

By Senator Bean

4-00492B-17

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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

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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; defining the term
43 "designated foreign terrorist organization"; creating
44 s. 775.35, F.S.; providing penalties for a person who
45 intentionally disseminates or spreads any type of
46 contagious, communicable, or infectious disease among
47 crops, poultry, livestock, or other animals; providing
48 an affirmative defense; providing increased penalties
49 if specified actions result in death or serious bodily
50 injury; defining the term "serious bodily injury";
51 amending s. 782.04, F.S.; revising the provisions
52 related to terrorism for murder in the first degree,
53 murder in the second degree, and murder in the third
54 degree to include the terrorism felonies created by
55 this act; reenacting ss. 373.6055(3)(c), 381.95(1),
56 395.1056(1)(a) and (2), 874.03(7), 907.041(4)(a),
57 943.0312(2), and 943.0321(2), F.S., relating to the
58 definition of the term "terrorism," to incorporate the
59 amendment made to s. 775.30, F.S., in references
60 thereto; reenacting ss. 27.401(2), 39.806(1)(d),
61 63.089(4)(b), 95.11(10), 435.04(2)(e), 435.07(4)(c),

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62 775.082(1)(b) and (3)(a), (b), and (c), 775.0823(1),
63 (2), (4), (5), (6), and (7), 782.051, 782.065,
64 903.133, 921.0022(3)(h) and (i), 921.16(1),
65 947.146(3)(i), 948.06(8)(c), 948.062(1),
66 985.265(3)(b), and 1012.315(1)(d), F.S., relating to
67 capital felonies, murder in the first degree, murder
68 in the second degree, and murder in the third degree,
69 to incorporate the amendment made to s. 782.04, F.S.,
70 in references thereto; reenacting s. 1012.467(2)(g),
71 F.S., relating to terrorism and murder, to incorporate
72 the amendments made to ss. 775.30 and 782.04, F.S., in
73 references thereto; providing an effective date.

74

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

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

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

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

88 WHEREAS, the constitutional rights of the residents of and
89 visitors to the State of Florida are also of great importance,
90 and those rights can be safeguarded through reasonable

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91 protections in appropriate law enforcement actions, NOW,
92 THEREFORE,

93
94 Be It Enacted by the Legislature of the State of Florida:

95
96 Section 1. Section 775.30, Florida Statutes, is amended to
97 read:

98 775.30 Terrorism; defined; penalties.-

99 (1) As used in this chapter and the Florida Criminal Code,
100 the term "terrorism" or "terrorist activity" means an activity
101 that:

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

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

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

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

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

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

113 (2) A person who violates s. 782.04(1)(a)1. or (2), s.
114 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.
115 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16,
116 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.
117 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.
118 859.01, or s. 876.34, when intending to influence or affect by
119 intimidation or coercion, or to retaliate against, the conduct

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120 of government, commits the crime of terrorism, a felony of the
121 first degree, punishable as provided in s. 775.082, s. 775.083,
122 or s. 775.084.

123 (3) A person who commits a violation of subsection (2)
124 which results in death or serious bodily injury commits a life
125 felony, punishable as provided in s. 775.082, s. 775.083, or s.
126 775.084. As used in this subsection, the term "serious bodily
127 injury" means an injury to a person which creates a substantial
128 risk of death, serious personal disfigurement, or protracted
129 loss or impairment of the function of a bodily member or an
130 organ.

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

133 775.31 Facilitating or furthering terrorism; felony or
134 misdemeanor reclassification.—

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

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

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

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

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

148 (e) In the case of a felony of the first degree or a felony

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149 of the first degree punishable by a term of imprisonment not
150 exceeding life, the offense is reclassified as a life felony.

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

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

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

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

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

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

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

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

168 ~~2. Influence the policy of a government by intimidation or~~
169 ~~coercion; or~~

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

172 (4) The reclassification of offenses under this section
173 does not apply to s. 775.30, s. 775.32, s. 775.33, s. 775.34, or
174 s. 775.35.

175 Section 3. Section 775.32, Florida Statutes, is created to
176 read:

177 775.32 Use of military-type training provided by a

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178 designated foreign terrorist organization.-

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

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

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

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

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

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

196 (2) A person who has received military-type training from a
197 designated foreign terrorist organization may not use, attempt
198 to use, or conspire to use such military-type training with the
199 intent to harm another person or damage critical infrastructure
200 facilities.

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

204 (4) A person who commits a violation of subsection (2)
205 which results in the death of, or serious bodily injury to, a
206 person commits a felony of the first degree, punishable as

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

208 Section 4. Section 775.33, Florida Statutes, is created to
209 read:

210 775.33 Providing material support or resources for
211 terrorism or to terrorist organizations.-

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

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

215 (b) "Expert advice or assistance" means advice or
216 assistance derived from scientific, technical, or other
217 specialized knowledge.

218 (c) "Material support or resources" means any property,
219 tangible or intangible, or service, including currency or
220 monetary instruments or financial securities, financial
221 services, lodging, training, expert advice or assistance, safe
222 houses, false documentation or identification, communications
223 equipment, facilities, weapons, lethal substances, explosives,
224 personnel, or transportation. The term does not include medicine
225 or religious materials.

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

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

230 (2) A person who provides material support or resources or
231 conceals or disguises the nature, location, source, or ownership
232 of material support or resources, knowing or intending that the
233 support or resources are to be used in preparation for or in
234 carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s.
235 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s.

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236 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32,
237 s. 876.34, or s. 876.36; who conceals an escape from the
238 commission of any such violation; or who attempts or conspires
239 to carry out such violation commits a felony of the first
240 degree, punishable as provided in s. 775.082, s. 775.083, or s.
241 775.084.

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

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

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

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

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

269 (b) An individual who acts entirely independently of the
270 person engaged in, or intending to engage in, an act of
271 terrorism or the designated foreign terrorist organization to
272 advance the person's or organization's goals or objectives is
273 not working under the direction and control of the person
274 engaged in, or intending to engage in, an act of terrorism or
275 the designated foreign terrorist organization.

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

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

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

289 Section 5. Section 775.34, Florida Statutes, is created to
290 read:

291 775.34 Membership in a designated foreign terrorist
292 organization.—A person who willfully becomes a member of a
293 designated foreign terrorist organization and serves under the

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294 direction or control of that organization with the intent to
295 further the illegal acts of the organization commits a felony of
296 the second degree, punishable as provided in s. 775.082, s.
297 775.083, or s. 775.084. As used in this section, the term
298 "designated foreign terrorist organization" has the same meaning
299 as provided in s. 775.32.

300 Section 6. Section 775.35, Florida Statutes, is created to
301 read:

302 775.35 Agroterrorism; penalties.—

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

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

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

321 782.04 Murder.—

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

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- 323 1. When perpetrated from a premeditated design to effect
324 the death of the person killed or any human being;
- 325 2. When committed by a person engaged in the perpetration
326 of, or in the attempt to perpetrate, any:
- 327 a. Trafficking offense prohibited by s. 893.135(1),
328 b. Arson,
329 c. Sexual battery,
330 d. Robbery,
331 e. Burglary,
332 f. Kidnapping,
333 g. Escape,
334 h. Aggravated child abuse,
335 i. Aggravated abuse of an elderly person or disabled adult,
336 j. Aircraft piracy,
337 k. Unlawful throwing, placing, or discharging of a
338 destructive device or bomb,
- 339 l. Carjacking,
340 m. Home-invasion robbery,
341 n. Aggravated stalking,
342 o. Murder of another human being,
343 p. Resisting an officer with violence to his or her person,
344 q. Aggravated fleeing or eluding with serious bodily injury
345 or death,
- 346 r. Felony that is an act of terrorism or is in furtherance
347 of an act of terrorism, including a felony under s. 775.30, s.
348 775.32, s. 775.33, s. 775.34, or s. 775.35, or
- 349 s. Human trafficking; or
- 350 3. Which resulted from the unlawful distribution of any
351 substance controlled under s. 893.03(1), cocaine as described in

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352 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
353 compound, derivative, or preparation of opium, or methadone by a
354 person 18 years of age or older, when such drug is proven to be
355 the proximate cause of the death of the user,

356

357 is murder in the first degree and constitutes a capital felony,
358 punishable as provided in s. 775.082.

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

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

362 (b) Arson,

363 (c) Sexual battery,

364 (d) Robbery,

365 (e) Burglary,

366 (f) Kidnapping,

367 (g) Escape,

368 (h) Aggravated child abuse,

369 (i) Aggravated abuse of an elderly person or disabled
370 adult,

371 (j) Aircraft piracy,

372 (k) Unlawful throwing, placing, or discharging of a
373 destructive device or bomb,

374 (l) Carjacking,

375 (m) Home-invasion robbery,

376 (n) Aggravated stalking,

377 (o) Murder of another human being,

378 (p) Aggravated fleeing or eluding with serious bodily
379 injury or death,

380 (q) Resisting an officer with violence to his or her

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381 person, or

382 (r) Felony that is an act of terrorism or is in furtherance
383 of an act of terrorism, including a felony under s. 775.30, s.
384 775.32, s. 775.33, s. 775.34, or s. 775.35,

385

386 by a person other than the person engaged in the perpetration of
387 or in the attempt to perpetrate such felony, the person
388 perpetrating or attempting to perpetrate such felony commits
389 murder in the second degree, which constitutes a felony of the
390 first degree, punishable by imprisonment for a term of years not
391 exceeding life or as provided in s. 775.082, s. 775.083, or s.
392 775.084.

393 (4) The unlawful killing of a human being, when perpetrated
394 without any design to effect death, by a person engaged in the
395 perpetration of, or in the attempt to perpetrate, any felony
396 other than any:

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

398 (b) Arson,

399 (c) Sexual battery,

400 (d) Robbery,

401 (e) Burglary,

402 (f) Kidnapping,

403 (g) Escape,

404 (h) Aggravated child abuse,

405 (i) Aggravated abuse of an elderly person or disabled
406 adult,

407 (j) Aircraft piracy,

408 (k) Unlawful throwing, placing, or discharging of a
409 destructive device or bomb,

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410 (l) Unlawful distribution of any substance controlled under
411 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
412 opium or any synthetic or natural salt, compound, derivative, or
413 preparation of opium by a person 18 years of age or older, when
414 such drug is proven to be the proximate cause of the death of
415 the user,

416 (m) Carjacking,

417 (n) Home-invasion robbery,

418 (o) Aggravated stalking,

419 (p) Murder of another human being,

420 (q) Aggravated fleeing or eluding with serious bodily
421 injury or death,

422 (r) Resisting an officer with violence to his or her
423 person, or

424 (s) Felony that is an act of terrorism or is in furtherance
425 of an act of terrorism, including a felony under s. 775.30, s.
426 775.32, s. 775.33, s. 775.34, or s. 775.35,

427
428 is murder in the third degree and constitutes a felony of the
429 second degree, punishable as provided in s. 775.082, s. 775.083,
430 or s. 775.084.

431 Section 8. For the purpose of incorporating the amendment
432 made by this act to section 775.30, Florida Statutes, in a
433 reference thereto, paragraph (c) of subsection (3) of section
434 373.6055, Florida Statutes, is reenacted to read:

435 373.6055 Criminal history checks for certain water
436 management district employees and others.—

437 (3)

438 (c) In addition to other requirements for employment or

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439 access established by any water management district pursuant to
440 its water management district's security plan for buildings,
441 facilities, and structures, each water management district's
442 security plan shall provide that:

443 1. Any person who has within the past 7 years been
444 convicted, regardless of whether adjudication was withheld, for
445 a forcible felony as defined in s. 776.08; an act of terrorism
446 as defined in s. 775.30; planting of a hoax bomb as provided in
447 s. 790.165; any violation involving the manufacture, possession,
448 sale, delivery, display, use, or attempted or threatened use of
449 a weapon of mass destruction or hoax weapon of mass destruction
450 as provided in s. 790.166; dealing in stolen property; any
451 violation of s. 893.135; any violation involving the sale,
452 manufacturing, delivery, or possession with intent to sell,
453 manufacture, or deliver a controlled substance; burglary;
454 robbery; any felony violation of s. 812.014; any violation of s.
455 790.07; any crime an element of which includes use or possession
456 of a firearm; any conviction for any similar offenses under the
457 laws of another jurisdiction; or conviction for conspiracy to
458 commit any of the listed offenses may not be qualified for
459 initial employment within or authorized regular access to
460 buildings, facilities, or structures defined in the water
461 management district's security plan as restricted access areas.

462 2. Any person who has at any time been convicted of any of
463 the offenses listed in subparagraph 1. 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 unless, after release from incarceration and any supervision

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468 imposed as a sentence, the person remained free from a
469 subsequent conviction, regardless of whether adjudication was
470 withheld, for any of the listed offenses for a period of at
471 least 7 years prior to the employment or access date under
472 consideration.

473 Section 9. For the purpose of incorporating the amendment
474 made by this act to section 775.30, Florida Statutes, in a
475 reference thereto, subsection (1) of section 381.95, Florida
476 Statutes, is reenacted to read:

477 381.95 Medical facility information maintained for
478 terrorism response purposes; confidentiality.—

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

490 Section 10. For the purpose of incorporating the amendment
491 made by this act to section 775.30, Florida Statutes, in
492 references thereto, paragraph (a) of subsection (1) and
493 subsection (2) of section 395.1056, Florida Statutes, are
494 reenacted to read:

495 395.1056 Plan components addressing a hospital's response
496 to terrorism; public records exemption; public meetings

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497 exemption.—

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

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

- 513 (a) Security systems or plans;
514 (b) Vulnerability analyses;
515 (c) Emergency evacuation transportation;
516 (d) Sheltering arrangements;
517 (e) Postdisaster activities, including provisions for
518 emergency power, communications, food, and water;
519 (f) Postdisaster transportation;
520 (g) Supplies, including drug caches;
521 (h) Staffing;
522 (i) Emergency equipment; and
523 (j) Individual identification of residents, transfer of
524 records, and methods of responding to family inquiries.

525 Section 11. For the purpose of incorporating the amendment

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526 made by this act to section 775.30, Florida Statutes, in a
527 reference thereto, subsection (7) of section 874.03, Florida
528 Statutes, is reenacted to read:

529 874.03 Definitions.—As used in this chapter:

530 (7) "Terrorist organization" means any organized group
531 engaged in or organized for the purpose of engaging in terrorism
532 as defined in s. 775.30. This definition shall not be construed
533 to prevent prosecution under this chapter of individuals acting
534 alone.

535 Section 12. For the purpose of incorporating the amendment
536 made by this act to section 775.30, Florida Statutes, in a
537 reference thereto, paragraph (a) of subsection (4) of section
538 907.041, Florida Statutes, is reenacted to read:

539 907.041 Pretrial detention and release.—

540 (4) PRETRIAL DETENTION.—

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

- 543 1. Arson;
- 544 2. Aggravated assault;
- 545 3. Aggravated battery;
- 546 4. Illegal use of explosives;
- 547 5. Child abuse or aggravated child abuse;
- 548 6. Abuse of an elderly person or disabled adult, or
549 aggravated abuse of an elderly person or disabled adult;
- 550 7. Aircraft piracy;
- 551 8. Kidnapping;
- 552 9. Homicide;
- 553 10. Manslaughter;
- 554 11. Sexual battery;

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- 555 12. Robbery;
- 556 13. Carjacking;
- 557 14. Lewd, lascivious, or indecent assault or act upon or in
558 presence of a child under the age of 16 years;
- 559 15. Sexual activity with a child, who is 12 years of age or
560 older but less than 18 years of age, by or at solicitation of
561 person in familial or custodial authority;
- 562 16. Burglary of a dwelling;
- 563 17. Stalking and aggravated stalking;
- 564 18. Act of domestic violence as defined in s. 741.28;
- 565 19. Home invasion robbery;
- 566 20. Act of terrorism as defined in s. 775.30;
- 567 21. Manufacturing any substances in violation of chapter
568 893; and
- 569 22. Attempting or conspiring to commit any such crime.

570 Section 13. For the purpose of incorporating the amendment
571 made by this act to section 775.30, Florida Statutes, in a
572 reference thereto, subsection (2) of section 943.0312, Florida
573 Statutes, is reenacted to read:

574 943.0312 Regional domestic security task forces.—The
575 Legislature finds that there is a need to develop and implement
576 a statewide strategy to address prevention, preparation,
577 protection, response, and recovery efforts by federal, state,
578 and local law enforcement agencies, emergency management
579 agencies, fire and rescue departments, first-responder personnel
580 and others in dealing with potential or actual terrorist acts
581 within or affecting this state.

582 (2) In accordance with the state's domestic security
583 strategic goals and objectives, each task force shall coordinate

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

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

602 943.0321 The Florida Domestic Security and Counter-
603 Terrorism Intelligence Center and the Florida Domestic Security
604 and Counter-Terrorism Database.—

605 (2) The intelligence center shall:

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

612 (b) Maintain and operate the domestic security and counter-

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613 terrorism database; and

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

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

621 27.401 Cross-Circuit Conflict Representation Pilot
622 Program.—

623 (2) Notwithstanding ss. 27.40 and 27.5305:

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

638 (b) If the public defender in the Thirteenth Judicial
639 Circuit is unable to provide representation to an indigent
640 defendant charged with a crime under s. 782.04(2), (3), or (4)
641 due to a conflict of interest and the criminal conflict and

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642 civil regional counsel of the Second Region is also unable to
643 provide representation for the case due to a conflict of
644 interest, the public defender in the Tenth Judicial Circuit
645 shall be appointed. If the public defender in the Tenth Judicial
646 Circuit is unable to provide representation for the case due to
647 a conflict of interest, the criminal conflict and civil regional
648 counsel in the Fifth Region shall be appointed. If the criminal
649 conflict and civil regional counsel in the Fifth Region is
650 unable to provide representation due to a conflict of interest,
651 private counsel shall be appointed.

652 Section 16. For the purpose of incorporating the amendment
653 made by this act to section 782.04, Florida Statutes, in a
654 reference thereto, paragraph (d) of subsection (1) of section
655 39.806, Florida Statutes, is reenacted to read:

656 39.806 Grounds for termination of parental rights.—

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

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

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

666 2. The incarcerated parent has been determined by the court
667 to be a violent career criminal as defined in s. 775.084, a
668 habitual violent felony offender as defined in s. 775.084, or a
669 sexual predator as defined in s. 775.21; has been convicted of
670 first degree or second degree murder in violation of s. 782.04

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

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

688 a. The age of the child.

689 b. The relationship between the child and the parent.

690 c. The nature of the parent's current and past provision
691 for the child's developmental, cognitive, psychological, and
692 physical needs.

693 d. The parent's history of criminal behavior, which may
694 include the frequency of incarceration and the unavailability of
695 the parent to the child due to incarceration.

696 e. Any other factor the court deems relevant.

697 Section 17. For the purpose of incorporating the amendment
698 made by this act to section 782.04, Florida Statutes, in a
699 reference thereto, paragraph (b) of subsection (4) of section

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700 63.089, Florida Statutes, is reenacted to read:

701 63.089 Proceeding to terminate parental rights pending
702 adoption; hearing; grounds; dismissal of petition; judgment.—

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

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

717 1. The period of time for which the parent has been or is
718 expected to be incarcerated will constitute a significant
719 portion of the child's minority. In determining whether the
720 period of time is significant, the court shall consider the
721 child's age and the child's need for a permanent and stable
722 home. The period of time begins on the date that the parent
723 enters into incarceration;

724 2. The incarcerated parent has been determined by a court
725 of competent jurisdiction to be a violent career criminal as
726 defined in s. 775.084, a habitual violent felony offender as
727 defined in s. 775.084, convicted of child abuse as defined in s.
728 827.03, or a sexual predator as defined in s. 775.21; has been

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729 convicted of first degree or second degree murder in violation
730 of s. 782.04 or a sexual battery that constitutes a capital,
731 life, or first degree felony violation of s. 794.011; or has
732 been convicted of a substantially similar offense in another
733 jurisdiction. As used in this section, the term "substantially
734 similar offense" means any offense that is substantially similar
735 in elements and penalties to one of those listed in this
736 subparagraph, and that is in violation of a law of any other
737 jurisdiction, whether that of another state, the District of
738 Columbia, the United States or any possession or territory
739 thereof, or any foreign jurisdiction; or

740 3. The court determines by clear and convincing evidence
741 that continuing the parental relationship with the incarcerated
742 parent would be harmful to the child and, for this reason,
743 termination of the parental rights of the incarcerated parent is
744 in the best interests of the child.

745 Section 18. For the purpose of incorporating the amendment
746 made by this act to section 782.04, Florida Statutes, in a
747 reference thereto, subsection (10) of section 95.11, Florida
748 Statutes, is reenacted to read:

749 95.11 Limitations other than for the recovery of real
750 property.—Actions other than for recovery of real property shall
751 be commenced as follows:

752 (10) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS
753 DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph
754 (4) (d), an action for wrongful death seeking damages authorized
755 under s. 768.21 brought against a natural person for an
756 intentional tort resulting in death from acts described in s.
757 782.04 or s. 782.07 may be commenced at any time. This

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758 subsection shall not be construed to require an arrest, the
759 filing of formal criminal charges, or a conviction for a
760 violation of s. 782.04 or s. 782.07 as a condition for filing a
761 civil action.

762 Section 19. For the purpose of incorporating the amendment
763 made by this act to section 782.04, Florida Statutes, in a
764 reference thereto, paragraph (e) of subsection (2) of section
765 435.04, Florida Statutes, is reenacted to read:

766 435.04 Level 2 screening standards.—

767 (2) The security background investigations under this
768 section must ensure that no persons subject to the provisions of
769 this section have been arrested for and are awaiting final
770 disposition of, have been found guilty of, regardless of
771 adjudication, or entered a plea of nolo contendere or guilty to,
772 or have been adjudicated delinquent and the record has not been
773 sealed or expunged for, any offense prohibited under any of the
774 following provisions of state law or similar law of another
775 jurisdiction:

776 (e) Section 782.04, relating to murder.

777 Section 20. For the purpose of incorporating the amendment
778 made by this act to section 782.04, Florida Statutes, in a
779 reference thereto, paragraph (c) of subsection (4) of section
780 435.07, Florida Statutes, is reenacted to read:

781 435.07 Exemptions from disqualification.—Unless otherwise
782 provided by law, the provisions of this section apply to
783 exemptions from disqualification for disqualifying offenses
784 revealed pursuant to background screenings required under this
785 chapter, regardless of whether those disqualifying offenses are
786 listed in this chapter or other laws.

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787 (4)
788 (c) Disqualification from employment under this chapter may
789 not be removed from, and an exemption may not be granted to, any
790 current or prospective child care personnel, as defined in s.
791 402.302(3), and such a person is disqualified from employment as
792 child care personnel, regardless of any previous exemptions from
793 disqualification, if the person has been registered as a sex
794 offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has been
795 arrested for and is awaiting final disposition of, has been
796 convicted or found guilty of, or entered a plea of guilty or
797 nolo contendere to, regardless of adjudication, or has been
798 adjudicated delinquent and the record has not been sealed or
799 expunged for, any offense prohibited under any of the following
800 provisions of state law or a similar law of another
801 jurisdiction:

- 802 1. A felony offense prohibited under any of the following
803 statutes:
- 804 a. Chapter 741, relating to domestic violence.
 - 805 b. Section 782.04, relating to murder.
 - 806 c. Section 782.07, relating to manslaughter, aggravated
807 manslaughter of an elderly person or disabled adult, aggravated
808 manslaughter of a child, or aggravated manslaughter of an
809 officer, a firefighter, an emergency medical technician, or a
810 paramedic.
 - 811 d. Section 784.021, relating to aggravated assault.
 - 812 e. Section 784.045, relating to aggravated battery.
 - 813 f. Section 787.01, relating to kidnapping.
 - 814 g. Section 787.025, relating to luring or enticing a child.
 - 815 h. Section 787.04(2), relating to leading, taking,

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816 enticing, or removing a minor beyond the state limits, or
817 concealing the location of a minor, with criminal intent pending
818 custody proceedings.

819 i. Section 787.04(3), relating to leading, taking,
820 enticing, or removing a minor beyond the state limits, or
821 concealing the location of a minor, with criminal intent pending
822 dependency proceedings or proceedings concerning alleged abuse
823 or neglect of a minor.

824 j. Section 794.011, relating to sexual battery.

825 k. Former s. 794.041, relating to sexual activity with or
826 solicitation of a child by a person in familial or custodial
827 authority.

828 l. Section 794.05, relating to unlawful sexual activity
829 with certain minors.

830 m. Section 794.08, relating to female genital mutilation.

831 n. Section 806.01, relating to arson.

832 o. Section 826.04, relating to incest.

833 p. Section 827.03, relating to child abuse, aggravated
834 child abuse, or neglect of a child.

835 q. Section 827.04, relating to contributing to the
836 delinquency or dependency of a child.

837 r. Section 827.071, relating to sexual performance by a
838 child.

839 s. Chapter 847, relating to child pornography.

840 t. Section 985.701, relating to sexual misconduct in
841 juvenile justice programs.

842 2. A misdemeanor offense prohibited under any of the
843 following statutes:

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

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845 the offense was a minor.

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

847 c. Chapter 847, relating to child pornography.

848 3. A criminal act committed in another state or under
849 federal law which, if committed in this state, constitutes an
850 offense prohibited under any statute listed in subparagraph 1.
851 or subparagraph 2.

852 Section 21. For the purpose of incorporating the amendment
853 made by this act to section 782.04, Florida Statutes, in
854 references thereto, paragraph (b) of subsection (1) and
855 paragraphs (a), (b), and (c) of subsection (3) of section
856 775.082, Florida Statutes, are reenacted to read:

857 775.082 Penalties; applicability of sentencing structures;
858 mandatory minimum sentences for certain reoffenders previously
859 released from prison.—

860 (1)

861 (b)1. A person who actually killed, intended to kill, or
862 attempted to kill the victim and who is convicted under s.
863 782.04 of a capital felony, or an offense that was reclassified
864 as a capital felony, which was committed before the person
865 attained 18 years of age shall be punished by a term of
866 imprisonment for life if, after a sentencing hearing conducted
867 by the court in accordance with s. 921.1401, the court finds
868 that life imprisonment is an appropriate sentence. If the court
869 finds that life imprisonment is not an appropriate sentence,
870 such person shall be punished by a term of imprisonment of at
871 least 40 years. A person sentenced pursuant to this subparagraph
872 is entitled to a review of his or her sentence in accordance
873 with s. 921.1402(2)(a).

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874 2. A person who did not actually kill, intend to kill, or
875 attempt to kill the victim and who is convicted under s. 782.04
876 of a capital felony, or an offense that was reclassified as a
877 capital felony, which was committed before the person attained
878 18 years of age may be punished by a term of imprisonment for
879 life or by a term of years equal to life if, after a sentencing
880 hearing conducted by the court in accordance with s. 921.1401,
881 the court finds that life imprisonment is an appropriate
882 sentence. A person who is sentenced to a term of imprisonment of
883 more than 15 years is entitled to a review of his or her
884 sentence in accordance with s. 921.1402(2)(c).

885 3. The court shall make a written finding as to whether a
886 person is eligible for a sentence review hearing under s.
887 921.1402(2)(a) or (c). Such a finding shall be based upon
888 whether the person actually killed, intended to kill, or
889 attempted to kill the victim. The court may find that multiple
890 defendants killed, intended to kill, or attempted to kill the
891 victim.

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

894 (a)1. For a life felony committed before October 1, 1983,
895 by a term of imprisonment for life or for a term of at least 30
896 years.

897 2. For a life felony committed on or after October 1, 1983,
898 by a term of imprisonment for life or by a term of imprisonment
899 not exceeding 40 years.

900 3. Except as provided in subparagraph 4., for a life felony
901 committed on or after July 1, 1995, by a term of imprisonment
902 for life or by imprisonment for a term of years not exceeding

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903 life imprisonment.

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

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

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

912 b. For a life felony committed on or after July 1, 2008,
913 which is a person's second or subsequent violation of s.
914 800.04(5) (b), by a term of imprisonment for life.

915 5. Notwithstanding subparagraphs 1.-4., a person who is
916 convicted under s. 782.04 of an offense that was reclassified as
917 a life felony which was committed before the person attained 18
918 years of age may be punished by a term of imprisonment for life
919 or by a term of years equal to life imprisonment if the judge
920 conducts a sentencing hearing in accordance with s. 921.1401 and
921 finds that life imprisonment or a term of years equal to life
922 imprisonment is an appropriate sentence.

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

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

931 c. The court shall make a written finding as to whether a

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932 person is eligible for a sentence review hearing under s.
933 921.1402(2)(b) or (c). Such a finding shall be based upon
934 whether the person actually killed, intended to kill, or
935 attempted to kill the victim. The court may find that multiple
936 defendants killed, intended to kill, or attempted to kill the
937 victim.

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

941 (b)1. For a felony of the first degree, by a term of
942 imprisonment not exceeding 30 years or, when specifically
943 provided by statute, by imprisonment for a term of years not
944 exceeding life imprisonment.

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

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

958 b. A person who did not actually kill, intend to kill, or
959 attempt to kill the victim and is sentenced to a term of
960 imprisonment of more than 15 years is entitled to a review of

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961 his or her sentence in accordance with s. 921.1402(2)(c).

962 c. The court shall make a written finding as to whether a
963 person is eligible for a sentence review hearing under s.
964 921.1402(2)(b) or (c). Such a finding shall be based upon
965 whether the person actually killed, intended to kill, or
966 attempted to kill the victim. The court may find that multiple
967 defendants killed, intended to kill, or attempted to kill the
968 victim.

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

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

989 775.0823 Violent offenses committed against law enforcement

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990 officers, correctional officers, state attorneys, assistant
991 state attorneys, justices, or judges.—The Legislature does
992 hereby provide for an increase and certainty of penalty for any
993 person convicted of a violent offense against any law
994 enforcement or correctional officer, as defined in s. 943.10(1),
995 (2), (3), (6), (7), (8), or (9); against any state attorney
996 elected pursuant to s. 27.01 or assistant state attorney
997 appointed under s. 27.181; or against any justice or judge of a
998 court described in Art. V of the State Constitution, which
999 offense arises out of or in the scope of the officer's duty as a
1000 law enforcement or correctional officer, the state attorney's or
1001 assistant state attorney's duty as a prosecutor or investigator,
1002 or the justice's or judge's duty as a judicial officer, as
1003 follows:

1004 (1) For murder in the first degree as described in s.
1005 782.04(1), if the death sentence is not imposed, a sentence of
1006 imprisonment for life without eligibility for release.

1007 (2) For attempted murder in the first degree as described
1008 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,
1009 or s. 775.084.

1010 (4) For murder in the second degree as described in s.
1011 782.04(2) and (3), a sentence pursuant to s. 775.082, s.
1012 775.083, or s. 775.084.

1013 (5) For attempted murder in the second degree as described
1014 in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s.
1015 775.083, or s. 775.084.

1016 (6) For murder in the third degree as described in s.
1017 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s.
1018 775.084.

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1019 (7) For attempted murder in the third degree as described
1020 in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083,
1021 or s. 775.084.

1022
1023 Notwithstanding the provisions of s. 948.01, with respect to any
1024 person who is found to have violated this section, adjudication
1025 of guilt or imposition of sentence shall not be suspended,
1026 deferred, or withheld.

1027 Section 23. For the purpose of incorporating the amendment
1028 made by this act to section 782.04, Florida Statutes, in a
1029 reference thereto, section 782.051, Florida Statutes, is
1030 reenacted to read:

1031 782.051 Attempted felony murder.—

1032 (1) Any person who perpetrates or attempts to perpetrate
1033 any felony enumerated in s. 782.04(3) and who commits, aids, or
1034 abets an intentional act that is not an essential element of the
1035 felony and that could, but does not, cause the death of another
1036 commits a felony of the first degree, punishable by imprisonment
1037 for a term of years not exceeding life, or as provided in s.
1038 775.082, s. 775.083, or s. 775.084, which is an offense ranked
1039 in level 9 of the Criminal Punishment Code. Victim injury points
1040 shall be scored under this subsection.

1041 (2) Any person who perpetrates or attempts to perpetrate
1042 any felony other than a felony enumerated in s. 782.04(3) and
1043 who commits, aids, or abets an intentional act that is not an
1044 essential element of the felony and that could, but does not,
1045 cause the death of another commits a felony of the first degree,
1046 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
1047 which is an offense ranked in level 8 of the Criminal Punishment

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1048 Code. Victim injury points shall be scored under this
1049 subsection.

1050 (3) When a person is injured during the perpetration of or
1051 the attempt to perpetrate any felony enumerated in s. 782.04(3)
1052 by a person other than the person engaged in the perpetration of
1053 or the attempt to perpetrate such felony, the person
1054 perpetrating or attempting to perpetrate such felony commits a
1055 felony of the second degree, punishable as provided in s.
1056 775.082, s. 775.083, or s. 775.084, which is an offense ranked
1057 in level 7 of the Criminal Punishment Code. Victim injury points
1058 shall be scored under this subsection.

1059 Section 24. For the purpose of incorporating the amendment
1060 made by this act to section 782.04, Florida Statutes, in a
1061 reference thereto, section 782.065, Florida Statutes, is
1062 reenacted to read:

1063 782.065 Murder; law enforcement officer, correctional
1064 officer, correctional probation officer.—Notwithstanding ss.
1065 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
1066 shall be sentenced to life imprisonment without eligibility for
1067 release upon findings by the trier of fact that, beyond a
1068 reasonable doubt:

1069 (1) The defendant committed murder in the first degree in
1070 violation of s. 782.04(1) and a death sentence was not imposed;
1071 murder in the second or third degree in violation of s.
1072 782.04(2), (3), or (4); attempted murder in the first or second
1073 degree in violation of s. 782.04(1)(a)1. or (2); or attempted
1074 felony murder in violation of s. 782.051; and

1075 (2) The victim of any offense described in subsection (1)
1076 was a law enforcement officer, part-time law enforcement

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1077 officer, auxiliary law enforcement officer, correctional
 1078 officer, part-time correctional officer, auxiliary correctional
 1079 officer, correctional probation officer, part-time correctional
 1080 probation officer, or auxiliary correctional probation officer,
 1081 as those terms are defined in s. 943.10, engaged in the lawful
 1082 performance of a legal duty.

1083 Section 25. For the purpose of incorporating the amendment
 1084 made by this act to section 782.04, Florida Statutes, in a
 1085 reference thereto, section 903.133, Florida Statutes, is
 1086 reenacted to read:

1087 903.133 Bail on appeal; prohibited for certain felony
 1088 convictions.—Notwithstanding the provisions of s. 903.132, no
 1089 person adjudged guilty of a felony of the first degree for a
 1090 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
 1091 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
 1092 violation of s. 794.011(2) or (3), shall be admitted to bail
 1093 pending review either by posttrial motion or appeal.

1094 Section 26. For the purpose of incorporating the amendment
 1095 made by this act to section 782.04, Florida Statutes, in
 1096 references thereto, paragraphs (h) and (i) of subsection (3) of
 1097 section 921.0022, Florida Statutes, are reenacted to read:

1098 921.0022 Criminal Punishment Code; offense severity ranking
 1099 chart.—

1100 (3) OFFENSE SEVERITY RANKING CHART

1101 (h) LEVEL 8

1102

Florida	Felony	
Statute	Degree	Description

1103

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1104	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
1105	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
1106	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
1107	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
1108	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
1109	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.
	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments

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1110

totaling or exceeding
\$20,000, but less than
\$100,000.

655.50 (10) (b) 2.

2nd

Failure to report
financial transactions
totaling or exceeding
\$20,000, but less than
\$100,000 by financial
institutions.

1111

777.03 (2) (a)

1st

Accessory after the fact,
capital felony.

1112

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.

1113

782.051 (2)

1st

Attempted felony murder
while perpetrating or

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			attempting to perpetrate a felony not enumerated in s. 782.04(3).
1114	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
1115	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
1116	787.06 (3) (a) 1.	1st	Human trafficking for labor and services of a child.
1117	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
1118	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
1119	787.06 (3) (e) 1.	1st	Human trafficking for

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1120	787.06 (3) (f) 2.	1st	labor and services by the transfer or transport of a child from outside Florida to within the state.
1121	790.161 (3)	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
1122	794.011 (5) (a)	1st	Discharging a destructive device which results in bodily harm or property damage.
1123	794.011 (5) (b)	2nd	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. Sexual battery; victim and offender 18 years of

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1124	794.011 (5) (c)	2nd	age or older; offender does not use physical force likely to cause serious injury.
1125	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.
1126	794.08 (3)	2nd	Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.
1127	800.04 (4) (b)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
1128			Lewd or lascivious battery.

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1129	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
1130	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
1131	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
1132	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
1133	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
1133	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

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1134

812.13 (2) (b) 1st Robbery with a weapon.

1135

812.135 (2) (c) 1st Home-invasion robbery, no
firearm, deadly weapon,
or other weapon.

1136

817.535 (2) (b) 2nd Filing false lien or
other unauthorized
document; second or
subsequent offense.

1137

817.535 (3) (a) 2nd Filing false lien or
other unauthorized
document; property owner
is a public officer or
employee.

1138

817.535 (4) (a) 1. 2nd Filing false lien or
other unauthorized
document; defendant is
incarcerated or under
supervision.

1139

817.535 (5) (a) 2nd Filing false lien or
other unauthorized
document; owner of the
property incurs financial
loss as a result of the

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1140

817.568 (6)

2nd

false instrument.

Fraudulent use of personal identification information of an individual under the age of 18.

1141

817.611 (2) (c)

1st

Traffic in or possess 50 or more counterfeit credit cards or related documents.

1142

825.102 (2)

1st

Aggravated abuse of an elderly person or disabled adult.

1143

825.1025 (2)

2nd

Lewd or lascivious battery upon an elderly person or disabled adult.

1144

825.103 (3) (a)

1st

Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.

1145

837.02 (2)

2nd

Perjury in official proceedings relating to prosecution of a capital

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1146

837.021 (2)

2nd

felony.

Making contradictory statements in official proceedings relating to prosecution of a capital felony.

1147

860.121 (2) (c)

1st

Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

1148

860.16

1st

Aircraft piracy.

1149

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).

1150

893.13 (2) (b)

1st

Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

1151

893.13 (6) (c)

1st

Possess in excess of 10 grams of any substance specified in s.

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1152
1153
1154
1155
1156
1157
1158

893.03(1) (a) or (b).

893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

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1159	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
1160	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
1161	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
1162	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
1163	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than

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1164

400 grams.

893.1351(3)

1st

Possession of a place used to manufacture controlled substance when minor is present or resides there.

1165

895.03(1)

1st

Use or invest proceeds derived from pattern of racketeering activity.

1166

895.03(2)

1st

Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

1167

895.03(3)

1st

Conduct or participate in any enterprise through pattern of racketeering activity.

1168

896.101(5)(b)

2nd

Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

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1169

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.

1170

1171

(i) LEVEL 9

1172

Florida
Statute

Felony
Degree

Description

1173

316.193
(3) (c) 3.b.

1st

DUI manslaughter; failing to render aid or give information.

1174

327.35
(3) (c) 3.b.

1st

BUI manslaughter; failing to render aid or give information.

1175

409.920
(2) (b) 1.c.

1st

Medicaid provider fraud; \$50,000 or more.

1176

499.0051 (8)

1st

Knowing sale or purchase of contraband prescription drugs resulting in great bodily

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1177			harm.
	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1178			
	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1179			
	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1180			
	775.0844	1st	Aggravated white collar crime.
1181			
	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1182			
	782.04 (3)	1st, PBL	Accomplice to murder in

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			connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
1183	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
1184	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
1185	787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
1186	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
1187	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any

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1188			governmental or political function.
	787.02 (3) (a)	1st,PBL	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
1189			
	787.06 (3) (c) 1.	1st	Human trafficking for labor and services of an unauthorized alien child.
1190			
	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
1191			
	787.06 (3) (f) 1.	1st,PBL	Human trafficking for commercial sexual activity by the transfer or transport of any child from outside Florida to within the state.
1192			
	790.161	1st	Attempted capital

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1193

destructive device
offense.

790.166 (2)

1st, PBL

Possessing, selling,
using, or attempting to
use a weapon of mass
destruction.

1194

794.011 (2)

1st

Attempted sexual battery;
victim less than 12 years
of age.

1195

794.011 (2)

Life

Sexual battery; offender
younger than 18 years and
commits sexual battery on
a person less than 12
years.

1196

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.

1197

794.011 (4) (b)

1st

Sexual battery, certain
circumstances; victim and
offender 18 years of age
or older.

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1198

794.011 (4) (c) 1st Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.

1199

794.011 (4) (d) 1st, PBL Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.

1200

794.011 (8) (b) 1st, PBL Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

1201

794.08 (2) 1st Female genital mutilation; victim younger than 18 years of age.

1202

800.04 (5) (b) Life Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

1203

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1204	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
1205	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
1206	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
1207	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
1208	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
	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

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1209

result of the false
instrument.

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.

1210

827.03 (2) (a)

1st

Aggravated child abuse.

1211

847.0145 (1)

1st

Selling, or otherwise
transferring custody or
control, of a minor.

1212

847.0145 (2)

1st

Purchasing, or otherwise
obtaining custody or
control, of a minor.

1213

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.

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1221

893.135	1st	Attempted capital trafficking offense.
893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.

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1222	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
1223	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
1224	893.135 (1) (h) 1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
1225	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
1226	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
1227	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration

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requirements, financial transactions totaling or exceeding \$100,000.

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

921.16 When sentences to be concurrent and when consecutive.—

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

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

947.146 Control Release Authority.—

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1254 (3) Within 120 days prior to the date the state
1255 correctional system is projected pursuant to s. 216.136 to
1256 exceed 99 percent of total capacity, the authority shall
1257 determine eligibility for and establish a control release date
1258 for an appropriate number of parole ineligible inmates committed
1259 to the department and incarcerated within the state who have
1260 been determined by the authority to be eligible for
1261 discretionary early release pursuant to this section. In
1262 establishing control release dates, it is the intent of the
1263 Legislature that the authority prioritize consideration of
1264 eligible inmates closest to their tentative release date. The
1265 authority shall rely upon commitment data on the offender
1266 information system maintained by the department to initially
1267 identify inmates who are to be reviewed for control release
1268 consideration. The authority may use a method of objective risk
1269 assessment in determining if an eligible inmate should be
1270 released. Such assessment shall be a part of the department's
1271 management information system. However, the authority shall have
1272 sole responsibility for determining control release eligibility,
1273 establishing a control release date, and effectuating the
1274 release of a sufficient number of inmates to maintain the inmate
1275 population between 99 percent and 100 percent of total capacity.
1276 Inmates who are ineligible for control release are inmates who
1277 are parole eligible or inmates who:

1278 (i) Are convicted, or have been previously convicted, of
1279 committing or attempting to commit murder in the first, second,
1280 or third degree under s. 782.04(1), (2), (3), or (4), or have
1281 ever been convicted of any degree of murder or attempted murder
1282 in another jurisdiction;

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1283
1284 In making control release eligibility determinations under this
1285 subsection, the authority may rely on any document leading to or
1286 generated during the course of the criminal proceedings,
1287 including, but not limited to, any presentence or postsentence
1288 investigation or any information contained in arrest reports
1289 relating to circumstances of the offense.

1290 Section 29. For the purpose of incorporating the amendment
1291 made by this act to section 782.04, Florida Statutes, in a
1292 reference thereto, paragraph (c) of subsection (8) of section
1293 948.06, Florida Statutes, is reenacted to read:

1294 948.06 Violation of probation or community control;
1295 revocation; modification; continuance; failure to pay
1296 restitution or cost of supervision.—

1297 (8)

1298 (c) For purposes of this section, the term "qualifying
1299 offense" means any of the following:

1300 1. Kidnapping or attempted kidnapping under s. 787.01,
1301 false imprisonment of a child under the age of 13 under s.
1302 787.02(3), or luring or enticing a child under s. 787.025(2)(b)
1303 or (c).

1304 2. Murder or attempted murder under s. 782.04, attempted
1305 felony murder under s. 782.051, or manslaughter under s. 782.07.

1306 3. Aggravated battery or attempted aggravated battery under
1307 s. 784.045.

1308 4. Sexual battery or attempted sexual battery under s.
1309 794.011(2), (3), (4), or (8)(b) or (c).

1310 5. Lewd or lascivious battery or attempted lewd or
1311 lascivious battery under s. 800.04(4), lewd or lascivious

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1312 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious
1313 conduct under s. 800.04(6)(b), lewd or lascivious exhibition
1314 under s. 800.04(7)(b), or lewd or lascivious exhibition on
1315 computer under s. 847.0135(5)(b).

1316 6. Robbery or attempted robbery under s. 812.13, carjacking
1317 or attempted carjacking under s. 812.133, or home invasion
1318 robbery or attempted home invasion robbery under s. 812.135.

1319 7. Lewd or lascivious offense upon or in the presence of an
1320 elderly or disabled person or attempted lewd or lascivious
1321 offense upon or in the presence of an elderly or disabled person
1322 under s. 825.1025.

1323 8. Sexual performance by a child or attempted sexual
1324 performance by a child under s. 827.071.

1325 9. Computer pornography under s. 847.0135(2) or (3),
1326 transmission of child pornography under s. 847.0137, or selling
1327 or buying of minors under s. 847.0145.

1328 10. Poisoning food or water under s. 859.01.

1329 11. Abuse of a dead human body under s. 872.06.

1330 12. Any burglary offense or attempted burglary offense that
1331 is either a first degree felony or second degree felony under s.
1332 810.02(2) or (3).

1333 13. Arson or attempted arson under s. 806.01(1).

1334 14. Aggravated assault under s. 784.021.

1335 15. Aggravated stalking under s. 784.048(3), (4), (5), or
1336 (7).

1337 16. Aircraft piracy under s. 860.16.

1338 17. Unlawful throwing, placing, or discharging of a
1339 destructive device or bomb under s. 790.161(2), (3), or (4).

1340 18. Treason under s. 876.32.

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1341 19. Any offense committed in another jurisdiction which
1342 would be an offense listed in this paragraph if that offense had
1343 been committed in this state.

1344 Section 30. For the purpose of incorporating the amendment
1345 made by this act to section 782.04, Florida Statutes, in a
1346 reference thereto, subsection (1) of section 948.062, Florida
1347 Statutes, is reenacted to read:

1348 948.062 Reviewing and reporting serious offenses committed
1349 by offenders placed on probation or community control.—

1350 (1) The department shall review the circumstances related
1351 to an offender placed on probation or community control who has
1352 been arrested while on supervision for the following offenses:

1353 (a) Any murder as provided in s. 782.04;

1354 (b) Any sexual battery as provided in s. 794.011 or s.
1355 794.023;

1356 (c) Any sexual performance by a child as provided in s.
1357 827.071;

1358 (d) Any kidnapping, false imprisonment, or luring of a
1359 child as provided in s. 787.01, s. 787.02, or s. 787.025;

1360 (e) Any lewd and lascivious battery or lewd and lascivious
1361 molestation as provided in s. 800.04(4) or (5);

1362 (f) Any aggravated child abuse as provided in s.
1363 827.03(2) (a);

1364 (g) Any robbery with a firearm or other deadly weapon, home
1365 invasion robbery, or carjacking as provided in s. 812.13(2) (a),
1366 s. 812.135, or s. 812.133;

1367 (h) Any aggravated stalking as provided in s. 784.048(3),
1368 (4), or (5);

1369 (i) Any forcible felony as provided in s. 776.08, committed

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1370 by a person on probation or community control who is designated
1371 as a sexual predator; or

1372 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),
1373 or vehicular or vessel homicide as provided in s. 782.071 or s.
1374 782.072, committed by a person who is on probation or community
1375 control for an offense involving death or injury resulting from
1376 a driving incident.

1377 Section 31. For the purpose of incorporating the amendment
1378 made by this act to section 782.04, Florida Statutes, in a
1379 reference thereto, paragraph (b) of subsection (3) of section
1380 985.265, Florida Statutes, is reenacted to read:

1381 985.265 Detention transfer and release; education; adult
1382 jails.—

1383 (3)

1384 (b) When a juvenile is released from secure detention or
1385 transferred to nonsecure detention, detention staff shall
1386 immediately notify the appropriate law enforcement agency,
1387 school personnel, and victim if the juvenile is charged with
1388 committing any of the following offenses or attempting to commit
1389 any of the following offenses:

- 1390 1. Murder, under s. 782.04;
- 1391 2. Sexual battery, under chapter 794;
- 1392 3. Stalking, under s. 784.048; or
- 1393 4. Domestic violence, as defined in s. 741.28.

1394 Section 32. For the purpose of incorporating the amendment
1395 made by this act to section 782.04, Florida Statutes, in a
1396 reference thereto, paragraph (d) of subsection (1) of section
1397 1012.315, Florida Statutes, is reenacted to read:

1398 1012.315 Disqualification from employment.—A person is

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1399 ineligible for educator certification, and instructional
1400 personnel and school administrators, as defined in s. 1012.01,
1401 are ineligible for employment in any position that requires
1402 direct contact with students in a district school system,
1403 charter school, or private school that accepts scholarship
1404 students under s. 1002.39 or s. 1002.395, if the person,
1405 instructional personnel, or school administrator has been
1406 convicted of:

1407 (1) Any felony offense prohibited under any of the
1408 following statutes:

1409 (d) Section 782.04, relating to murder.

1410 Section 33. For the purpose of incorporating the amendments
1411 made by this act to sections 775.30 and 782.04, Florida
1412 Statutes, in a reference thereto, paragraph (g) of subsection
1413 (2) of section 1012.467, Florida Statutes, is reenacted to read:

1414 1012.467 Noninstructional contractors who are permitted
1415 access to school grounds when students are present; background
1416 screening requirements.—

1417 (2)

1418 (g) A noninstructional contractor for whom a criminal
1419 history check is required under this section may not have been
1420 convicted of any of the following offenses designated in the
1421 Florida Statutes, any similar offense in another jurisdiction,
1422 or any similar offense committed in this state which has been
1423 redesignated from a former provision of the Florida Statutes to
1424 one of the following offenses:

1425 1. Any offense listed in s. 943.0435(1)(h)1., relating to
1426 the registration of an individual as a sexual offender.

1427 2. Section 393.135, relating to sexual misconduct with

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1428 certain developmentally disabled clients and the reporting of
1429 such sexual misconduct.

1430 3. Section 394.4593, relating to sexual misconduct with
1431 certain mental health patients and the reporting of such sexual
1432 misconduct.

1433 4. Section 775.30, relating to terrorism.

1434 5. Section 782.04, relating to murder.

1435 6. Section 787.01, relating to kidnapping.

1436 7. Any offense under chapter 800, relating to lewdness and
1437 indecent exposure.

1438 8. Section 826.04, relating to incest.

1439 9. Section 827.03, relating to child abuse, aggravated
1440 child abuse, or neglect of a child.

1441 Section 34. This act shall take effect October 1, 2017.