  
1605 careless disregard commits a misdemeanor of the second degree,  
1606 punishable as provided in ss. 775.082(3)(b) ~~775.082(4)(b)~~ and  
1607 775.083(1)(g), by a fine of not more than \$10,000 or 60 days in  
1608 jail, or by both, for each offense.

1609 (5) A person who willfully commits a violation specified in  
1610 paragraph (1) (b) or who commits a violation specified in  
1611 paragraph (1) (c) commits a misdemeanor of the first degree,  
1612 punishable as provided in ss. 775.082(3)(a) ~~775.082(4)(a)~~ and  
1613 775.083(1)(g), by a fine of not more than \$10,000 or by 6 months  
1614 in jail, or by both, for each offense.

1615 Section 35. Subsections (3) and (4) of section 376.302,  
1616 Florida Statutes, are amended to read:

1617 376.302 Prohibited acts; penalties.—

1618 (3) Any person who willfully commits a violation specified  
1619 in paragraph (1) (a) or paragraph (1) (b) shall be guilty of a  
1620 misdemeanor of the first degree punishable as provided in ss.  
1621 775.082(3)(a) ~~775.082(4)(a)~~ and 775.083(1)(g), by a fine of not  
1622 less than \$2,500 or more than \$25,000, or punishable by 1 year  
1623 in jail, or by both for each offense. Each day during any  
1624 portion of which such violation occurs constitutes a separate

34-00614-21

2021568\_\_

1625 offense.

1626 (4) Any person who commits a violation specified in  
1627 paragraph (1) (c) shall be guilty of a misdemeanor of the first  
1628 degree punishable as provided in ss. 775.082(3) (a) ~~775.082(4) (a)~~  
1629 and 775.083(1) (g), by a fine of not more than \$10,000, or by 6  
1630 months in jail, or by both for each offense.

1631 Section 36. Subsections (3), (4), and (5) of section  
1632 403.161, Florida Statutes, are amended to read:

1633 403.161 Prohibitions, violation, penalty, intent.—

1634 (3) A person who willfully commits a violation specified in  
1635 paragraph (1) (a) commits a felony of the third degree,  
1636 punishable as provided in ss. 775.082(2) (e) ~~775.082(3) (e)~~ and  
1637 775.083(1) (g) by a fine of not more than \$50,000 or by  
1638 imprisonment for 5 years, or by both, for each offense. Each day  
1639 during any portion of which such violation occurs constitutes a  
1640 separate offense.

1641 (4) A person who commits a violation specified in paragraph  
1642 (1) (a) or paragraph (1) (b) due to reckless indifference or gross  
1643 careless disregard commits a misdemeanor of the second degree,  
1644 punishable as provided in ss. 775.082(3) (b) ~~775.082(4) (b)~~ and  
1645 775.083(1) (g) by a fine of not more than \$10,000 or by 60 days  
1646 in jail, or by both, for each offense.

1647 (5) A person who willfully commits a violation specified in  
1648 paragraph (1) (b) or who commits a violation specified in  
1649 paragraph (1) (c) commits a misdemeanor of the first degree  
1650 punishable as provided in ss. 775.082(3) (a) ~~775.082(4) (a)~~ and  
1651 775.083(1) (g) by a fine of not more than \$10,000 or by 6 months  
1652 in jail, or by both for each offense.

1653 Section 37. Subsection (2) of section 448.09, Florida

34-00614-21

2021568\_\_

1654 Statutes, is amended to read:

1655 448.09 Unauthorized aliens; employment prohibited.—

1656 (2) The first violation of subsection (1) shall be a  
 1657 noncriminal violation as defined in s. 775.08(3) and, upon  
 1658 conviction, shall be punishable as provided in s. 775.082(4) ~~s.~~  
 1659 ~~775.082(5)~~ by a civil fine of not more than \$500, regardless of  
 1660 the number of aliens with respect to whom the violation  
 1661 occurred.

1662 Section 38. Section 504.013, Florida Statutes, is amended  
 1663 to read:

1664 504.013 Penalties.—Any person, firm, or corporation engaged  
 1665 in the business of the retail vending of fresh fruits, fresh  
 1666 vegetables, bee pollen, or honey who willfully and knowingly  
 1667 removes any labels or identifying marks from fruits, vegetables,  
 1668 bee pollen, or honey so labeled is guilty of a noncriminal  
 1669 violation as defined in s. 775.08(3) and upon conviction shall  
 1670 be punished as provided in s. 775.082(4) ~~s. 775.082(5)~~ by a  
 1671 civil fine of not more than \$500.

1672 Section 39. Paragraph (c) of subsection (3) of section  
 1673 648.571, Florida Statutes, is amended to read:

1674 648.571 Failure to return collateral; penalty.—

1675 (3)

1676 (c) Allowable expenses incurred in apprehending a defendant  
 1677 because of a bond forfeiture or judgment under s. 903.29 may be  
 1678 deducted if such expenses are accounted for. The failure to  
 1679 return collateral under these terms is punishable as follows:

1680 1. If the collateral is of a value less than \$100, as  
 1681 provided in s. 775.082(3)(a) ~~s. 775.082(4)(a)~~.

1682 2. If the collateral is of a value of \$100 or more, as

34-00614-21

2021568\_\_

1683 provided in s. 775.082(2)(e) ~~s. 775.082(3)(e)~~.

1684 3. If the collateral is of a value of \$1,500 or more, as  
1685 provided in s. 775.082(2)(d) ~~s. 775.082(3)(d)~~.

1686 4. If the collateral is of a value of \$10,000 or more, as  
1687 provided in s. 775.082(2)(b) ~~s. 775.082(3)(b)~~.

1688 Section 40. Paragraph (a) of subsection (2) of section  
1689 775.261, Florida Statutes, is amended to read:

1690 775.261 The Florida Career Offender Registration Act.—

1691 (2) DEFINITIONS.—As used in this section, the term:

1692 (a) "Career offender" means any person who is designated as  
1693 a habitual violent felony offender, a violent career criminal,  
1694 or a three-time violent felony offender under s. 775.084 or as a  
1695 prison releasee reoffender under s. 775.082(8) ~~s. 775.082(9)~~.

1696 Section 41. Paragraph (g) of subsection (3) of section  
1697 787.06, Florida Statutes, is amended to read:

1698 787.06 Human trafficking.—

1699 (3) Any person who knowingly, or in reckless disregard of  
1700 the facts, engages in human trafficking, or attempts to engage  
1701 in human trafficking, or benefits financially by receiving  
1702 anything of value from participation in a venture that has  
1703 subjected a person to human trafficking:

1704 (g) For commercial sexual activity in which any child under  
1705 the age of 18, or in which any person who is mentally defective  
1706 or mentally incapacitated as those terms are defined in s.  
1707 794.011(1), is involved commits a life felony, punishable as  
1708 provided in s. 775.082(2)(a)6. ~~s. 775.082(3)(a)6.~~, s. 775.083,  
1709 or s. 775.084.

1710  
1711 For each instance of human trafficking of any individual under

34-00614-21

2021568\_\_

1712 this subsection, a separate crime is committed and a separate  
1713 punishment is authorized.

1714 Section 42. Subsection (6) of section 794.0115, Florida  
1715 Statutes, is amended to read:

1716 794.0115 Dangerous sexual felony offender; mandatory  
1717 sentencing.—

1718 (6) Notwithstanding s. 775.082(2) ~~s. 775.082(3)~~, chapter  
1719 958, any other law, or any interpretation or construction  
1720 thereof, a person subject to sentencing under this section must  
1721 be sentenced to the mandatory term of imprisonment provided  
1722 under this section. If the mandatory minimum term of  
1723 imprisonment imposed under this section exceeds the maximum  
1724 sentence authorized under s. 775.082, s. 775.084, or chapter  
1725 921, the mandatory minimum term of imprisonment under this  
1726 section must be imposed. If the mandatory minimum term of  
1727 imprisonment under this section is less than the sentence that  
1728 could be imposed under s. 775.082, s. 775.084, or chapter 921,  
1729 the sentence imposed must include the mandatory minimum term of  
1730 imprisonment under this section.

1731 Section 43. Paragraph (b) of subsection (5) of section  
1732 800.04, Florida Statutes, is amended to read:

1733 800.04 Lewd or lascivious offenses committed upon or in the  
1734 presence of persons less than 16 years of age.—

1735 (5) LEWD OR LASCIVIOUS MOLESTATION.—

1736 (b) An offender 18 years of age or older who commits lewd  
1737 or lascivious molestation against a victim less than 12 years of  
1738 age commits a life felony, punishable as provided in s.  
1739 775.082(2)(a)4. ~~s. 775.082(3)(a)4.~~

1740 Section 44. Paragraph (c) of subsection (4) of section

34-00614-21

2021568\_\_

1741 907.041, Florida Statutes, is amended to read:

1742 907.041 Pretrial detention and release.—

1743 (4) PRETRIAL DETENTION.—

1744 (c) The court may order pretrial detention if it finds a  
1745 substantial probability, based on a defendant's past and present  
1746 patterns of behavior, the criteria in s. 903.046, and any other  
1747 relevant facts, that any of the following circumstances exist:

1748 1. The defendant has previously violated conditions of  
1749 release and that no further conditions of release are reasonably  
1750 likely to assure the defendant's appearance at subsequent  
1751 proceedings;

1752 2. The defendant, with the intent to obstruct the judicial  
1753 process, has threatened, intimidated, or injured any victim,  
1754 potential witness, juror, or judicial officer, or has attempted  
1755 or conspired to do so, and that no condition of release will  
1756 reasonably prevent the obstruction of the judicial process;

1757 3. The defendant is charged with trafficking in controlled  
1758 substances as defined by s. 893.135, that there is a substantial  
1759 probability that the defendant has committed the offense, and  
1760 that no conditions of release will reasonably assure the  
1761 defendant's appearance at subsequent criminal proceedings;

1762 4. The defendant is charged with DUI manslaughter, as  
1763 defined by s. 316.193, and that there is a substantial  
1764 probability that the defendant committed the crime and that the  
1765 defendant poses a threat of harm to the community; conditions  
1766 that would support a finding by the court pursuant to this  
1767 subparagraph that the defendant poses a threat of harm to the  
1768 community include, but are not limited to, any of the following:

1769 a. The defendant has previously been convicted of any crime

34-00614-21

2021568\_\_

1770 under s. 316.193, or of any crime in any other state or  
1771 territory of the United States that is substantially similar to  
1772 any crime under s. 316.193;

1773 b. The defendant was driving with a suspended driver  
1774 license when the charged crime was committed; or

1775 c. The defendant has previously been found guilty of, or  
1776 has had adjudication of guilt withheld for, driving while the  
1777 defendant's driver license was suspended or revoked in violation  
1778 of s. 322.34;

1779 5. The defendant poses the threat of harm to the community.  
1780 The court may so conclude, if it finds that the defendant is  
1781 presently charged with a dangerous crime, that there is a  
1782 substantial probability that the defendant committed such crime,  
1783 that the factual circumstances of the crime indicate a disregard  
1784 for the safety of the community, and that there are no  
1785 conditions of release reasonably sufficient to protect the  
1786 community from the risk of physical harm to persons;

1787 6. The defendant was on probation, parole, or other release  
1788 pending completion of sentence or on pretrial release for a  
1789 dangerous crime at the time the current offense was committed;

1790 7. The defendant has violated one or more conditions of  
1791 pretrial release or bond for the offense currently before the  
1792 court and the violation, in the discretion of the court,  
1793 supports a finding that no conditions of release can reasonably  
1794 protect the community from risk of physical harm to persons or  
1795 assure the presence of the accused at trial; or

1796 8.a. The defendant has ever been sentenced pursuant to s.  
1797 775.082(8) ~~s. 775.082(9)~~ or s. 775.084 as a prison releasee  
1798 reoffender, habitual violent felony offender, three-time violent

34-00614-21

2021568\_\_

1799 felony offender, or violent career criminal, or the state  
1800 attorney files a notice seeking that the defendant be sentenced  
1801 pursuant to s. 775.082(8) ~~s. 775.082(9)~~ or s. 775.084, as a  
1802 prison releasee reoffender, habitual violent felony offender,  
1803 three-time violent felony offender, or violent career criminal;

1804 b. There is a substantial probability that the defendant  
1805 committed the offense; and

1806 c. There are no conditions of release that can reasonably  
1807 protect the community from risk of physical harm or ensure the  
1808 presence of the accused at trial.

1809 Section 45. Subsection (1) of section 921.1401, Florida  
1810 Statutes, is amended to read:

1811 921.1401 Sentence of life imprisonment for persons who are  
1812 under the age of 18 years at the time of the offense; sentencing  
1813 proceedings.—

1814 (1) Upon conviction or adjudication of guilt of an offense  
1815 described in s. 775.082(1)(b), s. 775.082(2)(a)5. ~~s.~~  
1816 ~~775.082(3)(a)5.~~, s. 775.082(2)(b)2. ~~s. 775.082(3)(b)2.~~, or s.  
1817 775.082(2)(c) ~~s. 775.082(3)(c)~~ which was committed on or after  
1818 July 1, 2014, the court may conduct a separate sentencing  
1819 hearing to determine if a term of imprisonment for life or a  
1820 term of years equal to life imprisonment is an appropriate  
1821 sentence.

1822 Section 46. Paragraphs (b), (c), and (d) of subsection (2)  
1823 of section 921.1402, Florida Statutes, are amended to read:

1824 921.1402 Review of sentences for persons convicted of  
1825 specified offenses committed while under the age of 18 years.—

1826 (2)

1827 (b) A juvenile offender sentenced to a term of more than 25

34-00614-21

2021568\_\_

1828 years under s. 775.082(2)(a)5.a. ~~s. 775.082(3)(a)5.a.~~ or s.  
 1829 775.082(2)(b)2.a. ~~s. 775.082(3)(b)2.a.~~ is entitled to a review  
 1830 of his or her sentence after 25 years.

1831 (c) A juvenile offender sentenced to a term of more than 15  
 1832 years under s. 775.082(1)(b)2., s. 775.082(2)(a)5.b. ~~s.~~  
 1833 ~~775.082(3)(a)5.b.~~, or s. 775.082(2)(b)2.b. ~~s. 775.082(3)(b)2.b.~~  
 1834 is entitled to a review of his or her sentence after 15 years.

1835 (d) A juvenile offender sentenced to a term of 20 years or  
 1836 more under s. 775.082(2)(c) ~~s. 775.082(3)(e)~~ is entitled to a  
 1837 review of his or her sentence after 20 years. If the juvenile  
 1838 offender is not resentenced at the initial review hearing, he or  
 1839 she is eligible for one subsequent review hearing 10 years after  
 1840 the initial review hearing.

1841 Section 47. Paragraph (c) of subsection (3) of section  
 1842 944.17, Florida Statutes, is amended to read:

1843 944.17 Commitments and classification; transfers.—

1844 (3)

1845 (c)1. When the highest ranking offense for which the  
 1846 prisoner is convicted is a felony, the trial court shall  
 1847 sentence the prisoner pursuant to the Criminal Punishment Code  
 1848 in chapter 921.

1849 2. When the highest ranking offense for which the prisoner  
 1850 is convicted is a misdemeanor, the trial court shall sentence  
 1851 the prisoner pursuant to s. 775.082(3) ~~s. 775.082(4)~~.

1852 Section 48. Subsection (1) of section 944.608, Florida  
 1853 Statutes, is amended to read:

1854 944.608 Notification to Department of Law Enforcement of  
 1855 information on career offenders.—

1856 (1) As used in this section, the term "career offender"

34-00614-21

2021568\_\_

1857 means a person who is in the custody or control of, or under the  
1858 supervision of, the department or is in the custody or control  
1859 of, or under the supervision of, a private correctional  
1860 facility, and who is designated as a habitual violent felony  
1861 offender, a violent career criminal, or a three-time violent  
1862 felony offender under s. 775.084 or as a prison releasee  
1863 reoffender under s. 775.082(8) ~~s. 775.082(9)~~.

1864 Section 49. Subsection (1) of section 944.609, Florida  
1865 Statutes, is amended to read:

1866 944.609 Career offenders; notification upon release.—

1867 (1) As used in this section, the term "career offender"  
1868 means a person who is in the custody or control of, or under the  
1869 supervision of, the department or is in the custody or control  
1870 of, or under the supervision of a private correctional facility,  
1871 who is designated as a habitual violent felony offender, a  
1872 violent career criminal, or a three-time violent felony offender  
1873 under s. 775.084 or as a prison releasee reoffender under s.  
1874 775.082(8) ~~s. 775.082(9)~~.

1875 Section 50. Subsection (7) of section 944.705, Florida  
1876 Statutes, is amended to read:

1877 944.705 Release orientation program.—

1878 (7) (a) The department shall notify every inmate in the  
1879 inmate's release documents:

1880 1. Of all outstanding terms of the inmate's sentence at the  
1881 time of release to assist the inmate in determining his or her  
1882 status with regard to the completion of all terms of sentence,  
1883 as that term is defined in s. 98.0751. This subparagraph does  
1884 not apply to inmates who are being released from the custody of  
1885 the department to any type of supervision monitored by the

34-00614-21

2021568\_\_

1886 department; and

1887 2. In not less than 18-point type, that the inmate may be  
1888 sentenced pursuant to s. 775.082(8) ~~s. 775.082(9)~~ if the inmate  
1889 commits any felony offense described in s. 775.082(8) ~~s.~~  
1890 ~~775.082(9)~~ within 3 years after the inmate's release. This  
1891 notice must be prefaced by the word "WARNING" in boldfaced type.

1892 (b) This section does not preclude the sentencing of a  
1893 person pursuant to s. 775.082(8) ~~s. 775.082(9)~~, and evidence  
1894 that the department failed to provide this notice does not  
1895 prohibit a person from being sentenced pursuant to s. 775.082(8)  
1896 ~~s. 775.082(9)~~. The state is not required to demonstrate that a  
1897 person received any notice from the department in order for the  
1898 court to impose a sentence pursuant to s. 775.082(8) ~~s.~~  
1899 ~~775.082(9)~~.

1900 Section 51. This act shall take effect upon becoming a law.