

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

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

51 capital cases, regulation of execution, transfer to
52 state prison for safekeeping before death warrant
53 issued, return of warrant of execution issued by
54 Governor, sentence of death unexecuted for
55 unjustifiable reasons, return of warrant of execution
56 issued by Supreme Court, legislative intent concerning
57 appeals and postconviction proceedings in death
58 penalty cases, commencement of capital postconviction
59 actions for which sentence of death is imposed on or
60 after January 14, 2000, and limitation on
61 postconviction cases in which the death sentence was
62 imposed before January 14, 2000, respectively;
63 amending s. 925.11, F.S.; deleting provisions relating
64 to preservation of DNA evidence in death penalty
65 cases; amending s. 945.10, F.S.; deleting a public
66 records exemption for the identity of executioners;
67 providing an effective date.

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

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

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

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

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

95 27.51 Duties of public defender.—

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

99 (d) Sought by petition filed in such court to be
100 involuntarily placed as a mentally ill person under part I of

101 chapter 394, involuntarily committed as a sexually violent
102 predator under part V of chapter 394, or involuntarily admitted
103 to residential services as a person with developmental
104 disabilities under chapter 393. A public defender shall not
105 represent any plaintiff in a civil action brought under the
106 Florida Rules of Civil Procedure, the Federal Rules of Civil
107 Procedure, or the federal statutes, or represent a petitioner in
108 a rule challenge under chapter 120, unless specifically
109 authorized by statute; or

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

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

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

117 27.511 Offices of criminal conflict and civil regional
118 counsel; legislative intent; qualifications; appointment;
119 duties.—

120 (5) When the Office of the Public Defender, at any time
121 during the representation of two or more defendants, determines
122 that the interests of those accused are so adverse or hostile
123 that they cannot all be counseled by the public defender or his
124 or her staff without a conflict of interest, or that none can be
125 counseled by the public defender or his or her staff because of

126 a conflict of interest, and the court grants the public
127 defender's motion to withdraw, the office of criminal conflict
128 and civil regional counsel shall be appointed and shall provide
129 legal services, without additional compensation, to any person
130 determined to be indigent under s. 27.52, who is:

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

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

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

141 (8) The public defender for the judicial circuit specified
142 in s. 27.51(4) shall, after the record on appeal is transmitted
143 to the appellate court by the office of criminal conflict and
144 civil regional counsel which handled the trial and if requested
145 by the regional counsel for the indicated appellate district,
146 handle all circuit court appeals authorized pursuant to
147 paragraph (5) (e) ~~(5) (f)~~ within the state courts system and any
148 authorized appeals to the federal courts required of the
149 official making the request. If the public defender certifies to
150 the court that the public defender has a conflict consistent

151 with the criteria prescribed in s. 27.5303 and moves to
152 withdraw, the regional counsel shall handle the appeal, unless
153 the regional counsel has a conflict, in which case the court
154 shall appoint private counsel pursuant to s. 27.40.

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

157 27.5304 Private court-appointed counsel; compensation;
158 notice.—

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

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

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

167 (c) For life felonies represented at the trial level:
168 \$15,000.

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

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

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

175 Section 5. Sections 27.7001, 27.7002, 27.701, 27.702,
176 27.703, 27.704, 27.7045, 27.705, 27.706, 27.707, 27.708,
177 27.7081, 27.7091, 27.710, 27.711, and 27.715, Florida Statutes,
178 are repealed.

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

181 23.21 Definitions.—For purposes of this part:

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

192 Section 7. Paragraph (a) of subsection (5) of section
193 27.51, Florida Statutes, is amended to read:

194 27.51 Duties of public defender.—

195 ~~(5) (a) When direct appellate proceedings prosecuted by a~~
196 ~~public defender on behalf of an accused and challenging a~~
197 ~~judgment of conviction and sentence of death terminate in an~~
198 ~~affirmance of such conviction and sentence, whether by the~~
199 ~~Florida Supreme Court or by the United States Supreme Court or~~

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200 ~~by expiration of any deadline for filing such appeal in a state~~
201 ~~or federal court, the public defender shall notify the accused~~
202 ~~of his or her rights pursuant to Rule 3.851, Florida Rules of~~
203 ~~Criminal Procedure, including any time limits pertinent thereto,~~
204 ~~and shall advise such person that representation in any~~
205 ~~collateral proceedings is the responsibility of the capital~~
206 ~~collateral regional counsel. The public defender shall then~~
207 ~~forward all original files on the matter to the capital~~
208 ~~collateral regional counsel, retaining such copies for his or~~
209 ~~her files as may be desired.~~

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

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

215 ~~(9) When direct appellate proceedings prosecuted by the~~
216 ~~office of criminal conflict and civil regional counsel on behalf~~
217 ~~of an accused and challenging a judgment of conviction and~~
218 ~~sentence of death terminate in an affirmance of such conviction~~
219 ~~and sentence, whether by the Supreme Court or by the United~~
220 ~~States Supreme Court or by expiration of any deadline for filing~~
221 ~~such appeal in a state or federal court, the office of criminal~~
222 ~~conflict and civil regional counsel shall notify the accused of~~
223 ~~his or her rights pursuant to Rule 3.851, Florida Rules of~~
224 ~~Criminal Procedure, including any time limits pertinent thereto,~~

225 ~~and shall advise such person that representation in any~~
226 ~~collateral proceedings is the responsibility of the capital~~
227 ~~collateral regional counsel. The office of criminal conflict and~~
228 ~~civil regional counsel shall forward all original files on the~~
229 ~~matter to the capital collateral regional counsel, retaining~~
230 ~~such copies for his or her files as may be desired or required~~
231 ~~by law.~~

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

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

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

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

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

250 Section 10. Paragraph (e) of subsection (13) of section
 251 112.0455, Florida Statutes, is amended to read:

252 112.0455 Drug-Free Workplace Act.—

253 (13) RULES.—

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

258

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

262 Section 11. Paragraph (d) of subsection (1) of section
 263 119.071, Florida Statutes, is amended to read:

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

266 (1) AGENCY ADMINISTRATION.—

267 (d)1. A public record that was prepared by an agency
 268 attorney (including an attorney employed or retained by the
 269 agency or employed or retained by another public officer or
 270 agency to protect or represent the interests of the agency
 271 having custody of the record) or prepared at the attorney's
 272 express direction, that reflects a mental impression,
 273 conclusion, litigation strategy, or legal theory of the attorney
 274 or the agency, and that was prepared exclusively for civil or

275 criminal litigation or for adversarial administrative
276 proceedings, or that was prepared in anticipation of imminent
277 civil or criminal litigation or imminent adversarial
278 administrative proceedings, is exempt from s. 119.07(1) and s.
279 24(a), Art. I of the State Constitution until the conclusion of
280 the litigation or adversarial administrative proceedings. ~~For~~
281 ~~purposes of capital collateral litigation as set forth in s.~~
282 ~~27.7001, the Attorney General's office is entitled to claim this~~
283 ~~exemption for those public records prepared for direct appeal as~~
284 ~~well as for all capital collateral litigation after direct~~
285 ~~appeal until execution of sentence or imposition of a life~~
286 ~~sentence.~~

287 2. This exemption is not waived by the release of such
288 public record to another public employee or officer of the same
289 agency or any person consulted by the agency attorney. When
290 asserting the right to withhold a public record pursuant to this
291 paragraph, the agency shall identify the potential parties to
292 any such criminal or civil litigation or adversarial
293 administrative proceedings. If a court finds that the document
294 or other record has been improperly withheld under this
295 paragraph, the party seeking access to such document or record
296 shall be awarded reasonable attorney's fees and costs in
297 addition to any other remedy ordered by the court.

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

300 186.003 Definitions; ss. 186.001-186.031, 186.801-
 301 186.901.—As used in ss. 186.001-186.031 and 186.801-186.901, the
 302 term:

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

310 Section 13. Paragraph (b) of subsection (2) of section
 311 215.89, Florida Statutes, is amended to read:

312 215.89 Charts of account.—

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

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

324 Section 14. Paragraph (h) of subsection (14) of section

325 | 215.985, Florida Statutes, is amended to read:

326 | 215.985 Transparency in government spending.—

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

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

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

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

347 | Section 15. Paragraph (qq) of subsection (1) of section
 348 | 216.011, Florida Statutes, is amended to read:

349 | 216.011 Definitions.—

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

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

364 Section 16. Paragraph (c) of subsection (4) of section
 365 282.201, Florida Statutes, is amended to read:

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

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

375 (c) The following are exempt from state data center
 376 consolidation under this section: the Department of Law
 377 Enforcement, the Department of the Lottery's Gaming System,
 378 Systems Design and Development in the Office of Policy and
 379 Budget, the regional traffic management centers as described in
 380 s. 335.14(2) and the Office of Toll Operations of the Department
 381 of Transportation, the State Board of Administration, state
 382 attorneys, public defenders, criminal conflict and civil
 383 regional counsel, ~~capital collateral regional counsel,~~ and the
 384 Florida Housing Finance Corporation.

385 Section 17. Paragraph (p) of subsection (3) of section
 386 790.25, Florida Statutes, is amended to read:

387 790.25 Lawful ownership, possession, and use of firearms
 388 and other weapons.—

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

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

- 397 ~~1. Are employed full time;~~
- 398 ~~2. Meet the official training standards for firearms as~~
 399 ~~established by the Criminal Justice Standards and Training~~

400 ~~Commission as provided in s. 943.12(1) and the requirements of~~
 401 ~~ss. 493.6108(1)(a) and 943.13(1)-(4); and~~

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

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

408 775.15 Time limitations; general time limitations;
 409 exceptions.—

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

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

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

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

439 Section 20. Sections 913.13, 921.137, 921.141, and
440 921.142, Florida Statutes, are repealed.

441 Section 21. Paragraph (c) of subsection (5) of section
442 775.021, Florida Statutes, is amended to read:

443 775.021 Rules of construction.—

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

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

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

454 782.04 Murder.—

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

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

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

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

461 2.b. Arson,

462 3.e. Sexual battery,

463 4.d. Robbery,

464 5.e. Burglary,

465 6.f. Kidnapping,

466 7.g. Escape,

467 8.h. Aggravated child abuse,

468 9.i. Aggravated abuse of an elderly person or disabled
 469 adult,

470 10.j. Aircraft piracy,

471 11.k. Unlawful throwing, placing, or discharging of a
 472 destructive device or bomb,

473 12.l. Carjacking,

474 13.m. Home-invasion robbery,

- 475 14.n. Aggravated stalking,
- 476 15.o. Murder of another human being,
- 477 16.p. Resisting an officer with violence to his or her
- 478 person,
- 479 17.q. Aggravated fleeing or eluding with serious bodily
- 480 injury or death,
- 481 18.r. Felony that is an act of terrorism or is in
- 482 furtherance of an act of terrorism, including a felony under s.
- 483 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or
- 484 19.s. Human trafficking; or
- 485 (c)3. Which resulted from the unlawful distribution by a
- 486 person 18 years of age or older of any of the following
- 487 substances, or mixture containing any of the following
- 488 substances, when such substance or mixture is proven to be the
- 489 proximate cause of the death of the user:
- 490 a. A substance controlled under s. 893.03(1);
- 491 b. Cocaine, as described in s. 893.03(2)(a)4.;
- 492 c. Opium or any synthetic or natural salt, compound,
- 493 derivative, or preparation of opium;
- 494 d. Methadone;
- 495 e. Alfentanil, as described in s. 893.03(2)(b)1.;
- 496 f. Carfentanil, as described in s. 893.03(2)(b)6.;
- 497 g. Fentanyl, as described in s. 893.03(2)(b)9.;
- 498 h. Sufentanil, as described in s. 893.03(2)(b)30.; or
- 499 i. A controlled substance analog, as described in s.

500 893.0356, of any substance specified in sub-subparagraphs a.-h.,
 501
 502 is murder in the first degree and constitutes a capital felony,
 503 punishable as provided in s. 775.082.

504 ~~(b) In all cases under this section, the procedure set~~
 505 ~~forth in s. 921.141 shall be followed in order to determine~~
 506 ~~sentence of death or life imprisonment. If the prosecutor~~
 507 ~~intends to seek the death penalty, the prosecutor must give~~
 508 ~~notice to the defendant and file the notice with the court~~
 509 ~~within 45 days after arraignment. The notice must contain a list~~
 510 ~~of the aggravating factors the state intends to prove and has~~
 511 ~~reason to believe it can prove beyond a reasonable doubt. The~~
 512 ~~court may allow the prosecutor to amend the notice upon a~~
 513 ~~showing of good cause.~~

514 Section 23. Subsection (2) of section 775.30, Florida
 515 Statutes, is amended to read:

516 775.30 Terrorism; defined; penalties.—

517 (2) A person who violates s. 782.04(1)(a) ~~s.~~
 518 ~~782.04(1)(a)1.~~ or (2), s. 782.065, s. 782.07(1), s. 782.09, s.
 519 784.045, s. 784.07, s. 787.01, s. 787.02, s. 787.07, s. 790.115,
 520 s. 790.15, s. 790.16, s. 790.161, s. 790.1615, s. 790.162, s.
 521 790.166, s. 790.19, s. 806.01, s. 806.031, s. 806.111, s.
 522 815.06, s. 815.061, s. 859.01, or s. 876.34, in furtherance of
 523 intimidating or coercing the policy of a government, or in
 524 furtherance of affecting the conduct of a government by mass

525 | destruction, assassination, or kidnapping, commits the crime of
 526 | terrorism, a felony of the first degree, punishable as provided
 527 | in s. 775.082, s. 775.083, or s. 775.084.

528 | Section 24. Paragraph (a) of subsection (9) of section
 529 | 394.912, Florida Statutes, is amended to read:

530 | 394.912 Definitions.—As used in this part, the term:

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

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

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

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

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

548 | Section 26. Paragraph (a) of subsection (2) of section
 549 | 794.011, Florida Statutes, is amended to read:

550 794.011 Sexual battery.—

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

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

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

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

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

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

575 | pay a fine of \$50,000.

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

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

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

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

599 | b. The person's conduct in committing that act led to a

600 natural, though not inevitable, lethal result,
601
602 such person commits the capital felony of trafficking in
603 cocaine, punishable as provided in s. 775.082 ~~ss. 775.082 and~~
604 ~~921.142~~. Any person sentenced for a capital felony under this
605 paragraph shall also be sentenced to pay the maximum fine
606 provided under subparagraph 1.

607 3. Any person who knowingly brings into this state 300
608 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
609 and who knows that the probable result of such importation would
610 be the death of any person, commits capital importation of
611 cocaine, a capital felony punishable as provided in s. 775.082
612 ~~ss. 775.082 and 921.142~~. Any person sentenced for a capital
613 felony under this paragraph shall also be sentenced to pay the
614 maximum fine provided under subparagraph 1.

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

625 provided in s. 775.082, s. 775.083, or s. 775.084. If the
626 quantity involved:

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

630 b. Is 14 grams or more, but less than 28 grams, such
631 person shall be sentenced to a mandatory minimum term of
632 imprisonment of 15 years and shall be ordered to pay a fine of
633 \$100,000.

634 c. Is 28 grams or more, but less than 30 kilograms, such
635 person shall be sentenced to a mandatory minimum term of
636 imprisonment of 25 years and shall be ordered to pay a fine of
637 \$500,000.

638 2. A person who knowingly sells, purchases, manufactures,
639 delivers, or brings into this state, or who is knowingly in
640 actual or constructive possession of, 14 grams or more of
641 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
642 described in s. 893.03(2)(a)1.g., or any salt thereof, or 14
643 grams or more of any mixture containing any such substance,
644 commits a felony of the first degree, which felony shall be
645 known as "trafficking in hydrocodone," punishable as provided in
646 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

647 a. Is 14 grams or more, but less than 28 grams, such
648 person shall be sentenced to a mandatory minimum term of
649 imprisonment of 3 years and shall be ordered to pay a fine of

650 \$50,000.

651 b. Is 28 grams or more, but less than 50 grams, such
652 person shall be sentenced to a mandatory minimum term of
653 imprisonment of 7 years and shall be ordered to pay a fine of
654 \$100,000.

655 c. Is 50 grams or more, but less than 200 grams, such
656 person shall be sentenced to a mandatory minimum term of
657 imprisonment of 15 years and shall be ordered to pay a fine of
658 \$500,000.

659 d. Is 200 grams or more, but less than 30 kilograms, such
660 person shall be sentenced to a mandatory minimum term of
661 imprisonment of 25 years and shall be ordered to pay a fine of
662 \$750,000.

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

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

675 b. Is 14 grams or more, but less than 25 grams, such
 676 person shall be sentenced to a mandatory minimum term of
 677 imprisonment of 7 years and shall be ordered to pay a fine of
 678 \$100,000.

679 c. Is 25 grams or more, but less than 100 grams, such
 680 person shall be sentenced to a mandatory minimum term of
 681 imprisonment of 15 years and shall be ordered to pay a fine of
 682 \$500,000.

683 d. Is 100 grams or more, but less than 30 kilograms, such
 684 person shall be sentenced to a mandatory minimum term of
 685 imprisonment of 25 years and shall be ordered to pay a fine of
 686 \$750,000.

687 4.a. A person who knowingly sells, purchases,
 688 manufactures, delivers, or brings into this state, or who is
 689 knowingly in actual or constructive possession of, 4 grams or
 690 more of:

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

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

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

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

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

696 893.03(1)(a)62.;

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

698 893.0356, of any substance described in sub-sub-subparagraphs

699 (I)-(V); or

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

702

703 commits a felony of the first degree, which felony shall be
704 known as "trafficking in fentanyl," punishable as provided in s.
705 775.082, s. 775.083, or s. 775.084.

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

707 (I) Is 4 grams or more, but less than 14 grams, such
708 person shall be sentenced to a mandatory minimum term of
709 imprisonment of 3 years, and shall be ordered to pay a fine of
710 \$50,000.

711 (II) Is 14 grams or more, but less than 28 grams, such
712 person shall be sentenced to a mandatory minimum term of
713 imprisonment of 15 years, and shall be ordered to pay a fine of
714 \$100,000.

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

718 5. A person who knowingly sells, purchases, manufactures,
719 delivers, or brings into this state, or who is knowingly in
720 actual or constructive possession of, 30 kilograms or more of
721 any morphine, opium, oxycodone, hydrocodone, codeine,
722 hydromorphone, or any salt, derivative, isomer, or salt of an
723 isomer thereof, including heroin, as described in s.
724 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or

725 | more of any mixture containing any such substance, commits the
726 | first degree felony of trafficking in illegal drugs. A person
727 | who has been convicted of the first degree felony of trafficking
728 | in illegal drugs under this subparagraph shall be punished by
729 | life imprisonment and is ineligible for any form of
730 | discretionary early release except pardon or executive clemency
731 | or conditional medical release under s. 947.149. However, if the
732 | court determines that, in addition to committing any act
733 | specified in this paragraph:

734 | a. The person intentionally killed an individual or
735 | counseled, commanded, induced, procured, or caused the
736 | intentional killing of an individual and such killing was the
737 | result; or

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

740 |
741 | such person commits the capital felony of trafficking in illegal
742 | drugs, punishable as provided in s. 775.085 ~~ss. 775.082~~ and
743 | ~~921.142~~. A person sentenced for a capital felony under this
744 | paragraph shall also be sentenced to pay the maximum fine
745 | provided under subparagraph 1.

746 | 6. A person who knowingly brings into this state 60
747 | kilograms or more of any morphine, opium, oxycodone,
748 | hydrocodone, codeine, hydromorphone, or any salt, derivative,
749 | isomer, or salt of an isomer thereof, including heroin, as

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750 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
751 60 kilograms or more of any mixture containing any such
752 substance, and who knows that the probable result of such
753 importation would be the death of a person, commits capital
754 importation of illegal drugs, a capital felony punishable as
755 provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A person
756 sentenced for a capital felony under this paragraph shall also
757 be sentenced to pay the maximum fine provided under subparagraph
758 1.

759 (d)1. Any person who knowingly sells, purchases,
760 manufactures, delivers, or brings into this state, or who is
761 knowingly in actual or constructive possession of, 28 grams or
762 more of phencyclidine, as described in s. 893.03(2)(b)23., a
763 substituted phenylcyclohexylamine, as described in s.
764 893.03(1)(c)195., or a substance described in s.
765 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
766 containing phencyclidine, as described in s. 893.03(2)(b)23., a
767 substituted phenylcyclohexylamine, as described in s.
768 893.03(1)(c)195., or a substance described in s.
769 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of
770 the first degree, which felony shall be known as "trafficking in
771 phencyclidine," punishable as provided in s. 775.082, s.
772 775.083, or s. 775.084. If the quantity involved:

773 a. Is 28 grams or more, but less than 200 grams, such
774 person shall be sentenced to a mandatory minimum term of

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775 imprisonment of 3 years, and the defendant shall be ordered to
776 pay a fine of \$50,000.

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

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

784 2. Any person who knowingly brings into this state 800
785 grams or more of phencyclidine, as described in s.
786 893.03(2)(b)23., a substituted phenylcyclohexylamine, as
787 described in s. 893.03(1)(c)195., or a substance described in s.
788 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
789 containing phencyclidine, as described in s. 893.03(2)(b)23., a
790 substituted phenylcyclohexylamine, as described in s.
791 893.03(1)(c)195., or a substance described in s.
792 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the
793 probable result of such importation would be the death of any
794 person commits capital importation of phencyclidine, a capital
795 felony punishable as provided in s. 775.082 ~~ss. 775.082 and~~
796 ~~921.142~~. Any person sentenced for a capital felony under this
797 paragraph shall also be sentenced to pay the maximum fine
798 provided under subparagraph 1.

799 (e)1. Any person who knowingly sells, purchases,

800 manufactures, delivers, or brings into this state, or who is
 801 knowingly in actual or constructive possession of, 200 grams or
 802 more of methaqualone or of any mixture containing methaqualone,
 803 as described in s. 893.03(1)(d), commits a felony of the first
 804 degree, which felony shall be known as "trafficking in
 805 methaqualone," punishable as provided in s. 775.082, s. 775.083,
 806 or s. 775.084. If the quantity involved:

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

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

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

818 2. Any person who knowingly brings into this state 50
 819 kilograms or more of methaqualone or of any mixture containing
 820 methaqualone, as described in s. 893.03(1)(d), and who knows
 821 that the probable result of such importation would be the death
 822 of any person commits capital importation of methaqualone, a
 823 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~
 824 ~~and 921.142~~. Any person sentenced for a capital felony under

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

827 | (f)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, 14 grams or
830 | more of amphetamine, as described in s. 893.03(2)(c)2., or
831 | methamphetamine, as described in s. 893.03(2)(c)5., or of any
832 | mixture containing amphetamine or methamphetamine, or
833 | phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine
834 | in conjunction with other chemicals and equipment utilized in
835 | the manufacture of amphetamine or methamphetamine, commits a
836 | felony of the first degree, which felony shall be known as
837 | "trafficking in amphetamine," punishable as provided in s.
838 | 775.082, s. 775.083, or s. 775.084. If the quantity involved:

839 | a. Is 14 grams or more, but less than 28 grams, such
840 | person shall be sentenced to a mandatory minimum term of
841 | imprisonment of 3 years, and the defendant shall be ordered to
842 | pay a fine of \$50,000.

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

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

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

864 (g)1. Any person who knowingly sells, purchases,
865 manufactures, delivers, or brings into this state, or who is
866 knowingly in actual or constructive possession of, 4 grams or
867 more of flunitrazepam or any mixture containing flunitrazepam as
868 described in s. 893.03(1)(a) commits a felony of the first
869 degree, which felony shall be known as "trafficking in
870 flunitrazepam," punishable as provided in s. 775.082, s.
871 775.083, or s. 775.084. If the quantity involved:

872 a. Is 4 grams or more but less than 14 grams, such person
873 shall be sentenced to a mandatory minimum term of imprisonment
874 of 3 years, and the defendant shall be ordered to pay a fine of

875 | \$50,000.

876 | b. Is 14 grams or more but less than 28 grams, such person
877 | shall be sentenced to a mandatory minimum term of imprisonment
878 | of 7 years, and the defendant shall be ordered to pay a fine of
879 | \$100,000.

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

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

895 | a. The person intentionally killed an individual or
896 | counseled, commanded, induced, procured, or caused the
897 | intentional killing of an individual and such killing was the
898 | result; or

899 | b. The person's conduct in committing that act led to a

900 natural, though not inevitable, lethal result,
901
902 such person commits the capital felony of trafficking in
903 flunitrazepam, punishable as provided in s. 775.082 ~~ss. 775.082~~
904 ~~and 921.142~~. Any person sentenced for a capital felony under
905 this paragraph shall also be sentenced to pay the maximum fine
906 provided under subparagraph 1.

907 (h)1. Any person who knowingly sells, purchases,
908 manufactures, delivers, or brings into this state, or who is
909 knowingly in actual or constructive possession of, 1 kilogram or
910 more of gamma-hydroxybutyric acid (GHB), as described in s.
911 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
912 acid (GHB), commits a felony of the first degree, which felony
913 shall be known as "trafficking in gamma-hydroxybutyric acid
914 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
915 775.084. If the quantity involved:

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

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

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

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925 to a mandatory minimum term of imprisonment of 15 calendar years
926 and pay a fine of \$250,000.

927 2. Any person who knowingly manufactures or brings into
928 this state 150 kilograms or more of gamma-hydroxybutyric acid
929 (GHB), as described in s. 893.03(1)(d), or any mixture
930 containing gamma-hydroxybutyric acid (GHB), and who knows that
931 the probable result of such manufacture or importation would be
932 the death of any person commits capital manufacture or
933 importation of gamma-hydroxybutyric acid (GHB), a capital felony
934 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.
935 Any person sentenced for a capital felony under this paragraph
936 shall also be sentenced to pay the maximum fine provided under
937 subparagraph 1.

938 (i)1. Any person who knowingly sells, purchases,
939 manufactures, delivers, or brings into this state, or who is
940 knowingly in actual or constructive possession of, 1 kilogram or
941 more of gamma-butyrolactone (GBL), as described in s.
942 893.03(1)(d), or any mixture containing gamma-butyrolactone
943 (GBL), commits a felony of the first degree, which felony shall
944 be known as "trafficking in gamma-butyrolactone (GBL),"
945 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
946 If the quantity involved:

947 a. Is 1 kilogram or more but less than 5 kilograms, such
948 person shall be sentenced to a mandatory minimum term of
949 imprisonment of 3 years, and the defendant shall be ordered to

950 pay a fine of \$50,000.

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

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

958 2. Any person who knowingly manufactures or brings into
 959 the state 150 kilograms or more of gamma-butyrolactone (GBL), as
 960 described in s. 893.03(1)(d), or any mixture containing gamma-
 961 butyrolactone (GBL), and who knows that the probable result of
 962 such manufacture or importation would be the death of any person
 963 commits capital manufacture or importation of gamma-
 964 butyrolactone (GBL), a capital felony punishable as provided in
 965 s. 775.082 ~~ss. 775.082 and 921.142~~. Any person sentenced for a
 966 capital felony under this paragraph shall also be sentenced to
 967 pay the maximum fine provided under subparagraph 1.

968 (j)1. Any person who knowingly sells, purchases,
 969 manufactures, delivers, or brings into this state, or who is
 970 knowingly in actual or constructive possession of, 1 kilogram or
 971 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
 972 any mixture containing 1,4-Butanediol, commits a felony of the
 973 first degree, which felony shall be known as "trafficking in
 974 1,4-Butanediol," punishable as provided in s. 775.082, s.

975 775.083, or s. 775.084. If the quantity involved:

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

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

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

987 2. Any person who knowingly manufactures or brings into
988 this state 150 kilograms or more of 1,4-Butanediol as described
989 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,
990 and who knows that the probable result of such manufacture or
991 importation would be the death of any person commits capital
992 manufacture or importation of 1,4-Butanediol, a capital felony
993 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.
994 Any person sentenced for a capital felony under this paragraph
995 shall also be sentenced to pay the maximum fine provided under
996 subparagraph 1.

997 (k)1. A person who knowingly sells, purchases,
998 manufactures, delivers, or brings into this state, or who is
999 knowingly in actual or constructive possession of, 10 grams or

1000 more of a:

1001 a. Substance described in s. 893.03(1)(c)4., 5., 10., 11.,

1002 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86.,

1003 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163.,

1004 165., or 187.-189., a substituted cathinone, as described in s.

1005 893.03(1)(c)191., or substituted phenethylamine, as described in

1006 s. 893.03(1)(c)192.;

1007 b. Mixture containing any substance described in sub-

1008 subparagraph a.; or

1009 c. Salt, isomer, ester, or ether or salt of an isomer,

1010 ester, or ether of a substance described in sub-subparagraph a.,

1011

1012 commits a felony of the first degree, which felony shall be

1013 known as "trafficking in phenethylamines," punishable as

1014 provided in s. 775.082, s. 775.083, or s. 775.084.

1015 2. If the quantity involved under subparagraph 1.:

1016 a. Is 10 grams or more, but less than 200 grams, such

1017 person shall be sentenced to a mandatory minimum term of

1018 imprisonment of 3 years and shall be ordered to pay a fine of

1019 \$50,000.

1020 b. Is 200 grams or more, but less than 400 grams, such

1021 person shall be sentenced to a mandatory minimum term of

1022 imprisonment of 7 years and shall be ordered to pay a fine of

1023 \$100,000.

1024 c. Is 400 grams or more, such person shall be sentenced to

1025 a mandatory minimum term of imprisonment of 15 years and shall
 1026 be ordered to pay a fine of \$250,000.

1027 3. A person who knowingly manufactures or brings into this
 1028 state 30 kilograms or more of a substance described in sub-
 1029 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,
 1030 or a salt, isomer, ester, or ether or a salt of an isomer,
 1031 ester, or ether described in sub-subparagraph 1.c., and who
 1032 knows that the probable result of such manufacture or
 1033 importation would be the death of any person commits capital
 1034 manufacture or importation of phenethylamines, a capital felony
 1035 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A
 1036 person sentenced for a capital felony under this paragraph shall
 1037 also be sentenced to pay the maximum fine under subparagraph 2.

1038 (1)1. Any person who knowingly sells, purchases,
 1039 manufactures, delivers, or brings into this state, or who is
 1040 knowingly in actual or constructive possession of, 1 gram or
 1041 more of lysergic acid diethylamide (LSD) as described in s.
 1042 893.03(1)(c), or of any mixture containing lysergic acid
 1043 diethylamide (LSD), commits a felony of the first degree, which
 1044 felony shall be known as "trafficking in lysergic acid
 1045 diethylamide (LSD)," punishable as provided in s. 775.082, s.
 1046 775.083, or s. 775.084. If the quantity involved:

1047 a. Is 1 gram or more, but less than 5 grams, such person
 1048 shall be sentenced to a mandatory minimum term of imprisonment
 1049 of 3 years, and the defendant shall be ordered to pay a fine of

1050 \$50,000.

1051 b. Is 5 grams or more, but less than 7 grams, such person
1052 shall be sentenced to a mandatory minimum term of imprisonment
1053 of 7 years, and the defendant shall be ordered to pay a fine of
1054 \$100,000.

1055 c. Is 7 grams or more, such person shall be sentenced to a
1056 mandatory minimum term of imprisonment of 15 calendar years and
1057 pay a fine of \$500,000.

1058 2. Any person who knowingly manufactures or brings into
1059 this state 7 grams or more of lysergic acid diethylamide (LSD)
1060 as described in s. 893.03(1)(c), or any mixture containing
1061 lysergic acid diethylamide (LSD), and who knows that the
1062 probable result of such manufacture or importation would be the
1063 death of any person commits capital manufacture or importation
1064 of lysergic acid diethylamide (LSD), a capital felony punishable
1065 as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. Any person
1066 sentenced for a capital felony under this paragraph shall also
1067 be sentenced to pay the maximum fine provided under subparagraph
1068 1.

1069 (n)1. A person who knowingly sells, purchases,
1070 manufactures, delivers, or brings into this state, or who is
1071 knowingly in actual or constructive possession of, 14 grams or
1072 more of:

1073 a. A substance described in s. 893.03(1)(c)164., 174., or
1074 175., a n-benzyl phenethylamine compound, as described in s.

1075 | 893.03(1)(c)193.; or
 1076 | b. A mixture containing any substance described in sub-
 1077 | subparagraph a.,
 1078 |
 1079 | commits a felony of the first degree, which felony shall be
 1080 | known as "trafficking in n-benzyl phenethylamines," punishable
 1081 | as provided in s. 775.082, s. 775.083, or s. 775.084.
 1082 | 2. If the quantity involved under subparagraph 1.:
 1083 | a. Is 14 grams or more, but less than 100 grams, such
 1084 | person shall be sentenced to a mandatory minimum term of
 1085 | imprisonment of 3 years, and the defendant shall be ordered to
 1086 | pay a fine of \$50,000.
 1087 | b. Is 100 grams or more, but less than 200 grams, such
 1088 | person shall be sentenced to a mandatory minimum term of
 1089 | imprisonment of 7 years, and the defendant shall be ordered to
 1090 | pay a fine of \$100,000.
 1091 | c. Is 200 grams or more, such person shall be sentenced to
 1092 | a mandatory minimum term of imprisonment of 15 years, and the
 1093 | defendant shall be ordered to pay a fine of \$500,000.
 1094 | 3. A person who knowingly manufactures or brings into this
 1095 | state 400 grams or more of a substance described in sub-
 1096 | subparagraph 1.a. or a mixture described in sub-subparagraph
 1097 | 1.b., and who knows that the probable result of such manufacture
 1098 | or importation would be the death of any person commits capital
 1099 | manufacture or importation of a n-benzyl phenethylamine

1100 compound, a capital felony punishable as provided in s. 775.082
 1101 ~~ss. 775.082 and 921.142~~. A person sentenced for a capital felony
 1102 under this paragraph shall also be sentenced to pay the maximum
 1103 fine under subparagraph 2.

1104 Section 28. Paragraph (e) of subsection (4) of section
 1105 944.275, Florida Statutes, is amended to read:

1106 944.275 Gain-time.—

1107 (4)

1108 (e) Notwithstanding subparagraph (b)3., for sentences
 1109 imposed for offenses committed on or after October 1, 2014, the
 1110 department may not grant incentive gain-time if the offense is a
 1111 violation of s. 782.04(1)(b)3. ~~s. 782.04(1)(a)2.c.~~; s.
 1112 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011,
 1113 excluding s. 794.011(10); s. 800.04; s. 825.1025; or s.
 1114 847.0135(5).

1115 Section 29. Paragraph (a) of subsection (5) of section
 1116 948.012, Florida Statutes, is amended to read:

1117 948.012 Split sentence of probation or community control
 1118 and imprisonment.—

1119 (5)(a) Effective for offenses committed on or after
 1120 October 1, 2014, if the court imposes a term of years in
 1121 accordance with s. 775.082 which is less than the maximum
 1122 sentence for the offense, the court must impose a split sentence
 1123 pursuant to subsection (1) for any person who is convicted of a
 1124 violation of:

1125 | 1. Section 782.04(1)(b)3. ~~782.04(1)(a)2.c.;~~
 1126 | 2. Section 787.01(3)(a)2. or 3.;

1127 | 3. Section 787.02(3)(a)2. or 3.;

1128 | 4. Section 794.011, excluding s. 794.011(10);

1129 | 5. Section 800.04;

1130 | 6. Section 825.1025; or

1131 | 7. Section 847.0135(5).

1132 | Section 30. Sections 922.052, 922.06, 922.07, 922.08,
 1133 | 922.095, 922.10, 922.105, 922.108, 922.11, 922.111, 922.12,
 1134 | 922.14, 922.15, 924.055, 924.056, and 924.057, Florida Statutes,
 1135 | are repealed.

1136 | Section 31. Subsection (4) of section 925.11, Florida
 1137 | Statutes, is amended to read:

1138 | 925.11 Postsentencing DNA testing.—

1139 | (4) PRESERVATION OF EVIDENCE.—

1140 | ~~(a)~~ Governmental entities that may be in possession of any
 1141 | physical evidence in the case, including, but not limited to,
 1142 | any investigating law enforcement agency, the clerk of the
 1143 | court, the prosecuting authority, or the Department of Law
 1144 | Enforcement shall maintain any physical evidence collected at
 1145 | the time of the crime for which a postsentencing testing of DNA
 1146 | may be requested.

1147 | ~~(b) In a case in which the death penalty is imposed, the~~
 1148 | ~~evidence shall be maintained for 60 days after execution of the~~
 1149 | ~~sentence. In all other cases, a governmental entity may dispose~~

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1150 ~~of the physical evidence if the term of the sentence imposed in~~
1151 ~~the case has expired and no other provision of law or rule~~
1152 ~~requires that the physical evidence be preserved or retained.~~

1153 Section 32. Paragraphs (g), (h), and (i) of subsection (1)
1154 and subsection (2) of section 945.10, Florida Statutes, are
1155 amended to read:

1156 945.10 Confidential information.—

1157 (1) Except as otherwise provided by law or in this
1158 section, the following records and information held by the
1159 Department of Corrections are confidential and exempt from the
1160 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1161 Constitution:

1162 ~~(g) Information which identifies an executioner, or any~~
1163 ~~person prescribing, preparing, compounding, dispensing, or~~
1164 ~~administering a lethal injection.~~

1165 (g) ~~(h)~~ The identity of any inmate or offender upon whom an
1166 HIV test has been performed and the inmate's or offender's test
1167 results, in accordance with s. 381.004. The term "HIV test" has
1168 the same meaning as provided in s. 381.004. This paragraph is
1169 subject to the Open Government Sunset Review Act of 1995 in
1170 accordance with s. 119.15 and shall stand repealed on October 2,
1171 2022, unless reviewed and saved from repeal through reenactment
1172 by the Legislature.

1173 (h) ~~(i)~~ Records that are otherwise confidential or exempt
1174 from public disclosure by law.

1175 (2) The records and information specified in paragraphs
1176 (1) (a) - (h) ~~(1) (a) - (i)~~ may be released as follows unless
1177 expressly prohibited by federal law:

1178 (a) Information specified in paragraphs (1) (b), (d), and
1179 (f) to the Executive Office of the Governor, the Legislature,
1180 the Florida Commission on Offender Review, the Department of
1181 Children and Families, a private correctional facility or
1182 program that operates under a contract, the Department of Legal
1183 Affairs, a state attorney, the court, or a law enforcement
1184 agency. A request for records or information pursuant to this
1185 paragraph need not be in writing.

1186 (b) Information specified in paragraphs (1) (c), (e), and
1187 (h) ~~(i)~~ to the Executive Office of the Governor, the
1188 Legislature, the Florida Commission on Offender Review, the
1189 Department of Children and Families, a private correctional
1190 facility or program that operates under contract, the Department
1191 of Legal Affairs, a state attorney, the court, or a law
1192 enforcement agency. A request for records or information
1193 pursuant to this paragraph must be in writing and a statement
1194 provided demonstrating a need for the records or information.

1195 (c) Information specified in paragraph (1) (b) to an
1196 attorney representing an inmate under sentence of death, except
1197 those portions of the records containing a victim's statement or
1198 address, or the statement or address of a relative of the
1199 victim. A request for records of information pursuant to this

1200 paragraph must be in writing and a statement provided
1201 demonstrating a need for the records or information.

1202 (d) Information specified in paragraph (1)(b) to a public
1203 defender representing a defendant, except those portions of the
1204 records containing a victim's statement or address, or the
1205 statement or address of a relative of the victim. A request for
1206 records or information pursuant to this paragraph need not be in
1207 writing.

1208 (e) Information specified in paragraph (1)(b) to state or
1209 local governmental agencies. A request for records or
1210 information pursuant to this paragraph must be in writing and a
1211 statement provided demonstrating a need for the records or
1212 information.

1213 (f) Information specified in paragraph (1)(b) to a person
1214 conducting legitimate research. A request for records and
1215 information pursuant to this paragraph must be in writing, the
1216 person requesting the records or information must sign a
1217 confidentiality agreement, and the department must approve the
1218 request in writing.

1219 (g) Protected health information and records specified in
1220 paragraphs (1)(a) and (i) ~~(h)~~ to the Department of Health and
1221 the county health department where an inmate plans to reside if
1222 he or she has tested positive for the presence of the antibody
1223 or antigen to human immunodeficiency virus infection or as
1224 authorized in s. 381.004.

1225 (h) Protected health information and mental health,
 1226 medical, or substance abuse records specified in paragraph
 1227 (1) (a) to the Executive Office of the Governor, the Correctional
 1228 Medical Authority, and the Department of Health for health care
 1229 oversight activities authorized by state or federal law,
 1230 including audits; civil, administrative, or criminal
 1231 investigations; or inspections relating to the provision of
 1232 health services, in accordance with 45 C.F.R. part 164, subpart
 1233 E.

1234 (i) Protected health information and mental health,
 1235 medical, or substance abuse records specified in paragraph
 1236 (1) (a) to a state attorney, a state court, or a law enforcement
 1237 agency conducting an ongoing criminal investigation, if the
 1238 inmate agrees to the disclosure and provides written consent or,
 1239 if the inmate refuses to provide written consent, in response to
 1240 an order of a court of competent jurisdiction, a subpoena,
 1241 including a grand jury, investigative, or administrative
 1242 subpoena, a court-ordered warrant, or a statutorily authorized
 1243 investigative demand or other process as authorized by law, in
 1244 accordance with 45 C.F.R. part 164, subpart E, provided that:

- 1245 1. The protected health information and records sought are
- 1246 relevant and material to a legitimate law enforcement inquiry;
- 1247 2. There is a clear connection between the investigated
- 1248 incident and the inmate whose protected health information and
- 1249 records are sought;

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1250 3. The request is specific and limited in scope to the
1251 extent reasonably practicable in light of the purpose for which
1252 the information or records are sought; and

1253 4. Deidentified information could not reasonably be used.

1254 (j) Protected health information and mental health,
1255 medical, or substance abuse records specified in paragraph
1256 (1)(a) of an inmate who is or is suspected of being the victim
1257 of a crime, to a state attorney or a law enforcement agency if
1258 the inmate agrees to the disclosure and provides written consent
1259 or if the inmate is unable to agree because of incapacity or
1260 other emergency circumstance, in accordance with 45 C.F.R. part
1261 164, subpart E, provided that:

1262 1. Such protected health information and records are
1263 needed to determine whether a violation of law by a person other
1264 than the inmate victim has occurred;

1265 2. Such protected health information or records are not
1266 intended to be used against the inmate victim;

1267 3. The immediate law enforcement activity that depends
1268 upon the disclosure would be materially and adversely affected
1269 by waiting until the inmate victim is able to agree to the
1270 disclosure; and

1271 4. The disclosure is in the best interests of the inmate
1272 victim, as determined by the department.

1273 (k) Protected health information and mental health,
1274 medical, or substance abuse records specified in paragraph

1275 (1) (a) to a state attorney or a law enforcement agency if the
1276 department believes in good faith that the information and
1277 records constitute evidence of criminal conduct that occurred in
1278 a correctional institution or facility, in accordance with 45
1279 C.F.R. part 164, subpart E, provided that:

1280 1. The protected health information and records disclosed
1281 are specific and limited in scope to the extent reasonably
1282 practicable in light of the purpose for which the information or
1283 records are sought;

1284 2. There is a clear connection between the criminal
1285 conduct and the inmate whose protected health information and
1286 records are sought; and

1287 3. Deidentified information could not reasonably be used.

1288 (1) Protected health information and mental health,
1289 medical, or substance abuse records specified in paragraph
1290 (1) (a) to the Division of Risk Management of the Department of
1291 Financial Services, in accordance with 45 C.F.R. part 164,
1292 subpart E, upon certification by the Division of Risk Management
1293 that such information and records are necessary to investigate
1294 and provide legal representation for a claim against the
1295 Department of Corrections.

1296 (m) Protected health information and mental health,
1297 medical, or substance abuse records specified in paragraph
1298 (1) (a) of an inmate who is bringing a legal action against the
1299 department, to the Department of Legal Affairs or to an attorney

1300 retained to represent the department in a legal proceeding, in
 1301 accordance with 45 C.F.R. part 164, subpart E.

1302 (n) Protected health information and mental health,
 1303 medical, or substance abuse records of an inmate as specified in
 1304 paragraph (1)(a) to another correctional institution or facility
 1305 or law enforcement official having lawful custody of the inmate,
 1306 in accordance with 45 C.F.R. part 164, subpart E, if the
 1307 protected health information or records are necessary for:

- 1308 1. The provision of health care to the inmate;
- 1309 2. The health and safety of the inmate or other inmates;
- 1310 3. The health and safety of the officers, employees, or
 1311 others at the correctional institution or facility;
- 1312 4. The health and safety of the individuals or officers
 1313 responsible for transporting the inmate from one correctional
 1314 institution, facility, or setting to another;
- 1315 5. Law enforcement on the premises of the correctional
 1316 institution or facility; or
- 1317 6. The administration and maintenance of the safety,
 1318 security, and good order of the correctional institution or
 1319 facility.

1320 (o) Protected health information and mental health,
 1321 medical, or substance abuse records of an inmate as specified in
 1322 paragraph (1)(a) to the Department of Children and Families and
 1323 the Florida Commission on Offender Review, in accordance with 45
 1324 C.F.R. part 164, subpart E, if the inmate received mental health

1325 treatment while in the custody of the Department of Corrections
1326 and becomes eligible for release under supervision or upon the
1327 end of his or her sentence.

1328 (p) Notwithstanding s. 456.057 and in accordance with 45
1329 C.F.R. part 164, subpart E, protected health information and
1330 mental health, medical, or substance abuse records specified in
1331 paragraph (1)(a) of a deceased inmate or offender to an
1332 individual with authority to act on behalf of the deceased
1333 inmate or offender, upon the individual's request. For purposes
1334 of this section, the following individuals have authority to act
1335 on behalf of a deceased inmate or offender only for the purpose
1336 of requesting access to such protected health information and
1337 records:

1338 1. A person appointed by a court to act as the personal
1339 representative, executor, administrator, curator, or temporary
1340 administrator of the deceased inmate's or offender's estate;

1341 2. If a court has not made a judicial appointment under
1342 subparagraph 1., a person designated by the inmate or offender
1343 to act as his or her personal representative in a last will that
1344 is self-proved under s. 732.503; or

1345 3. If a court has not made a judicial appointment under
1346 subparagraph 1. or if the inmate or offender has not designated
1347 a person in a self-proved last will as provided in subparagraph
1348 2., only the following individuals:

1349 a. A surviving spouse.

1350 b. If there is no surviving spouse, a surviving adult
1351 child of the inmate or offender.

1352 c. If there is no surviving spouse or adult child, a
1353 parent of the inmate or offender.

1354 (q) All requests for access to a deceased inmate's or
1355 offender's protected health information or mental health,
1356 medical, or substance abuse records specified in paragraph
1357 (1) (a) must be in writing and must be accompanied by the
1358 following:

1359 1. If made by a person authorized under subparagraph
1360 (p)1., a copy of the letter of administration and a copy of the
1361 court order appointing such person as the representative of the
1362 inmate's or offender's estate.

1363 2. If made by a person authorized under subparagraph
1364 (p)2., a copy of the self-proved last will designating the
1365 person as the inmate's or offender's representative.

1366 3. If made by a person authorized under subparagraph
1367 (p)3., a letter from the person's attorney verifying the
1368 person's relationship to the inmate or offender and the absence
1369 of a court-appointed representative and self-proved last will.

1370
1371 Records and information released under this subsection remain
1372 confidential and exempt from the provisions of s. 119.07(1) and
1373 s. 24(a), Art. I of the State Constitution when held by the
1374 receiving person or entity.

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1375 | Section 33. This act shall take effect upon becoming a
1376 | law.