

26 | amending ss. 775.15 and 790.161, F.S.; deleting
27 | provisions relating to the effect of a declaration by
28 | a court of last resort that the death penalty in a
29 | capital felony is unconstitutional; repealing s.
30 | 913.13, F.S., relating to jurors in capital cases;
31 | repealing s. 921.137, F.S., relating to prohibiting
32 | the imposition of the death sentence upon a defendant
33 | with an intellectual disability; repealing s. 921.141,
34 | F.S., relating to determination of whether to impose a
35 | sentence of death or life imprisonment for a capital
36 | felony; repealing s. 921.142, F.S., relating to
37 | determination of whether to impose a sentence of death
38 | or life imprisonment for a capital drug trafficking
39 | felony; amending ss. 775.021, 782.04, 775.30, 394.912,
40 | 782.065, 794.011, 893.135, 944.275, and 948.012, F.S.;
41 | conforming provisions to changes made by the act;
42 | repealing ss. 922.052, 922.06, 922.07, 922.08,
43 | 922.095, 922.10, 922.105, 922.108, 922.11, 922.111,
44 | 922.12, 922.14, 922.15, 924.055, 924.056, and 924.057,
45 | F.S., relating to issuance of warrant of execution,
46 | stay of execution of death sentence, proceedings when
47 | a person under sentence of death appears to be insane,
48 | proceedings when person under sentence of death
49 | appears to be pregnant, pursuit of collateral
50 | remedies, execution of death sentence, prohibition

51 against reduction of death sentence as a result of
 52 determination that a method of execution is
 53 unconstitutional, sentencing orders in capital cases,
 54 regulation of execution, transfer to state prison for
 55 safekeeping before death warrant issued, return of
 56 warrant of execution issued by the Governor, sentence
 57 of death unexecuted for unjustifiable reasons, return
 58 of warrant of execution issued by the Supreme Court,
 59 legislative intent concerning appeals and
 60 postconviction proceedings in death penalty cases,
 61 commencement of capital postconviction actions for
 62 which sentence of death is imposed on or after January
 63 14, 2000, and limitation on postconviction cases in
 64 which the death sentence was imposed before January
 65 14, 2000, respectively; amending s. 925.11, F.S.;
 66 deleting provisions relating to preservation of DNA
 67 evidence in death penalty cases; amending s. 945.10,
 68 F.S.; deleting a public records exemption for the
 69 identity of executioners; amending ss. 316.3026,
 70 373.409, 373.430, 376.302, 403.161, 448.09, 504.013,
 71 648.571, 775.261, 787.06, 794.0115, 800.04, 907.041,
 72 921.1401, 921.1402, 944.17, 944.608, 944.609, and
 73 944.705, F.S.; conforming cross-references; providing
 74 an effective date.
 75

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

77
 78 Section 1. Subsections (3) through (11) of section
 79 775.082, Florida Statutes, are renumbered as subsections (2)
 80 through (10), respectively, and paragraph (a) of subsection (1)
 81 and present subsection (2) of that section are amended, to read:

82 775.082 Penalties; applicability of sentencing structures;
 83 mandatory minimum sentences for certain reoffenders previously
 84 released from prison.—

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

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

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101 ~~Constitution or the Constitution of the United States.~~

102 Section 2. Paragraphs (d), (e), and (f) of subsection (1)
103 and subsection (5) of section 27.51, Florida Statutes, are
104 amended to read:

105 27.51 Duties of public defender.—

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

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

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

122 (e)-(f) Is appealing a matter in a case arising under
123 paragraphs (a)-(d).

124 ~~(5)(a) When direct appellate proceedings prosecuted by a~~
125 ~~public defender on behalf of an accused and challenging a~~

126 ~~judgment of conviction and sentence of death terminate in an~~
 127 ~~affirmance of such conviction and sentence, whether by the~~
 128 ~~Florida Supreme Court or by the United States Supreme Court or~~
 129 ~~by expiration of any deadline for filing such appeal in a state~~
 130 ~~or federal court, the public defender shall notify the accused~~
 131 ~~of his or her rights pursuant to Rule 3.851, Florida Rules of~~
 132 ~~Criminal Procedure, including any time limits pertinent thereto,~~
 133 ~~and shall advise such person that representation in any~~
 134 ~~collateral proceedings is the responsibility of the capital~~
 135 ~~collateral regional counsel. The public defender shall then~~
 136 ~~forward all original files on the matter to the capital~~
 137 ~~collateral regional counsel, retaining such copies for his or~~
 138 ~~her files as may be desired.~~

139 ~~(b) It is the intent of the Legislature that any public~~
 140 ~~defender representing an inmate in any collateral proceedings in~~
 141 ~~any court on June 24, 1985, shall continue representation of~~
 142 ~~that inmate in all postconviction proceedings unless relieved of~~
 143 ~~responsibility from further representation by the court.~~

144 Section 3. Paragraphs (e), (f), and (g) of subsection (5)
 145 and subsections (8) and (9) of section 27.511, Florida Statutes,
 146 are amended to read:

147 27.511 Offices of criminal conflict and civil regional
 148 counsel; legislative intent; qualifications; appointment;
 149 duties.—

150 (5) When the Office of the Public Defender, at any time

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151 during the representation of two or more defendants, determines
152 that the interests of those accused are so adverse or hostile
153 that they cannot all be counseled by the public defender or his
154 or her staff without a conflict of interest, or that none can be
155 counseled by the public defender or his or her staff because of
156 a conflict of interest, and the court grants the public
157 defender's motion to withdraw, the office of criminal conflict
158 and civil regional counsel shall be appointed and shall provide
159 legal services, without additional compensation, to any person
160 determined to be indigent under s. 27.52, who is:

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

163 (e)-(f) Appealing a matter in a case arising under
164 paragraphs (a)-(d); or

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

171 (8) The public defender for the judicial circuit specified
172 in s. 27.51(4) shall, after the record on appeal is transmitted
173 to the appellate court by the office of criminal conflict and
174 civil regional counsel which handled the trial and if requested
175 by the regional counsel for the indicated appellate district,

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176 handle all circuit court and county court appeals authorized
177 pursuant to paragraph (5) (e) ~~(5) (f)~~ within the state courts
178 system and any authorized appeals to the federal courts required
179 of the official making the request. If the public defender
180 certifies to the court that the public defender has a conflict
181 consistent with the criteria prescribed in s. 27.5303 and moves
182 to withdraw, the regional counsel shall handle the appeal,
183 unless the regional counsel has a conflict, in which case the
184 court shall appoint private counsel pursuant to s. 27.40.

185 ~~(9) When direct appellate proceedings prosecuted by the~~
186 ~~office of criminal conflict and civil regional counsel on behalf~~
187 ~~of an accused and challenging a judgment of conviction and~~
188 ~~sentence of death terminate in an affirmance of such conviction~~
189 ~~and sentence, whether by the Supreme Court or by the United~~
190 ~~States Supreme Court or by expiration of any deadline for filing~~
191 ~~such appeal in a state or federal court, the office of criminal~~
192 ~~conflict and civil regional counsel shall notify the accused of~~
193 ~~his or her rights pursuant to Rule 3.851, Florida Rules of~~
194 ~~Criminal Procedure, including any time limits pertinent thereto,~~
195 ~~and shall advise such person that representation in any~~
196 ~~collateral proceedings is the responsibility of the capital~~
197 ~~collateral regional counsel. The office of criminal conflict and~~
198 ~~civil regional counsel shall forward all original files on the~~
199 ~~matter to the capital collateral regional counsel, retaining~~
200 ~~such copies for his or her files as may be desired or required~~

201 ~~by law.~~

202 Section 4. Paragraph (d) of subsection (5) of section
 203 27.52, Florida Statutes, is amended to read:

204 27.52 Determination of indigent status.—

205 (5) INDIGENT FOR COSTS.—A person who is eligible to be
 206 represented by a public defender under s. 27.51 but who is
 207 represented by private counsel not appointed by the court for a
 208 reasonable fee as approved by the court or on a pro bono basis,
 209 or who is proceeding pro se, may move the court for a
 210 determination that he or she is indigent for costs and eligible
 211 for the provision of due process services, as prescribed by ss.
 212 29.006 and 29.007, funded by the state.

213 (d) In reviewing the motion, the court shall consider:

214 1. Whether the applicant applied for a determination of
 215 indigent status under subsection (1) and the outcome of such
 216 application.

217 2. The extent to which the person's income equals or
 218 exceeds the income criteria prescribed in subsection (2).

219 3. The additional factors prescribed in subsection (4).

220 4. Whether the applicant is proceeding pro se.

221 5. When the applicant retained private counsel.

222 6. The amount of any attorney's fees and who is paying the
 223 fees. There is a presumption that the applicant is not indigent
 224 for costs if the amount of attorney's fees exceeds \$5,000 for a
 225 noncapital case ~~or \$25,000 for a capital case in which the state~~

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226 ~~is seeking the death penalty.~~ To overcome this presumption, the
227 applicant has the burden to show through clear and convincing
228 evidence that the fees are reasonable based on the nature and
229 complexity of the case. In determining the reasonableness of the
230 fees, the court shall consider the amount that a private court-
231 appointed attorney paid by the state would receive for providing
232 representation for that type of case.

233 Section 5. Subsections (5) and (13) of section 27.5304,
234 Florida Statutes, are amended to read:

235 27.5304 Private court-appointed counsel; compensation;
236 notice.—

237 (5) The compensation for representation in a criminal
238 proceeding shall not exceed the following:

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

241 (b) For noncapital, nonlife felonies represented at the
242 trial level: \$6,000.

243 (c) For life felonies represented at the trial level:
244 \$9,000.

245 ~~(d) For capital cases represented at the trial level:
246 \$25,000. For purposes of this paragraph, a "capital case" is any
247 offense for which the potential sentence is death and the state
248 has not waived seeking the death penalty.~~

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

250 (13) Notwithstanding the limitation set forth in

251 subsection (5) and for the 2021-2022 fiscal year only, the
 252 compensation for representation in a criminal proceeding may not
 253 exceed the following:

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

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

258 (c) For life felonies represented at the trial level:
 259 \$15,000.

260 ~~(d) For capital cases represented at the trial level:~~
 261 ~~\$25,000. For purposes of this paragraph, a "capital case" is any~~
 262 ~~offense for which the potential sentence is death and the state~~
 263 ~~has not waived seeking the death penalty.~~

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

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

266 Section 6. Sections 27.7001, 27.7002, 27.701, 27.702,
 267 27.703, 27.704, 27.7045, 27.705, 27.706, 27.707, 27.708,
 268 27.7081, 27.7091, 27.710, 27.711, and 27.715, Florida Statutes,
 269 are repealed.

270 Section 7. Subsection (1) of section 23.21, Florida
 271 Statutes, is amended to read:

272 23.21 Definitions.—For purposes of this part:

273 (1) "Department" means a principal administrative unit
 274 within the executive branch of state government as defined in
 275 chapter 20 and includes the State Board of Administration, the

276 Executive Office of the Governor, the Fish and Wildlife
277 Conservation Commission, the Florida Commission on Offender
278 Review, the Agency for Health Care Administration, the State
279 Board of Education, the Board of Governors of the State
280 University System, the Justice Administrative Commission, ~~the~~
281 ~~capital collateral regional counsel,~~ and separate budget
282 entities placed for administrative purposes within a department.

283 Section 8. Paragraph (a) of subsection (5) of section
284 27.51, Florida Statutes, is amended to read:

285 27.51 Duties of public defender.—

286 ~~(5)(a) When direct appellate proceedings prosecuted by a~~
287 ~~public defender on behalf of an accused and challenging a~~
288 ~~judgment of conviction and sentence of death terminate in an~~
289 ~~affirmance of such conviction and sentence, whether by the~~
290 ~~Florida Supreme Court or by the United States Supreme Court or~~
291 ~~by expiration of any deadline for filing such appeal in a state~~
292 ~~or federal court, the public defender shall notify the accused~~
293 ~~of his or her rights pursuant to Rule 3.851, Florida Rules of~~
294 ~~Criminal Procedure, including any time limits pertinent thereto,~~
295 ~~and shall advise such person that representation in any~~
296 ~~collateral proceedings is the responsibility of the capital~~
297 ~~collateral regional counsel. The public defender shall then~~
298 ~~forward all original files on the matter to the capital~~
299 ~~collateral regional counsel, retaining such copies for his or~~
300 ~~her files as may be desired.~~

301 Section 9. Subsection (9) of section 27.511, Florida
 302 Statutes, is amended to read:

303 27.511 Offices of criminal conflict and civil regional
 304 counsel; legislative intent; qualifications; appointment;
 305 duties.—

306 ~~(9) When direct appellate proceedings prosecuted by the~~
 307 ~~office of criminal conflict and civil regional counsel on behalf~~
 308 ~~of an accused and challenging a judgment of conviction and~~
 309 ~~sentence of death terminate in an affirmance of such conviction~~
 310 ~~and sentence, whether by the Supreme Court or by the United~~
 311 ~~States Supreme Court or by expiration of any deadline for filing~~
 312 ~~such appeal in a state or federal court, the office of criminal~~
 313 ~~conflict and civil regional counsel shall notify the accused of~~
 314 ~~his or her rights pursuant to Rule 3.851, Florida Rules of~~
 315 ~~Criminal Procedure, including any time limits pertinent thereto,~~
 316 ~~and shall advise such person that representation in any~~
 317 ~~collateral proceedings is the responsibility of the capital~~
 318 ~~collateral regional counsel. The office of criminal conflict and~~
 319 ~~civil regional counsel shall forward all original files on the~~
 320 ~~matter to the capital collateral regional counsel, retaining~~
 321 ~~such copies for his or her files as may be desired or required~~
 322 ~~by law.~~

323 Section 10. Paragraph (a) of subsection (5) and
 324 subsections (6) and (7) of section 43.16, Florida Statutes, are
 325 amended to read:

326 43.16 Justice Administrative Commission; membership,
 327 powers and duties.—

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

330 (a) The maintenance of a central state office for
 331 administrative services and assistance when possible to and on
 332 behalf of the state attorneys and public defenders of Florida,
 333 ~~the capital collateral regional counsel of Florida,~~ the criminal
 334 conflict and civil regional counsel, and the Guardian Ad Litem
 335 Program.

336 (6) The commission, each state attorney, each public
 337 defender, the criminal conflict and civil regional counsel, ~~the~~
 338 ~~capital collateral regional counsel,~~ and the Guardian Ad Litem
 339 Program shall establish and maintain internal controls designed
 340 to:

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

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

345 (c) Support economical and efficient operations.

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

347 (e) Safeguard assets.

348 (7) The provisions contained in this section shall be
 349 supplemental to those of chapter 27, relating to state
 350 attorneys, public defenders, and criminal conflict and civil

351 regional counsel, ~~and capital collateral regional counsel~~; to
 352 those of chapter 39, relating to the Guardian Ad Litem Program;
 353 or to other laws pertaining hereto.

354 Section 11. Paragraph (e) of subsection (13) of section
 355 112.0455, Florida Statutes, is amended to read:

356 112.0455 Drug-Free Workplace Act.—

357 (13) RULES.—

358 (e) The Justice Administrative Commission may adopt rules
 359 on behalf of the state attorneys and public defenders of
 360 Florida, ~~the capital collateral regional counsel~~, and the
 361 Judicial Qualifications Commission.

362

363 This section shall not be construed to eliminate the bargainable
 364 rights as provided in the collective bargaining process where
 365 applicable.

366 Section 12. Paragraph (d) of subsection (1) of section
 367 119.071, Florida Statutes, is amended to read:

368 119.071 General exemptions from inspection or copying of
 369 public records.—

370 (1) AGENCY ADMINISTRATION.—

371 (d)1. A public record that was prepared by an agency
 372 attorney (including an attorney employed or retained by the
 373 agency or employed or retained by another public officer or
 374 agency to protect or represent the interests of the agency
 375 having custody of the record) or prepared at the attorney's

376 | express direction, that reflects a mental impression,
377 | conclusion, litigation strategy, or legal theory of the attorney
378 | or the agency, and that was prepared exclusively for civil or
379 | criminal litigation or for adversarial administrative
380 | proceedings, or that was prepared in anticipation of imminent
381 | civil or criminal litigation or imminent adversarial
382 | administrative proceedings, is exempt from s. 119.07(1) and s.
383 | 24(a), Art. I of the State Constitution until the conclusion of
384 | the litigation or adversarial administrative proceedings. ~~For~~
385 | ~~purposes of capital collateral litigation as set forth in s.~~
386 | ~~27.7001, the Attorney General's office is entitled to claim this~~
387 | ~~exemption for those public records prepared for direct appeal as~~
388 | ~~well as for all capital collateral litigation after direct~~
389 | ~~appeal until execution of sentence or imposition of a life~~
390 | ~~sentence.~~

391 | 2. This exemption is not waived by the release of such
392 | public record to another public employee or officer of the same
393 | agency or any person consulted by the agency attorney. When
394 | asserting the right to withhold a public record pursuant to this
395 | paragraph, the agency shall identify the potential parties to
396 | any such criminal or civil litigation or adversarial
397 | administrative proceedings. If a court finds that the document
398 | or other record has been improperly withheld under this
399 | paragraph, the party seeking access to such document or record
400 | shall be awarded reasonable attorney's fees and costs in

401 addition to any other remedy ordered by the court.

402 Section 13. Subsection (4) of section 27.5303, Florida
 403 Statutes, is amended to read:

404 27.5303 Public defenders; criminal conflict and civil
 405 regional counsel; conflict of interest.—

406 ~~(4)(a) If a defendant is convicted and the death sentence~~
 407 ~~is imposed, the appointed attorney shall continue representation~~
 408 ~~through appeal to the Supreme Court. The attorney shall be~~
 409 ~~compensated as provided in s. 27.5304. If the attorney first~~
 410 ~~appointed is unable to handle the appeal, the court shall~~
 411 ~~appoint another attorney and that attorney shall be compensated~~
 412 ~~as provided in s. 27.5304.~~

413 ~~(b) When the appointed attorney in a capital case has~~
 414 ~~completed the duties imposed by this section, the attorney shall~~
 415 ~~file a written report in the trial court stating the duties~~
 416 ~~performed by the attorney and apply for discharge.~~

417 Section 14. Subsection (6) of section 186.003, Florida
 418 Statutes, is amended to read:

419 186.003 Definitions; ss. 186.001-186.031, 186.801-
 420 186.901.—As used in ss. 186.001-186.031 and 186.801-186.901, the
 421 term:

422 (6) "State agency" or "agency" means any official,
 423 officer, commission, board, authority, council, committee, or
 424 department of the executive branch of state government. For
 425 purposes of this chapter, "state agency" or "agency" includes

426 state attorneys, public defenders, ~~the capital collateral~~
 427 ~~regional counsel~~, the Justice Administrative Commission, and the
 428 Public Service Commission.

429 Section 15. Paragraph (b) of subsection (2) of section
 430 215.89, Florida Statutes, is amended to read:

431 215.89 Charters of account.—

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

433 (b) "State agency" means an official, officer, commission,
 434 board, authority, council, committee, or department of the
 435 executive branch; a state attorney, public defender, or criminal
 436 conflict and civil regional counsel, ~~or capital collateral~~
 437 ~~regional counsel~~; the Florida Clerks of Court Operations
 438 Corporation; the Justice Administrative Commission; the Florida
 439 Housing Finance Corporation; the Florida Public Service
 440 Commission; the State Board of Administration; the Supreme Court
 441 or a district court of appeal, circuit court, or county court;
 442 or the Judicial Qualifications Commission.

443 Section 16. Paragraph (h) of subsection (14) of section
 444 215.985, Florida Statutes, is amended to read:

445 215.985 Transparency in government spending.—

446 (14) The Chief Financial Officer shall establish and
 447 maintain a secure contract tracking system available for viewing
 448 and downloading by the public through a secure website. The
 449 Chief Financial Officer shall use appropriate Internet security
 450 measures to ensure that no person has the ability to alter or

451 modify records available on the website.

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

453 1. "Procurement document" means any document or material
 454 provided to the public or any vendor as part of a formal
 455 competitive solicitation of goods or services undertaken by a
 456 state entity, and a document or material submitted in response
 457 to a formal competitive solicitation by any vendor who is
 458 awarded the resulting contract.

459 2. "State entity" means an official, officer, commission,
 460 board, authority, council, committee, or department of the
 461 executive branch of state government; a state attorney, public
 462 defender, criminal conflict and civil regional counsel, ~~capital~~
 463 ~~collateral regional counsel~~, and the Justice Administrative
 464 Commission; the Public Service Commission; and any part of the
 465 judicial branch of state government.

466 Section 17. Paragraph (qq) of subsection (1) of section
 467 216.011, Florida Statutes, is amended to read:

468 216.011 Definitions.—

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

472 (qq) "State agency" or "agency" means any official,
 473 officer, commission, board, authority, council, committee, or
 474 department of the executive branch of state government. For
 475 purposes of this chapter and chapter 215, "state agency" or

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476 "agency" includes, but is not limited to, state attorneys,
477 public defenders, criminal conflict and civil regional counsel,
478 ~~capital collateral regional counsel~~, the Justice Administrative
479 Commission, the Florida Housing Finance Corporation, and the
480 Florida Public Service Commission. Solely for the purposes of
481 implementing s. 19(h), Art. III of the State Constitution, the
482 terms "state agency" or "agency" include the judicial branch.

483 Section 18. Subsection (2) of section 282.201, Florida
484 Statutes, is amended to read:

485 282.201 State data center.—The state data center is
486 established within the department. The provision of data center
487 services must comply with applicable state and federal laws,
488 regulations, and policies, including all applicable security,
489 privacy, and auditing requirements. The department shall appoint
490 a director of the state data center, preferably an individual
491 who has experience in leading data center facilities and has
492 expertise in cloud-computing management.

493 (2) USE OF THE STATE DATA CENTER.—The following are exempt
494 from the use of the state data center: the Department of Law
495 Enforcement, the Department of the Lottery's Gaming System,
496 Systems Design and Development in the Office of Policy and
497 Budget, the regional traffic management centers as described in
498 s. 335.14(2) and the Office of Toll Operations of the Department
499 of Transportation, the State Board of Administration, state
500 attorneys, public defenders, criminal conflict and civil

501 regional counsel, ~~capital collateral regional counsel~~, and the
 502 Florida Housing Finance Corporation.

503 Section 19. Paragraph (b) of subsection (24) of section
 504 393.063, Florida Statutes, is amended to read:

505 393.063 Definitions.—For the purposes of this chapter, the
 506 term:

507 (24) "Intellectual disability" means significantly
 508 subaverage general intellectual functioning existing
 509 concurrently with deficits in adaptive behavior which manifests
 510 before the age of 18 and can reasonably be expected to continue
 511 indefinitely. For the purposes of this definition, the term:

512 (b) "Significantly subaverage general intellectual
 513 functioning" means performance that is two or more standard
 514 deviations from the mean score on a standardized intelligence
 515 test specified in the rules of the agency.

516
 517 For purposes of the application of the criminal laws and
 518 procedural rules of this state to matters relating to pretrial,
 519 trial, and sentencing, ~~and any matters relating to the~~
 520 ~~imposition and execution of the death penalty~~, the terms
 521 "intellectual disability" or "intellectually disabled" are
 522 interchangeable with and have the same meaning as the terms
 523 "mental retardation" or "retardation" and "mentally retarded" as
 524 defined in this section before July 1, 2013.

525 Section 20. Subsection (1) of section 775.0823, Florida

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526 Statutes, is amended to read:

527 775.0823 Violent offenses committed against law
528 enforcement officers, correctional officers, state attorneys,
529 assistant state attorneys, justices, or judges.—The Legislature
530 does hereby provide for an increase and certainty of penalty for
531 any person convicted of a violent offense against any law
532 enforcement or correctional officer, as defined in s. 943.10(1),
533 (2), (3), (6), (7), (8), or (9); against any state attorney
534 elected pursuant to s. 27.01 or assistant state attorney
535 appointed under s. 27.181; or against any justice or judge of a
536 court described in Art. V of the State Constitution, which
537 offense arises out of or in the scope of the officer's duty as a
538 law enforcement or correctional officer, the state attorney's or
539 assistant state attorney's duty as a prosecutor or investigator,
540 or the justice's or judge's duty as a judicial officer, as
541 follows:

542 (1) For murder in the first degree as described in s.
543 782.04(1), ~~if the death sentence is not imposed,~~ a sentence of
544 imprisonment for life without eligibility for release.

545
546 Notwithstanding the provisions of s. 948.01, with respect to any
547 person who is found to have violated this section, adjudication
548 of guilt or imposition of sentence shall not be suspended,
549 deferred, or withheld.

550 Section 21. Paragraph (b) of subsection (2) and paragraph

551 (b) of subsection (3) of section 775.087, Florida Statutes, are
 552 amended to read:

553 775.087 Possession or use of weapon; aggravated battery;
 554 felony reclassification; minimum sentence.—

555 (2)

556 (b) Subparagraph (a)1., subparagraph (a)2., or
 557 subparagraph (a)3. does not prevent a court from imposing a
 558 longer sentence of incarceration as authorized by law in
 559 addition to the minimum mandatory sentence, ~~or from imposing a~~
 560 ~~sentence of death pursuant to other applicable law.~~ Subparagraph
 561 (a)1., subparagraph (a)2., or subparagraph (a)3. does not
 562 authorize a court to impose a lesser sentence than otherwise
 563 required by law.

564 Notwithstanding s. 948.01, adjudication of guilt or imposition
 565 of sentence shall not be suspended, deferred, or withheld, and
 566 the defendant is not eligible for statutory gain-time under s.
 567 944.275 or any form of discretionary early release, other than
 568 pardon or executive clemency, or conditional medical release
 569 under s. 947.149, prior to serving the minimum sentence.

570 (3)

571 (b) Subparagraph (a)1., subparagraph (a)2., or
 572 subparagraph (a)3. does not prevent a court from imposing a
 573 longer sentence of incarceration as authorized by law in
 574 addition to the minimum mandatory sentence, ~~or from imposing a~~
 575 ~~sentence of death pursuant to other applicable law.~~ Subparagraph

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576 (a)1., subparagraph (a)2., or subparagraph (a)3. does not
577 authorize a court to impose a lesser sentence than otherwise
578 required by law.

579 Notwithstanding s. 948.01, adjudication of guilt or imposition
580 of sentence shall not be suspended, deferred, or withheld, and
581 the defendant is not eligible for statutory gain-time under s.
582 944.275 or any form of discretionary early release, other than
583 pardon or executive clemency, or conditional medical release
584 under s. 947.149, prior to serving the minimum sentence.

585 Section 22. Paragraph (p) of subsection (3) of section
586 790.25, Florida Statutes, is amended to read:

587 790.25 Lawful ownership, possession, and use of firearms
588 and other weapons.—

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

594 ~~(p) Investigators employed by the capital collateral~~
595 ~~regional counsel, while actually carrying out official duties,~~
596 ~~provided such investigators:~~

- 597 1. ~~Are employed full time;~~
598 2. ~~Meet the official training standards for firearms as~~
599 ~~established by the Criminal Justice Standards and Training~~
600 ~~Commission as provided in s. 943.12(1) and the requirements of~~

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601 ~~ss. 493.6108(1)(a) and 943.13(1)-(4); and~~

602 ~~3. Are individually designated by an affidavit of consent~~
 603 ~~signed by the capital collateral regional counsel and filed with~~
 604 ~~the clerk of the circuit court in the county in which the~~
 605 ~~investigator is headquartered.~~

606 Section 23. Subsection (2) of section 947.149, Florida
 607 Statutes, is amended to read:

608 947.149 Conditional medical release.-

609 (2) Notwithstanding any provision to the contrary, any
 610 person determined eligible under this section and sentenced to
 611 the custody of the department may, upon referral by the
 612 department, be considered for conditional medical release by the
 613 commission, in addition to any parole consideration for which
 614 the inmate may be considered, ~~except that conditional medical~~
 615 ~~release is not authorized for an inmate who is under sentence of~~
 616 ~~death.~~ No inmate has a right to conditional medical release or
 617 to a medical evaluation to determine eligibility for such
 618 release.

619 Section 24. Paragraph (i) of subsection (3) of section
 620 944.801, Florida Statutes, is amended to read:

621 944.801 Education for state prisoners.-

622 (3) The responsibilities of the Correctional Education
 623 Program shall be to:

624 (i) Ensure that every inmate who has 2 years or more
 625 remaining to serve on his or her sentence at the time that he or

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626 she is received at an institution and who lacks basic and
627 functional literacy skills as defined in s. 1004.02 attends not
628 fewer than 150 hours of sequential instruction in a correctional
629 adult basic education program. The basic and functional literacy
630 level of an inmate shall be determined by the average composite
631 test score obtained on a test approved for this purpose by the
632 State Board of Education.

633 1. Upon completion of the 150 hours of instruction, the
634 inmate shall be retested and, if a composite test score of
635 functional literacy is not attained, the department is
636 authorized to require the inmate to remain in the instructional
637 program.

638 2. Highest priority of inmate participation shall be
639 focused on youthful offenders and those inmates nearing release
640 from the correctional system.

641 3. An inmate shall be required to attend the 150 hours of
642 adult basic education instruction unless such inmate:

643 a. Is serving a life sentence ~~or is under sentence of~~
644 ~~death.~~

645 b. Is specifically exempted for security or health
646 reasons.

647 c. Is housed at a community correctional center, road
648 prison, work camp, or vocational center.

649 d. Attains a functional literacy level after attendance in
650 fewer than 150 hours of adult basic education instruction.

651 e. Is unable to enter such instruction because of
 652 insufficient facilities, staff, or classroom capacity.

653 4. The Department of Corrections shall provide classes to
 654 accommodate those inmates assigned to correctional or public
 655 work programs after normal working hours. The department shall
 656 develop a plan to provide academic and vocational classes on a
 657 more frequent basis and at times that accommodate the increasing
 658 number of inmates with work assignments, to the extent that
 659 resources permit.

660 5. If an inmate attends and actively participates in the
 661 150 hours of instruction, the Department of Corrections may
 662 grant a one-time award of up to 6 additional days of incentive
 663 gain-time, which must be credited and applied as provided by
 664 law. Active participation means, at a minimum, that the inmate
 665 is attentive, responsive, cooperative, and completes assigned
 666 work.

667 Section 25. Section 940.031, Florida Statutes, is
 668 repealed.

669 Section 26. Subsection (1) of section 775.15, Florida
 670 Statutes, is amended to read:

671 775.15 Time limitations; general time limitations;
 672 exceptions.—

673 (1) A prosecution for a capital felony, a life felony, or
 674 a felony that resulted in a death may be commenced at any time.
 675 ~~If the death penalty is held to be unconstitutional by the~~

676 ~~Florida Supreme Court or the United States Supreme Court, all~~
 677 ~~crimes designated as capital felonies shall be considered life~~
 678 ~~felonies for the purposes of this section, and prosecution for~~
 679 ~~such crimes may be commenced at any time.~~

680 Section 27. Subsection (4) of section 790.161, Florida
 681 Statutes, is amended to read:

682 790.161 Making, possessing, throwing, projecting, placing,
 683 or discharging any destructive device or attempt so to do,
 684 felony; penalties.—A person who willfully and unlawfully makes,
 685 possesses, throws, projects, places, discharges, or attempts to
 686 make, possess, throw, project, place, or discharge any
 687 destructive device:

688 (4) If the act results in the death of another person,
 689 commits a capital felony, punishable as provided in s. 775.082.
 690 ~~In the event the death penalty in a capital felony is held to be~~
 691 ~~unconstitutional by the Florida Supreme Court or the United~~
 692 ~~States Supreme Court, the court having jurisdiction over a~~
 693 ~~person previously sentenced to death for a capital felony shall~~
 694 ~~cause such person to be brought before the court, and the court~~
 695 ~~shall sentence such person to life imprisonment if convicted of~~
 696 ~~murder in the first degree or of a capital felony under this~~
 697 ~~subsection, and such person shall be ineligible for parole. No~~
 698 ~~sentence of death shall be reduced as a result of a~~
 699 ~~determination that a method of execution is held to be~~
 700 ~~unconstitutional under the State Constitution or the~~

701 ~~Constitution of the United States.~~

702 Section 28. Sections 913.13, 921.137, 921.141, and
 703 921.142, Florida Statutes, are repealed.

704 Section 29. Paragraph (c) of subsection (5) of section
 705 775.021, Florida Statutes, is amended to read:

706 775.021 Rules of construction.—

707 (5) Whoever commits an act that violates a provision of
 708 this code or commits a criminal offense defined by another
 709 statute and thereby causes the death of, or bodily injury to, an
 710 unborn child commits a separate offense if the provision or
 711 statute does not otherwise specifically provide a separate
 712 offense for such death or injury to an unborn child.

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

715 Section 30. Subsection (1) of section 782.04, Florida
 716 Statutes, is amended to read:

717 782.04 Murder.—

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

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

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

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

724 2.b. Arson,

725 3.e. Sexual battery,

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726 4.d. Robbery,
 727 5.e. Burglary,
 728 6.f. Kidnapping,
 729 7.g. Escape,
 730 8.h. Aggravated child abuse,
 731 9.i. Aggravated abuse of an elderly person or disabled
 732 adult,
 733 10.j. Aircraft piracy,
 734 11.k. Unlawful throwing, placing, or discharging of a
 735 destructive device or bomb,
 736 12.l. Carjacking,
 737 13.m. Home-invasion robbery,
 738 14.n. Aggravated stalking,
 739 15.o. Murder of another human being,
 740 16.p. Resisting an officer with violence to his or her
 741 person,
 742 17.q. Aggravated fleeing or eluding with serious bodily
 743 injury or death,
 744 18.r. Felony that is an act of terrorism or is in
 745 furtherance of an act of terrorism, including a felony under s.
 746 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or
 747 19.s. Human trafficking; or
 748 (c)3. Which resulted from the unlawful distribution by a
 749 person 18 years of age or older of any of the following
 750 substances, or mixture containing any of the following

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751 substances, when such substance or mixture is proven to be the
752 proximate cause of the death of the user:

- 753 ~~1.a.~~ A substance controlled under s. 893.03(1);
754 ~~2.b.~~ Cocaine, as described in s. 893.03(2)(a)4.;
755 ~~3.e.~~ Opium or any synthetic or natural salt, compound,
756 derivative, or preparation of opium;
757 ~~4.d.~~ Methadone;
758 ~~5.e.~~ Alfentanil, as described in s. 893.03(2)(b)1.;
759 ~~6.f.~~ Carfentanil, as described in s. 893.03(2)(b)6.;
760 ~~7.g.~~ Fentanyl, as described in s. 893.03(2)(b)9.;
761 ~~8.h.~~ Sufentanil, as described in s. 893.03(2)(b)30.; or
762 ~~9.i.~~ A controlled substance analog, as described in s.
763 893.0356, of any substance specified in subparagraphs 1.-8. ~~sub-~~
764 ~~subparagraphs a.-h.~~,

765
766 is murder in the first degree and constitutes a capital felony,
767 punishable as provided in s. 775.082.

768 ~~(b) In all cases under this section, the procedure set~~
769 ~~forth in s. 921.141 shall be followed in order to determine~~
770 ~~sentence of death or life imprisonment. If the prosecutor~~
771 ~~intends to seek the death penalty, the prosecutor must give~~
772 ~~notice to the defendant and file the notice with the court~~
773 ~~within 45 days after arraignment. The notice must contain a list~~
774 ~~of the aggravating factors the state intends to prove and has~~
775 ~~reason to believe it can prove beyond a reasonable doubt. The~~

776 | ~~court may allow the prosecutor to amend the notice upon a~~
 777 | ~~showing of good cause.~~

778 | Section 31. Subsection (2) of section 775.30, Florida
 779 | Statutes, is amended to read:

780 | 775.30 Terrorism; defined; penalties.—

781 | (2) A person who violates s. 782.04(1)(a) ~~s.~~
 782 | ~~782.04(1)(a)1.~~ or (2), s. 782.065, s. 782.07(1), s. 782.09, s.
 783 | 784.045, s. 784.07, s. 787.01, s. 787.02, s. 787.07, s. 790.115,
 784 | s. 790.15, s. 790.16, s. 790.161, s. 790.1615, s. 790.162, s.
 785 | 790.166, s. 790.19, s. 806.01, s. 806.031, s. 806.111, s.
 786 | 815.06, s. 815.061, s. 859.01, or s. 876.34, in furtherance of
 787 | intimidating or coercing the policy of a government, or in
 788 | furtherance of affecting the conduct of a government by mass
 789 | destruction, assassination, or kidnapping, commits the crime of
 790 | terrorism, a felony of the first degree, punishable as provided
 791 | in s. 775.082, s. 775.083, or s. 775.084.

792 | Section 32. Paragraph (a) of subsection (9) of section
 793 | 394.912, Florida Statutes, is amended to read:

794 | 394.912 Definitions.—As used in this part, the term:

795 | (9) "Sexually violent offense" means:

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

798 | Section 33. Subsection (1) of section 782.065, Florida
 799 | Statutes, is amended to read:

800 | 782.065 Murder; law enforcement officer, correctional

801 officer, correctional probation officer.—Notwithstanding ss.
 802 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
 803 shall be sentenced to life imprisonment without eligibility for
 804 release upon findings by the trier of fact that, beyond a
 805 reasonable doubt:

806 (1) The defendant committed murder in the first degree in
 807 violation of s. 782.04(1) and a death sentence was not imposed;
 808 murder in the second or third degree in violation of s.
 809 782.04(2), (3), or (4); attempted murder in the first or second
 810 degree in violation of s. 782.04(1)(a) ~~s. 782.04(1)(a)1.~~ or (2);
 811 or attempted felony murder in violation of s. 782.051; and

812 Section 34. Paragraph (a) of subsection (2) of section
 813 794.011, Florida Statutes, is amended to read:

814 794.011 Sexual battery.—

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

820 Section 35. Paragraphs (b) through (l) and paragraph (n)
 821 of subsection (1) of section 893.135, Florida Statutes, are
 822 amended to read:

823 893.135 Trafficking; mandatory sentences; suspension or
 824 reduction of sentences; conspiracy to engage in trafficking.—

825 (1) Except as authorized in this chapter or in chapter 499

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826 and notwithstanding the provisions of s. 893.13:

827 (b)1. Any person who knowingly sells, purchases,
828 manufactures, delivers, or brings into this state, or who is
829 knowingly in actual or constructive possession of, 28 grams or
830 more of cocaine, as described in s. 893.03(2)(a)4., or of any
831 mixture containing cocaine, but less than 150 kilograms of
832 cocaine or any such mixture, commits a felony of the first
833 degree, which felony shall be known as "trafficking in cocaine,"
834 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
835 If the quantity involved:

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

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

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

847 2. Any person who knowingly sells, purchases,
848 manufactures, delivers, or brings into this state, or who is
849 knowingly in actual or constructive possession of, 150 kilograms
850 or more of cocaine, as described in s. 893.03(2)(a)4., commits

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851 the first degree felony of trafficking in cocaine. A person who
852 has been convicted of the first degree felony of trafficking in
853 cocaine under this subparagraph shall be punished by life
854 imprisonment and is ineligible for any form of discretionary
855 early release except pardon or executive clemency or conditional
856 medical release under s. 947.149. However, if the court
857 determines that, in addition to committing any act specified in
858 this paragraph:

859 a. The person intentionally killed an individual or
860 counseled, commanded, induced, procured, or caused the
861 intentional killing of an individual and such killing was the
862 result; or

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

865
866 such person commits the capital felony of trafficking in
867 cocaine, punishable as provided in s. 775.082 ~~ss. 775.082 and~~
868 ~~921.142~~. Any person sentenced for a capital felony under this
869 paragraph shall also be sentenced to pay the maximum fine
870 provided under subparagraph 1.

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

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

879 (c)1. A person who knowingly sells, purchases,
880 manufactures, delivers, or brings into this state, or who is
881 knowingly in actual or constructive possession of, 4 grams or
882 more of any morphine, opium, hydromorphone, or any salt,
883 derivative, isomer, or salt of an isomer thereof, including
884 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
885 (3)(c)4., or 4 grams or more of any mixture containing any such
886 substance, but less than 30 kilograms of such substance or
887 mixture, commits a felony of the first degree, which felony
888 shall be known as "trafficking in illegal drugs," punishable as
889 provided in s. 775.082, s. 775.083, or s. 775.084. If the
890 quantity involved:

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

894 b. Is 14 grams or more, but less than 28 grams, such
895 person shall be sentenced to a mandatory minimum term of
896 imprisonment of 15 years and shall be ordered to pay a fine of
897 \$100,000.

898 c. Is 28 grams or more, but less than 30 kilograms, such
899 person shall be sentenced to a mandatory minimum term of
900 imprisonment of 25 years and shall be ordered to pay a fine of

901 \$500,000.

902 2. A person who knowingly sells, purchases, manufactures,
 903 delivers, or brings into this state, or who is knowingly in
 904 actual or constructive possession of, 28 grams or more of
 905 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
 906 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
 907 grams or more of any mixture containing any such substance,
 908 commits a felony of the first degree, which felony shall be
 909 known as "trafficking in hydrocodone," punishable as provided in
 910 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

911 a. Is 28 grams or more, but less than 50 grams, such
 912 person shall be sentenced to a mandatory minimum term of
 913 imprisonment of 3 years and shall be ordered to pay a fine of
 914 \$50,000.

915 b. Is 50 grams or more, but less than 100 grams, such
 916 person shall be sentenced to a mandatory minimum term of
 917 imprisonment of 7 years and shall be ordered to pay a fine of
 918 \$100,000.

919 c. Is 100 grams or more, but less than 300 grams, such
 920 person shall be sentenced to a mandatory minimum term of
 921 imprisonment of 15 years and shall be ordered to pay a fine of
 922 \$500,000.

923 d. Is 300 grams or more, but less than 30 kilograms, such
 924 person shall be sentenced to a mandatory minimum term of
 925 imprisonment of 25 years and shall be ordered to pay a fine of

926 | \$750,000.

927 | 3. A person who knowingly sells, purchases, manufactures,
 928 | delivers, or brings into this state, or who is knowingly in
 929 | actual or constructive possession of, 7 grams or more of
 930 | oxycodone, as described in s. 893.03(2)(a)1.q., or any salt
 931 | thereof, or 7 grams or more of any mixture containing any such
 932 | substance, commits a felony of the first degree, which felony
 933 | shall be known as "trafficking in oxycodone," punishable as
 934 | provided in s. 775.082, s. 775.083, or s. 775.084. If the
 935 | quantity involved:

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

939 | b. Is 14 grams or more, but less than 25 grams, such
 940 | person shall be sentenced to a mandatory minimum term of
 941 | imprisonment of 7 years and shall be ordered to pay a fine of
 942 | \$100,000.

943 | c. Is 25 grams or more, but less than 100 grams, such
 944 | person shall be sentenced to a mandatory minimum term of
 945 | imprisonment of 15 years and shall be ordered to pay a fine of
 946 | \$500,000.

947 | d. Is 100 grams or more, but less than 30 kilograms, such
 948 | person shall be sentenced to a mandatory minimum term of
 949 | imprisonment of 25 years and shall be ordered to pay a fine of
 950 | \$750,000.

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951 4.a. A person who knowingly sells, purchases,
952 manufactures, delivers, or brings into this state, or who is
953 knowingly in actual or constructive possession of, 4 grams or
954 more of:

- 955 (I) Alfentanil, as described in s. 893.03(2)(b)1.;
- 956 (II) Carfentanil, as described in s. 893.03(2)(b)6.;
- 957 (III) Fentanyl, as described in s. 893.03(2)(b)9.;
- 958 (IV) Sufentanil, as described in s. 893.03(2)(b)30.;
- 959 (V) A fentanyl derivative, as described in s.
960 893.03(1)(a)62.;
- 961 (VI) A controlled substance analog, as described in s.
962 893.0356, of any substance described in sub-sub-subparagraphs
963 (I)-(V); or
- 964 (VII) A mixture containing any substance described in sub-
965 sub-subparagraphs (I)-(VI),
966

967 commits a felony of the first degree, which felony shall be
968 known as "trafficking in fentanyl," punishable as provided in s.
969 775.082, s. 775.083, or s. 775.084.

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

- 971 (I) Is 4 grams or more, but less than 14 grams, such
972 person shall be sentenced to a mandatory minimum term of
973 imprisonment of 3 years, and shall be ordered to pay a fine of
974 \$50,000.
- 975 (II) Is 14 grams or more, but less than 28 grams, such

976 person shall be sentenced to a mandatory minimum term of
 977 imprisonment of 15 years, and shall be ordered to pay a fine of
 978 \$100,000.

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

982 5. A person who knowingly sells, purchases, manufactures,
 983 delivers, or brings into this state, or who is knowingly in
 984 actual or constructive possession of, 30 kilograms or more of
 985 any morphine, opium, oxycodone, hydrocodone, codeine,
 986 hydromorphone, or any salt, derivative, isomer, or salt of an
 987 isomer thereof, including heroin, as described in s.
 988 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 989 more of any mixture containing any such substance, commits the
 990 first degree felony of trafficking in illegal drugs. A person
 991 who has been convicted of the first degree felony of trafficking
 992 in illegal drugs under this subparagraph shall be punished by
 993 life imprisonment and is ineligible for any form of
 994 discretionary early release except pardon or executive clemency
 995 or conditional medical release under s. 947.149. However, if the
 996 court determines that, in addition to committing any act
 997 specified in this paragraph:

998 a. The person intentionally killed an individual or
 999 counseled, commanded, induced, procured, or caused the
 1000 intentional killing of an individual and such killing was the

1001 result; or
 1002 b. The person's conduct in committing that act led to a
 1003 natural, though not inevitable, lethal result,
 1004
 1005 such person commits the capital felony of trafficking in illegal
 1006 drugs, punishable as provided in s. 775.082 ~~ss. 775.082 and~~
 1007 ~~921.142~~. A person sentenced for a capital felony under this
 1008 paragraph shall also be sentenced to pay the maximum fine
 1009 provided under subparagraph 1.

1010 6. A person who knowingly brings into this state 60
 1011 kilograms or more of any morphine, opium, oxycodone,
 1012 hydrocodone, codeine, hydromorphone, or any salt, derivative,
 1013 isomer, or salt of an isomer thereof, including heroin, as
 1014 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
 1015 60 kilograms or more of any mixture containing any such
 1016 substance, and who knows that the probable result of such
 1017 importation would be the death of a person, commits capital
 1018 importation of illegal drugs, a capital felony punishable as
 1019 provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A person
 1020 sentenced for a capital felony under this paragraph shall also
 1021 be sentenced to pay the maximum fine provided under subparagraph
 1022 1.

1023 (d)1. Any person who knowingly sells, purchases,
 1024 manufactures, delivers, or brings into this state, or who is
 1025 knowingly in actual or constructive possession of, 28 grams or

1026 | more of phencyclidine, as described in s. 893.03(2)(b)23., a
 1027 | substituted phenylcyclohexylamine, as described in s.
 1028 | 893.03(1)(c)195., or a substance described in s.
 1029 | 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
 1030 | containing phencyclidine, as described in s. 893.03(2)(b)23., a
 1031 | substituted phenylcyclohexylamine, as described in s.
 1032 | 893.03(1)(c)195., or a substance described in s.
 1033 | 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of
 1034 | the first degree, which felony shall be known as "trafficking in
 1035 | phencyclidine," punishable as provided in s. 775.082, s.
 1036 | 775.083, or s. 775.084. If the quantity involved:
 1037 | a. Is 28 grams or more, but less than 200 grams, such
 1038 | person shall be sentenced to a mandatory minimum term of
 1039 | imprisonment of 3 years, and the defendant shall be ordered to
 1040 | pay a fine of \$50,000.
 1041 | b. Is 200 grams or more, but less than 400 grams, such
 1042 | person shall be sentenced to a mandatory minimum term of
 1043 | imprisonment of 7 years, and the defendant shall be ordered to
 1044 | pay a fine of \$100,000.
 1045 | c. Is 400 grams or more, such person shall be sentenced to
 1046 | a mandatory minimum term of imprisonment of 15 calendar years
 1047 | and pay a fine of \$250,000.
 1048 | 2. Any person who knowingly brings into this state 800
 1049 | grams or more of phencyclidine, as described in s.
 1050 | 893.03(2)(b)23., a substituted phenylcyclohexylamine, as

1051 described in s. 893.03(1)(c)195., or a substance described in s.
 1052 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
 1053 containing phencyclidine, as described in s. 893.03(2)(b)23., a
 1054 substituted phenylcyclohexylamine, as described in s.
 1055 893.03(1)(c)195., or a substance described in s.
 1056 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the
 1057 probable result of such importation would be the death of any
 1058 person commits capital importation of phencyclidine, a capital
 1059 felony punishable as provided in s. 775.082 ~~ss. 775.082~~ and
 1060 ~~921.142~~. Any person sentenced for a capital felony under this
 1061 paragraph shall also be sentenced to pay the maximum fine
 1062 provided under subparagraph 1.

1063 (e)1. Any person who knowingly sells, purchases,
 1064 manufactures, delivers, or brings into this state, or who is
 1065 knowingly in actual or constructive possession of, 200 grams or
 1066 more of methaqualone or of any mixture containing methaqualone,
 1067 as described in s. 893.03(1)(d), commits a felony of the first
 1068 degree, which felony shall be known as "trafficking in
 1069 methaqualone," punishable as provided in s. 775.082, s. 775.083,
 1070 or s. 775.084. If the quantity involved:

1071 a. Is 200 grams or more, but less than 5 kilograms, such
 1072 person shall be sentenced to a mandatory minimum term of
 1073 imprisonment of 3 years, and the defendant shall be ordered to
 1074 pay a fine of \$50,000.

1075 b. Is 5 kilograms or more, but less than 25 kilograms,

1076 such person shall be sentenced to a mandatory minimum term of
 1077 imprisonment of 7 years, and the defendant shall be ordered to
 1078 pay a fine of \$100,000.

1079 c. Is 25 kilograms or more, such person shall be sentenced
 1080 to a mandatory minimum term of imprisonment of 15 calendar years
 1081 and pay a fine of \$250,000.

1082 2. Any person who knowingly brings into this state 50
 1083 kilograms or more of methaqualone or of any mixture containing
 1084 methaqualone, as described in s. 893.03(1)(d), and who knows
 1085 that the probable result of such importation would be the death
 1086 of any person commits capital importation of methaqualone, a
 1087 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~
 1088 ~~and 921.142~~. Any person sentenced for a capital felony under
 1089 this paragraph shall also be sentenced to pay the maximum fine
 1090 provided under subparagraph 1.

1091 (f)1. Any person who knowingly sells, purchases,
 1092 manufactures, delivers, or brings into this state, or who is
 1093 knowingly in actual or constructive possession of, 14 grams or
 1094 more of amphetamine, as described in s. 893.03(2)(c)2., or
 1095 methamphetamine, as described in s. 893.03(2)(c)5., or of any
 1096 mixture containing amphetamine or methamphetamine, or
 1097 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
 1098 in conjunction with other chemicals and equipment utilized in
 1099 the manufacture of amphetamine or methamphetamine, commits a
 1100 felony of the first degree, which felony shall be known as

1101 "trafficking in amphetamine," punishable as provided in s.
 1102 775.082, s. 775.083, or s. 775.084. If the quantity involved:
 1103 a. Is 14 grams or more, but less than 28 grams, such
 1104 person shall be sentenced to a mandatory minimum term of
 1105 imprisonment of 3 years, and the defendant shall be ordered to
 1106 pay a fine of \$50,000.
 1107 b. Is 28 grams or more, but less than 200 grams, such
 1108 person shall be sentenced to a mandatory minimum term of
 1109 imprisonment of 7 years, and the defendant shall be ordered to
 1110 pay a fine of \$100,000.
 1111 c. Is 200 grams or more, such person shall be sentenced to
 1112 a mandatory minimum term of imprisonment of 15 calendar years
 1113 and pay a fine of \$250,000.
 1114 2. Any person who knowingly manufactures or brings into
 1115 this state 400 grams or more of amphetamine, as described in s.
 1116 893.03(2)(c)2., or methamphetamine, as described in s.
 1117 893.03(2)(c)5., or of any mixture containing amphetamine or
 1118 methamphetamine, or phenylacetone, phenylacetic acid,
 1119 pseudoephedrine, or ephedrine in conjunction with other
 1120 chemicals and equipment used in the manufacture of amphetamine
 1121 or methamphetamine, and who knows that the probable result of
 1122 such manufacture or importation would be the death of any person
 1123 commits capital manufacture or importation of amphetamine, a
 1124 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~
 1125 ~~and 921.142~~. Any person sentenced for a capital felony under

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1126 | this paragraph shall also be sentenced to pay the maximum fine
1127 | provided under subparagraph 1.

1128 | (g)1. Any person who knowingly sells, purchases,
1129 | manufactures, delivers, or brings into this state, or who is
1130 | knowingly in actual or constructive possession of, 4 grams or
1131 | more of flunitrazepam or any mixture containing flunitrazepam as
1132 | described in s. 893.03(1)(a) commits a felony of the first
1133 | degree, which felony shall be known as "trafficking in
1134 | flunitrazepam," punishable as provided in s. 775.082, s.
1135 | 775.083, or s. 775.084. If the quantity involved:

1136 | a. Is 4 grams or more but less than 14 grams, such person
1137 | shall be sentenced to a mandatory minimum term of imprisonment
1138 | of 3 years, and the defendant shall be ordered to pay a fine of
1139 | \$50,000.

1140 | b. Is 14 grams or more but less than 28 grams, such person
1141 | shall be sentenced to a mandatory minimum term of imprisonment
1142 | of 7 years, and the defendant shall be ordered to pay a fine of
1143 | \$100,000.

1144 | c. Is 28 grams or more but less than 30 kilograms, such
1145 | person shall be sentenced to a mandatory minimum term of
1146 | imprisonment of 25 calendar years and pay a fine of \$500,000.

1147 | 2. Any person who knowingly sells, purchases,
1148 | manufactures, delivers, or brings into this state or who is
1149 | knowingly in actual or constructive possession of 30 kilograms
1150 | or more of flunitrazepam or any mixture containing flunitrazepam

1151 as described in s. 893.03(1) (a) commits the first degree felony
 1152 of trafficking in flunitrazepam. A person who has been convicted
 1153 of the first degree felony of trafficking in flunitrazepam under
 1154 this subparagraph shall be punished by life imprisonment and is
 1155 ineligible for any form of discretionary early release except
 1156 pardon or executive clemency or conditional medical release
 1157 under s. 947.149. However, if the court determines that, in
 1158 addition to committing any act specified in this paragraph:

1159 a. The person intentionally killed an individual or
 1160 counseled, commanded, induced, procured, or caused the
 1161 intentional killing of an individual and such killing was the
 1162 result; or

1163 b. The person's conduct in committing that act led to a
 1164 natural, though not inevitable, lethal result,

1165
 1166 such person commits the capital felony of trafficking in
 1167 flunitrazepam, punishable as provided in s. 775.082 ~~ss. 775.082~~
 1168 ~~and 921.142~~. Any person sentenced for a capital felony under
 1169 this paragraph shall also be sentenced to pay the maximum fine
 1170 provided under subparagraph 1.

1171 (h)1. Any person who knowingly sells, purchases,
 1172 manufactures, delivers, or brings into this state, or who is
 1173 knowingly in actual or constructive possession of, 1 kilogram or
 1174 more of gamma-hydroxybutyric acid (GHB), as described in s.
 1175 893.03(1) (d), or any mixture containing gamma-hydroxybutyric

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1176 acid (GHB), commits a felony of the first degree, which felony
1177 shall be known as "trafficking in gamma-hydroxybutyric acid
1178 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
1179 775.084. If the quantity involved:

1180 a. Is 1 kilogram or more but less than 5 kilograms, such
1181 person shall be sentenced to a mandatory minimum term of
1182 imprisonment of 3 years, and the defendant shall be ordered to
1183 pay a fine of \$50,000.

1184 b. Is 5 kilograms or more but less than 10 kilograms, such
1185 person shall be sentenced to a mandatory minimum term of
1186 imprisonment of 7 years, and the defendant shall be ordered to
1187 pay a fine of \$100,000.

1188 c. Is 10 kilograms or more, such person shall be sentenced
1189 to a mandatory minimum term of imprisonment of 15 calendar years
1190 and pay a fine of \$250,000.

1191 2. Any person who knowingly manufactures or brings into
1192 this state 150 kilograms or more of gamma-hydroxybutyric acid
1193 (GHB), as described in s. 893.03(1)(d), or any mixture
1194 containing gamma-hydroxybutyric acid (GHB), and who knows that
1195 the probable result of such manufacture or importation would be
1196 the death of any person commits capital manufacture or
1197 importation of gamma-hydroxybutyric acid (GHB), a capital felony
1198 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.
1199 Any person sentenced for a capital felony under this paragraph
1200 shall also be sentenced to pay the maximum fine provided under

1201 subparagraph 1.

1202 (i)1. Any person who knowingly sells, purchases,

1203 manufactures, delivers, or brings into this state, or who is

1204 knowingly in actual or constructive possession of, 1 kilogram or

1205 more of gamma-butyrolactone (GBL), as described in s.

1206 893.03(1)(d), or any mixture containing gamma-butyrolactone

1207 (GBL), commits a felony of the first degree, which felony shall

1208 be known as "trafficking in gamma-butyrolactone (GBL),"

1209 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1210 If the quantity involved:

1211 a. Is 1 kilogram or more but less than 5 kilograms, such

1212 person shall be sentenced to a mandatory minimum term of

1213 imprisonment of 3 years, and the defendant shall be ordered to

1214 pay a fine of \$50,000.

1215 b. Is 5 kilograms or more but less than 10 kilograms, such

1216 person shall be sentenced to a mandatory minimum term of

1217 imprisonment of 7 years, and the defendant shall be ordered to

1218 pay a fine of \$100,000.

1219 c. Is 10 kilograms or more, such person shall be sentenced

1220 to a mandatory minimum term of imprisonment of 15 calendar years

1221 and pay a fine of \$250,000.

1222 2. Any person who knowingly manufactures or brings into

1223 the state 150 kilograms or more of gamma-butyrolactone (GBL), as

1224 described in s. 893.03(1)(d), or any mixture containing gamma-

1225 butyrolactone (GBL), and who knows that the probable result of

1226 such manufacture or importation would be the death of any person
 1227 commits capital manufacture or importation of gamma-
 1228 butyrolactone (GBL), a capital felony punishable as provided in
 1229 s. 775.082 ~~ss. 775.082 and 921.142~~. Any person sentenced for a
 1230 capital felony under this paragraph shall also be sentenced to
 1231 pay the maximum fine provided under subparagraph 1.

1232 (j)1. Any person who knowingly sells, purchases,
 1233 manufactures, delivers, or brings into this state, or who is
 1234 knowingly in actual or constructive possession of, 1 kilogram or
 1235 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
 1236 any mixture containing 1,4-Butanediol, commits a felony of the
 1237 first degree, which felony shall be known as "trafficking in
 1238 1,4-Butanediol," punishable as provided in s. 775.082, s.
 1239 775.083, or s. 775.084. If the quantity involved:

1240 a. Is 1 kilogram or more, but less than 5 kilograms, such
 1241 person shall be sentenced to a mandatory minimum term of
 1242 imprisonment of 3 years, and the defendant shall be ordered to
 1243 pay a fine of \$50,000.

1244 b. Is 5 kilograms or more, but less than 10 kilograms,
 1245 such person shall be sentenced to a mandatory minimum term of
 1246 imprisonment of 7 years, and the defendant shall be ordered to
 1247 pay a fine of \$100,000.

1248 c. Is 10 kilograms or more, such person shall be sentenced
 1249 to a mandatory minimum term of imprisonment of 15 calendar years
 1250 and pay a fine of \$500,000.

1251 2. Any person who knowingly manufactures or brings into
 1252 this state 150 kilograms or more of 1,4-Butanediol as described
 1253 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
 1254 and who knows that the probable result of such manufacture or
 1255 importation would be the death of any person commits capital
 1256 manufacture or importation of 1,4-Butanediol, a capital felony
 1257 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.
 1258 Any person sentenced for a capital felony under this paragraph
 1259 shall also be sentenced to pay the maximum fine provided under
 1260 subparagraph 1.

1261 (k)1. A person who knowingly sells, purchases,
 1262 manufactures, delivers, or brings into this state, or who is
 1263 knowingly in actual or constructive possession of, 10 grams or
 1264 more of a:

1265 a. Substance described in s. 893.03(1)(c)4., 5., 10., 11.,
 1266 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86.,
 1267 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163.,
 1268 165., or 187.-189., a substituted cathinone, as described in s.
 1269 893.03(1)(c)191., or substituted phenethylamine, as described in
 1270 s. 893.03(1)(c)192.;

1271 b. Mixture containing any substance described in sub-
 1272 subparagraph a.; or

1273 c. Salt, isomer, ester, or ether or salt of an isomer,
 1274 ester, or ether of a substance described in sub-subparagraph a.,
 1275

1276 | commits a felony of the first degree, which felony shall be
 1277 | known as "trafficking in phenethylamines," punishable as
 1278 | provided in s. 775.082, s. 775.083, or s. 775.084.

1279 | 2. If the quantity involved under subparagraph 1.:

1280 | a. Is 10 grams or more, but less than 200 grams, such
 1281 | person shall be sentenced to a mandatory minimum term of
 1282 | imprisonment of 3 years and shall be ordered to pay a fine of
 1283 | \$50,000.

1284 | b. Is 200 grams or more, but less than 400 grams, such
 1285 | person shall be sentenced to a mandatory minimum term of
 1286 | imprisonment of 7 years and shall be ordered to pay a fine of
 1287 | \$100,000.

1288 | c. Is 400 grams or more, such person shall be sentenced to
 1289 | a mandatory minimum term of imprisonment of 15 years and shall
 1290 | be ordered to pay a fine of \$250,000.

1291 | 3. A person who knowingly manufactures or brings into this
 1292 | state 30 kilograms or more of a substance described in sub-
 1293 | subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,
 1294 | or a salt, isomer, ester, or ether or a salt of an isomer,
 1295 | ester, or ether described in sub-subparagraph 1.c., and who
 1296 | knows that the probable result of such manufacture or
 1297 | importation would be the death of any person commits capital
 1298 | manufacture or importation of phenethylamines, a capital felony
 1299 | punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A
 1300 | person sentenced for a capital felony under this paragraph shall

1301 also be sentenced to pay the maximum fine under subparagraph 2.

1302 (1)1. Any person who knowingly sells, purchases,
 1303 manufactures, delivers, or brings into this state, or who is
 1304 knowingly in actual or constructive possession of, 1 gram or
 1305 more of lysergic acid diethylamide (LSD) as described in s.
 1306 893.03(1)(c), or of any mixture containing lysergic acid
 1307 diethylamide (LSD), commits a felony of the first degree, which
 1308 felony shall be known as "trafficking in lysergic acid
 1309 diethylamide (LSD)," punishable as provided in s. 775.082, s.
 1310 775.083, or s. 775.084. If the quantity involved:

1311 a. Is 1 gram or more, but less than 5 grams, such person
 1312 shall be sentenced to a mandatory minimum term of imprisonment
 1313 of 3 years, and the defendant shall be ordered to pay a fine of
 1314 \$50,000.

1315 b. Is 5 grams or more, but less than 7 grams, such person
 1316 shall be sentenced to a mandatory minimum term of imprisonment
 1317 of 7 years, and the defendant shall be ordered to pay a fine of
 1318 \$100,000.

1319 c. Is 7 grams or more, such person shall be sentenced to a
 1320 mandatory minimum term of imprisonment of 15 calendar years and
 1321 pay a fine of \$500,000.

1322 2. Any person who knowingly manufactures or brings into
 1323 this state 7 grams or more of lysergic acid diethylamide (LSD)
 1324 as described in s. 893.03(1)(c), or any mixture containing
 1325 lysergic acid diethylamide (LSD), and who knows that the

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1326 probable result of such manufacture or importation would be the
1327 death of any person commits capital manufacture or importation
1328 of lysergic acid diethylamide (LSD), a capital felony punishable
1329 as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. Any person
1330 sentenced for a capital felony under this paragraph shall also
1331 be sentenced to pay the maximum fine provided under subparagraph
1332 1.

1333 (n)1. A person who knowingly sells, purchases,
1334 manufactures, delivers, or brings into this state, or who is
1335 knowingly in actual or constructive possession of, 14 grams or
1336 more of:

1337 a. A substance described in s. 893.03(1)(c)164., 174., or
1338 175., a n-benzyl phenethylamine compound, as described in s.
1339 893.03(1)(c)193.; or

1340 b. A mixture containing any substance described in sub-
1341 subparagraph a.,

1342
1343 commits a felony of the first degree, which felony shall be
1344 known as "trafficking in n-benzyl phenethylamines," punishable
1345 as provided in s. 775.082, s. 775.083, or s. 775.084.

1346 2. If the quantity involved under subparagraph 1.:

1347 a. Is 14 grams or more, but less than 100 grams, such
1348 person shall be sentenced to a mandatory minimum term of
1349 imprisonment of 3 years, and the defendant shall be ordered to
1350 pay a fine of \$50,000.

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1351 b. Is 100 grams or more, but less than 200 grams, such
1352 person shall be sentenced to a mandatory minimum term of
1353 imprisonment of 7 years, and the defendant shall be ordered to
1354 pay a fine of \$100,000.

1355 c. Is 200 grams or more, such person shall be sentenced to
1356 a mandatory minimum term of imprisonment of 15 years, and the
1357 defendant shall be ordered to pay a fine of \$500,000.

1358 3. A person who knowingly manufactures or brings into this
1359 state 400 grams or more of a substance described in sub-
1360 subparagraph 1.a. or a mixture described in sub-subparagraph
1361 1.b., and who knows that the probable result of such manufacture
1362 or importation would be the death of any person commits capital
1363 manufacture or importation of a n-benzyl phenethylamine
1364 compound, a capital felony punishable as provided in s. 775.082
1365 ~~ss. 775.082 and 921.142~~. A person sentenced for a capital felony
1366 under this paragraph shall also be sentenced to pay the maximum
1367 fine under subparagraph 2.

1368 Section 36. Paragraph (e) of subsection (4) of section
1369 944.275, Florida Statutes, is amended to read:

1370 944.275 Gain-time.—

1371 (4)

1372 (e) Notwithstanding subparagraph (b)3., for sentences
1373 imposed for offenses committed on or after October 1, 2014, the
1374 department may not grant incentive gain-time if the offense is a
1375 violation of s. 782.04(1)(b)3. ~~s. 782.04(1)(a)2.e.~~; s.

1376 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011,
 1377 excluding s. 794.011(10); s. 800.04; s. 825.1025; or s.
 1378 847.0135(5).

1379 Section 37. Subsection (4) and paragraph (a) of subsection
 1380 (5) of section 948.012, Florida Statutes, are amended to read:

1381 948.012 Split sentence of probation or community control
 1382 and imprisonment.—

1383 (4) Effective for offenses committed on or after September
 1384 1, 2005, the court must impose a split sentence pursuant to
 1385 subsection (1) for any person who is convicted of a life felony
 1386 for lewd and lascivious molestation pursuant to s. 800.04(5)(b)
 1387 if the court imposes a term of years in accordance with s.
 1388 775.082(2)(a)4.a.(II) ~~s. 775.082(3)(a)4.a.(II)~~ rather than life
 1389 imprisonment. The probation or community control portion of the
 1390 split sentence imposed by the court for a defendant must extend
 1391 for the duration of the defendant's natural life and include a
 1392 condition that he or she be electronically monitored.

1393 (5)(a) Effective for offenses committed on or after
 1394 October 1, 2014, if the court imposes a term of years in
 1395 accordance with s. 775.082 which is less than the maximum
 1396 sentence for the offense, the court must impose a split sentence
 1397 pursuant to subsection (1) for any person who is convicted of a
 1398 violation of:

- 1399 1. Section 782.04(1)(b)3. ~~782.04(1)(a)2.c.;~~
- 1400 2. Section 787.01(3)(a)2. or 3.;

1401 3. Section 787.02(3)(a)2. or 3.;

1402 4. Section 794.011, excluding s. 794.011(10);

1403 5. Section 800.04;

1404 6. Section 825.1025; or

1405 7. Section 847.0135(5).

1406 Section 38. Sections 922.052, 922.06, 922.07, 922.08,

1407 922.095, 922.10, 922.105, 922.108, 922.11, 922.111, 922.12,

1408 922.14, 922.15, 924.055, 924.056, and 924.057, Florida Statutes,

1409 are repealed.

1410 Section 39. Subsection (4) of section 925.11, Florida

1411 Statutes, is amended to read:

1412 925.11 Postsentencing DNA testing.—

1413 (4) PRESERVATION OF EVIDENCE.—

1414 ~~(a)~~ Governmental entities that may be in possession of any

1415 physical evidence in the case, including, but not limited to,

1416 any investigating law enforcement agency, the clerk of the

1417 court, the prosecuting authority, or the Department of Law

1418 Enforcement shall maintain any physical evidence collected at

1419 the time of the crime for which a postsentencing testing of DNA

1420 may be requested.

1421 ~~(b) In a case in which the death penalty is imposed, the~~

1422 ~~evidence shall be maintained for 60 days after execution of the~~

1423 ~~sentence. In all other cases, a governmental entity may dispose~~

1424 ~~of the physical evidence if the term of the sentence imposed in~~

1425 ~~the case has expired and no other provision of law or rule~~

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1426 ~~requires that the physical evidence be preserved or retained.~~

1427 Section 40. Paragraphs (g), (h), and (i) of subsection (1)
1428 and subsection (2) of section 945.10, Florida Statutes, are
1429 amended to read:

1430 945.10 Confidential information.—

1431 (1) Except as otherwise provided by law or in this
1432 section, the following records and information held by the
1433 Department of Corrections are confidential and exempt from the
1434 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1435 Constitution:

1436 ~~(g) Information which identifies an executioner, or any~~
1437 ~~person prescribing, preparing, compounding, dispensing, or~~
1438 ~~administering a lethal injection.~~

1439 (g)~~(h)~~ The identity of any inmate or offender upon whom an
1440 HIV test has been performed and the inmate's or offender's test
1441 results, in accordance with s. 381.004. The term "HIV test" has
1442 the same meaning as provided in s. 381.004. This paragraph is
1443 subject to the Open Government Sunset Review Act of 1995 in
1444 accordance with s. 119.15 and shall stand repealed on October 2,
1445 2022, unless reviewed and saved from repeal through reenactment
1446 by the Legislature.

1447 (h)~~(i)~~ Records that are otherwise confidential or exempt
1448 from public disclosure by law.

1449 (2) The records and information specified in paragraphs
1450 (1) (a) - (h) ~~(1) (a) - (i)~~ may be released as follows unless

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1451 expressly prohibited by federal law:

1452 (a) Information specified in paragraphs (1)(b), (d), and
1453 (f) to the Executive Office of the Governor, the Legislature,
1454 the Florida Commission on Offender Review, the Department of
1455 Children and Families, a private correctional facility or
1456 program that operates under a contract, the Department of Legal
1457 Affairs, a state attorney, the court, or a law enforcement
1458 agency. A request for records or information pursuant to this
1459 paragraph need not be in writing.

1460 (b) Information specified in paragraphs (1)(c), (e), and
1461 (h) ~~(i)~~ to the Executive Office of the Governor, the
1462 Legislature, the Florida Commission on Offender Review, the
1463 Department of Children and Families, a private correctional
1464 facility or program that operates under contract, the Department
1465 of Legal Affairs, a state attorney, the court, or a law
1466 enforcement agency. A request for records or information
1467 pursuant to this paragraph must be in writing and a statement
1468 provided demonstrating a need for the records or information.

1469 (c) Information specified in paragraph (1)(b) to an
1470 attorney representing an inmate under sentence of death, except
1471 those portions of the records containing a victim's statement or
1472 address, or the statement or address of a relative of the
1473 victim. A request for records of information pursuant to this
1474 paragraph must be in writing and a statement provided
1475 demonstrating a need for the records or information.

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1476 (d) Information specified in paragraph (1)(b) to a public
1477 defender representing a defendant, except those portions of the
1478 records containing a victim's statement or address, or the
1479 statement or address of a relative of the victim. A request for
1480 records or information pursuant to this paragraph need not be in
1481 writing.

1482 (e) Information specified in paragraph (1)(b) to state or
1483 local governmental agencies. A request for records or
1484 information pursuant to this paragraph must be in writing and a
1485 statement provided demonstrating a need for the records or
1486 information.

1487 (f) Information specified in paragraph (1)(b) to a person
1488 conducting legitimate research. A request for records and
1489 information pursuant to this paragraph must be in writing, the
1490 person requesting the records or information must sign a
1491 confidentiality agreement, and the department must approve the
1492 request in writing.

1493 (g) Protected health information and records specified in
1494 paragraphs (1)(a) and (g) ~~(h)~~ to the Department of Health and
1495 the county health department where an inmate plans to reside if
1496 he or she has tested positive for the presence of the antibody
1497 or antigen to human immunodeficiency virus infection or as
1498 authorized in s. 381.004.

1499 (h) Protected health information and mental health,
1500 medical, or substance abuse records specified in paragraph

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1501 (1) (a) to the Executive Office of the Governor, the Correctional
1502 Medical Authority, and the Department of Health for health care
1503 oversight activities authorized by state or federal law,
1504 including audits; civil, administrative, or criminal
1505 investigations; or inspections relating to the provision of
1506 health services, in accordance with 45 C.F.R. part 164, subpart
1507 E.

1508 (i) Protected health information and mental health,
1509 medical, or substance abuse records specified in paragraph
1510 (1) (a) to a state attorney, a state court, or a law enforcement
1511 agency conducting an ongoing criminal investigation, if the
1512 inmate agrees to the disclosure and provides written consent or,
1513 if the inmate refuses to provide written consent, in response to
1514 an order of a court of competent jurisdiction, a subpoena,
1515 including a grand jury, investigative, or administrative
1516 subpoena, a court-ordered warrant, or a statutorily authorized
1517 investigative demand or other process as authorized by law, in
1518 accordance with 45 C.F.R. part 164, subpart E, provided that:

1519 1. The protected health information and records sought are
1520 relevant and material to a legitimate law enforcement inquiry;

1521 2. There is a clear connection between the investigated
1522 incident and the inmate whose protected health information and
1523 records are sought;

1524 3. The request is specific and limited in scope to the
1525 extent reasonably practicable in light of the purpose for which

1526 | the information or records are sought; and
 1527 | 4. Deidentified information could not reasonably be used.
 1528 | (j) Protected health information and mental health,
 1529 | medical, or substance abuse records specified in paragraph
 1530 | (1)(a) of an inmate who is or is suspected of being the victim
 1531 | of a crime, to a state attorney or a law enforcement agency if
 1532 | the inmate agrees to the disclosure and provides written consent
 1533 | or if the inmate is unable to agree because of incapacity or
 1534 | other emergency circumstance, in accordance with 45 C.F.R. part
 1535 | 164, subpart E, provided that:
 1536 | 1. Such protected health information and records are
 1537 | needed to determine whether a violation of law by a person other
 1538 | than the inmate victim has occurred;
 1539 | 2. Such protected health information or records are not
 1540 | intended to be used against the inmate victim;
 1541 | 3. The immediate law enforcement activity that depends
 1542 | upon the disclosure would be materially and adversely affected
 1543 | by waiting until the inmate victim is able to agree to the
 1544 | disclosure; and
 1545 | 4. The disclosure is in the best interests of the inmate
 1546 | victim, as determined by the department.
 1547 | (k) Protected health information and mental health,
 1548 | medical, or substance abuse records specified in paragraph
 1549 | (1)(a) to a state attorney or a law enforcement agency if the
 1550 | department believes in good faith that the information and

1551 records constitute evidence of criminal conduct that occurred in
 1552 a correctional institution or facility, in accordance with 45
 1553 C.F.R. part 164, subpart E, provided that:

1554 1. The protected health information and records disclosed
 1555 are specific and limited in scope to the extent reasonably
 1556 practicable in light of the purpose for which the information or
 1557 records are sought;

1558 2. There is a clear connection between the criminal
 1559 conduct and the inmate whose protected health information and
 1560 records are sought; and

1561 3. Deidentified information could not reasonably be used.

1562 (1) Protected health information and mental health,
 1563 medical, or substance abuse records specified in paragraph
 1564 (1)(a) to the Division of Risk Management of the Department of
 1565 Financial Services, in accordance with 45 C.F.R. part 164,
 1566 subpart E, upon certification by the Division of Risk Management
 1567 that such information and records are necessary to investigate
 1568 and provide legal representation for a claim against the
 1569 Department of Corrections.

1570 (m) Protected health information and mental health,
 1571 medical, or substance abuse records specified in paragraph
 1572 (1)(a) of an inmate who is bringing a legal action against the
 1573 department, to the Department of Legal Affairs or to an attorney
 1574 retained to represent the department in a legal proceeding, in
 1575 accordance with 45 C.F.R. part 164, subpart E.

1576 (n) Protected health information and mental health,
 1577 medical, or substance abuse records of an inmate as specified in
 1578 paragraph (1)(a) to another correctional institution or facility
 1579 or law enforcement official having lawful custody of the inmate,
 1580 in accordance with 45 C.F.R. part 164, subpart E, if the
 1581 protected health information or records are necessary for:

- 1582 1. The provision of health care to the inmate;
- 1583 2. The health and safety of the inmate or other inmates;
- 1584 3. The health and safety of the officers, employees, or
 1585 others at the correctional institution or facility;
- 1586 4. The health and safety of the individuals or officers
 1587 responsible for transporting the inmate from one correctional
 1588 institution, facility, or setting to another;
- 1589 5. Law enforcement on the premises of the correctional
 1590 institution or facility; or
- 1591 6. The administration and maintenance of the safety,
 1592 security, and good order of the correctional institution or
 1593 facility.

1594 (o) Protected health information and mental health,
 1595 medical, or substance abuse records of an inmate as specified in
 1596 paragraph (1)(a) to the Department of Children and Families and
 1597 the Florida Commission on Offender Review, in accordance with 45
 1598 C.F.R. part 164, subpart E, if the inmate received mental health
 1599 treatment while in the custody of the Department of Corrections
 1600 and becomes eligible for release under supervision or upon the

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1601 end of his or her sentence.

1602 (p) Notwithstanding s. 456.057 and in accordance with 45
1603 C.F.R. part 164, subpart E, protected health information and
1604 mental health, medical, or substance abuse records specified in
1605 paragraph (1)(a) of a deceased inmate or offender to an
1606 individual with authority to act on behalf of the deceased
1607 inmate or offender, upon the individual's request. For purposes
1608 of this section, the following individuals have authority to act
1609 on behalf of a deceased inmate or offender only for the purpose
1610 of requesting access to such protected health information and
1611 records:

1612 1. A person appointed by a court to act as the personal
1613 representative, executor, administrator, curator, or temporary
1614 administrator of the deceased inmate's or offender's estate;

1615 2. If a court has not made a judicial appointment under
1616 subparagraph 1., a person designated by the inmate or offender
1617 to act as his or her personal representative in a last will that
1618 is self-proved under s. 732.503; or

1619 3. If a court has not made a judicial appointment under
1620 subparagraph 1. or if the inmate or offender has not designated
1621 a person in a self-proved last will as provided in subparagraph
1622 2., only the following individuals:

1623 a. A surviving spouse.

1624 b. If there is no surviving spouse, a surviving adult
1625 child of the inmate or offender.

1626 c. If there is no surviving spouse or adult child, a
 1627 parent of the inmate or offender.

1628 (q) All requests for access to a deceased inmate's or
 1629 offender's protected health information or mental health,
 1630 medical, or substance abuse records specified in paragraph
 1631 (1)(a) must be in writing and must be accompanied by the
 1632 following:

1633 1. If made by a person authorized under subparagraph
 1634 (p)1., a copy of the letter of administration and a copy of the
 1635 court order appointing such person as the representative of the
 1636 inmate's or offender's estate.

1637 2. If made by a person authorized under subparagraph
 1638 (p)2., a copy of the self-proved last will designating the
 1639 person as the inmate's or offender's representative.

1640 3. If made by a person authorized under subparagraph
 1641 (p)3., a letter from the person's attorney verifying the
 1642 person's relationship to the inmate or offender and the absence
 1643 of a court-appointed representative and self-proved last will.

1644
 1645 Records and information released under this subsection remain
 1646 confidential and exempt from the provisions of s. 119.07(1) and
 1647 s. 24(a), Art. I of the State Constitution when held by the
 1648 receiving person or entity.

1649 Section 41. Subsection (2) of section 316.3026, Florida
 1650 Statutes, is amended to read:

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1651 316.3026 Unlawful operation of motor carriers.-
 1652 (2) Any motor carrier enjoined or prohibited from
 1653 operating by an out-of-service order by this state, any other
 1654 state, or the Federal Motor Carrier Safety Administration may
 1655 not operate on the roadways of this state until the motor
 1656 carrier has been authorized to resume operations by the
 1657 originating enforcement jurisdiction. Commercial motor vehicles
 1658 owned or operated by any motor carrier prohibited from operation
 1659 found on the roadways of this state shall be placed out of
 1660 service by law enforcement officers of the Department of Highway
 1661 Safety and Motor Vehicles, and the motor carrier assessed a
 1662 \$10,000 civil penalty pursuant to 49 C.F.R. s. 383.53, in
 1663 addition to any other penalties imposed on the driver or other
 1664 responsible person. Any person who knowingly drives, operates,
 1665 or causes to be operated any commercial motor vehicle in
 1666 violation of an out-of-service order issued by the department in
 1667 accordance with this section commits a felony of the third
 1668 degree, punishable as provided in s. 775.082(2)(e) ~~s.~~
 1669 ~~775.082(3)(e)~~. Any costs associated with the impoundment or
 1670 storage of such vehicles are the responsibility of the motor
 1671 carrier. Vehicle out-of-service orders may be rescinded when the
 1672 department receives proof of authorization for the motor carrier
 1673 to resume operation.

1674 Section 42. Subsection (3) of section 373.409, Florida
 1675 Statutes, is amended to read:

1676 373.409 Headgates, valves, and measuring devices.—
 1677 (3) No person shall alter or tamper with a measuring
 1678 device so as to cause it to register other than the actual
 1679 amount of water diverted, discharged, or taken. Violation of
 1680 this subsection shall be a misdemeanor of the second degree,
 1681 punishable under s. 775.082(3)(b) ~~s. 775.082(4)(b)~~.
 1682 Section 43. Subsections (3), (4), and (5) of section
 1683 373.430, Florida Statutes, are amended to read:
 1684 373.430 Prohibitions, violation, penalty, intent.—
 1685 (3) A person who willfully commits a violation specified
 1686 in paragraph (1)(a) commits a felony of the third degree,
 1687 punishable as provided in ss. 775.082(2)(e) ~~ss. 775.082(3)(e)~~
 1688 and 775.083(1)(g), by a fine of not more than \$50,000 or by
 1689 imprisonment for 5 years, or by both, for each offense. Each day
 1690 during any portion of which such violation occurs constitutes a
 1691 separate offense.
 1692 (4) A person who commits a violation specified in
 1693 paragraph (1)(a) or paragraph (1)(b) due to reckless
 1694 indifference or gross careless disregard commits a misdemeanor
 1695 of the second degree, punishable as provided in ss.
 1696 775.082(3)(b) ~~ss. 775.082(4)(b)~~ and 775.083(1)(g), by a fine of
 1697 not more than \$10,000 or 60 days in jail, or by both, for each
 1698 offense.
 1699 (5) A person who willfully commits a violation specified
 1700 in paragraph (1)(b) or who commits a violation specified in

1701 paragraph (1)(c) commits a misdemeanor of the first degree,
 1702 punishable as provided in ss. 775.082(3)(a) ~~ss. 775.082(4)(a)~~
 1703 and 775.083(1)(g), by a fine of not more than \$10,000 or by 6
 1704 months in jail, or by both, for each offense.

1705 Section 44. Subsections (3) and (4) of section 376.302,
 1706 Florida Statutes, are amended to read:

1707 376.302 Prohibited acts; penalties.—

1708 (3) Any person who willfully commits a violation specified
 1709 in paragraph (1)(a) or paragraph (1)(b) shall be guilty of a
 1710 misdemeanor of the first degree punishable as provided in ss.
 1711 775.082(3)(a) ~~ss. 775.082(4)(a)~~ and 775.083(1)(g), by a fine of
 1712 not less than \$2,500 or more than \$25,000, or punishable by 1
 1713 year in jail, or by both for each offense. Each day during any
 1714 portion of which such violation occurs constitutes a separate
 1715 offense.

1716 (4) Any person who commits a violation specified in
 1717 paragraph (1)(c) shall be guilty of a misdemeanor of the first
 1718 degree punishable as provided in ss. 775.082(3)(a) ~~ss.~~
 1719 ~~775.082(4)(a)~~ and 775.083(1)(g), by a fine of not more than
 1720 \$10,000, or by 6 months in jail, or by both for each offense.

1721 Section 45. Subsections (3), (4), and (5) of section
 1722 403.161, Florida Statutes, are amended to read:

1723 403.161 Prohibitions, violation, penalty, intent.—

1724 (3) A person who willfully commits a violation specified
 1725 in paragraph (1)(a) commits a felony of the third degree,

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1726 punishable as provided in ss. 775.082 (2) (e) ~~ss. 775.082 (3) (e)~~
1727 and 775.083(1) (g) by a fine of not more than \$50,000 or by
1728 imprisonment for 5 years, or by both, for each offense. Each day
1729 during any portion of which such violation occurs constitutes a
1730 separate offense.

1731 (4) A person who commits a violation specified in
1732 paragraph (1) (a) or paragraph (1) (b) due to reckless
1733 indifference or gross careless disregard commits a misdemeanor
1734 of the second degree, punishable as provided in ss.
1735 775.082 (3) (b) ~~ss. 775.082 (4) (b)~~ and 775.083(1) (g) by a fine of
1736 not more than \$10,000 or by 60 days in jail, or by both, for
1737 each offense.

1738 (5) A person who willfully commits a violation specified
1739 in paragraph (1) (b) or who commits a violation specified in
1740 paragraph (1) (c) commits a misdemeanor of the first degree
1741 punishable as provided in ss. 775.082 (3) (a) ~~ss. 775.082 (4) (a)~~
1742 and 775.083(1) (g) by a fine of not more than \$10,000 or by 6
1743 months in jail, or by both for each offense.

1744 Section 46. Subsection (2) of section 448.09, Florida
1745 Statutes, is amended to read:

1746 448.09 Unauthorized aliens; employment prohibited.—

1747 (2) The first violation of subsection (1) shall be a
1748 noncriminal violation as defined in s. 775.08(3) and, upon
1749 conviction, shall be punishable as provided in s. 775.082(4) ~~s.~~
1750 ~~775.082(5)~~ by a civil fine of not more than \$500, regardless of

1751 the number of aliens with respect to whom the violation
 1752 occurred.

1753 Section 47. Section 504.013, Florida Statutes, is amended
 1754 to read:

1755 504.013 Penalties.—Any person, firm, or corporation
 1756 engaged in the business of the retail vending of fresh fruits,
 1757 fresh vegetables, bee pollen, or honey who willfully and
 1758 knowingly removes any labels or identifying marks from fruits,
 1759 vegetables, bee pollen, or honey so labeled is guilty of a
 1760 noncriminal violation as defined in s. 775.08(3) and upon
 1761 conviction shall be punished as provided in s. 775.082(4) ~~s.~~
 1762 ~~775.082(5)~~ by a civil fine of not more than \$500.

1763 Section 48. Paragraph (c) of subsection (3) of section
 1764 648.571, Florida Statutes, is amended to read:

1765 648.571 Failure to return collateral; penalty.—

1766 (3)

1767 (c) Allowable expenses incurred in apprehending a
 1768 defendant because of a bond forfeiture or judgment under s.
 1769 903.29 may be deducted if such expenses are accounted for. The
 1770 failure to return collateral under these terms is punishable as
 1771 follows:

1772 1. If the collateral is of a value less than \$100, as
 1773 provided in s. 775.082(3)(a) ~~s. 775.082(4)(a)~~.

1774 2. If the collateral is of a value of \$100 or more, as
 1775 provided in s. 775.082(2)(e) ~~s. 775.082(3)(e)~~.

1776 3. If the collateral is of a value of \$1,500 or more, as
 1777 provided in s. 775.082(2)(d) ~~s. 775.082(3)(d)~~.

1778 4. If the collateral is of a value of \$10,000 or more, as
 1779 provided in s. 775.082(2)(b) ~~s. 775.082(3)(b)~~.

1780 Section 49. Paragraph (a) of subsection (2) of section
 1781 775.261, Florida Statutes, is amended to read:

1782 775.261 The Florida Career Offender Registration Act.—

1783 (2) DEFINITIONS.—As used in this section, the term:

1784 (a) "Career offender" means any person who is designated
 1785 as a habitual violent felony offender, a violent career
 1786 criminal, or a three-time violent felony offender under s.
 1787 775.084 or as a prison releasee reoffender under s. 775.082(8)
 1788 ~~s. 775.082(9)~~.

1789 Section 50. Paragraph (g) of subsection (3) of section
 1790 787.06, Florida Statutes, is amended to read:

1791 787.06 Human trafficking.—

1792 (3) Any person who knowingly, or in reckless disregard of
 1793 the facts, engages in human trafficking, or attempts to engage
 1794 in human trafficking, or benefits financially by receiving
 1795 anything of value from participation in a venture that has
 1796 subjected a person to human trafficking:

1797 (g) For commercial sexual activity in which any child
 1798 younger than 18 years of age or an adult believed by the person
 1799 to be a child younger than 18 years of age, or in which any
 1800 person who is mentally defective or mentally incapacitated as

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1801 those terms are defined in s. 794.011(1), is involved commits a
1802 life felony, punishable as provided in s. 775.082(2)(a)6. ~~s.~~
1803 ~~775.082(3)(a)6.~~, s. 775.083, or s. 775.084.

1804
1805 For each instance of human trafficking of any individual under
1806 this subsection, a separate crime is committed and a separate
1807 punishment is authorized.

1808 Section 51. Subsection (6) of section 794.0115, Florida
1809 Statutes, is amended to read:

1810 794.0115 Dangerous sexual felony offender; mandatory
1811 sentencing.-

1812 (6) Notwithstanding s. 775.082(2) ~~s. 775.082(3)~~, chapter
1813 958, any other law, or any interpretation or construction
1814 thereof, a person subject to sentencing under this section must
1815 be sentenced to the mandatory term of imprisonment provided
1816 under this section. If the mandatory minimum term of
1817 imprisonment imposed under this section exceeds the maximum
1818 sentence authorized under s. 775.082, s. 775.084, or chapter
1819 921, the mandatory minimum term of imprisonment under this
1820 section must be imposed. If the mandatory minimum term of
1821 imprisonment under this section is less than the sentence that
1822 could be imposed under s. 775.082, s. 775.084, or chapter 921,
1823 the sentence imposed must include the mandatory minimum term of
1824 imprisonment under this section.

1825 Section 52. Paragraph (b) of subsection (5) of section

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1826 800.04, Florida Statutes, is amended to read:

1827 800.04 Lewd or lascivious offenses committed upon or in
1828 the presence of persons less than 16 years of age.—

1829 (5) LEWD OR LASCIVIOUS MOLESTATION.—

1830 (b) An offender 18 years of age or older who commits lewd
1831 or lascivious molestation against a victim less than 12 years of
1832 age commits a life felony, punishable as provided in s.

1833 775.082(2)(a)4. ~~s. 775.082(3)(a)4.~~

1834 Section 53. Paragraph (c) of subsection (4) of section
1835 907.041, Florida Statutes, is amended to read:

1836 907.041 Pretrial detention and release.—

1837 (4) PRETRIAL DETENTION.—

1838 (c) The court may order pretrial detention if it finds a
1839 substantial probability, based on a defendant's past and present
1840 patterns of behavior, the criteria in s. 903.046, and any other
1841 relevant facts, that any of the following circumstances exist:

1842 1. The defendant has previously violated conditions of
1843 release and that no further conditions of release are reasonably
1844 likely to assure the defendant's appearance at subsequent
1845 proceedings;

1846 2. The defendant, with the intent to obstruct the judicial
1847 process, has threatened, intimidated, or injured any victim,
1848 potential witness, juror, or judicial officer, or has attempted
1849 or conspired to do so, and that no condition of release will
1850 reasonably prevent the obstruction of the judicial process;

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1851 3. The defendant is charged with trafficking in controlled
1852 substances as defined by s. 893.135, that there is a substantial
1853 probability that the defendant has committed the offense, and
1854 that no conditions of release will reasonably assure the
1855 defendant's appearance at subsequent criminal proceedings;

1856 4. The defendant is charged with DUI manslaughter, as
1857 defined by s. 316.193, and that there is a substantial
1858 probability that the defendant committed the crime and that the
1859 defendant poses a threat of harm to the community; conditions
1860 that would support a finding by the court pursuant to this
1861 subparagraph that the defendant poses a threat of harm to the
1862 community include, but are not limited to, any of the following:

1863 a. The defendant has previously been convicted of any
1864 crime under s. 316.193, or of any crime in any other state or
1865 territory of the United States that is substantially similar to
1866 any crime under s. 316.193;

1867 b. The defendant was driving with a suspended driver
1868 license when the charged crime was committed; or

1869 c. The defendant has previously been found guilty of, or
1870 has had adjudication of guilt withheld for, driving while the
1871 defendant's driver license was suspended or revoked in violation
1872 of s. 322.34;

1873 5. The defendant poses the threat of harm to the
1874 community. The court may so conclude, if it finds that the
1875 defendant is presently charged with a dangerous crime, that

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1876 | there is a substantial probability that the defendant committed
1877 | such crime, that the factual circumstances of the crime indicate
1878 | a disregard for the safety of the community, and that there are
1879 | no conditions of release reasonably sufficient to protect the
1880 | community from the risk of physical harm to persons;

1881 | 6. The defendant was on probation, parole, or other
1882 | release pending completion of sentence or on pretrial release
1883 | for a dangerous crime at the time the current offense was
1884 | committed;

1885 | 7. The defendant has violated one or more conditions of
1886 | pretrial release or bond for the offense currently before the
1887 | court and the violation, in the discretion of the court,
1888 | supports a finding that no conditions of release can reasonably
1889 | protect the community from risk of physical harm to persons or
1890 | assure the presence of the accused at trial; or

1891 | 8.a. The defendant has ever been sentenced pursuant to s.
1892 | 775.082(8) ~~s. 775.082(9)~~ or s. 775.084 as a prison releasee
1893 | reoffender, habitual violent felony offender, three-time violent
1894 | felony offender, or violent career criminal, or the state
1895 | attorney files a notice seeking that the defendant be sentenced
1896 | pursuant to s. 775.082(8) ~~s. 775.082(9)~~ or s. 775.084, as a
1897 | prison releasee reoffender, habitual violent felony offender,
1898 | three-time violent felony offender, or violent career criminal;

1899 | b. There is a substantial probability that the defendant
1900 | committed the offense; and

1901 c. There are no conditions of release that can reasonably
 1902 protect the community from risk of physical harm or ensure the
 1903 presence of the accused at trial.

1904 Section 54. Subsection (1) of section 921.1401, Florida
 1905 Statutes, is amended to read:

1906 921.1401 Sentence of life imprisonment for persons who are
 1907 under the age of 18 years at the time of the offense; sentencing
 1908 proceedings.—

1909 (1) Upon conviction or adjudication of guilt of an offense
 1910 described in s. 775.082(1)(b), s. 775.082(2)(a)5. ~~s.~~
 1911 ~~775.082(3)(a)5.,~~ s. 775.082(2)(b)2. ~~s. 775.082(3)(b)2.,~~ or s.
 1912 775.082(2)(c) ~~s. 775.082(3)(e)~~ which was committed on or after
 1913 July 1, 2014, the court may conduct a separate sentencing
 1914 hearing to determine if a term of imprisonment for life or a
 1915 term of years equal to life imprisonment is an appropriate
 1916 sentence.

1917 Section 55. Paragraphs (b), (c), and (d) of subsection (2)
 1918 of section 921.1402, Florida Statutes, are amended to read:

1919 921.1402 Review of sentences for persons convicted of
 1920 specified offenses committed while under the age of 18 years.—

1921 (2)

1922 (b) A juvenile offender sentenced to a term of more than
 1923 25 years under s. 775.082(2)(a)5.a. ~~s. 775.082(3)(a)5.a.~~ or s.
 1924 775.082(2)(b)2.a. ~~s. 775.082(3)(b)2.a.~~ is entitled to a review
 1925 of his or her sentence after 25 years.

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1926 (c) A juvenile offender sentenced to a term of more than
 1927 15 years under s. 775.082(1)(b)2., s. 775.082(2)(a)5.b. ~~s.~~
 1928 ~~775.082(3)(a)5.b.~~, or s. 775.082(2)(b)2.b. ~~s. 775.082(3)(b)2.b.~~
 1929 is entitled to a review of his or her sentence after 15 years.

1930 (d) A juvenile offender sentenced to a term of 20 years or
 1931 more under s. 775.082(2)(c) ~~s. 775.082(3)(c)~~ is entitled to a
 1932 review of his or her sentence after 20 years. If the juvenile
 1933 offender is not resentenced at the initial review hearing, he or
 1934 she is eligible for one subsequent review hearing 10 years after
 1935 the initial review hearing.

1936 Section 56. Paragraph (c) of subsection (3) of section
 1937 944.17, Florida Statutes, is amended to read:

1938 944.17 Commitments and classification; transfers.—

1939 (3)

1940 (c)1. When the highest ranking offense for which the
 1941 prisoner is convicted is a felony, the trial court shall
 1942 sentence the prisoner pursuant to the Criminal Punishment Code
 1943 in chapter 921.

1944 2. When the highest ranking offense for which the prisoner
 1945 is convicted is a misdemeanor, the trial court shall sentence
 1946 the prisoner pursuant to s. 775.082(3) ~~s. 775.082(4)~~.

1947 Section 57. Subsection (1) of section 944.608, Florida
 1948 Statutes, is amended to read:

1949 944.608 Notification to Department of Law Enforcement of
 1950 information on career offenders.—

1951 (1) As used in this section, the term "career offender"
 1952 means a person who is in the custody or control of, or under the
 1953 supervision of, the department or is in the custody or control
 1954 of, or under the supervision of, a private correctional
 1955 facility, and who is designated as a habitual violent felony
 1956 offender, a violent career criminal, or a three-time violent
 1957 felony offender under s. 775.084 or as a prison releasee
 1958 reoffender under s. 775.082(8) ~~s. 775.082(9)~~.

1959 Section 58. Subsection (1) of section 944.609, Florida
 1960 Statutes, is amended to read:

1961 944.609 Career offenders; notification upon release.—

1962 (1) As used in this section, the term "career offender"
 1963 means a person who is in the custody or control of, or under the
 1964 supervision of, the department or is in the custody or control
 1965 of, or under the supervision of a private correctional facility,
 1966 who is designated as a habitual violent felony offender, a
 1967 violent career criminal, or a three-time violent felony offender
 1968 under s. 775.084 or as a prison releasee reoffender under s.
 1969 775.082(8) ~~s. 775.082(9)~~.

1970 Section 59. Subsection (7) of section 944.705, Florida
 1971 Statutes, is amended to read:

1972 944.705 Release orientation program.—

1973 (7)(a) The department shall notify every inmate in the
 1974 inmate's release documents:

1975 1. Of all outstanding terms of the inmate's sentence at

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1976 the time of release to assist the inmate in determining his or
1977 her status with regard to the completion of all terms of
1978 sentence, as that term is defined in s. 98.0751. This
1979 subparagraph does not apply to inmates who are being released
1980 from the custody of the department to any type of supervision
1981 monitored by the department; and

1982 2. In not less than 18-point type, that the inmate may be
1983 sentenced pursuant to s. 775.082(8) ~~s. 775.082(9)~~ if the inmate
1984 commits any felony offense described in s. 775.082(8) ~~s.~~
1985 ~~775.082(9)~~ within 3 years after the inmate's release. This
1986 notice must be prefaced by the word "WARNING" in boldfaced type.

1987 (b) This section does not preclude the sentencing of a
1988 person pursuant to s. 775.082(8) ~~s. 775.082(9)~~, and evidence
1989 that the department failed to provide this notice does not
1990 prohibit a person from being sentenced pursuant to s. 775.082(8)
1991 ~~s. 775.082(9)~~. The state is not required to demonstrate that a
1992 person received any notice from the department in order for the
1993 court to impose a sentence pursuant to s. 775.082(8) ~~s.~~
1994 ~~775.082(9)~~.

1995 Section 60. This act shall take effect upon becoming a
1996 law.