

1 A bill to be entitled
2 An act relating to terrorism and terrorist activities;
3 amending s. 775.30, F.S.; extending the applicability
4 of the definition of the term "terrorism" to other
5 sections of ch. 775, F.S.; defining the term
6 "terrorist activity"; providing that a violation of
7 specified criminal provisions with the intent to
8 influence or affect the conduct of government by
9 intimidation or coercion, or to retaliate against
10 government, is a crime of terrorism; providing
11 penalties; providing increased penalties if the action
12 results in death or serious bodily injury; defining
13 the term "serious bodily injury"; amending s. 775.31,
14 F.S.; redefining the term "terrorism"; providing
15 applicability; creating s. 775.32, F.S.; defining
16 terms; prohibiting a person from using, attempting to
17 use, or conspiring to use military-type training
18 received from a designated foreign terrorist
19 organization for certain purposes; providing
20 penalties; providing increased penalties if the
21 actions result in death or serious bodily injury;
22 creating s. 775.33, F.S.; defining terms; prohibiting
23 a person from providing material support or resources,
24 or engaging in other specified actions, to violate
25 specified criminal provisions; providing penalties;

26 | prohibiting a person from attempting to provide,
27 | conspiring to provide, or knowingly providing material
28 | support or resources to a designated foreign terrorist
29 | organization; providing penalties; providing increased
30 | penalties if specified actions result in death or
31 | serious bodily injury; specifying the circumstances
32 | under which a person provides material support by
33 | providing personnel; prohibiting prosecution under
34 | certain circumstances; providing legislative intent;
35 | requiring the Department of Law Enforcement, in
36 | consultation with the Office of the Attorney General,
37 | to create specified guidelines; creating s. 775.34,
38 | F.S.; providing penalties for a person who willfully
39 | becomes a member of a designated foreign terrorist
40 | organization and serves under the direction or control
41 | of the organization with the intent to further the
42 | illegal acts of the organization; providing penalties;
43 | defining the term "designated foreign terrorist
44 | organization"; creating s. 775.35, F.S.; providing
45 | penalties for a person who intentionally disseminates
46 | or spreads any type of contagious, communicable, or
47 | infectious disease among crops, poultry, livestock, or
48 | other animals; providing an affirmative defense;
49 | providing increased penalties if specified actions
50 | result in death or serious bodily injury; defining the

51 term "serious bodily injury"; amending s. 782.04,
52 F.S.; revising the provisions related to terrorism for
53 murder in the first degree, murder in the second
54 degree, and murder in the third degree to include the
55 terrorism felonies created by this act; reenacting ss.
56 373.6055(3)(c), 381.95(1), 395.1056(1)(a) and (2),
57 874.03(7), 907.041(4)(a), 943.0312(2), and
58 943.0321(2), F.S., relating to the definition of the
59 term "terrorism," to incorporate the amendment made to
60 s. 775.30, F.S., in references thereto; reenacting ss.
61 27.401(2), 39.806(1)(d), 63.089(4)(b), 95.11(10),
62 435.04(2)(e), 435.07(4)(c), 775.082(1)(b) and
63 (3)(a), (b), and (c), 775.0823(1), (2), (4), (5), (6),
64 and (7), 782.051, 782.065, 903.133, 921.0022(3)(h) and
65 (i), 921.16(1), 947.146(3)(i), 948.06(8)(c),
66 948.062(1), 985.265(3)(b), and 1012.315(1)(d), F.S.,
67 relating to capital felonies, murder in the first
68 degree, murder in the second degree, and murder in the
69 third degree, to incorporate the amendment made to s.
70 782.04, F.S., in references thereto; reenacting s.
71 1012.467(2)(g), F.S., relating to terrorism and
72 murder, to incorporate the amendments made to ss.
73 775.30 and 782.04, F.S., in references thereto;
74 providing an effective date.
75

76 WHEREAS, the domestic security of the State of Florida and
 77 terrorism prevention within the state's borders are of paramount
 78 importance, and

79 WHEREAS, the threats to the domestic security of the State
 80 of Florida are constantly evolving and expanding, and

81 WHEREAS, it is incumbent upon officials of the State of
 82 Florida to prevent future acts of terrorism and to bring to
 83 justice those who attempt, solicit, support, commit, or conspire
 84 to commit acts of terrorism, and

85 WHEREAS, law enforcement officials in the State of Florida
 86 require adequate and appropriate authority to investigate and
 87 prevent potential acts of terrorism or acts of mass catastrophe
 88 in the state, and

89 WHEREAS, the constitutional rights of the residents and
 90 visitors of the State of Florida are also of great importance,
 91 and those rights can be safeguarded through reasonable
 92 protections in appropriate law enforcement actions, NOW,
 93 THEREFORE,

94

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

96

97 Section 1. Section 775.30, Florida Statutes, is amended to
 98 read:

99 775.30 Terrorism; defined; penalties.-

100 (1) As used in this chapter and the Florida Criminal Code,

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101 the term "terrorism" or "terrorist activity" means an activity
102 that:

103 ~~(1)~~(a) Involves a violent act or an act dangerous to human
104 life which is a violation of the criminal laws of this state or
105 of the United States; or

106 (b) Involves a violation of s. 815.06; and

107 (c)~~(2)~~ Is intended to:

108 1.(a) Intimidate, injure, or coerce a civilian population;

109 2.(b) Influence the policy of a government by intimidation
110 or coercion; or

111 3.(e) Affect the conduct of government through destruction
112 of property, assassination, murder, kidnapping, or aircraft
113 piracy.

114 (2) A person who violates s. 782.04(1)(a)1. or (2), s.
115 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.
116 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16,
117 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.
118 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.
119 859.01, or s. 876.34, when intending to influence or affect by
120 intimidation or coercion, or to retaliate against, the conduct
121 of government, commits the crime of terrorism, a felony of the
122 first degree, punishable as provided in s. 775.082, s. 775.083,
123 or s. 775.084.

124 (3) A person who commits a violation listed in subsection
125 (2) which results in death or serious bodily injury commits a

126 life felony, punishable as provided in s. 775.082, s. 775.083,
127 or s. 775.084. As used in this subsection, the term "serious
128 bodily injury" means an injury to a person which creates a
129 substantial risk of death, serious personal disfigurement, or
130 protracted loss or impairment of the function of a bodily member
131 or an organ.

132 Section 2. Section 775.31, Florida Statutes, is amended to
133 read:

134 775.31 Facilitating or furthering terrorism; felony or
135 misdemeanor reclassification.—

136 (1) If a person is convicted of committing a felony or
137 misdemeanor that facilitated or furthered any act of terrorism,
138 the court shall reclassify the felony or misdemeanor to the next
139 higher degree as provided in this section. The reclassification
140 shall be made in the following manner:

141 (a) In the case of a misdemeanor of the second degree, the
142 offense is reclassified as a misdemeanor of the first degree.

143 (b) In the case of a misdemeanor of the first degree, the
144 offense is reclassified as a felony of the third degree.

145 (c) In the case of a felony of the third degree, the
146 offense is reclassified as a felony of the second degree.

147 (d) In the case of a felony of the second degree, the
148 offense is reclassified as a felony of the first degree.

149 (e) In the case of a felony of the first degree or a
150 felony of the first degree punishable by a term of imprisonment

151 not exceeding life, the offense is reclassified as a life
152 felony.

153 (2) For purposes of sentencing under chapter 921, the
154 following offense severity ranking levels apply:

155 (a) An offense that is a misdemeanor of the first degree
156 and that is reclassified under this section as a felony of the
157 third degree is ranked in level 2 of the offense severity
158 ranking chart.

159 (b) A felony offense that is reclassified under this
160 section is ranked one level above the ranking specified in s.
161 921.0022 or s. 921.0023 for the offense committed.

162 (3) As used in this section, the term "terrorism" has the
163 same meaning as provided in s. 775.30(1) ~~means an activity that:~~

164 ~~(a)1. Involves a violent act or an act dangerous to human~~
165 ~~life which is a violation of the criminal laws of this state or~~
166 ~~of the United States; or~~

167 ~~2. Involves a violation of s. 815.06; and~~

168 ~~(b) Is intended to:~~

169 ~~1. Intimidate, injure, or coerce a civilian population;~~

170 ~~2. Influence the policy of a government by intimidation or~~
171 ~~coercion; or~~

172 ~~3. Affect the conduct of government through destruction of~~
173 ~~property, assassination, murder, kidnapping, or aircraft piracy.~~

174 (4) The reclassification of offenses under this section
175 does not apply to s. 775.30, s. 775.32, s. 775.33, s. 775.34, or

176 s. 775.35.

177 Section 3. Section 775.32, Florida Statutes, is created to
178 read:

179 775.32 Use of military-type training provided by a
180 designated foreign terrorist organization.-

181 (1) As used in this section, the term:

182 (a) "Critical infrastructure facility" has the same
183 meaning as provided in s. 493.631.

184 (b) "Designated foreign terrorist organization" means an
185 organization designated as a terrorist organization under s. 219
186 of the Immigration and Nationality Act.

187 (c) "Military-type training" means training in means or
188 methods that can cause the death of, or serious bodily injury
189 to, another person, destroy or damage property or critical
190 infrastructure facilities, or disrupt services to critical
191 infrastructure; or training on the use, storage, production, or
192 assembly of an explosive, firearm, or other weapon, including a
193 weapon of mass destruction.

194 (d) "Serious bodily injury" has the same meaning as
195 provided in s. 775.30(3).

196 (e) "Weapon of mass destruction" has the same meaning as
197 provided in s. 790.166.

198 (2) A person who has received military-type training from
199 a designated foreign terrorist organization may not use, attempt
200 to use, or conspire to use such military-type training with the

201 intent to harm another person, destroy or damage a critical
202 infrastructure facility, or disrupt services to a critical
203 infrastructure.

204 (3) A person who commits a violation of subsection (2)
205 commits a felony of the second degree, punishable as provided in
206 s. 775.082, s. 775.083, or s. 775.084.

207 (4) A person who commits a violation of subsection (2)
208 which results in the death of, or serious bodily injury to, a
209 person commits a felony of the first degree, punishable as
210 provided in s. 775.082, s. 775.083, or s. 775.084.

211 Section 4. Section 775.33, Florida Statutes, is created to
212 read:

213 775.33 Providing material support or resources for
214 terrorism or to terrorist organizations.-

215 (1) As used in this section, the term:

216 (a) "Designated foreign terrorist organization" has the
217 same meaning as provided in s. 775.32.

218 (b) "Expert advice or assistance" means advice or
219 assistance derived from scientific, technical, or other
220 specialized knowledge.

221 (c) "Material support or resources" means any property,
222 tangible or intangible, or service, including currency or
223 monetary instruments or financial securities, financial
224 services, lodging, training, expert advice or assistance, safe
225 houses, false documentation or identification, communications

226 equipment, facilities, weapons, lethal substances, explosives,
227 personnel, or transportation. The term does not include medicine
228 or religious materials.

229 (d) "Serious bodily injury" has the same meaning as
230 provided in s. 775.30(3).

231 (e) "Training" means instruction or teaching designed to
232 impart a specific skill rather than general knowledge.

233 (2) A person who provides material support or resources or
234 conceals or disguises the nature, location, source, or ownership
235 of the material support or resources, knowing or intending that
236 the support or resources are to be used in preparation for or in
237 carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s.
238 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s.
239 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32,
240 s. 876.34, or s. 876.36; who conceals an escape from the
241 commission of any such violation; or who attempts or conspires
242 to carry out such violation commits a felony of the first
243 degree, punishable as provided in s. 775.082, s. 775.083, or s.
244 775.084.

245 (3) A person who attempts to, conspires to, or knowingly
246 provides material support or resources to a designated foreign
247 terrorist organization commits a felony of the first degree,
248 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
249 To violate this subsection, a person must have knowledge that
250 the organization is a designated foreign terrorist organization

251 or that the organization has engaged in or engages in terrorism
252 or terrorist activity.

253 (4) A person who commits a violation of subsection (2) or
254 subsection (3) which results in death or serious bodily injury
255 commits a life felony, punishable as provided in s. 775.082, s.
256 775.083, or s. 775.084.

257 (5) (a) For purposes of prosecution under subsection (2) or
258 subsection (3), a person is deemed to provide material support
259 or resources by providing personnel if the person knowingly
260 provides, attempts to provide, or conspires to provide himself
261 or herself or another person:

262 1. To a person engaged in, or intending to engage in, an
263 act of terrorism to work under the direction and control of the
264 person engaged in, or intending to engage in, an act of
265 terrorism, or to organize, manage, supervise, or otherwise
266 direct the operations of the person engaged in, or intending to
267 engage in, an act of terrorism; or

268 2. To work under the direction and control of a designated
269 foreign terrorist organization, or to organize, manage,
270 supervise, or otherwise direct the operation of that
271 organization.

272 (b) An individual who acts entirely independently of the
273 person engaged in, or intending to engage in, an act of
274 terrorism or the designated foreign terrorist organization to
275 advance the person's or organization's goals or objectives is

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276 not working under the direction and control of the person
277 engaged in, or intending to engage in, an act of terrorism or
278 the designated foreign terrorist organization.

279 (6) A person may not be prosecuted under this section if
280 his or her activity was authorized by a governmental or law
281 enforcement agency of this state or of the United States in the
282 agency's official capacity and pursuant to a lawful purpose.

283 (7) It is the intent of the Legislature that subsections
284 (2) and (3) be interpreted in a manner consistent with federal
285 case law interpreting 18 U.S.C. ss. 2339A and 2339B,
286 respectively.

287 (8) The Department of Law Enforcement, in consultation
288 with the Office of the Attorney General, shall create guidelines
289 for law enforcement investigations conducted pursuant to this
290 section to ensure the protection of privacy rights, civil
291 rights, and civil liberties.

292 Section 5. Section 775.34, Florida Statutes, is created to
293 read:

294 775.34 Membership in a designated foreign terrorist
295 organization.—A person who willfully becomes a member of a
296 designated foreign terrorist organization and serves under the
297 direction or control of that organization with the intent to
298 further the illegal acts of the organization commits a felony of
299 the second degree, punishable as provided in s. 775.082, s.
300 775.083, or s. 775.084. As used in this section, the term

301 "designated foreign terrorist organization" has the same meaning
 302 as provided in s. 775.32.

303 Section 6. Section 775.35, Florida Statutes, is created to
 304 read:

305 775.35 Agroterrorism; penalties.—

306 (1) A person who intentionally disseminates or spreads any
 307 type of contagious, communicable, or infectious disease among
 308 crops, poultry as defined in s. 583.01, livestock as defined in
 309 s. 588.13, or other animals commits a felony of the second
 310 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 311 775.084. It is an affirmative defense to a charge of violating
 312 this section that the activity is consistent with a medically
 313 recognized procedure or if the activity is done in the course of
 314 legitimate, professional scientific research.

315 (2) A person who commits a violation of subsection (1)
 316 which results in death or serious bodily injury to a person
 317 commits a life felony, punishable as provided in s. 775.082, s.
 318 775.083, or s. 775.084. As used in this subsection, the term
 319 "serious bodily injury" has the same meaning as provided in s.
 320 775.30(3).

321 Section 7. Paragraph (a) of subsection (1) and subsections
 322 (3) and (4) of section 782.04, Florida Statutes, are amended to
 323 read:

324 782.04 Murder.—

325 (1) (a) The unlawful killing of a human being:

- 326 1. When perpetrated from a premeditated design to effect
 327 the death of the person killed or any human being;
 328 2. When committed by a person engaged in the perpetration
 329 of, or in the attempt to perpetrate, any:
- 330 a. Trafficking offense prohibited by s. 893.135(1),
 - 331 b. Arson,
 - 332 c. Sexual battery,
 - 333 d. Robbery,
 - 334 e. Burglary,
 - 335 f. Kidnapping,
 - 336 g. Escape,
 - 337 h. Aggravated child abuse,
 - 338 i. Aggravated abuse of an elderly person or disabled
 339 adult,
 - 340 j. Aircraft piracy,
 - 341 k. Unlawful throwing, placing, or discharging of a
 342 destructive device or bomb,
 - 343 l. Carjacking,
 - 344 m. Home-invasion robbery,
 - 345 n. Aggravated stalking,
 - 346 o. Murder of another human being,
 - 347 p. Resisting an officer with violence to his or her
 348 person,
 - 349 q. Aggravated fleeing or eluding with serious bodily
 350 injury or death,

351 r. Felony that is an act of terrorism or is in furtherance
 352 of an act of terrorism, including a felony under s. 775.30, s.
 353 775.32, s. 775.33, s. 775.34, or s. 775.35, or

354 s. Human trafficking; or

355 3. Which resulted from the unlawful distribution of any
 356 substance controlled under s. 893.03(1), cocaine as described in
 357 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
 358 compound, derivative, or preparation of opium, or methadone by a
 359 person 18 years of age or older, when such drug is proven to be
 360 the proximate cause of the death of the user,

361
 362 is murder in the first degree and constitutes a capital felony,
 363 punishable as provided in s. 775.082.

364 (3) When a human being is killed during the perpetration
 365 of, or during the attempt to perpetrate, any:

- 366 (a) Trafficking offense prohibited by s. 893.135(1),
- 367 (b) Arson,
- 368 (c) Sexual battery,
- 369 (d) Robbery,
- 370 (e) Burglary,
- 371 (f) Kidnapping,
- 372 (g) Escape,
- 373 (h) Aggravated child abuse,
- 374 (i) Aggravated abuse of an elderly person or disabled
 375 adult,

376 (j) Aircraft piracy,
 377 (k) Unlawful throwing, placing, or discharging of a
 378 destructive device or bomb,
 379 (l) Carjacking,
 380 (m) Home-invasion robbery,
 381 (n) Aggravated stalking,
 382 (o) Murder of another human being,
 383 (p) Aggravated fleeing or eluding with serious bodily
 384 injury or death,
 385 (q) Resisting an officer with violence to his or her
 386 person, or
 387 (r) Felony that is an act of terrorism or is in
 388 furtherance of an act of terrorism, including a felony under s.
 389 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,
 390
 391 by a person other than the person engaged in the perpetration of
 392 or in the attempt to perpetrate such felony, the person
 393 perpetrating or attempting to perpetrate such felony commits
 394 murder in the second degree, which constitutes a felony of the
 395 first degree, punishable by imprisonment for a term of years not
 396 exceeding life or as provided in s. 775.082, s. 775.083, or s.
 397 775.084.
 398 (4) The unlawful killing of a human being, when
 399 perpetrated without any design to effect death, by a person
 400 engaged in the perpetration of, or in the attempt to perpetrate,

- 401 any felony other than any:
- 402 (a) Trafficking offense prohibited by s. 893.135(1),
 - 403 (b) Arson,
 - 404 (c) Sexual battery,
 - 405 (d) Robbery,
 - 406 (e) Burglary,
 - 407 (f) Kidnapping,
 - 408 (g) Escape,
 - 409 (h) Aggravated child abuse,
 - 410 (i) Aggravated abuse of an elderly person or disabled
 - 411 adult,
 - 412 (j) Aircraft piracy,
 - 413 (k) Unlawful throwing, placing, or discharging of a
 - 414 destructive device or bomb,
 - 415 (l) Unlawful distribution of any substance controlled
 - 416 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
 - 417 or opium or any synthetic or natural salt, compound, derivative,
 - 418 or preparation of opium by a person 18 years of age or older,
 - 419 when such drug is proven to be the proximate cause of the death
 - 420 of the user,
 - 421 (m) Carjacking,
 - 422 (n) Home-invasion robbery,
 - 423 (o) Aggravated stalking,
 - 424 (p) Murder of another human being,
 - 425 (q) Aggravated fleeing or eluding with serious bodily

426 injury or death,

427 (r) Resisting an officer with violence to his or her
428 person, or

429 (s) Felony that is an act of terrorism or is in
430 furtherance of an act of terrorism, including a felony under s.
431 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,

432
433 is murder in the third degree and constitutes a felony of the
434 second degree, punishable as provided in s. 775.082, s. 775.083,
435 or s. 775.084.

436 Section 8. For the purpose of incorporating the amendment
437 made by this act to section 775.30, Florida Statutes, in a
438 reference thereto, paragraph (c) of subsection (3) of section
439 373.6055, Florida Statutes, is reenacted to read:

440 373.6055 Criminal history checks for certain water
441 management district employees and others.—

442 (3)

443 (c) In addition to other requirements for employment or
444 access established by any water management district pursuant to
445 its water management district's security plan for buildings,
446 facilities, and structures, each water management district's
447 security plan shall provide that:

448 1. Any person who has within the past 7 years been
449 convicted, regardless of whether adjudication was withheld, for
450 a forcible felony as defined in s. 776.08; an act of terrorism

451 as defined in s. 775.30; planting of a hoax bomb as provided in
452 s. 790.165; any violation involving the manufacture, possession,
453 sale, delivery, display, use, or attempted or threatened use of
454 a weapon of mass destruction or hoax weapon of mass destruction
455 as provided in s. 790.166; dealing in stolen property; any
456 violation of s. 893.135; any violation involving the sale,
457 manufacturing, delivery, or possession with intent to sell,
458 manufacture, or deliver a controlled substance; burglary;
459 robbery; any felony violation of s. 812.014; any violation of s.
460 790.07; any crime an element of which includes use or possession
461 of a firearm; any conviction for any similar offenses under the
462 laws of another jurisdiction; or conviction for conspiracy to
463 commit any of the listed offenses may not be qualified for
464 initial employment within or authorized regular access to
465 buildings, facilities, or structures defined in the water
466 management district's security plan as restricted access areas.

467 2. Any person who has at any time been convicted of any of
468 the offenses listed in subparagraph 1. may not be qualified for
469 initial employment within or authorized regular access to
470 buildings, facilities, or structures defined in the water
471 management district's security plan as restricted access areas
472 unless, after release from incarceration and any supervision
473 imposed as a sentence, the person remained free from a
474 subsequent conviction, regardless of whether adjudication was
475 withheld, for any of the listed offenses for a period of at

476 | least 7 years prior to the employment or access date under
477 | consideration.

478 | Section 9. For the purpose of incorporating the amendment
479 | made by this act to section 775.30, Florida Statutes, in a
480 | reference thereto, subsection (1) of section 381.95, Florida
481 | Statutes, is reenacted to read:

482 | 381.95 Medical facility information maintained for
483 | terrorism response purposes; confidentiality.—

484 | (1) Any information identifying or describing the name,
485 | location, pharmaceutical cache, contents, capacity, equipment,
486 | physical features, or capabilities of individual medical
487 | facilities, storage facilities, or laboratories established,
488 | maintained, or regulated by the Department of Health as part of
489 | the state's plan to defend against an act of terrorism as
490 | defined in s. 775.30 is exempt from s. 119.07(1) and s. 24(a),
491 | Art. I of the State Constitution. This exemption is remedial in
492 | nature, and it is the intent of the Legislature that this
493 | exemption apply to information held by the Department of Health
494 | before, on, or after the effective date of this section.

495 | Section 10. For the purpose of incorporating the amendment
496 | made by this act to section 775.30, Florida Statutes, in
497 | references thereto, paragraph (a) of subsection (1) and
498 | subsection (2) of section 395.1056, Florida Statutes, are
499 | reenacted to read:

500 | 395.1056 Plan components addressing a hospital's response

501 to terrorism; public records exemption; public meetings
502 exemption.—

503 (1) (a) Those portions of a comprehensive emergency
504 management plan that address the response of a public or private
505 hospital to an act of terrorism as defined by s. 775.30 held by
506 the agency, a state or local law enforcement agency, a county or
507 municipal emergency management agency, the Executive Office of
508 the Governor, the Department of Health, or the Division of
509 Emergency Management are confidential and exempt from s.
510 119.07(1) and s. 24(a), Art. I of the State Constitution.

511 (2) Those portions of a comprehensive emergency management
512 plan that address the response of a public hospital to an act of
513 terrorism as defined by s. 775.30 held by that public hospital
514 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State
515 Constitution. Portions of a comprehensive emergency management
516 plan that address the response of a public hospital to an act of
517 terrorism include those portions addressing:

- 518 (a) Security systems or plans;
519 (b) Vulnerability analyses;
520 (c) Emergency evacuation transportation;
521 (d) Sheltering arrangements;
522 (e) Postdisaster activities, including provisions for
523 emergency power, communications, food, and water;
524 (f) Postdisaster transportation;
525 (g) Supplies, including drug caches;

- 526 (h) Staffing;
- 527 (i) Emergency equipment; and
- 528 (j) Individual identification of residents, transfer of
- 529 records, and methods of responding to family inquiries.

530 Section 11. For the purpose of incorporating the amendment
 531 made by this act to section 775.30, Florida Statutes, in a
 532 reference thereto, subsection (7) of section 874.03, Florida
 533 Statutes, is reenacted to read:

534 874.03 Definitions.—As used in this chapter:

535 (7) "Terrorist organization" means any organized group
 536 engaged in or organized for the purpose of engaging in terrorism
 537 as defined in s. 775.30. This definition shall not be construed
 538 to prevent prosecution under this chapter of individuals acting
 539 alone.

540 Section 12. For the purpose of incorporating the amendment
 541 made by this act to section 775.30, Florida Statutes, in a
 542 reference thereto, paragraph (a) of subsection (4) of section
 543 907.041, Florida Statutes, is reenacted to read:

544 907.041 Pretrial detention and release.—

545 (4) PRETRIAL DETENTION.—

546 (a) As used in this subsection, "dangerous crime" means
 547 any of the following:

- 548 1. Arson;
- 549 2. Aggravated assault;
- 550 3. Aggravated battery;

- 551 4. Illegal use of explosives;
- 552 5. Child abuse or aggravated child abuse;
- 553 6. Abuse of an elderly person or disabled adult, or
- 554 aggravated abuse of an elderly person or disabled adult;
- 555 7. Aircraft piracy;
- 556 8. Kidnapping;
- 557 9. Homicide;
- 558 10. Manslaughter;
- 559 11. Sexual battery;
- 560 12. Robbery;
- 561 13. Carjacking;
- 562 14. Lewd, lascivious, or indecent assault or act upon or
- 563 in presence of a child under the age of 16 years;
- 564 15. Sexual activity with a child, who is 12 years of age
- 565 or older but less than 18 years of age, by or at solicitation of
- 566 person in familial or custodial authority;
- 567 16. Burglary of a dwelling;
- 568 17. Stalking and aggravated stalking;
- 569 18. Act of domestic violence as defined in s. 741.28;
- 570 19. Home invasion robbery;
- 571 20. Act of terrorism as defined in s. 775.30;
- 572 21. Manufacturing any substances in violation of chapter
- 573 893; and
- 574 22. Attempting or conspiring to commit any such crime.
- 575 Section 13. For the purpose of incorporating the amendment

576 made by this act to section 775.30, Florida Statutes, in
577 references thereto, subsection (2) of section 943.0312, Florida
578 Statutes, is reenacted to read:

579 943.0312 Regional domestic security task forces.—The
580 Legislature finds that there is a need to develop and implement
581 a statewide strategy to address prevention, preparation,
582 protection, response, and recovery efforts by federal, state,
583 and local law enforcement agencies, emergency management
584 agencies, fire and rescue departments, first-responder personnel
585 and others in dealing with potential or actual terrorist acts
586 within or affecting this state.

587 (2) In accordance with the state's domestic security
588 strategic goals and objectives, each task force shall coordinate
589 efforts to counter terrorism, as defined by s. 775.30, among
590 local, state, and federal resources to ensure that such efforts
591 are not fragmented or unnecessarily duplicated; coordinate
592 training for local and state personnel to counter terrorism as
593 defined by s. 775.30; coordinate the collection and
594 dissemination of investigative and intelligence information; and
595 facilitate responses to terrorist incidents within or affecting
596 each region. With the approval of the Chief of Domestic
597 Security, the task forces may incorporate other objectives
598 reasonably related to the goals of enhancing the state's
599 domestic security and ability to detect, prevent, and respond to
600 acts of terrorism within or affecting this state. Each task

601 force shall take into account the variety of conditions and
602 resources present within its region.

603 Section 14. For the purpose of incorporating the amendment
604 made by this act to section 775.30, Florida Statutes, in a
605 reference thereto, subsection (2) of section 943.0321, Florida
606 Statutes, is reenacted to read:

607 943.0321 The Florida Domestic Security and Counter-
608 Terrorism Intelligence Center and the Florida Domestic Security
609 and Counter-Terrorism Database.—

610 (2) The intelligence center shall:

611 (a) Gather, document, and analyze active criminal
612 intelligence and criminal investigative information related to
613 terrorism, as defined in s. 775.30, including information
614 related to individuals or groups that plot, plan, or coordinate
615 acts of terrorism, as defined in s. 775.30, and that operate
616 within this state or otherwise commit acts affecting this state;

617 (b) Maintain and operate the domestic security and
618 counter-terrorism database; and

619 (c) Provide support and assistance to federal, state, and
620 local law enforcement agencies and prosecutors that investigate
621 or prosecute terrorism, as defined in s. 775.30.

622 Section 15. For the purpose of incorporating the amendment
623 made by this act to section 782.04, Florida Statutes, in a
624 reference thereto, subsection (2) of section 27.401, Florida
625 Statutes, is reenacted to read:

626 27.401 Cross-Circuit Conflict Representation Pilot
627 Program.—

628 (2) Notwithstanding ss. 27.40 and 27.5305:

629 (a) If the public defender in the Tenth Judicial Circuit
630 is unable to provide representation to an indigent defendant
631 charged with a crime under s. 782.04(2), (3), or (4) due to a
632 conflict of interest and the criminal conflict and civil
633 regional counsel of the Second Region is also unable to provide
634 representation for the case due to a conflict of interest, the
635 public defender in the Thirteenth Judicial Circuit shall be
636 appointed. If the public defender in the Thirteenth Judicial
637 Circuit is unable to provide representation for the case due to
638 a conflict of interest, the criminal conflict and civil regional
639 counsel in the Fifth Region shall be appointed. If the criminal
640 conflict and civil regional counsel in the Fifth Region is
641 unable to provide representation due to a conflict of interest,
642 private counsel shall be appointed.

643 (b) If the public defender in the Thirteenth Judicial
644 Circuit is unable to provide representation to an indigent
645 defendant charged with a crime under s. 782.04(2), (3), or (4)
646 due to a conflict of interest and the criminal conflict and
647 civil regional counsel of the Second Region is also unable to
648 provide representation for the case due to a conflict of
649 interest, the public defender in the Tenth Judicial Circuit
650 shall be appointed. If the public defender in the Tenth Judicial

651 Circuit is unable to provide representation for the case due to
 652 a conflict of interest, the criminal conflict and civil regional
 653 counsel in the Fifth Region shall be appointed. If the criminal
 654 conflict and civil regional counsel in the Fifth Region is
 655 unable to provide representation due to a conflict of interest,
 656 private counsel shall be appointed.

657 Section 16. For the purpose of incorporating the amendment
 658 made by this act to section 782.04, Florida Statutes, in a
 659 reference thereto, paragraph (d) of subsection (1) of section
 660 39.806, Florida Statutes, is reenacted to read:

661 39.806 Grounds for termination of parental rights.—

662 (1) Grounds for the termination of parental rights may be
 663 established under any of the following circumstances:

664 (d) When the parent of a child is incarcerated and either:

665 1. The period of time for which the parent is expected to
 666 be incarcerated will constitute a significant portion of the
 667 child's minority. When determining whether the period of time is
 668 significant, the court shall consider the child's age and the
 669 child's need for a permanent and stable home. The period of time
 670 begins on the date that the parent enters into incarceration;

671 2. The incarcerated parent has been determined by the
 672 court to be a violent career criminal as defined in s. 775.084,
 673 a habitual violent felony offender as defined in s. 775.084, or
 674 a sexual predator as defined in s. 775.21; has been convicted of
 675 first degree or second degree murder in violation of s. 782.04

676 or a sexual battery that constitutes a capital, life, or first
677 degree felony violation of s. 794.011; or has been convicted of
678 an offense in another jurisdiction which is substantially
679 similar to one of the offenses listed in this paragraph. As used
680 in this section, the term "substantially similar offense" means
681 any offense that is substantially similar in elements and
682 penalties to one of those listed in this subparagraph, and that
683 is in violation of a law of any other jurisdiction, whether that
684 of another state, the District of Columbia, the United States or
685 any possession or territory thereof, or any foreign
686 jurisdiction; or

687 3. The court determines by clear and convincing evidence
688 that continuing the parental relationship with the incarcerated
689 parent would be harmful to the child and, for this reason, that
690 termination of the parental rights of the incarcerated parent is
691 in the best interest of the child. When determining harm, the
692 court shall consider the following factors:

- 693 a. The age of the child.
- 694 b. The relationship between the child and the parent.
- 695 c. The nature of the parent's current and past provision
696 for the child's developmental, cognitive, psychological, and
697 physical needs.
- 698 d. The parent's history of criminal behavior, which may
699 include the frequency of incarceration and the unavailability of
700 the parent to the child due to incarceration.

701 e. Any other factor the court deems relevant.

702 Section 17. For the purpose of incorporating the amendment
703 made by this act to section 782.04, Florida Statutes, in
704 references thereto, paragraph (b) of subsection (4) of section
705 63.089, Florida Statutes, is reenacted to read:

706 63.089 Proceeding to terminate parental rights pending
707 adoption; hearing; grounds; dismissal of petition; judgment.—

708 (4) FINDING OF ABANDONMENT.—A finding of abandonment
709 resulting in a termination of parental rights must be based upon
710 clear and convincing evidence that a parent or person having
711 legal custody has abandoned the child in accordance with the
712 definition contained in s. 63.032. A finding of abandonment may
713 also be based upon emotional abuse or a refusal to provide
714 reasonable financial support, when able, to a birth mother
715 during her pregnancy or on whether the person alleged to have
716 abandoned the child, while being able, failed to establish
717 contact with the child or accept responsibility for the child's
718 welfare.

719 (b) The child has been abandoned when the parent of a
720 child is incarcerated on or after October 1, 2001, in a federal,
721 state, or county correctional institution and:

722 1. The period of time for which the parent has been or is
723 expected to be incarcerated will constitute a significant
724 portion of the child's minority. In determining whether the
725 period of time is significant, the court shall consider the

726 child's age and the child's need for a permanent and stable
727 home. The period of time begins on the date that the parent
728 enters into incarceration;

729 2. The incarcerated parent has been determined by a court
730 of competent jurisdiction to be a violent career criminal as
731 defined in s. 775.084, a habitual violent felony offender as
732 defined in s. 775.084, convicted of child abuse as defined in s.
733 827.03, or a sexual predator as defined in s. 775.21; has been
734 convicted of first degree or second degree murder in violation
735 of s. 782.04 or a sexual battery that constitutes a capital,
736 life, or first degree felony violation of s. 794.011; or has
737 been convicted of a substantially similar offense in another
738 jurisdiction. As used in this section, the term "substantially
739 similar offense" means any offense that is substantially similar
740 in elements and penalties to one of those listed in this
741 subparagraph, and that is in violation of a law of any other
742 jurisdiction, whether that of another state, the District of
743 Columbia, the United States or any possession or territory
744 thereof, or any foreign jurisdiction; or

745 3. The court determines by clear and convincing evidence
746 that continuing the parental relationship with the incarcerated
747 parent would be harmful to the child and, for this reason,
748 termination of the parental rights of the incarcerated parent is
749 in the best interests of the child.

750 Section 18. For the purpose of incorporating the amendment

751 made by this act to section 782.04, Florida Statutes, in
 752 references thereto, subsection (10) of section 95.11, Florida
 753 Statutes, is reenacted to read:

754 95.11 Limitations other than for the recovery of real
 755 property.—Actions other than for recovery of real property shall
 756 be commenced as follows:

757 (10) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS
 758 DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph
 759 (4) (d), an action for wrongful death seeking damages authorized
 760 under s. 768.21 brought against a natural person for an
 761 intentional tort resulting in death from acts described in s.
 762 782.04 or s. 782.07 may be commenced at any time. This
 763 subsection shall not be construed to require an arrest, the
 764 filing of formal criminal charges, or a conviction for a
 765 violation of s. 782.04 or s. 782.07 as a condition for filing a
 766 civil action.

767 Section 19. For the purpose of incorporating the amendment
 768 made by this act to section 782.04, Florida Statutes, in a
 769 reference thereto, paragraph (e) of subsection (2) of section
 770 435.04, Florida Statutes, is reenacted to read:

771 435.04 Level 2 screening standards.—

772 (2) The security background investigations under this
 773 section must ensure that no persons subject to the provisions of
 774 this section have been arrested for and are awaiting final
 775 disposition of, have been found guilty of, regardless of

776 adjudication, or entered a plea of nolo contendere or guilty to,
777 or have been adjudicated delinquent and the record has not been
778 sealed or expunged for, any offense prohibited under any of the
779 following provisions of state law or similar law of another
780 jurisdiction:

781 (e) Section 782.04, relating to murder.

782 Section 20. For the purpose of incorporating the amendment
783 made by this act to section 782.04, Florida Statutes, in a
784 reference thereto, paragraph (c) of subsection (4) of section
785 435.07, Florida Statutes, is reenacted to read:

786 435.07 Exemptions from disqualification.—Unless otherwise
787 provided by law, the provisions of this section apply to
788 exemptions from disqualification for disqualifying offenses
789 revealed pursuant to background screenings required under this
790 chapter, regardless of whether those disqualifying offenses are
791 listed in this chapter or other laws.

792 (4)

793 (c) Disqualification from employment under this chapter
794 may not be removed from, and an exemption may not be granted to,
795 any current or prospective child care personnel, as defined in
796 s. 402.302(3), and such a person is disqualified from employment
797 as child care personnel, regardless of any previous exemptions
798 from disqualification, if the person has been registered as a
799 sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has
800 been arrested for and is awaiting final disposition of, has been

801 convicted or found guilty of, or entered a plea of guilty or
802 nolo contendere to, regardless of adjudication, or has been
803 adjudicated delinquent and the record has not been sealed or
804 expunged for, any offense prohibited under any of the following
805 provisions of state law or a similar law of another
806 jurisdiction:

807 1. A felony offense prohibited under any of the following
808 statutes:

809 a. Chapter 741, relating to domestic violence.

810 b. Section 782.04, relating to murder.

811 c. Section 782.07, relating to manslaughter, aggravated
812 manslaughter of an elderly person or disabled adult, aggravated
813 manslaughter of a child, or aggravated manslaughter of an
814 officer, a firefighter, an emergency medical technician, or a
815 paramedic.

816 d. Section 784.021, relating to aggravated assault.

817 e. Section 784.045, relating to aggravated battery.

818 f. Section 787.01, relating to kidnapping.

819 g. Section 787.025, relating to luring or enticing a
820 child.

821 h. Section 787.04(2), relating to leading, taking,
822 enticing, or removing a minor beyond the state limits, or
823 concealing the location of a minor, with criminal intent pending
824 custody proceedings.

825 i. Section 787.04(3), relating to leading, taking,

826 | enticing, or removing a minor beyond the state limits, or
827 | concealing the location of a minor, with criminal intent pending
828 | dependency proceedings or proceedings concerning alleged abuse
829 | or neglect of a minor.

830 | j. Section 794.011, relating to sexual battery.

831 | k. Former s. 794.041, relating to sexual activity with or
832 | solicitation of a child by a person in familial or custodial
833 | authority.

834 | l. Section 794.05, relating to unlawful sexual activity
835 | with certain minors.

836 | m. Section 794.08, relating to female genital mutilation.

837 | n. Section 806.01, relating to arson.

838 | o. Section 826.04, relating to incest.

839 | p. Section 827.03, relating to child abuse, aggravated
840 | child abuse, or neglect of a child.

841 | q. Section 827.04, relating to contributing to the
842 | delinquency or dependency of a child.

843 | r. Section 827.071, relating to sexual performance by a
844 | child.

845 | s. Chapter 847, relating to child pornography.

846 | t. Section 985.701, relating to sexual misconduct in
847 | juvenile justice programs.

848 | 2. A misdemeanor offense prohibited under any of the
849 | following statutes:

850 | a. Section 784.03, relating to battery, if the victim of

851 the offense was a minor.

852 b. Section 787.025, relating to luring or enticing a
853 child.

854 c. Chapter 847, relating to child pornography.

855 3. A criminal act committed in another state or under
856 federal law which, if committed in this state, constitutes an
857 offense prohibited under any statute listed in subparagraph 1.
858 or subparagraph 2.

859 Section 21. For the purpose of incorporating the amendment
860 made by this act to section 782.04, Florida Statutes, in
861 references thereto, paragraph (b) of subsection (1) and
862 paragraphs (a), (b), and (c) of subsection (3) of section
863 775.082, Florida Statutes, are reenacted to read:

864 775.082 Penalties; applicability of sentencing structures;
865 mandatory minimum sentences for certain reoffenders previously
866 released from prison.—

867 (1)

868 (b)1. A person who actually killed, intended to kill, or
869 attempted to kill the victim and who is convicted under s.
870 782.04 of a capital felony, or an offense that was reclassified
871 as a capital felony, which was committed before the person
872 attained 18 years of age shall be punished by a term of
873 imprisonment for life if, after a sentencing hearing conducted
874 by the court in accordance with s. 921.1401, the court finds
875 that life imprisonment is an appropriate sentence. If the court

876 finds that life imprisonment is not an appropriate sentence,
877 such person shall be punished by a term of imprisonment of at
878 least 40 years. A person sentenced pursuant to this subparagraph
879 is entitled to a review of his or her sentence in accordance
880 with s. 921.1402(2)(a).

881 2. A person who did not actually kill, intend to kill, or
882 attempt to kill the victim and who is convicted under s. 782.04
883 of a capital felony, or an offense that was reclassified as a
884 capital felony, which was committed before the person attained
885 18 years of age may be punished by a term of imprisonment for
886 life or by a term of years equal to life if, after a sentencing
887 hearing conducted by the court in accordance with s. 921.1401,
888 the court finds that life imprisonment is an appropriate
889 sentence. A person who is sentenced to a term of imprisonment of
890 more than 15 years is entitled to a review of his or her
891 sentence in accordance with s. 921.1402(2)(c).

892 3. The court shall make a written finding as to whether a
893 person is eligible for a sentence review hearing under s.
894 921.1402(2)(a) or (c). Such a finding shall be based upon
895 whether the person actually killed, intended to kill, or
896 attempted to kill the victim. The court may find that multiple
897 defendants killed, intended to kill, or attempted to kill the
898 victim.

899 (3) A person who has been convicted of any other
900 designated felony may be punished as follows:

901 (a)1. For a life felony committed before October 1, 1983,
 902 by a term of imprisonment for life or for a term of at least 30
 903 years.

904 2. For a life felony committed on or after October 1,
 905 1983, by a term of imprisonment for life or by a term of
 906 imprisonment not exceeding 40 years.

907 3. Except as provided in subparagraph 4., for a life
 908 felony committed on or after July 1, 1995, by a term of
 909 imprisonment for life or by imprisonment for a term of years not
 910 exceeding life imprisonment.

911 4.a. Except as provided in sub-subparagraph b., for a life
 912 felony committed on or after September 1, 2005, which is a
 913 violation of s. 800.04(5)(b), by:

914 (I) A term of imprisonment for life; or

915 (II) A split sentence that is a term of at least 25 years'
 916 imprisonment and not exceeding life imprisonment, followed by
 917 probation or community control for the remainder of the person's
 918 natural life, as provided in s. 948.012(4).

919 b. For a life felony committed on or after July 1, 2008,
 920 which is a person's second or subsequent violation of s.
 921 800.04(5)(b), by a term of imprisonment for life.

922 5. Notwithstanding subparagraphs 1.-4., a person who is
 923 convicted under s. 782.04 of an offense that was reclassified as
 924 a life felony which was committed before the person attained 18
 925 years of age may be punished by a term of imprisonment for life

926 or by a term of years equal to life imprisonment if the judge
927 conducts a sentencing hearing in accordance with s. 921.1401 and
928 finds that life imprisonment or a term of years equal to life
929 imprisonment is an appropriate sentence.

930 a. A person who actually killed, intended to kill, or
931 attempted to kill the victim and is sentenced to a term of
932 imprisonment of more than 25 years is entitled to a review of
933 his or her sentence in accordance with s. 921.1402(2)(b).

934 b. A person who did not actually kill, intend to kill, or
935 attempt to kill the victim and is sentenced to a term of
936 imprisonment of more than 15 years is entitled to a review of
937 his or her sentence in accordance with s. 921.1402(2)(c).

938 c. The court shall make a written finding as to whether a
939 person is eligible for a sentence review hearing under s.
940 921.1402(2)(b) or (c). Such a finding shall be based upon
941 whether the person actually killed, intended to kill, or
942 attempted to kill the victim. The court may find that multiple
943 defendants killed, intended to kill, or attempted to kill the
944 victim.

945 6. For a life felony committed on or after October 1,
946 2014, which is a violation of s. 787.06(3)(g), by a term of
947 imprisonment for life.

948 (b)1. For a felony of the first degree, by a term of
949 imprisonment not exceeding 30 years or, when specifically
950 provided by statute, by imprisonment for a term of years not

951 exceeding life imprisonment.

952 2. Notwithstanding subparagraph 1., a person convicted
953 under s. 782.04 of a first degree felony punishable by a term of
954 years not exceeding life imprisonment, or an offense that was
955 reclassified as a first degree felony punishable by a term of
956 years not exceeding life, which was committed before the person
957 attained 18 years of age may be punished by a term of years
958 equal to life imprisonment if the judge conducts a sentencing
959 hearing in accordance with s. 921.1401 and finds that a term of
960 years equal to life imprisonment is an appropriate sentence.

961 a. A person who actually killed, intended to kill, or
962 attempted to kill the victim and is sentenced to a term of
963 imprisonment of more than 25 years is entitled to a review of
964 his or her sentence in accordance with s. 921.1402(2)(b).

965 b. A person who did not actually kill, intend to kill, or
966 attempt to kill the victim and is sentenced to a term of
967 imprisonment of more than 15 years is entitled to a review of
968 his or her sentence in accordance with s. 921.1402(2)(c).

969 c. The court shall make a written finding as to whether a
970 person is eligible for a sentence review hearing under s.
971 921.1402(2)(b) or (c). Such a finding shall be based upon
972 whether the person actually killed, intended to kill, or
973 attempted to kill the victim. The court may find that multiple
974 defendants killed, intended to kill, or attempted to kill the
975 victim.

976 (c) Notwithstanding paragraphs (a) and (b), a person
 977 convicted of an offense that is not included in s. 782.04 but
 978 that is an offense that is a life felony or is punishable by a
 979 term of imprisonment for life or by a term of years not
 980 exceeding life imprisonment, or an offense that was reclassified
 981 as a life felony or an offense punishable by a term of
 982 imprisonment for life or by a term of years not exceeding life
 983 imprisonment, which was committed before the person attained 18
 984 years of age may be punished by a term of imprisonment for life
 985 or a term of years equal to life imprisonment if the judge
 986 conducts a sentencing hearing in accordance with s. 921.1401 and
 987 finds that life imprisonment or a term of years equal to life
 988 imprisonment is an appropriate sentence. A person who is
 989 sentenced to a term of imprisonment of more than 20 years is
 990 entitled to a review of his or her sentence in accordance with
 991 s. 921.1402(2)(d).

992 Section 22. For the purpose of incorporating the amendment
 993 made by this act to section 782.04, Florida Statutes, in
 994 references thereto, subsections (1), (2), (4), (5), (6), and (7)
 995 of section 775.0823, Florida Statutes, are reenacted to read:

996 775.0823 Violent offenses committed against law
 997 enforcement officers, correctional officers, state attorneys,
 998 assistant state attorneys, justices, or judges.—The Legislature
 999 does hereby provide for an increase and certainty of penalty for
 1000 any person convicted of a violent offense against any law

1001 enforcement or correctional officer, as defined in s. 943.10(1),
1002 (2), (3), (6), (7), (8), or (9); against any state attorney
1003 elected pursuant to s. 27.01 or assistant state attorney
1004 appointed under s. 27.181; or against any justice or judge of a
1005 court described in Art. V of the State Constitution, which
1006 offense arises out of or in the scope of the officer's duty as a
1007 law enforcement or correctional officer, the state attorney's or
1008 assistant state attorney's duty as a prosecutor or investigator,
1009 or the justice's or judge's duty as a judicial officer, as
1010 follows:

1011 (1) For murder in the first degree as described in s.
1012 782.04(1), if the death sentence is not imposed, a sentence of
1013 imprisonment for life without eligibility for release.

1014 (2) For attempted murder in the first degree as described
1015 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,
1016 or s. 775.084.

1017 (4) For murder in the second degree as described in s.
1018 782.04(2) and (3), a sentence pursuant to s. 775.082, s.
1019 775.083, or s. 775.084.

1020 (5) For attempted murder in the second degree as described
1021 in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s.
1022 775.083, or s. 775.084.

1023 (6) For murder in the third degree as described in s.
1024 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s.
1025 775.084.

1026 (7) For attempted murder in the third degree as described
 1027 in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083,
 1028 or s. 775.084.

1029
 1030 Notwithstanding the provisions of s. 948.01, with respect to any
 1031 person who is found to have violated this section, adjudication
 1032 of guilt or imposition of sentence shall not be suspended,
 1033 deferred, or withheld.

1034 Section 23. For the purpose of incorporating the amendment
 1035 made by this act to section 782.04, Florida Statutes, in
 1036 references thereto, section 782.051, Florida Statutes, is
 1037 reenacted to read:

1038 782.051 Attempted felony murder.—

1039 (1) Any person who perpetrates or attempts to perpetrate
 1040 any felony enumerated in s. 782.04(3) and who commits, aids, or
 1041 abets an intentional act that is not an essential element of the
 1042 felony and that could, but does not, cause the death of another
 1043 commits a felony of the first degree, punishable by imprisonment
 1044 for a term of years not exceeding life, or as provided in s.
 1045 775.082, s. 775.083, or s. 775.084, which is an offense ranked
 1046 in level 9 of the Criminal Punishment Code. Victim injury points
 1047 shall be scored under this subsection.

1048 (2) Any person who perpetrates or attempts to perpetrate
 1049 any felony other than a felony enumerated in s. 782.04(3) and
 1050 who commits, aids, or abets an intentional act that is not an

1051 essential element of the felony and that could, but does not,
1052 cause the death of another commits a felony of the first degree,
1053 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
1054 which is an offense ranked in level 8 of the Criminal Punishment
1055 Code. Victim injury points shall be scored under this
1056 subsection.

1057 (3) When a person is injured during the perpetration of or
1058 the attempt to perpetrate any felony enumerated in s. 782.04(3)
1059 by a person other than the person engaged in the perpetration of
1060 or the attempt to perpetrate such felony, the person
1061 perpetrating or attempting to perpetrate such felony commits a
1062 felony of the second degree, punishable as provided in s.
1063 775.082, s. 775.083, or s. 775.084, which is an offense ranked
1064 in level 7 of the Criminal Punishment Code. Victim injury points
1065 shall be scored under this subsection.

1066 Section 24. For the purpose of incorporating the amendment
1067 made by this act to section 782.04, Florida Statutes, in
1068 references thereto, section 782.065, Florida Statutes, is
1069 reenacted to read:

1070 782.065 Murder; law enforcement officer, correctional
1071 officer, correctional probation officer.—Notwithstanding ss.
1072 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
1073 shall be sentenced to life imprisonment without eligibility for
1074 release upon findings by the trier of fact that, beyond a
1075 reasonable doubt:

1076 (1) The defendant committed murder in the first degree in
 1077 violation of s. 782.04(1) and a death sentence was not imposed;
 1078 murder in the second or third degree in violation of s.
 1079 782.04(2), (3), or (4); attempted murder in the first or second
 1080 degree in violation of s. 782.04(1)(a)1. or (2); or attempted
 1081 felony murder in violation of s. 782.051; and

1082 (2) The victim of any offense described in subsection (1)
 1083 was a law enforcement officer, part-time law enforcement
 1084 officer, auxiliary law enforcement officer, correctional
 1085 officer, part-time correctional officer, auxiliary correctional
 1086 officer, correctional probation officer, part-time correctional
 1087 probation officer, or auxiliary correctional probation officer,
 1088 as those terms are defined in s. 943.10, engaged in the lawful
 1089 performance of a legal duty.

1090 Section 25. For the purpose of incorporating the amendment
 1091 made by this act to section 782.04, Florida Statutes, in a
 1092 reference thereto, section 903.133, Florida Statutes, is
 1093 reenacted to read:

1094 903.133 Bail on appeal; prohibited for certain felony
 1095 convictions.—Notwithstanding the provisions of s. 903.132, no
 1096 person adjudged guilty of a felony of the first degree for a
 1097 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
 1098 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
 1099 violation of s. 794.011(2) or (3), shall be admitted to bail
 1100 pending review either by posttrial motion or appeal.

1101 Section 26. For the purpose of incorporating the amendment
 1102 made by this act to section 782.04, Florida Statutes, in
 1103 references thereto, paragraphs (h) and (i) of subsection (3) of
 1104 section 921.0022, Florida Statutes, are reenacted to read:

1105 921.0022 Criminal Punishment Code; offense severity
 1106 ranking chart.—

1107 (3) OFFENSE SEVERITY RANKING CHART

1108 (h) LEVEL 8

1109

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.

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1114	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
1115	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
1116	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
1117	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

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1118	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
1119	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
1120	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
1121	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.

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1122	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
1123	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
1124	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
1125	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
1126	787.06 (3) (e) 1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.

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1127	787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
1128	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
1129	794.011(5)(a)	1st	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
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1131	794.011 (5) (b)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
1132	794.011 (5) (c)	2nd	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
1132	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior

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1133			conviction for specified sex offense.
1133	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
1134	800.04 (4) (b)	2nd	Lewd or lascivious battery.
1135	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
1136	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
1137	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.

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1138	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
1139	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
1140	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
1141	812.13 (2) (b)	1st	Robbery with a weapon.
1142	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
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1144	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
1145	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
1146	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
1147	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
	817.568 (6)	2nd	Fraudulent use of personal identification information of

1148	817.611 (2) (c)	1st	an individual under the age of 18. Traffic in or possess 50 or more counterfeit credit cards or related documents.
1149	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
1150	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
1151	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
1152	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital

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1153			felony.
	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
1154			
	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
1155			
	860.16	1st	Aircraft piracy.
1156			
	893.13 (1) (b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
1157			
	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

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1158	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
1159	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
1160	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
1161	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
1162	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
1163	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than

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1164			100 grams.
	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
1165			
	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
1166			
	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
1167			
	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
1168			
	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
1169			
	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4- Butanediol, 5 kilograms or

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1170			more, less than 10 kilograms.
1170	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
1171	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
1172	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
1173	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
1174	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
1175			

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1176	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
1177	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
1178	(i) LEVEL 9		
1179			
1180	Florida Statute	Felony Degree	Description
1181	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give

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1182			information.
	409.920	1st	Medicaid provider
	(2) (b) 1.c.		fraud; \$50,000 or more.
1183			
	499.0051 (8)	1st	Knowing sale or purchase of
			contraband prescription
			drugs resulting in great
			bodily harm.
1184			
	560.123 (8) (b) 3.	1st	Failure to report
			currency or payment
			instruments totaling or
			exceeding \$100,000 by
			money transmitter.
1185			
	560.125 (5) (c)	1st	Money transmitter business
			by unauthorized person,
			currency, or payment
			instruments totaling or
			exceeding \$100,000.
1186			
	655.50 (10) (b) 3.	1st	Failure to report
			financial transactions
			totaling or exceeding

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1187	775.0844	1st	\$100,000 by financial institution. Aggravated white collar crime.
1188	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1189	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
1190	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).

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1191	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
1192	787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
1193	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
1194	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
1195	787.02 (3) (a)	1st, PBL	False imprisonment; child under age 13; perpetrator also commits

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1196	787.06 (3) (c) 1.	1st	aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
1197	787.06 (3) (d)	1st	Human trafficking for labor and services of an unauthorized alien child.
1198	787.06 (3) (f) 1.	1st, PBL	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
1199	790.161	1st	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state. Attempted capital destructive device offense.

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1200	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
1201	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
1202	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
1203	794.011 (4) (a)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.
1204	794.011 (4) (b)	1st	Sexual battery, certain

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1205	794.011 (4) (c)	1st	<p>circumstances; victim and offender 18 years of age or older.</p>
1206	794.011 (4) (d)	1st, PBL	<p>Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.</p>
1207	794.011 (8) (b)	1st, PBL	<p>Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.</p>
1208	794.08 (2)	1st	<p>Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.</p> <p>Female genital mutilation;</p>

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1209	800.04 (5) (b)	Life	victim younger than 18 years of age. Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1210	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
1211	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
1212	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
1213	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.

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1214	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
1215	817.535 (5) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
1216	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
1217	827.03 (2) (a)	1st	Aggravated child abuse.
1218	847.0145 (1)	1st	Selling, or otherwise

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1219			transferring custody or control, of a minor.
	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
1220			
	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
1221			
	893.135	1st	Attempted capital trafficking offense.
1222			
	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
1223			
	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1224			

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1225	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1226	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
1227	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
1228	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
1229	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
1230	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
1231	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

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1232 893.135 1st Trafficking in 1,4-
 (1) (j) 1.c. Butanediol, 10 kilograms or
 more.

1233 893.135 1st Trafficking in Phenethylamines,
 (1) (k) 2.c. 400 grams or more.

1234 896.101 (5) (c) 1st Money laundering,
 financial instruments
 totaling or exceeding
 \$100,000.

1235 896.104 (4) (a) 3. 1st Structuring transactions
 1236 to evade reporting or
 1237 registration
 1238 requirements, financial
 1239 transactions totaling or
 1240 exceeding \$100,000.

1237 Section 27. For the purpose of incorporating the amendment
 1238 made by this act to section 782.04, Florida Statutes, in a
 1239 reference thereto, subsection (1) of section 921.16, Florida
 1240 Statutes, is reenacted to read:

1241 921.16 When sentences to be concurrent and when

1242 consecutive.—

1243 (1) A defendant convicted of two or more offenses charged
1244 in the same indictment, information, or affidavit or in
1245 consolidated indictments, informations, or affidavits shall
1246 serve the sentences of imprisonment concurrently unless the
1247 court directs that two or more of the sentences be served
1248 consecutively. Sentences of imprisonment for offenses not
1249 charged in the same indictment, information, or affidavit shall
1250 be served consecutively unless the court directs that two or
1251 more of the sentences be served concurrently. Any sentence for
1252 sexual battery as defined in chapter 794 or murder as defined in
1253 s. 782.04 must be imposed consecutively to any other sentence
1254 for sexual battery or murder which arose out of a separate
1255 criminal episode or transaction.

1256 Section 28. For the purpose of incorporating the amendment
1257 made by this act to section 782.04, Florida Statutes, in a
1258 reference thereto, paragraph (i) of subsection (3) of section
1259 947.146, Florida Statutes, is reenacted to read:

1260 947.146 Control Release Authority.—

1261 (3) Within 120 days prior to the date the state
1262 correctional system is projected pursuant to s. 216.136 to
1263 exceed 99 percent of total capacity, the authority shall
1264 determine eligibility for and establish a control release date
1265 for an appropriate number of parole ineligible inmates committed
1266 to the department and incarcerated within the state who have

1267 | been determined by the authority to be eligible for
1268 | discretionary early release pursuant to this section. In
1269 | establishing control release dates, it is the intent of the
1270 | Legislature that the authority prioritize consideration of
1271 | eligible inmates closest to their tentative release date. The
1272 | authority shall rely upon commitment data on the offender
1273 | information system maintained by the department to initially
1274 | identify inmates who are to be reviewed for control release
1275 | consideration. The authority may use a method of objective risk
1276 | assessment in determining if an eligible inmate should be
1277 | released. Such assessment shall be a part of the department's
1278 | management information system. However, the authority shall have
1279 | sole responsibility for determining control release eligibility,
1280 | establishing a control release date, and effectuating the
1281 | release of a sufficient number of inmates to maintain the inmate
1282 | population between 99 percent and 100 percent of total capacity.
1283 | Inmates who are ineligible for control release are inmates who
1284 | are parole eligible or inmates who:

1285 | (i) Are convicted, or have been previously convicted, of
1286 | committing or attempting to commit murder in the first, second,
1287 | or third degree under s. 782.04(1), (2), (3), or (4), or have
1288 | ever been convicted of any degree of murder or attempted murder
1289 | in another jurisdiction;

1290 |
1291 | In making control release eligibility determinations under this

1292 subsection, the authority may rely on any document leading to or
1293 generated during the course of the criminal proceedings,
1294 including, but not limited to, any presentence or postsentence
1295 investigation or any information contained in arrest reports
1296 relating to circumstances of the offense.

1297 Section 29. For the purpose of incorporating the amendment
1298 made by this act to section 782.04, Florida Statutes, in a
1299 reference thereto, paragraph (c) of subsection (8) of section
1300 948.06, Florida Statutes, is reenacted to read:

1301 948.06 Violation of probation or community control;
1302 revocation; modification; continuance; failure to pay
1303 restitution or cost of supervision.—

1304 (8)

1305 (c) For purposes of this section, the term "qualifying
1306 offense" means any of the following:

1307 1. Kidnapping or attempted kidnapping under s. 787.01,
1308 false imprisonment of a child under the age of 13 under s.
1309 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
1310 or (c).

1311 2. Murder or attempted murder under s. 782.04, attempted
1312 felony murder under s. 782.051, or manslaughter under s. 782.07.

1313 3. Aggravated battery or attempted aggravated battery
1314 under s. 784.045.

1315 4. Sexual battery or attempted sexual battery under s.
1316 794.011(2), (3), (4), or (8)(b) or (c).

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1317 5. Lewd or lascivious battery or attempted lewd or
 1318 lascivious battery under s. 800.04(4), lewd or lascivious
 1319 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
 1320 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
 1321 under s. 800.04(7)(b), or lewd or lascivious exhibition on
 1322 computer under s. 847.0135(5)(b).

1323 6. Robbery or attempted robbery under s. 812.13,
 1324 carjacking or attempted carjacking under s. 812.133, or home
 1325 invasion robbery or attempted home invasion robbery under s.
 1326 812.135.

1327 7. Lewd or lascivious offense upon or in the presence of
 1328 an elderly or disabled person or attempted lewd or lascivious
 1329 offense upon or in the presence of an elderly or disabled person
 1330 under s. 825.1025.

1331 8. Sexual performance by a child or attempted sexual
 1332 performance by a child under s. 827.071.

1333 9. Computer pornography under s. 847.0135(2) or (3),
 1334 transmission of child pornography under s. 847.0137, or selling
 1335 or buying of minors under s. 847.0145.

1336 10. Poisoning food or water under s. 859.01.

1337 11. Abuse of a dead human body under s. 872.06.

1338 12. Any burglary offense or attempted burglary offense
 1339 that is either a first degree felony or second degree felony
 1340 under s. 810.02(2) or (3).

1341 13. Arson or attempted arson under s. 806.01(1).

- 1342 14. Aggravated assault under s. 784.021.
- 1343 15. Aggravated stalking under s. 784.048(3), (4), (5), or
1344 (7).
- 1345 16. Aircraft piracy under s. 860.16.
- 1346 17. Unlawful throwing, placing, or discharging of a
1347 destructive device or bomb under s. 790.161(2), (3), or (4).
- 1348 18. Treason under s. 876.32.
- 1349 19. Any offense committed in another jurisdiction which
1350 would be an offense listed in this paragraph if that offense had
1351 been committed in this state.
- 1352 Section 30. For the purpose of incorporating the amendment
1353 made by this act to section 782.04, Florida Statutes, in a
1354 reference thereto, subsection (1) of section 948.062, Florida
1355 Statutes, is reenacted to read:
- 1356 948.062 Reviewing and reporting serious offenses committed
1357 by offenders placed on probation or community control.—
- 1358 (1) The department shall review the circumstances related
1359 to an offender placed on probation or community control who has
1360 been arrested while on supervision for the following offenses:
- 1361 (a) Any murder as provided in s. 782.04;
- 1362 (b) Any sexual battery as provided in s. 794.011 or s.
1363 794.023;
- 1364 (c) Any sexual performance by a child as provided in s.
1365 827.071;
- 1366 (d) Any kidnapping, false imprisonment, or luring of a

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1367 child as provided in s. 787.01, s. 787.02, or s. 787.025;
 1368 (e) Any lewd and lascivious battery or lewd and lascivious
 1369 molestation as provided in s. 800.04(4) or (5);
 1370 (f) Any aggravated child abuse as provided in s.
 1371 827.03(2) (a);
 1372 (g) Any robbery with a firearm or other deadly weapon,
 1373 home invasion robbery, or carjacking as provided in s.
 1374 812.13(2) (a), s. 812.135, or s. 812.133;
 1375 (h) Any aggravated stalking as provided in s. 784.048(3),
 1376 (4), or (5);
 1377 (i) Any forcible felony as provided in s. 776.08,
 1378 committed by a person on probation or community control who is
 1379 designated as a sexual predator; or
 1380 (j) Any DUI manslaughter as provided in s. 316.193(3) (c),
 1381 or vehicular or vessel homicide as provided in s. 782.071 or s.
 1382 782.072, committed by a person who is on probation or community
 1383 control for an offense involving death or injury resulting from
 1384 a driving incident.
 1385 Section 31. For the purpose of incorporating the amendment
 1386 made by this act to section 782.04, Florida Statutes, in a
 1387 reference thereto, paragraph (b) of subsection (3) of section
 1388 985.265, Florida Statutes, is reenacted to read:
 1389 985.265 Detention transfer and release; education; adult
 1390 jails.—
 1391 (3)

1392 (b) When a juvenile is released from secure detention or
1393 transferred to nonsecure detention, detention staff shall
1394 immediately notify the appropriate law enforcement agency,
1395 school personnel, and victim if the juvenile is charged with
1396 committing any of the following offenses or attempting to commit
1397 any of the following offenses:

- 1398 1. Murder, under s. 782.04;
- 1399 2. Sexual battery, under chapter 794;
- 1400 3. Stalking, under s. 784.048; or
- 1401 4. Domestic violence, as defined in s. 741.28.

1402 Section 32. For the purpose of incorporating the amendment
1403 made by this act to section 782.04, Florida Statutes, in a
1404 reference thereto, paragraph (d) of subsection (1) of section
1405 1012.315, Florida Statutes, is reenacted to read:

1406 1012.315 Disqualification from employment.—A person is
1407 ineligible for educator certification, and instructional
1408 personnel and school administrators, as defined in s. 1012.01,
1409 are ineligible for employment in any position that requires
1410 direct contact with students in a district school system,
1411 charter school, or private school that accepts scholarship
1412 students under s. 1002.39 or s. 1002.395, if the person,
1413 instructional personnel, or school administrator has been
1414 convicted of:

1415 (1) Any felony offense prohibited under any of the
1416 following statutes:

1417 (d) Section 782.04, relating to murder.

1418 Section 33. For the purpose of incorporating the
 1419 amendments made by this act to sections 775.30 and 782.04,
 1420 Florida Statutes, in a reference thereto, paragraph (g) of
 1421 subsection (2) of section 1012.467, Florida Statutes, is
 1422 reenacted to read:

1423 1012.467 Noninstructional contractors who are permitted
 1424 access to school grounds when students are present; background
 1425 screening requirements.—

1426 (2)

1427 (g) A noninstructional contractor for whom a criminal
 1428 history check is required under this section may not have been
 1429 convicted of any of the following offenses designated in the
 1430 Florida Statutes, any similar offense in another jurisdiction,
 1431 or any similar offense committed in this state which has been
 1432 redesignated from a former provision of the Florida Statutes to
 1433 one of the following offenses:

1434 1. Any offense listed in s. 943.0435(1)(h)1., relating to
 1435 the registration of an individual as a sexual offender.

1436 2. Section 393.135, relating to sexual misconduct with
 1437 certain developmentally disabled clients and the reporting of
 1438 such sexual misconduct.

1439 3. Section 394.4593, relating to sexual misconduct with
 1440 certain mental health patients and the reporting of such sexual
 1441 misconduct.

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- 1442 | 4. Section 775.30, relating to terrorism.
- 1443 | 5. Section 782.04, relating to murder.
- 1444 | 6. Section 787.01, relating to kidnapping.
- 1445 | 7. Any offense under chapter 800, relating to lewdness and
- 1446 | indecent exposure.
- 1447 | 8. Section 826.04, relating to incest.
- 1448 | 9. Section 827.03, relating to child abuse, aggravated
- 1449 | child abuse, or neglect of a child.
- 1450 | Section 34. This act shall take effect October 1, 2017.