

By Senator Farmer

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1 A bill to be entitled
2 An act relating to abolishing the death penalty;
3 amending s. 775.082, F.S.; providing that capital
4 felonies are punishable only by life imprisonment;
5 deleting provisions relating to the effect of a
6 declaration by a court of last resort that the death
7 penalty in a capital felony is unconstitutional;
8 amending ss. 27.51 and 27.511, F.S.; deleting
9 provisions relating to representation in death penalty
10 cases; amending s. 27.5304, F.S.; conforming
11 provisions to changes made by the act; repealing ss.
12 27.7001, 27.7002, 27.701, 27.702, 27.703, 27.704,
13 27.7045, 27.705, 27.706, 27.707, 27.708, 27.7081,
14 27.7091, 27.710, 27.711, and 27.715, F.S., relating to
15 capital collateral representation, constitutionally
16 deficient representation, and postconviction capital
17 collateral proceedings; amending ss. 23.21, 27.51,
18 27.511, 43.16, and 112.0455, F.S.; conforming
19 provisions to changes made by the act; amending s.
20 119.071, F.S.; deleting a public records exemption
21 relating to capital collateral proceedings; amending
22 ss. 186.003, 215.89, 215.985, 216.011, and 790.25,
23 F.S.; conforming provisions to changes made by the
24 act; amending ss. 775.15 and 790.161, F.S.; deleting
25 provisions relating to the effect of a declaration by
26 a court of last resort that the death penalty in a
27 capital felony is unconstitutional; repealing ss.
28 913.13, 921.137, 921.141, and 921.142, F.S., relating
29 to jurors in capital cases, prohibition of the

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

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59 which sentence of death is imposed on or after a
60 certain date, and limitation on capital postconviction
61 cases in which the death sentence was imposed before a
62 certain date; amending s. 925.11, F.S.; deleting
63 provisions relating to the preservation of DNA
64 evidence in death penalty cases; amending s. 945.10,
65 F.S.; deleting a public records exemption for the
66 identity of executioners or those who have specified
67 involvement in the administration of a lethal
68 injection; amending ss. 316.3026, 373.409, 373.430,
69 376.302, 403.161, 448.09, 504.013, 648.571, 775.261,
70 787.06, 794.0115, 800.04, 907.041, 921.1401, 921.1402,
71 944.17, 944.608, 944.609, and 944.705, F.S.;

72 conforming cross-references; providing an effective
73 date.

74

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

76

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

79 775.082 Penalties; applicability of sentencing structures;
80 mandatory minimum sentences for certain reoffenders previously
81 released from prison.-

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

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88 ineligible for parole.

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

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

101 27.51 Duties of public defender.—

102 (1) The public defender shall represent, without additional
103 compensation, any person determined to be indigent under s.
104 27.52 and:

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

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

107 1. A misdemeanor authorized for prosecution by the state
108 attorney;

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

110 3. Criminal contempt; or

111 4. A violation of a special law or county or municipal
112 ordinance ancillary to a state charge, or if not ancillary to a
113 state charge, only if the public defender contracts with the
114 county or municipality to provide representation pursuant to ss.
115 27.54 and 125.69.

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

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

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

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

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

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

139 27.511 Offices of criminal conflict and civil regional
 140 counsel; legislative intent; qualifications; appointment;
 141 duties.—

142 (5) When the Office of the Public Defender, at any time
 143 during the representation of two or more defendants, determines
 144 that the interests of those accused are so adverse or hostile
 145 that they cannot all be counseled by the public defender or his

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146 or her staff without a conflict of interest, or that none can be
147 counseled by the public defender or his or her staff because of
148 a conflict of interest, and the court grants the public
149 defender's motion to withdraw, the office of criminal conflict
150 and civil regional counsel shall be appointed and shall provide
151 legal services, without additional compensation, to any person
152 determined to be indigent under s. 27.52, who is:

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

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

155 1. A misdemeanor authorized for prosecution by the state
156 attorney;

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

158 3. Criminal contempt; or

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

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

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

171 (d) Sought by petition filed in such court to be
172 involuntarily placed as a mentally ill person under part I of
173 chapter 394, involuntarily committed as a sexually violent
174 predator under part V of chapter 394, or involuntarily admitted

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175 to residential services as a person with developmental
176 disabilities under chapter 393;

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

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

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

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

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

203 27.5304 Private court-appointed counsel; compensation;

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204 notice.—

205 (13) Notwithstanding the limitation set forth in subsection
206 (5) and for the 2021-2022 fiscal year only, the compensation for
207 representation in a criminal proceeding may not exceed the
208 following:

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

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

213 (c) For life felonies represented at the trial level:
214 \$15,000.

215 ~~(d) For capital cases represented at the trial level:
216 \$25,000. For purposes of this paragraph, a "capital case" is any
217 offense for which the potential sentence is death and the state
218 has not waived seeking the death penalty.~~

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

220 ~~(e)(f)~~ This subsection expires July 1, 2022.

221 Section 5. Sections 27.7001, 27.7002, 27.701, 27.702,
222 27.703, 27.704, 27.7045, 27.705, 27.706, 27.707, 27.708,
223 27.7081, 27.7091, 27.710, 27.711, and 27.715, Florida Statutes,
224 are repealed.

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

227 23.21 Definitions.—For purposes of this part:

228 (1) "Department" means a principal administrative unit
229 within the executive branch of state government as defined in
230 chapter 20 and includes the State Board of Administration, the
231 Executive Office of the Governor, the Fish and Wildlife
232 Conservation Commission, the Florida Commission on Offender

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233 Review, the Agency for Health Care Administration, the State
234 Board of Education, the Board of Governors of the State
235 University System, the Justice Administrative Commission, ~~the~~
236 ~~capital collateral regional counsel~~, and separate budget
237 entities placed for administrative purposes within a department.

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

240 27.51 Duties of public defender.-

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

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

261 Section 8. Subsection (9) of section 27.511, Florida

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262 Statutes, is amended to read:

263 27.511 Offices of criminal conflict and civil regional
264 counsel; legislative intent; qualifications; appointment;
265 duties.—

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

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

286 43.16 Justice Administrative Commission; membership, powers
287 and duties.—

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

290 (a) The maintenance of a central state office for

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291 administrative services and assistance when possible to and on
292 behalf of the state attorneys and public defenders of Florida,
293 ~~the capital collateral regional counsel of Florida,~~ the criminal
294 conflict and civil regional counsel, and the Guardian Ad Litem
295 Program.

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

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

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

305 (c) Support economical and efficient operations.

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

307 (e) Safeguard assets.

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

314 Section 10. Paragraph (e) of subsection (13) of section
315 112.0455, Florida Statutes, is amended to read:

316 112.0455 Drug-Free Workplace Act.—

317 (13) RULES.—

318 (e) The Justice Administrative Commission may adopt rules
319 on behalf of the state attorneys and public defenders of

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320 Florida, ~~the capital collateral regional counsel,~~ and the
321 Judicial Qualifications Commission.

322

323 This section shall not be construed to eliminate the bargainable
324 rights as provided in the collective bargaining process where
325 applicable.

326 Section 11. Paragraph (d) of subsection (1) of section
327 119.071, Florida Statutes, is amended to read:

328 119.071 General exemptions from inspection or copying of
329 public records.—

330 (1) AGENCY ADMINISTRATION.—

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

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349 ~~appeal until execution of sentence or imposition of a life~~
350 ~~sentence.~~

351 2. This exemption is not waived by the release of such
352 public record to another public employee or officer of the same
353 agency or any person consulted by the agency attorney. When
354 asserting the right to withhold a public record pursuant to this
355 paragraph, the agency shall identify the potential parties to
356 any such criminal or civil litigation or adversarial
357 administrative proceedings. If a court finds that the document
358 or other record has been improperly withheld under this
359 paragraph, the party seeking access to such document or record
360 shall be awarded reasonable attorney's fees and costs in
361 addition to any other remedy ordered by the court.

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

364 186.003 Definitions; ss. 186.001-186.031, 186.801-186.901.-
365 As used in ss. 186.001-186.031 and 186.801-186.901, the term:

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

373 Section 13. Paragraph (b) of subsection (2) of section
374 215.89, Florida Statutes, is amended to read:

375 215.89 Charts of account.-

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

377 (b) "State agency" means an official, officer, commission,

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378 board, authority, council, committee, or department of the
379 executive branch; a state attorney, public defender, or criminal
380 conflict and civil regional counsel, ~~or capital collateral~~
381 ~~regional counsel~~; the Florida Clerks of Court Operations
382 Corporation; the Justice Administrative Commission; the Florida
383 Housing Finance Corporation; the Florida Public Service
384 Commission; the State Board of Administration; the Supreme Court
385 or a district court of appeal, circuit court, or county court;
386 or the Judicial Qualifications Commission.

387 Section 14. Paragraph (h) of subsection (14) of section
388 215.985, Florida Statutes, is amended to read:

389 215.985 Transparency in government spending.—

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

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

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

403 2. "State entity" means an official, officer, commission,
404 board, authority, council, committee, or department of the
405 executive branch of state government; a state attorney, public
406 defender, criminal conflict and civil regional counsel, ~~capital~~

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407 ~~collateral regional counsel~~, and the Justice Administrative
408 Commission; the Public Service Commission; and any part of the
409 judicial branch of state government.

410 Section 15. Paragraph (qq) of subsection (1) of section
411 216.011, Florida Statutes, is amended to read:

412 216.011 Definitions.—

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

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

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

429 790.25 Lawful ownership, possession, and use of firearms
430 and other weapons.—

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

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436 (a) Members of the Militia, National Guard, Florida State
437 Defense Force, Army, Navy, Air Force, Marine Corps, Coast Guard,
438 organized reserves, and other armed forces of the state and of
439 the United States, when on duty, when training or preparing
440 themselves for military duty, or while subject to recall or
441 mobilization;

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

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

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

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

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

462 (g) Regularly enrolled members of any organization duly
463 authorized to purchase or receive weapons from the United States
464 or from this state, or regularly enrolled members of clubs

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465 organized for target, skeet, or trap shooting, while at or going
466 to or from shooting practice; or regularly enrolled members of
467 clubs organized for modern or antique firearms collecting, while
468 such members are at or going to or from their collectors' gun
469 shows, conventions, or exhibits;

470 (h) A person engaged in fishing, camping, or lawful hunting
471 or going to or returning from a fishing, camping, or lawful
472 hunting expedition;

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

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

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

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

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

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

492 (o) Investigators employed by the several public defenders
493 of the state, while actually carrying out official duties,

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494 provided such investigators:

495 1. Are employed full time;

496 2. Meet the official training standards for firearms
497 established by the Criminal Justice Standards and Training
498 Commission as provided in s. 943.12(5) and the requirements of
499 ss. 493.6108(1)(a) and 943.13(1)-(4); and

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

504 ~~(p) Investigators employed by the capital collateral~~
505 ~~regional counsel, while actually carrying out official duties,~~
506 ~~provided such investigators:~~

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

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

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

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

519 a. The tactical medical professional is lawfully able to
520 possess firearms and has an active concealed weapons permit
521 issued pursuant to s. 790.06.

522 b. The tactical medical professional is appointed to a law

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523 enforcement tactical team of a law enforcement agency by the
524 head of the law enforcement agency.

525 c. The law enforcement agency has an established policy
526 providing for the appointment, training, and deployment of the
527 tactical medical professional.

528 d. The tactical medical professional successfully completes
529 a firearms safety training and tactical training as established
530 or designated by the appointing law enforcement agency.

531 e. The law enforcement agency provides and the tactical
532 medical professional participates in annual firearm training and
533 tactical training.

534 2. While actively operating in direct support of a tactical
535 operation by a law enforcement agency, a tactical medical
536 professional:

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

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

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

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

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

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

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

567 775.15 Time limitations; general time limitations;
568 exceptions.—

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

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

578 790.161 Making, possessing, throwing, projecting, placing,
579 or discharging any destructive device or attempt so to do,
580 felony; penalties.—A person who willfully and unlawfully makes,

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581 possesses, throws, projects, places, discharges, or attempts to
582 make, possess, throw, project, place, or discharge any
583 destructive device:

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

598 Section 19. Sections 913.13, 921.137, 921.141, and 921.142,
599 Florida Statutes, are repealed.

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

602 394.912 Definitions.—As used in this part, the term:

603 (9) "Sexually violent offense" means:

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

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

608 1. Sexual battery; or

609 2. A lewd, lascivious, or indecent assault or act upon or

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610 in the presence of the child;

611 (c) Committing the offense of false imprisonment upon a
612 child under the age of 13 and, in the course of that offense,
613 committing:

614 1. Sexual battery; or

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

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

618 (e) Lewd, lascivious, or indecent assault or act upon or in
619 presence of the child in violation of s. 800.04 or s.
620 847.0135(5);

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

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

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

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

635 Section 21. Paragraph (c) of subsection (5) of section
636 775.021, Florida Statutes, is amended to read:

637 775.021 Rules of construction.—

638 (5) Whoever commits an act that violates a provision of

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639 this code or commits a criminal offense defined by another
 640 statute and thereby causes the death of, or bodily injury to, an
 641 unborn child commits a separate offense if the provision or
 642 statute does not otherwise specifically provide a separate
 643 offense for such death or injury to an unborn child.

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

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

648 775.30 Terrorism; defined; penalties.—

649 (2) A person who violates s. 782.04(1)(a) ~~s. 782.04(1)(a)1.~~
 650 or (2), s. 782.065, s. 782.07(1), s. 782.09, s. 784.045, s.
 651 784.07, s. 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15,
 652 s. 790.16, s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s.
 653 790.19, s. 806.01, s. 806.031, s. 806.111, s. 815.06, s.
 654 815.061, s. 859.01, or s. 876.34, in furtherance of intimidating
 655 or coercing the policy of a government, or in furtherance of
 656 affecting the conduct of a government by mass destruction,
 657 assassination, or kidnapping, commits the crime of terrorism, a
 658 felony of the first degree, punishable as provided in s.
 659 775.082, s. 775.083, or s. 775.084.

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

662 782.04 Murder.—

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

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

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

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668 ~~1.a.~~ Trafficking offense prohibited by s. 893.135(1),
 669 ~~2.b.~~ Arson,
 670 ~~3.e.~~ Sexual battery,
 671 ~~4.d.~~ Robbery,
 672 ~~5.e.~~ Burglary,
 673 ~~6.f.~~ Kidnapping,
 674 ~~7.g.~~ Escape,
 675 ~~8.h.~~ Aggravated child abuse,
 676 ~~9.i.~~ Aggravated abuse of an elderly person or disabled
 677 adult,
 678 ~~10.j.~~ Aircraft piracy,
 679 ~~11.k.~~ Unlawful throwing, placing, or discharging of a
 680 destructive device or bomb,
 681 ~~12.l.~~ Carjacking,
 682 ~~13.m.~~ Home-invasion robbery,
 683 ~~14.n.~~ Aggravated stalking,
 684 ~~15.o.~~ Murder of another human being,
 685 ~~16.p.~~ Resisting an officer with violence to his or her
 686 person,
 687 ~~17.q.~~ Aggravated fleeing or eluding with serious bodily
 688 injury or death,
 689 ~~18.r.~~ Felony that is an act of terrorism or is in
 690 furtherance of an act of terrorism, including a felony under s.
 691 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or
 692 ~~19.s.~~ Human trafficking; or
 693 ~~(c)3.~~ Which resulted from the unlawful distribution by a
 694 person 18 years of age or older of any of the following
 695 substances, or mixture containing any of the following
 696 substances, when such substance or mixture is proven to be the

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697 proximate cause of the death of the user:

698 ~~1.a.~~ A substance controlled under s. 893.03(1);

699 ~~2.b.~~ Cocaine, as described in s. 893.03(2)(a)4.;

700 ~~3.e.~~ Opium or any synthetic or natural salt, compound,

701 derivative, or preparation of opium;

702 ~~4.d.~~ Methadone;

703 ~~5.e.~~ Alfentanil, as described in s. 893.03(2)(b)1.;

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

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

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

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

708 893.0356, of any substance specified in subparagraphs 1.-8. ~~sub-~~

709 ~~subparagraphs a.-h.~~,

710

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

712 punishable as provided in s. 775.082.

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

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

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

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

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

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

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

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

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

722 ~~showing of good cause.~~

723 Section 24. Section 782.065, Florida Statutes, is amended

724 to read:

725 782.065 Murder; law enforcement officer, correctional

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726 officer, correctional probation officer.—Notwithstanding ss.
727 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
728 shall be sentenced to life imprisonment without eligibility for
729 release upon findings by the trier of fact that, beyond a
730 reasonable doubt:

731 (1) The defendant committed murder in the first degree in
732 violation of s. 782.04(1) and a death sentence was not imposed;
733 murder in the second or third degree in violation of s.
734 782.04(2), (3), or (4); attempted murder in the first or second
735 degree in violation of s. 782.04(1)(a) ~~s. 782.04(1)(a)1.~~ or (2);
736 or attempted felony murder in violation of s. 782.051; and

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

745 Section 25. Paragraph (a) of subsection (2) of section
746 794.011, Florida Statutes, is amended to read:

747 794.011 Sexual battery.—

748 (2) (a) A person 18 years of age or older who commits sexual
749 battery upon, or in an attempt to commit sexual battery injures
750 the sexual organs of, a person less than 12 years of age commits
751 a capital felony, punishable as provided in s. 775.082 ~~ss.~~
752 ~~775.082 and 921.141.~~

753 Section 26. Paragraphs (b) through (l) and paragraph (n) of
754 subsection (1) of section 893.135, Florida Statutes, are amended

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755 to read:

756 893.135 Trafficking; mandatory sentences; suspension or
757 reduction of sentences; conspiracy to engage in trafficking.—

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

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

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

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

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

780 2. Any person who knowingly sells, purchases, manufactures,
781 delivers, or brings into this state, or who is knowingly in
782 actual or constructive possession of, 150 kilograms or more of
783 cocaine, as described in s. 893.03(2)(a)4., commits the first

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784 degree felony of trafficking in cocaine. A person who has been
785 convicted of the first degree felony of trafficking in cocaine
786 under this subparagraph shall be punished by life imprisonment
787 and is ineligible for any form of discretionary early release
788 except pardon or executive clemency or conditional medical
789 release under s. 947.149. However, if the court determines that,
790 in addition to committing any act specified in this paragraph:

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

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

797
798 such person commits the capital felony of trafficking in
799 cocaine, punishable as provided in s. 775.082 ~~ss. 775.082 and~~
800 ~~921.142~~. Any person sentenced for a capital felony under this
801 paragraph shall also be sentenced to pay the maximum fine
802 provided under subparagraph 1.

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

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

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813 knowingly in actual or constructive possession of, 4 grams or
814 more of any morphine, opium, hydromorphone, or any salt,
815 derivative, isomer, or salt of an isomer thereof, including
816 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
817 (3)(c)4., or 4 grams or more of any mixture containing any such
818 substance, but less than 30 kilograms of such substance or
819 mixture, commits a felony of the first degree, which felony
820 shall be known as "trafficking in illegal drugs," punishable as
821 provided in s. 775.082, s. 775.083, or s. 775.084. If the
822 quantity involved:

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

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

829 c. Is 28 grams or more, but less than 30 kilograms, such
830 person shall be sentenced to a mandatory minimum term of
831 imprisonment of 25 years and shall be ordered to pay a fine of
832 \$500,000.

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

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

845 b. Is 50 grams or more, but less than 100 grams, such
846 person shall be sentenced to a mandatory minimum term of
847 imprisonment of 7 years and shall be ordered to pay a fine of
848 \$100,000.

849 c. Is 100 grams or more, but less than 300 grams, such
850 person shall be sentenced to a mandatory minimum term of
851 imprisonment of 15 years and shall be ordered to pay a fine of
852 \$500,000.

853 d. Is 300 grams or more, but less than 30 kilograms, such
854 person shall be sentenced to a mandatory minimum term of
855 imprisonment of 25 years and shall be ordered to pay a fine of
856 \$750,000.

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

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

869 b. Is 14 grams or more, but less than 25 grams, such person
870 shall be sentenced to a mandatory minimum term of imprisonment

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871 of 7 years and shall be ordered to pay a fine of \$100,000.

872 c. Is 25 grams or more, but less than 100 grams, such
873 person shall be sentenced to a mandatory minimum term of
874 imprisonment of 15 years and shall be ordered to pay a fine of
875 \$500,000.

876 d. Is 100 grams or more, but less than 30 kilograms, such
877 person shall be sentenced to a mandatory minimum term of
878 imprisonment of 25 years and shall be ordered to pay a fine of
879 \$750,000.

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

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

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

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

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

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

888 893.03(1)(a)62.;

889 (VI) A controlled substance analog, as described in s.
890 893.0356, of any substance described in sub-sub-subparagraphs
891 (I)-(V); or

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

894
895 commits a felony of the first degree, which felony shall be
896 known as "trafficking in fentanyl," punishable as provided in s.
897 775.082, s. 775.083, or s. 775.084.

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

899 (I) Is 4 grams or more, but less than 14 grams, such person

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

902 (II) Is 14 grams or more, but less than 28 grams, such
903 person shall be sentenced to a mandatory minimum term of
904 imprisonment of 15 years, and shall be ordered to pay a fine of
905 \$100,000.

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

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

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

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929 b. The person's conduct in committing that act led to a
930 natural, though not inevitable, lethal result,
931
932 such person commits the capital felony of trafficking in illegal
933 drugs, punishable as provided in s. 775.082 ~~ss. 775.082 and~~
934 ~~921.142~~. A person sentenced for a capital felony under this
935 paragraph shall also be sentenced to pay the maximum fine
936 provided under subparagraph 1.

937 6. A person who knowingly brings into this state 60
938 kilograms or more of any morphine, opium, oxycodone,
939 hydrocodone, codeine, hydromorphone, or any salt, derivative,
940 isomer, or salt of an isomer thereof, including heroin, as
941 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
942 60 kilograms or more of any mixture containing any such
943 substance, and who knows that the probable result of such
944 importation would be the death of a person, commits capital
945 importation of illegal drugs, a capital felony punishable as
946 provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A person
947 sentenced for a capital felony under this paragraph shall also
948 be sentenced to pay the maximum fine provided under subparagraph
949 1.

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

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958 substituted phenylcyclohexylamine, as described in s.
959 893.03(1)(c)195., or a substance described in s.
960 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of
961 the first degree, which felony shall be known as "trafficking in
962 phencyclidine," punishable as provided in s. 775.082, s.
963 775.083, or s. 775.084. If the quantity involved:

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

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

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

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

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987 ~~921.142~~. Any person sentenced for a capital felony under this
988 paragraph shall also be sentenced to pay the maximum fine
989 provided under subparagraph 1.

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

998 a. Is 200 grams or more, but less than 5 kilograms, such
999 person shall be sentenced to a mandatory minimum term of
1000 imprisonment of 3 years, and the defendant shall be ordered to
1001 pay a fine of \$50,000.

1002 b. Is 5 kilograms or more, but less than 25 kilograms, such
1003 person shall be sentenced to a mandatory minimum term of
1004 imprisonment of 7 years, and the defendant shall be ordered to
1005 pay a fine of \$100,000.

1006 c. Is 25 kilograms or more, such person shall be sentenced
1007 to a mandatory minimum term of imprisonment of 15 calendar years
1008 and pay a fine of \$250,000.

1009 2. Any person who knowingly brings into this state 50
1010 kilograms or more of methaqualone or of any mixture containing
1011 methaqualone, as described in s. 893.03(1)(d), and who knows
1012 that the probable result of such importation would be the death
1013 of any person commits capital importation of methaqualone, a
1014 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~
1015 ~~and 921.142~~. Any person sentenced for a capital felony under

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

1018 (f)1. Any person who knowingly sells, purchases,
1019 manufactures, delivers, or brings into this state, or who is
1020 knowingly in actual or constructive possession of, 14 grams or
1021 more of amphetamine, as described in s. 893.03(2)(c)2., or
1022 methamphetamine, as described in s. 893.03(2)(c)5., or of any
1023 mixture containing amphetamine or methamphetamine, or
1024 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
1025 in conjunction with other chemicals and equipment utilized in
1026 the manufacture of amphetamine or methamphetamine, commits a
1027 felony of the first degree, which felony shall be known as
1028 "trafficking in amphetamine," punishable as provided in s.
1029 775.082, s. 775.083, or s. 775.084. If the quantity involved:

1030 a. Is 14 grams or more, but less than 28 grams, such person
1031 shall be sentenced to a mandatory minimum term of imprisonment
1032 of 3 years, and the defendant shall be ordered to pay a fine of
1033 \$50,000.

1034 b. Is 28 grams or more, but less than 200 grams, such
1035 person shall be sentenced to a mandatory minimum term of
1036 imprisonment of 7 years, and the defendant shall be ordered to
1037 pay a fine of \$100,000.

1038 c. Is 200 grams or more, such person shall be sentenced to
1039 a mandatory minimum term of imprisonment of 15 calendar years
1040 and pay a fine of \$250,000.

1041 2. Any person who knowingly manufactures or brings into
1042 this state 400 grams or more of amphetamine, as described in s.
1043 893.03(2)(c)2., or methamphetamine, as described in s.
1044 893.03(2)(c)5., or of any mixture containing amphetamine or

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1045 methamphetamine, or phenylacetone, phenylacetic acid,
1046 pseudoephedrine, or ephedrine in conjunction with other
1047 chemicals and equipment used in the manufacture of amphetamine
1048 or methamphetamine, and who knows that the probable result of
1049 such manufacture or importation would be the death of any person
1050 commits capital manufacture or importation of amphetamine, a
1051 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~
1052 ~~and 921.142~~. Any person sentenced for a capital felony under
1053 this paragraph shall also be sentenced to pay the maximum fine
1054 provided under subparagraph 1.

1055 (g)1. Any person who knowingly sells, purchases,
1056 manufactures, delivers, or brings into this state, or who is
1057 knowingly in actual or constructive possession of, 4 grams or
1058 more of flunitrazepam or any mixture containing flunitrazepam as
1059 described in s. 893.03(1)(a) commits a felony of the first
1060 degree, which felony shall be known as "trafficking in
1061 flunitrazepam," punishable as provided in s. 775.082, s.
1062 775.083, or s. 775.084. If the quantity involved:

1063 a. Is 4 grams or more but less than 14 grams, such person
1064 shall be sentenced to a mandatory minimum term of imprisonment
1065 of 3 years, and the defendant shall be ordered to pay a fine of
1066 \$50,000.

1067 b. Is 14 grams or more but less than 28 grams, such person
1068 shall be sentenced to a mandatory minimum term of imprisonment
1069 of 7 years, and the defendant shall be ordered to pay a fine of
1070 \$100,000.

1071 c. Is 28 grams or more but less than 30 kilograms, such
1072 person shall be sentenced to a mandatory minimum term of
1073 imprisonment of 25 calendar years and pay a fine of \$500,000.

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1074 2. Any person who knowingly sells, purchases, manufactures,
1075 delivers, or brings into this state or who is knowingly in
1076 actual or constructive possession of 30 kilograms or more of
1077 flunitrazepam or any mixture containing flunitrazepam as
1078 described in s. 893.03(1)(a) commits the first degree felony of
1079 trafficking in flunitrazepam. A person who has been convicted of
1080 the first degree felony of trafficking in flunitrazepam under
1081 this subparagraph shall be punished by life imprisonment and is
1082 ineligible for any form of discretionary early release except
1083 pardon or executive clemency or conditional medical release
1084 under s. 947.149. However, if the court determines that, in
1085 addition to committing any act specified in this paragraph:

1086 a. The person intentionally killed an individual or
1087 counseled, commanded, induced, procured, or caused the
1088 intentional killing of an individual and such killing was the
1089 result; or

1090 b. The person's conduct in committing that act led to a
1091 natural, though not inevitable, lethal result,

1092
1093 such person commits the capital felony of trafficking in
1094 flunitrazepam, punishable as provided in s. 775.082 ~~ss. 775.082~~
1095 ~~and 921.142~~. Any person sentenced for a capital felony under
1096 this paragraph shall also be sentenced to pay the maximum fine
1097 provided under subparagraph 1.

1098 (h)1. Any person who knowingly sells, purchases,
1099 manufactures, delivers, or brings into this state, or who is
1100 knowingly in actual or constructive possession of, 1 kilogram or
1101 more of gamma-hydroxybutyric acid (GHB), as described in s.
1102 893.03(1)(d), or any mixture containing gamma-hydroxybutyric

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1103 acid (GHB), commits a felony of the first degree, which felony
1104 shall be known as "trafficking in gamma-hydroxybutyric acid
1105 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
1106 775.084. If the quantity involved:

1107 a. Is 1 kilogram or more but less than 5 kilograms, such
1108 person shall be sentenced to a mandatory minimum term of
1109 imprisonment of 3 years, and the defendant shall be ordered to
1110 pay a fine of \$50,000.

1111 b. Is 5 kilograms or more but less than 10 kilograms, such
1112 person shall be sentenced to a mandatory minimum term of
1113 imprisonment of 7 years, and the defendant shall be ordered to
1114 pay a fine of \$100,000.

1115 c. Is 10 kilograms or more, such person shall be sentenced
1116 to a mandatory minimum term of imprisonment of 15 calendar years
1117 and pay a fine of \$250,000.

1118 2. Any person who knowingly manufactures or brings into
1119 this state 150 kilograms or more of gamma-hydroxybutyric acid
1120 (GHB), as described in s. 893.03(1)(d), or any mixture
1121 containing gamma-hydroxybutyric acid (GHB), and who knows that
1122 the probable result of such manufacture or importation would be
1123 the death of any person commits capital manufacture or
1124 importation of gamma-hydroxybutyric acid (GHB), a capital felony
1125 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.
1126 Any person sentenced for a capital felony under this paragraph
1127 shall also be sentenced to pay the maximum fine provided under
1128 subparagraph 1.

1129 (i)1. Any person who knowingly sells, purchases,
1130 manufactures, delivers, or brings into this state, or who is
1131 knowingly in actual or constructive possession of, 1 kilogram or

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1132 more of gamma-butyrolactone (GBL), as described in s.
1133 893.03(1)(d), or any mixture containing gamma-butyrolactone
1134 (GBL), commits a felony of the first degree, which felony shall
1135 be known as "trafficking in gamma-butyrolactone (GBL),"
1136 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
1137 If the quantity involved:

1138 a. Is 1 kilogram or more but less than 5 kilograms, such
1139 person shall be sentenced to a mandatory minimum term of
1140 imprisonment of 3 years, and the defendant shall be ordered to
1141 pay a fine of \$50,000.

1142 b. Is 5 kilograms or more but less than 10 kilograms, such
1143 person shall be sentenced to a mandatory minimum term of
1144 imprisonment of 7 years, and the defendant shall be ordered to
1145 pay a fine of \$100,000.

1146 c. Is 10 kilograms or more, such person shall be sentenced
1147 to a mandatory minimum term of imprisonment of 15 calendar years
1148 and pay a fine of \$250,000.

1149 2. Any person who knowingly manufactures or brings into the
1150 state 150 kilograms or more of gamma-butyrolactone (GBL), as
1151 described in s. 893.03(1)(d), or any mixture containing gamma-
1152 butyrolactone (GBL), and who knows that the probable result of
1153 such manufacture or importation would be the death of any person
1154 commits capital manufacture or importation of gamma-
1155 butyrolactone (GBL), a capital felony punishable as provided in
1156 s. 775.082 ~~ss. 775.082 and 921.142~~. Any person sentenced for a
1157 capital felony under this paragraph shall also be sentenced to
1158 pay the maximum fine provided under subparagraph 1.

1159 (j)1. Any person who knowingly sells, purchases,
1160 manufactures, delivers, or brings into this state, or who is

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1161 knowingly in actual or constructive possession of, 1 kilogram or
1162 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
1163 any mixture containing 1,4-Butanediol, commits a felony of the
1164 first degree, which felony shall be known as "trafficking in
1165 1,4-Butanediol," punishable as provided in s. 775.082, s.
1166 775.083, or s. 775.084. If the quantity involved:

1167 a. Is 1 kilogram or more, but less than 5 kilograms, such
1168 person shall be sentenced to a mandatory minimum term of
1169 imprisonment of 3 years, and the defendant shall be ordered to
1170 pay a fine of \$50,000.

1171 b. Is 5 kilograms or more, but less than 10 kilograms, such
1172 person shall be sentenced to a mandatory minimum term of
1173 imprisonment of 7 years, and the defendant shall be ordered to
1174 pay a fine of \$100,000.

1175 c. Is 10 kilograms or more, such person shall be sentenced
1176 to a mandatory minimum term of imprisonment of 15 calendar years
1177 and pay a fine of \$500,000.

1178 2. Any person who knowingly manufactures or brings into
1179 this state 150 kilograms or more of 1,4-Butanediol as described
1180 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
1181 and who knows that the probable result of such manufacture or
1182 importation would be the death of any person commits capital
1183 manufacture or importation of 1,4-Butanediol, a capital felony
1184 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.
1185 Any person sentenced for a capital felony under this paragraph
1186 shall also be sentenced to pay the maximum fine provided under
1187 subparagraph 1.

1188 (k)1. A person who knowingly sells, purchases,
1189 manufactures, delivers, or brings into this state, or who is

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1190 knowingly in actual or constructive possession of, 10 grams or
1191 more of a:

1192 a. Substance described in s. 893.03(1)(c)4., 5., 10., 11.,
1193 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86.,
1194 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163.,
1195 165., or 187.-189., a substituted cathinone, as described in s.
1196 893.03(1)(c)191., or substituted phenethylamine, as described in
1197 s. 893.03(1)(c)192.;

1198 b. Mixture containing any substance described in sub-
1199 subparagraph a.; or

1200 c. Salt, isomer, ester, or ether or salt of an isomer,
1201 ester, or ether of a substance described in sub-subparagraph a.,

1202
1203 commits a felony of the first degree, which felony shall be
1204 known as "trafficking in phenethylamines," punishable as
1205 provided in s. 775.082, s. 775.083, or s. 775.084.

1206 2. If the quantity involved under subparagraph 1.:

1207 a. Is 10 grams or more, but less than 200 grams, such
1208 person shall be sentenced to a mandatory minimum term of
1209 imprisonment of 3 years and shall be ordered to pay a fine of
1210 \$50,000.

1211 b. Is 200 grams or more, but less than 400 grams, such
1212 person shall be sentenced to a mandatory minimum term of
1213 imprisonment of 7 years and shall be ordered to pay a fine of
1214 \$100,000.

1215 c. Is 400 grams or more, such person shall be sentenced to
1216 a mandatory minimum term of imprisonment of 15 years and shall
1217 be ordered to pay a fine of \$250,000.

1218 3. A person who knowingly manufactures or brings into this

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1219 state 30 kilograms or more of a substance described in sub-
1220 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,
1221 or a salt, isomer, ester, or ether or a salt of an isomer,
1222 ester, or ether described in sub-subparagraph 1.c., and who
1223 knows that the probable result of such manufacture or
1224 importation would be the death of any person commits capital
1225 manufacture or importation of phenethylamines, a capital felony
1226 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A
1227 person sentenced for a capital felony under this paragraph shall
1228 also be sentenced to pay the maximum fine under subparagraph 2.

1229 (1)1. Any person who knowingly sells, purchases,
1230 manufactures, delivers, or brings into this state, or who is
1231 knowingly in actual or constructive possession of, 1 gram or
1232 more of lysergic acid diethylamide (LSD) as described in s.
1233 893.03(1)(c), or of any mixture containing lysergic acid
1234 diethylamide (LSD), commits a felony of the first degree, which
1235 felony shall be known as "trafficking in lysergic acid
1236 diethylamide (LSD)," punishable as provided in s. 775.082, s.
1237 775.083, or s. 775.084. If the quantity involved:

1238 a. Is 1 gram or more, but less than 5 grams, such person
1239 shall be sentenced to a mandatory minimum term of imprisonment
1240 of 3 years, and the defendant shall be ordered to pay a fine of
1241 \$50,000.

1242 b. Is 5 grams or more, but less than 7 grams, such person
1243 shall be sentenced to a mandatory minimum term of imprisonment
1244 of 7 years, and the defendant shall be ordered to pay a fine of
1245 \$100,000.

1246 c. Is 7 grams or more, such person shall be sentenced to a
1247 mandatory minimum term of imprisonment of 15 calendar years and

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1248 pay a fine of \$500,000.

1249 2. Any person who knowingly manufactures or brings into
1250 this state 7 grams or more of lysergic acid diethylamide (LSD)
1251 as described in s. 893.03(1)(c), or any mixture containing
1252 lysergic acid diethylamide (LSD), and who knows that the
1253 probable result of such manufacture or importation would be the
1254 death of any person commits capital manufacture or importation
1255 of lysergic acid diethylamide (LSD), a capital felony punishable
1256 as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. Any person
1257 sentenced for a capital felony under this paragraph shall also
1258 be sentenced to pay the maximum fine provided under subparagraph
1259 1.

1260 (n)1. A person who knowingly sells, purchases,
1261 manufactures, delivers, or brings into this state, or who is
1262 knowingly in actual or constructive possession of, 14 grams or
1263 more of:

1264 a. A substance described in s. 893.03(1)(c)164., 174., or
1265 175., a n-benzyl phenethylamine compound, as described in s.
1266 893.03(1)(c)193.; or

1267 b. A mixture containing any substance described in sub-
1268 subparagraph a.,

1269
1270 commits a felony of the first degree, which felony shall be
1271 known as "trafficking in n-benzyl phenethylamines," punishable
1272 as provided in s. 775.082, s. 775.083, or s. 775.084.

1273 2. If the quantity involved under subparagraph 1.:

1274 a. Is 14 grams or more, but less than 100 grams, such
1275 person shall be sentenced to a mandatory minimum term of
1276 imprisonment of 3 years, and the defendant shall be ordered to

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1277 pay a fine of \$50,000.

1278 b. Is 100 grams or more, but less than 200 grams, such
1279 person shall be sentenced to a mandatory minimum term of
1280 imprisonment of 7 years, and the defendant shall be ordered to
1281 pay a fine of \$100,000.

1282 c. Is 200 grams or more, such person shall be sentenced to
1283 a mandatory minimum term of imprisonment of 15 years, and the
1284 defendant shall be ordered to pay a fine of \$500,000.

1285 3. A person who knowingly manufactures or brings into this
1286 state 400 grams or more of a substance described in sub-
1287 subparagraph 1.a. or a mixture described in sub-subparagraph
1288 1.b., and who knows that the probable result of such manufacture
1289 or importation would be the death of any person commits capital
1290 manufacture or importation of a n-benzyl phenethylamine
1291 compound, a capital felony punishable as provided in s. 775.082
1292 ~~ss. 775.082 and 921.142~~. A person sentenced for a capital felony
1293 under this paragraph shall also be sentenced to pay the maximum
1294 fine under subparagraph 2.

1295 Section 27. Paragraph (e) of subsection (4) of section
1296 944.275, Florida Statutes, is amended to read:

1297 944.275 Gain-time.—

1298 (4)

1299 (e) Notwithstanding subparagraph (b)3., for sentences
1300 imposed for offenses committed on or after October 1, 2014, the
1301 department may not grant incentive gain-time if the offense is a
1302 violation of s. 782.04(1)(b)3. ~~s. 782.04(1)(a)2.e.~~; s.
1303 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011,
1304 excluding s. 794.011(10); s. 800.04; s. 825.1025; or s.
1305 847.0135(5).

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1306 Section 28. Subsection (4) and paragraph (a) of subsection
1307 (5) of section 948.012, Florida Statutes, are amended to read:

1308 948.012 Split sentence of probation or community control
1309 and imprisonment.—

1310 (4) Effective for offenses committed on or after September
1311 1, 2005, the court must impose a split sentence pursuant to
1312 subsection (1) for any person who is convicted of a life felony
1313 for lewd and lascivious molestation pursuant to s. 800.04(5) (b)
1314 if the court imposes a term of years in accordance with s.
1315 775.082(2)(a)4.a.(II) ~~s. 775.082(3)(a)4.a.(II)~~ rather than life
1316 imprisonment. The probation or community control portion of the
1317 split sentence imposed by the court for a defendant must extend
1318 for the duration of the defendant's natural life and include a
1319 condition that he or she be electronically monitored.

1320 (5) (a) Effective for offenses committed on or after October
1321 1, 2014, if the court imposes a term of years in accordance with
1322 s. 775.082 which is less than the maximum sentence for the
1323 offense, the court must impose a split sentence pursuant to
1324 subsection (1) for any person who is convicted of a violation
1325 of:

- 1326 1. Section 782.04(1)(b)3. ~~782.04(1)(a)2.e.;~~
- 1327 2. Section 787.01(3)(a)2. or 3.;
- 1328 3. Section 787.02(3)(a)2. or 3.;
- 1329 4. Section 794.011, excluding s. 794.011(10);
- 1330 5. Section 800.04;
- 1331 6. Section 825.1025; or
- 1332 7. Section 847.0135(5).

1333 Section 29. Sections 922.052, 922.06, 922.07, 922.08,
1334 922.095, 922.10, 922.105, 922.108, 922.11, 922.111, 922.12,

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1335 922.14, 922.15, 924.055, 924.056, and 924.057, Florida Statutes,
1336 are repealed.

1337 Section 30. Subsection (4) of section 925.11, Florida
1338 Statutes, is amended to read:

1339 925.11 Postsentencing DNA testing.—

1340 (4) PRESERVATION OF EVIDENCE.—

1341 ~~(a)~~ Governmental entities that may be in possession of any
1342 physical evidence in the case, including, but not limited to,
1343 any investigating law enforcement agency, the clerk of the
1344 court, the prosecuting authority, or the Department of Law
1345 Enforcement shall maintain any physical evidence collected at
1346 the time of the crime for which a postsentencing testing of DNA
1347 may be requested.

1348 ~~(b) In a case in which the death penalty is imposed, the~~
1349 ~~evidence shall be maintained for 60 days after execution of the~~
1350 ~~sentence. In all other cases, a governmental entity may dispose~~
1351 ~~of the physical evidence if the term of the sentence imposed in~~
1352 ~~the case has expired and no other provision of law or rule~~
1353 ~~requires that the physical evidence be preserved or retained.~~

1354 Section 31. Paragraph (g) of subsection (1) and subsection
1355 (2) of section 945.10, Florida Statutes, are amended to read:

1356 945.10 Confidential information.—

1357 (1) Except as otherwise provided by law or in this section,
1358 the following records and information held by the Department of
1359 Corrections are confidential and exempt from the provisions of
1360 s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1361 ~~(g) Information which identifies an executioner, or any~~
1362 ~~person prescribing, preparing, compounding, dispensing, or~~
1363 ~~administering a lethal injection.~~

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1364 (2) The records and information specified in paragraphs
1365 (1) (a) - (h) ~~(1) (a) - (i)~~ may be released as follows unless
1366 expressly prohibited by federal law:

1367 (a) Information specified in paragraphs (1) (b), (d), and
1368 (f) to the Executive Office of the Governor, the Legislature,
1369 the Florida Commission on Offender Review, the Department of
1370 Children and Families, a private correctional facility or
1371 program that operates under a contract, the Department of Legal
1372 Affairs, a state attorney, the court, or a law enforcement
1373 agency. A request for records or information pursuant to this
1374 paragraph need not be in writing.

1375 (b) Information specified in paragraphs (1) (c), (e), and
1376 (h) ~~(i)~~ to the Executive Office of the Governor, the
1377 Legislature, the Florida Commission on Offender Review, the
1378 Department of Children and Families, a private correctional
1379 facility or program that operates under contract, the Department
1380 of Legal Affairs, a state attorney, the court, or a law
1381 enforcement agency. A request for records or information
1382 pursuant to this paragraph must be in writing and a statement
1383 provided demonstrating a need for the records or information.

1384 (c) Information specified in paragraph (1) (b) to an
1385 attorney representing an inmate under sentence of death, except
1386 those portions of the records containing a victim's statement or
1387 address, or the statement or address of a relative of the
1388 victim. A request for records of information pursuant to this
1389 paragraph must be in writing and a statement provided
1390 demonstrating a need for the records or information.

1391 (d) Information specified in paragraph (1) (b) to a public
1392 defender representing a defendant, except those portions of the

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1393 records containing a victim's statement or address, or the
1394 statement or address of a relative of the victim. A request for
1395 records or information pursuant to this paragraph need not be in
1396 writing.

1397 (e) Information specified in paragraph (1) (b) to state or
1398 local governmental agencies. A request for records or
1399 information pursuant to this paragraph must be in writing and a
1400 statement provided demonstrating a need for the records or
1401 information.

1402 (f) Information specified in paragraph (1) (b) to a person
1403 conducting legitimate research. A request for records and
1404 information pursuant to this paragraph must be in writing, the
1405 person requesting the records or information must sign a
1406 confidentiality agreement, and the department must approve the
1407 request in writing.

1408 (g) Protected health information and records specified in
1409 paragraphs (1) (a) and (g) ~~(h)~~ to the Department of Health and
1410 the county health department where an inmate plans to reside if
1411 he or she has tested positive for the presence of the antibody
1412 or antigen to human immunodeficiency virus infection or as
1413 authorized in s. 381.004.

1414 (h) Protected health information and mental health,
1415 medical, or substance abuse records specified in paragraph
1416 (1) (a) to the Executive Office of the Governor, the Correctional
1417 Medical Authority, and the Department of Health for health care
1418 oversight activities authorized by state or federal law,
1419 including audits; civil, administrative, or criminal
1420 investigations; or inspections relating to the provision of
1421 health services, in accordance with 45 C.F.R. part 164, subpart

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1422 E.

1423 (i) Protected health information and mental health,
1424 medical, or substance abuse records specified in paragraph
1425 (1) (a) to a state attorney, a state court, or a law enforcement
1426 agency conducting an ongoing criminal investigation, if the
1427 inmate agrees to the disclosure and provides written consent or,
1428 if the inmate refuses to provide written consent, in response to
1429 an order of a court of competent jurisdiction, a subpoena,
1430 including a grand jury, investigative, or administrative
1431 subpoena, a court-ordered warrant, or a statutorily authorized
1432 investigative demand or other process as authorized by law, in
1433 accordance with 45 C.F.R. part 164, subpart E, provided that:

1434 1. The protected health information and records sought are
1435 relevant and material to a legitimate law enforcement inquiry;

1436 2. There is a clear connection between the investigated
1437 incident and the inmate whose protected health information and
1438 records are sought;

1439 3. The request is specific and limited in scope to the
1440 extent reasonably practicable in light of the purpose for which
1441 the information or records are sought; and

1442 4. Deidentified information could not reasonably be used.

1443 (j) Protected health information and mental health,
1444 medical, or substance abuse records specified in paragraph
1445 (1) (a) of an inmate who is or is suspected of being the victim
1446 of a crime, to a state attorney or a law enforcement agency if
1447 the inmate agrees to the disclosure and provides written consent
1448 or if the inmate is unable to agree because of incapacity or
1449 other emergency circumstance, in accordance with 45 C.F.R. part
1450 164, subpart E, provided that:

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1451 1. Such protected health information and records are needed
1452 to determine whether a violation of law by a person other than
1453 the inmate victim has occurred;

1454 2. Such protected health information or records are not
1455 intended to be used against the inmate victim;

1456 3. The immediate law enforcement activity that depends upon
1457 the disclosure would be materially and adversely affected by
1458 waiting until the inmate victim is able to agree to the
1459 disclosure; and

1460 4. The disclosure is in the best interests of the inmate
1461 victim, as determined by the department.

1462 (k) Protected health information and mental health,
1463 medical, or substance abuse records specified in paragraph
1464 (1)(a) to a state attorney or a law enforcement agency if the
1465 department believes in good faith that the information and
1466 records constitute evidence of criminal conduct that occurred in
1467 a correctional institution or facility, in accordance with 45
1468 C.F.R. part 164, subpart E, provided that:

1469 1. The protected health information and records disclosed
1470 are specific and limited in scope to the extent reasonably
1471 practicable in light of the purpose for which the information or
1472 records are sought;

1473 2. There is a clear connection between the criminal conduct
1474 and the inmate whose protected health information and records
1475 are sought; and

1476 3. Deidentified information could not reasonably be used.

1477 (1) Protected health information and mental health,
1478 medical, or substance abuse records specified in paragraph
1479 (1)(a) to the Division of Risk Management of the Department of

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1480 Financial Services, in accordance with 45 C.F.R. part 164,
1481 subpart E, upon certification by the Division of Risk Management
1482 that such information and records are necessary to investigate
1483 and provide legal representation for a claim against the
1484 Department of Corrections.

1485 (m) Protected health information and mental health,
1486 medical, or substance abuse records specified in paragraph
1487 (1) (a) of an inmate who is bringing a legal action against the
1488 department, to the Department of Legal Affairs or to an attorney
1489 retained to represent the department in a legal proceeding, in
1490 accordance with 45 C.F.R. part 164, subpart E.

1491 (n) Protected health information and mental health,
1492 medical, or substance abuse records of an inmate as specified in
1493 paragraph (1) (a) to another correctional institution or facility
1494 or law enforcement official having lawful custody of the inmate,
1495 in accordance with 45 C.F.R. part 164, subpart E, if the
1496 protected health information or records are necessary for:

- 1497 1. The provision of health care to the inmate;
- 1498 2. The health and safety of the inmate or other inmates;
- 1499 3. The health and safety of the officers, employees, or
1500 others at the correctional institution or facility;
- 1501 4. The health and safety of the individuals or officers
1502 responsible for transporting the inmate from one correctional
1503 institution, facility, or setting to another;
- 1504 5. Law enforcement on the premises of the correctional
1505 institution or facility; or
- 1506 6. The administration and maintenance of the safety,
1507 security, and good order of the correctional institution or
1508 facility.

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1509 (o) Protected health information and mental health,
1510 medical, or substance abuse records of an inmate as specified in
1511 paragraph (1)(a) to the Department of Children and Families and
1512 the Florida Commission on Offender Review, in accordance with 45
1513 C.F.R. part 164, subpart E, if the inmate received mental health
1514 treatment while in the custody of the Department of Corrections
1515 and becomes eligible for release under supervision or upon the
1516 end of his or her sentence.

1517 (p) Notwithstanding s. 456.057 and in accordance with 45
1518 C.F.R. part 164, subpart E, protected health information and
1519 mental health, medical, or substance abuse records specified in
1520 paragraph (1)(a) of a deceased inmate or offender to an
1521 individual with authority to act on behalf of the deceased
1522 inmate or offender, upon the individual's request. For purposes
1523 of this section, the following individuals have authority to act
1524 on behalf of a deceased inmate or offender only for the purpose
1525 of requesting access to such protected health information and
1526 records:

1527 1. A person appointed by a court to act as the personal
1528 representative, executor, administrator, curator, or temporary
1529 administrator of the deceased inmate's or offender's estate;

1530 2. If a court has not made a judicial appointment under
1531 subparagraph 1., a person designated by the inmate or offender
1532 to act as his or her personal representative in a last will that
1533 is self-proved under s. 732.503; or

1534 3. If a court has not made a judicial appointment under
1535 subparagraph 1. or if the inmate or offender has not designated
1536 a person in a self-proved last will as provided in subparagraph
1537 2., only the following individuals:

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- 1538 a. A surviving spouse.
- 1539 b. If there is no surviving spouse, a surviving adult child
1540 of the inmate or offender.
- 1541 c. If there is no surviving spouse or adult child, a parent
1542 of the inmate or offender.
- 1543 (q) All requests for access to a deceased inmate's or
1544 offender's protected health information or mental health,
1545 medical, or substance abuse records specified in paragraph
1546 (1)(a) must be in writing and must be accompanied by the
1547 following:
- 1548 1. If made by a person authorized under subparagraph (p)1.,
1549 a copy of the letter of administration and a copy of the court
1550 order appointing such person as the representative of the
1551 inmate's or offender's estate.
- 1552 2. If made by a person authorized under subparagraph (p)2.,
1553 a copy of the self-proved last will designating the person as
1554 the inmate's or offender's representative.
- 1555 3. If made by a person authorized under subparagraph (p)3.,
1556 a letter from the person's attorney verifying the person's
1557 relationship to the inmate or offender and the absence of a
1558 court-appointed representative and self-proved last will.
- 1559
- 1560 Records and information released under this subsection remain
1561 confidential and exempt from the provisions of s. 119.07(1) and
1562 s. 24(a), Art. I of the State Constitution when held by the
1563 receiving person or entity.
- 1564 Section 32. Subsection (2) of section 316.3026, Florida
1565 Statutes, is amended to read:
- 1566 316.3026 Unlawful operation of motor carriers.—

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1567 (2) Any motor carrier enjoined or prohibited from operating
1568 by an out-of-service order by this state, any other state, or
1569 the Federal Motor Carrier Safety Administration may not operate
1570 on the roadways of this state until the motor carrier has been
1571 authorized to resume operations by the originating enforcement
1572 jurisdiction. Commercial motor vehicles owned or operated by any
1573 motor carrier prohibited from operation found on the roadways of
1574 this state shall be placed out of service by law enforcement
1575 officers of the Department of Highway Safety and Motor Vehicles,
1576 and the motor carrier assessed a \$10,000 civil penalty pursuant
1577 to 49 C.F.R. s. 383.53, in addition to any other penalties
1578 imposed on the driver or other responsible person. Any person
1579 who knowingly drives, operates, or causes to be operated any
1580 commercial motor vehicle in violation of an out-of-service order
1581 issued by the department in accordance with this section commits
1582 a felony of the third degree, punishable as provided in s.
1583 775.082(2)(e) ~~s. 775.082(3)(e)~~. Any costs associated with the
1584 impoundment or storage of such vehicles are the responsibility
1585 of the motor carrier. Vehicle out-of-service orders may be
1586 rescinded when the department receives proof of authorization
1587 for the motor carrier to resume operation.

1588 Section 33. Subsection (3) of section 373.409, Florida
1589 Statutes, is amended to read:

1590 373.409 Headgates, valves, and measuring devices.—

1591 (3) No person shall alter or tamper with a measuring device
1592 so as to cause it to register other than the actual amount of
1593 water diverted, discharged, or taken. Violation of this
1594 subsection shall be a misdemeanor of the second degree,
1595 punishable under s. 775.082(3)(b) ~~s. 775.082(4)(b)~~.

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1596 Section 34. Subsections (3), (4), and (5) of section
1597 373.430, Florida Statutes, are amended to read:

1598 373.430 Prohibitions, violation, penalty, intent.—

1599 (3) A person who willfully commits a violation specified in
1600 paragraph (1) (a) commits a felony of the third degree,
1601 punishable as provided in ss. 775.082(2)(e) ~~775.082(3)(e)~~ and
1602 775.083(1)(g), by a fine of not more than \$50,000 or by
1603 imprisonment for 5 years, or by both, for each offense. Each day
1604 during any portion of which such violation occurs constitutes a
1605 separate offense.

1606 (4) A person who commits a violation specified in paragraph
1607 (1) (a) or paragraph (1) (b) due to reckless indifference or gross
1608 careless disregard commits a misdemeanor of the second degree,
1609 punishable as provided in ss. 775.082(3)(b) ~~775.082(4)(b)~~ and
1610 775.083(1)(g), by a fine of not more than \$10,000 or 60 days in
1611 jail, or by both, for each offense.

1612 (5) A person who willfully commits a violation specified in
1613 paragraph (1) (b) or who commits a violation specified in
1614 paragraph (1) (c) commits a misdemeanor of the first degree,
1615 punishable as provided in ss. 775.082(3)(a) ~~775.082(4)(a)~~ and
1616 775.083(1)(g), by a fine of not more than \$10,000 or by 6 months
1617 in jail, or by both, for each offense.

1618 Section 35. Subsections (3) and (4) of section 376.302,
1619 Florida Statutes, are amended to read:

1620 376.302 Prohibited acts; penalties.—

1621 (3) Any person who willfully commits a violation specified
1622 in paragraph (1) (a) or paragraph (1) (b) shall be guilty of a
1623 misdemeanor of the first degree punishable as provided in ss.
1624 775.082(3)(a) ~~775.082(4)(a)~~ and 775.083(1)(g), by a fine of not

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1625 less than \$2,500 or more than \$25,000, or punishable by 1 year
1626 in jail, or by both for each offense. Each day during any
1627 portion of which such violation occurs constitutes a separate
1628 offense.

1629 (4) Any person who commits a violation specified in
1630 paragraph (1)(c) shall be guilty of a misdemeanor of the first
1631 degree punishable as provided in ss. 775.082(3)(a) ~~775.082(4)(a)~~
1632 and 775.083(1)(g), by a fine of not more than \$10,000, or by 6
1633 months in jail, or by both for each offense.

1634 Section 36. Subsections (3), (4), and (5) of section
1635 403.161, Florida Statutes, are amended to read:

1636 403.161 Prohibitions, violation, penalty, intent.—

1637 (3) A person who willfully commits a violation specified in
1638 paragraph (1)(a) commits a felony of the third degree,
1639 punishable as provided in ss. 775.082(2)(e) ~~775.082(3)(e)~~ and
1640 775.083(1)(g) by a fine of not more than \$50,000 or by
1641 imprisonment for 5 years, or by both, for each offense. Each day
1642 during any portion of which such violation occurs constitutes a
1643 separate offense.

1644 (4) A person who commits a violation specified in paragraph
1645 (1)(a) or paragraph (1)(b) due to reckless indifference or gross
1646 careless disregard commits a misdemeanor of the second degree,
1647 punishable as provided in ss. 775.082(3)(b) ~~775.082(4)(b)~~ and
1648 775.083(1)(g) by a fine of not more than \$10,000 or by 60 days
1649 in jail, or by both, for each offense.

1650 (5) A person who willfully commits a violation specified in
1651 paragraph (1)(b) or who commits a violation specified in
1652 paragraph (1)(c) commits a misdemeanor of the first degree
1653 punishable as provided in ss. 775.082(3)(a) ~~775.082(4)(a)~~ and

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1654 775.083(1)(g) by a fine of not more than \$10,000 or by 6 months
1655 in jail, or by both for each offense.

1656 Section 37. Subsection (2) of section 448.09, Florida
1657 Statutes, is amended to read:

1658 448.09 Unauthorized aliens; employment prohibited.—

1659 (2) The first violation of subsection (1) shall be a
1660 noncriminal violation as defined in s. 775.08(3) and, upon
1661 conviction, shall be punishable as provided in s. 775.082(4) ~~s.~~
1662 ~~775.082(5)~~ by a civil fine of not more than \$500, regardless of
1663 the number of aliens with respect to whom the violation
1664 occurred.

1665 Section 38. Section 504.013, Florida Statutes, is amended
1666 to read:

1667 504.013 Penalties.—Any person, firm, or corporation engaged
1668 in the business of the retail vending of fresh fruits, fresh
1669 vegetables, bee pollen, or honey who willfully and knowingly
1670 removes any labels or identifying marks from fruits, vegetables,
1671 bee pollen, or honey so labeled is guilty of a noncriminal
1672 violation as defined in s. 775.08(3) and upon conviction shall
1673 be punished as provided in s. 775.082(4) ~~s. 775.082(5)~~ by a
1674 civil fine of not more than \$500.

1675 Section 39. Paragraph (c) of subsection (3) of section
1676 648.571, Florida Statutes, is amended to read:

1677 648.571 Failure to return collateral; penalty.—

1678 (3)

1679 (c) Allowable expenses incurred in apprehending a defendant
1680 because of a bond forfeiture or judgment under s. 903.29 may be
1681 deducted if such expenses are accounted for. The failure to
1682 return collateral under these terms is punishable as follows:

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1683 1. If the collateral is of a value less than \$100, as
 1684 provided in s. 775.082(3)(a) ~~s. 775.082(4)(a)~~.

1685 2. If the collateral is of a value of \$100 or more, as
 1686 provided in s. 775.082(2)(e) ~~s. 775.082(3)(e)~~.

1687 3. If the collateral is of a value of \$1,500 or more, as
 1688 provided in s. 775.082(2)(d) ~~s. 775.082(3)(d)~~.

1689 4. If the collateral is of a value of \$10,000 or more, as
 1690 provided in s. 775.082(2)(b) ~~s. 775.082(3)(b)~~.

1691 Section 40. Paragraph (a) of subsection (2) of section
 1692 775.261, Florida Statutes, is amended to read:

1693 775.261 The Florida Career Offender Registration Act.—

1694 (2) DEFINITIONS.—As used in this section, the term:

1695 (a) "Career offender" means any person who is designated as
 1696 a habitual violent felony offender, a violent career criminal,
 1697 or a three-time violent felony offender under s. 775.084 or as a
 1698 prison releasee reoffender under s. 775.082(8) ~~s. 775.082(9)~~.

1699 Section 41. Paragraph (g) of subsection (3) of section
 1700 787.06, Florida Statutes, is amended to read:

1701 787.06 Human trafficking.—

1702 (3) Any person who knowingly, or in reckless disregard of
 1703 the facts, engages in human trafficking, or attempts to engage
 1704 in human trafficking, or benefits financially by receiving
 1705 anything of value from participation in a venture that has
 1706 subjected a person to human trafficking:

1707 (g) For commercial sexual activity in which any child
 1708 younger than 18 years of age or an adult believed by the person
 1709 to be a child younger than 18 years of age, or in which any
 1710 person who is mentally defective or mentally incapacitated as
 1711 those terms are defined in s. 794.011(1), is involved commits a

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1712 life felony, punishable as provided in s. 775.082(2)(a)6. ~~s.~~
1713 ~~775.082(3)(a)6.~~, s. 775.083, or s. 775.084.

1714
1715 For each instance of human trafficking of any individual under
1716 this subsection, a separate crime is committed and a separate
1717 punishment is authorized.

1718 Section 42. Subsection (6) of section 794.0115, Florida
1719 Statutes, is amended to read:

1720 794.0115 Dangerous sexual felony offender; mandatory
1721 sentencing.—

1722 (6) Notwithstanding s. 775.082(2) ~~s. 775.082(3)~~, chapter
1723 958, any other law, or any interpretation or construction
1724 thereof, a person subject to sentencing under this section must
1725 be sentenced to the mandatory term of imprisonment provided
1726 under this section. If the mandatory minimum term of
1727 imprisonment imposed under this section exceeds the maximum
1728 sentence authorized under s. 775.082, s. 775.084, or chapter
1729 921, the mandatory minimum term of imprisonment under this
1730 section must be imposed. If the mandatory minimum term of
1731 imprisonment under this section is less than the sentence that
1732 could be imposed under s. 775.082, s. 775.084, or chapter 921,
1733 the sentence imposed must include the mandatory minimum term of
1734 imprisonment under this section.

1735 Section 43. Paragraph (b) of subsection (5) of section
1736 800.04, Florida Statutes, is amended to read:

1737 800.04 Lewd or lascivious offenses committed upon or in the
1738 presence of persons less than 16 years of age.—

1739 (5) LEWD OR LASCIVIOUS MOLESTATION.—

1740 (b) An offender 18 years of age or older who commits lewd

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1741 or lascivious molestation against a victim less than 12 years of
1742 age commits a life felony, punishable as provided in s.
1743 775.082(2)(a)4. ~~s. 775.082(3)(a)4.~~

1744 Section 44. Paragraph (c) of subsection (4) of section
1745 907.041, Florida Statutes, is amended to read:

1746 907.041 Pretrial detention and release.—

1747 (4) PRETRIAL DETENTION.—

1748 (c) The court may order pretrial detention if it finds a
1749 substantial probability, based on a defendant's past and present
1750 patterns of behavior, the criteria in s. 903.046, and any other
1751 relevant facts, that any of the following circumstances exist:

1752 1. The defendant has previously violated conditions of
1753 release and that no further conditions of release are reasonably
1754 likely to assure the defendant's appearance at subsequent
1755 proceedings;

1756 2. The defendant, with the intent to obstruct the judicial
1757 process, has threatened, intimidated, or injured any victim,
1758 potential witness, juror, or judicial officer, or has attempted
1759 or conspired to do so, and that no condition of release will
1760 reasonably prevent the obstruction of the judicial process;

1761 3. The defendant is charged with trafficking in controlled
1762 substances as defined by s. 893.135, that there is a substantial
1763 probability that the defendant has committed the offense, and
1764 that no conditions of release will reasonably assure the
1765 defendant's appearance at subsequent criminal proceedings;

1766 4. The defendant is charged with DUI manslaughter, as
1767 defined by s. 316.193, and that there is a substantial
1768 probability that the defendant committed the crime and that the
1769 defendant poses a threat of harm to the community; conditions

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1770 that would support a finding by the court pursuant to this
1771 subparagraph that the defendant poses a threat of harm to the
1772 community include, but are not limited to, any of the following:

1773 a. The defendant has previously been convicted of any crime
1774 under s. 316.193, or of any crime in any other state or
1775 territory of the United States that is substantially similar to
1776 any crime under s. 316.193;

1777 b. The defendant was driving with a suspended driver
1778 license when the charged crime was committed; or

1779 c. The defendant has previously been found guilty of, or
1780 has had adjudication of guilt withheld for, driving while the
1781 defendant's driver license was suspended or revoked in violation
1782 of s. 322.34;

1783 5. The defendant poses the threat of harm to the community.
1784 The court may so conclude, if it finds that the defendant is
1785 presently charged with a dangerous crime, that there is a
1786 substantial probability that the defendant committed such crime,
1787 that the factual circumstances of the crime indicate a disregard
1788 for the safety of the community, and that there are no
1789 conditions of release reasonably sufficient to protect the
1790 community from the risk of physical harm to persons;

1791 6. The defendant was on probation, parole, or other release
1792 pending completion of sentence or on pretrial release for a
1793 dangerous crime at the time the current offense was committed;

1794 7. The defendant has violated one or more conditions of
1795 pretrial release or bond for the offense currently before the
1796 court and the violation, in the discretion of the court,
1797 supports a finding that no conditions of release can reasonably
1798 protect the community from risk of physical harm to persons or

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1799 assure the presence of the accused at trial; or

1800 8.a. The defendant has ever been sentenced pursuant to s.
1801 775.082(8) ~~s. 775.082(9)~~ or s. 775.084 as a prison releasee
1802 reoffender, habitual violent felony offender, three-time violent
1803 felony offender, or violent career criminal, or the state
1804 attorney files a notice seeking that the defendant be sentenced
1805 pursuant to s. 775.082(8) ~~s. 775.082(9)~~ or s. 775.084, as a
1806 prison releasee reoffender, habitual violent felony offender,
1807 three-time violent felony offender, or violent career criminal;

1808 b. There is a substantial probability that the defendant
1809 committed the offense; and

1810 c. There are no conditions of release that can reasonably
1811 protect the community from risk of physical harm or ensure the
1812 presence of the accused at trial.

1813 Section 45. Subsection (1) of section 921.1401, Florida
1814 Statutes, is amended to read:

1815 921.1401 Sentence of life imprisonment for persons who are
1816 under the age of 18 years at the time of the offense; sentencing
1817 proceedings.—

1818 (1) Upon conviction or adjudication of guilt of an offense
1819 described in s. 775.082(1)(b), s. 775.082(2)(a)5. ~~s.~~
1820 ~~775.082(3)(a)5., s. 775.082(2)(b)2. s. 775.082(3)(b)2.,~~ or s.
1821 775.082(2)(c) ~~s. 775.082(3)(c)~~ which was committed on or after
1822 July 1, 2014, the court may conduct a separate sentencing
1823 hearing to determine if a term of imprisonment for life or a
1824 term of years equal to life imprisonment is an appropriate
1825 sentence.

1826 Section 46. Paragraphs (b), (c), and (d) of subsection (2)
1827 of section 921.1402, Florida Statutes, are amended to read:

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1828 921.1402 Review of sentences for persons convicted of
1829 specified offenses committed while under the age of 18 years.—

1830 (2)

1831 (b) A juvenile offender sentenced to a term of more than 25
1832 years under s. 775.082(2)(a)5.a. ~~s. 775.082(3)(a)5.a.~~ or s.
1833 775.082(2)(b)2.a. ~~s. 775.082(3)(b)2.a.~~ is entitled to a review
1834 of his or her sentence after 25 years.

1835 (c) A juvenile offender sentenced to a term of more than 15
1836 years under s. 775.082(1)(b)2., s. 775.082(2)(a)5.b. ~~s.~~
1837 ~~775.082(3)(a)5.b.~~, or s. 775.082(2)(b)2.b. ~~s. 775.082(3)(b)2.b.~~
1838 is entitled to a review of his or her sentence after 15 years.

1839 (d) A juvenile offender sentenced to a term of 20 years or
1840 more under s. 775.082(2)(c) ~~s. 775.082(3)(c)~~ is entitled to a
1841 review of his or her sentence after 20 years. If the juvenile
1842 offender is not resentenced at the initial review hearing, he or
1843 she is eligible for one subsequent review hearing 10 years after
1844 the initial review hearing.

1845 Section 47. Paragraph (c) of subsection (3) of section
1846 944.17, Florida Statutes, is amended to read:

1847 944.17 Commitments and classification; transfers.—

1848 (3)

1849 (c)1. When the highest ranking offense for which the
1850 prisoner is convicted is a felony, the trial court shall
1851 sentence the prisoner pursuant to the Criminal Punishment Code
1852 in chapter 921.

1853 2. When the highest ranking offense for which the prisoner
1854 is convicted is a misdemeanor, the trial court shall sentence
1855 the prisoner pursuant to s. 775.082(3) ~~s. 775.082(4)~~.

1856 Section 48. Subsection (1) of section 944.608, Florida

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1857 Statutes, is amended to read:

1858 944.608 Notification to Department of Law Enforcement of
1859 information on career offenders.—

1860 (1) As used in this section, the term "career offender"
1861 means a person who is in the custody or control of, or under the
1862 supervision of, the department or is in the custody or control
1863 of, or under the supervision of, a private correctional
1864 facility, and who is designated as a habitual violent felony
1865 offender, a violent career criminal, or a three-time violent
1866 felony offender under s. 775.084 or as a prison releasee
1867 reoffender under s. 775.082(8) ~~s. 775.082(9)~~.

1868 Section 49. Subsection (1) of section 944.609, Florida
1869 Statutes, is amended to read:

1870 944.609 Career offenders; notification upon release.—

1871 (1) As used in this section, the term "career offender"
1872 means a person who is in the custody or control of, or under the
1873 supervision of, the department or is in the custody or control
1874 of, or under the supervision of a private correctional facility,
1875 who is designated as a habitual violent felony offender, a
1876 violent career criminal, or a three-time violent felony offender
1877 under s. 775.084 or as a prison releasee reoffender under s.
1878 775.082(8) ~~s. 775.082(9)~~.

1879 Section 50. Subsection (7) of section 944.705, Florida
1880 Statutes, is amended to read:

1881 944.705 Release orientation program.—

1882 (7) (a) The department shall notify every inmate in the
1883 inmate's release documents:

1884 1. Of all outstanding terms of the inmate's sentence at the
1885 time of release to assist the inmate in determining his or her

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1886 status with regard to the completion of all terms of sentence,
1887 as that term is defined in s. 98.0751. This subparagraph does
1888 not apply to inmates who are being released from the custody of
1889 the department to any type of supervision monitored by the
1890 department; and

1891 2. In not less than 18-point type, that the inmate may be
1892 sentenced pursuant to s. 775.082(8) ~~s. 775.082(9)~~ if the inmate
1893 commits any felony offense described in s. 775.082(8) ~~s.~~
1894 ~~775.082(9)~~ within 3 years after the inmate's release. This
1895 notice must be prefaced by the word "WARNING" in boldfaced type.

1896 (b) This section does not preclude the sentencing of a
1897 person pursuant to s. 775.082(8) ~~s. 775.082(9)~~, and evidence
1898 that the department failed to provide this notice does not
1899 prohibit a person from being sentenced pursuant to s. 775.082(8)
1900 ~~s. 775.082(9)~~. The state is not required to demonstrate that a
1901 person received any notice from the department in order for the
1902 court to impose a sentence pursuant to s. 775.082(8) ~~s.~~
1903 ~~775.082(9)~~.

1904 Section 51. This act shall take effect upon becoming a law.