

By the Committee on Criminal Justice; and Senator Bean

591-03326-17

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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 in furtherance of  
8           certain objectives is a crime of terrorism; providing  
9           penalties; providing increased penalties if the action  
10          results in death or serious bodily injury; defining  
11          the term "serious bodily injury"; amending s. 775.31,  
12          F.S.; redefining the term "terrorism"; providing  
13          applicability; creating s. 775.32, F.S.; defining  
14          terms; prohibiting a person from using, attempting to  
15          use, or conspiring to use military-type training  
16          received from a designated foreign terrorist  
17          organization for certain purposes; providing  
18          penalties; providing increased penalties if the  
19          actions result in death or serious bodily injury;  
20          creating s. 775.33, F.S.; defining terms; prohibiting  
21          a person from providing material support or resources,  
22          or engaging in other specified actions, to violate  
23          specified criminal provisions; providing penalties;  
24          prohibiting a person from attempting to provide,  
25          conspiring to provide, or knowingly providing material  
26          support or resources to a designated foreign terrorist  
27          organization; providing penalties; providing increased  
28          penalties if specified actions result in death or  
29          serious bodily injury; specifying the circumstances

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30 under which a person provides material support by  
31 providing personnel; prohibiting prosecution under  
32 certain circumstances; providing legislative intent;  
33 requiring the Department of Law Enforcement, in  
34 consultation with the Office of the Attorney General,  
35 to create specified guidelines; creating s. 775.34,  
36 F.S.; providing penalties for a person who willfully  
37 becomes a member of a designated foreign terrorist  
38 organization and serves under the direction or control  
39 of the organization with the intent to further the  
40 illegal acts of the organization; defining the term  
41 "designated foreign terrorist organization"; creating  
42 s. 775.35, F.S.; providing penalties for a person who  
43 intentionally disseminates or spreads any type of  
44 contagious, communicable, or infectious disease among  
45 crops, poultry, livestock, or other animals; providing  
46 an affirmative defense; providing increased penalties  
47 if specified actions result in death or serious bodily  
48 injury; defining the term "serious bodily injury";  
49 amending s. 782.04, F.S.; revising the provisions  
50 related to terrorism for murder in the first degree,  
51 murder in the second degree, and murder in the third  
52 degree to include the terrorism felonies created by  
53 this act; reenacting ss. 373.6055(3)(c), 381.95(1),  
54 395.1056(1)(a) and (2), 874.03(7), 907.041(4)(a),  
55 943.0312(2), and 943.0321(2), F.S., relating to the  
56 definition of the term "terrorism," to incorporate the  
57 amendment made to s. 775.30, F.S., in references  
58 thereto; reenacting ss. 27.401(2), 39.806(1)(d),

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59 63.089(4) (b), 95.11(10), 435.04(2) (e), 435.07(4) (c),  
60 775.082(1) (b) and (3) (a), (b), and (c), 775.0823(1),  
61 (2), (4), (5), (6), and (7), 782.051, 782.065,  
62 903.133, 921.0022(3) (h) and (i), 921.16(1),  
63 947.146(3) (i), 948.06(8) (c), 948.062(1),  
64 985.265(3) (b), and 1012.315(1) (d), F.S., relating to  
65 capital felonies, murder in the first degree, murder  
66 in the second degree, and murder in the third degree,  
67 to incorporate the amendment made to s. 782.04, F.S.,  
68 in references thereto; reenacting s. 1012.467(2) (g),  
69 F.S., relating to terrorism and murder, to incorporate  
70 the amendments made to ss. 775.30 and 782.04, F.S., in  
71 references thereto; providing an effective date.

72  
73 WHEREAS, the domestic security of the State of Florida and  
74 terrorism prevention within the state's borders are of paramount  
75 importance, and

76 WHEREAS, the threats to the domestic security of the State  
77 of Florida are constantly evolving and expanding, and

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

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

86 WHEREAS, the constitutional rights of the residents of and  
87 visitors to the State of Florida are also of great importance,

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88 and those rights can be safeguarded through reasonable  
89 protections in appropriate law enforcement actions, NOW,  
90 THEREFORE,

91

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

93

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

96 775.30 Terrorism; defined; penalties.-

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

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

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

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

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

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

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

111 (2) A person who violates s. 782.04(1)(a)1. or (2), s.  
112 782.065, s. 782.07(1), s. 782.09, s. 784.045, s. 784.07, s.  
113 787.01, s. 787.02, s. 787.07, s. 790.115, s. 790.15, s. 790.16,  
114 s. 790.161, s. 790.1615, s. 790.162, s. 790.166, s. 790.19, s.  
115 806.01, s. 806.031, s. 806.111, s. 815.06, s. 815.061, s.  
116 859.01, or s. 876.34, in furtherance of intimidating or coercing

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117 the policy of a government, or in furtherance of affecting the  
118 conduct of a government by mass destruction, assassination, or  
119 kidnapping, commits the crime of terrorism, a felony of the  
120 first degree, punishable as provided in s. 775.082, s. 775.083,  
121 or s. 775.084.

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

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

132 775.31 Facilitating or furthering terrorism; felony or  
133 misdemeanor reclassification.—

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

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

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

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

145 (d) In the case of a felony of the second degree, the

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146 offense is reclassified as a felony of the first degree.

147 (e) In the case of a felony of the first degree or a felony  
148 of the first degree punishable by a term of imprisonment not  
149 exceeding life, the offense is reclassified as a life felony.

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

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

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

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

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

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

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

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

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

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

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

174 Section 3. Section 775.32, Florida Statutes, is created to

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175 read:

176 775.32 Use of military-type training provided by a  
177 designated foreign terrorist organization.-

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

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

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

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

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

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

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

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

203 (4) A person who commits a violation of subsection (2)

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204 which results in the death of, or serious bodily injury to, a  
205 person commits a felony of the first degree, punishable as  
206 provided in s. 775.082, s. 775.083, or s. 775.084.

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

209 775.33 Providing material support or resources for  
210 terrorism or to terrorist organizations.-

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

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

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

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

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

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

229 (2) A person who provides material support or resources or  
230 conceals or disguises the nature, location, source, or ownership  
231 of material support or resources, knowing or intending that the  
232 support or resources are to be used in preparation for or in



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233 carrying out a violation of s. 775.30, s. 775.32, s. 775.34, s.  
234 775.35, s. 790.16, s. 790.161(2), (3), or (4), s. 790.166, s.  
235 790.19, s. 815.06, s. 859.01, s. 860.121, s. 860.16, s. 876.32,  
236 s. 876.34, or s. 876.36; who conceals an escape from the  
237 commission of any such violation; or who attempts or conspires  
238 to carry out such violation commits a felony of the first  
239 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
240 775.084.

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

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

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

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

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262 direct the operations of the person engaged in, or intending to  
263 engage in, an act of terrorism; or

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

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

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

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

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

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

290 775.34 Membership in a designated foreign terrorist

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291 organization.—A person who willfully becomes a member of a  
292 designated foreign terrorist organization and serves under the  
293 direction or control of that organization with the intent to  
294 further the illegal acts of the organization commits a felony of  
295 the second degree, punishable as provided in s. 775.082, s.  
296 775.083, or s. 775.084. As used in this section, the term  
297 “designated foreign terrorist organization” has the same meaning  
298 as provided in s. 775.32.

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

301 775.35 Agroterrorism; penalties.—

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

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

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

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- 320 782.04 Murder.—
- 321 (1)(a) The unlawful killing of a human being:
- 322 1. When perpetrated from a premeditated design to effect
- 323 the death of the person killed or any human being;
- 324 2. When committed by a person engaged in the perpetration
- 325 of, or in the attempt to perpetrate, any:
- 326 a. Trafficking offense prohibited by s. 893.135(1),
- 327 b. Arson,
- 328 c. Sexual battery,
- 329 d. Robbery,
- 330 e. Burglary,
- 331 f. Kidnapping,
- 332 g. Escape,
- 333 h. Aggravated child abuse,
- 334 i. Aggravated abuse of an elderly person or disabled adult,
- 335 j. Aircraft piracy,
- 336 k. Unlawful throwing, placing, or discharging of a
- 337 destructive device or bomb,
- 338 l. Carjacking,
- 339 m. Home-invasion robbery,
- 340 n. Aggravated stalking,
- 341 o. Murder of another human being,
- 342 p. Resisting an officer with violence to his or her person,
- 343 q. Aggravated fleeing or eluding with serious bodily injury
- 344 or death,
- 345 r. Felony that is an act of terrorism or is in furtherance
- 346 of an act of terrorism, including a felony under s. 775.30, s.
- 347 775.32, s. 775.33, s. 775.34, or s. 775.35, or
- 348 s. Human trafficking; or

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

355  
356 is murder in the first degree and constitutes a capital felony,  
357 punishable as provided in s. 775.082.

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

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

361           (b) Arson,

362           (c) Sexual battery,

363           (d) Robbery,

364           (e) Burglary,

365           (f) Kidnapping,

366           (g) Escape,

367           (h) Aggravated child abuse,

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

370           (j) Aircraft piracy,

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

373           (l) Carjacking,

374           (m) Home-invasion robbery,

375           (n) Aggravated stalking,

376           (o) Murder of another human being,

377           (p) Aggravated fleeing or eluding with serious bodily

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378 injury or death,

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

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

384  
385 by a person other than the person engaged in the perpetration of  
386 or in the attempt to perpetrate such felony, the person  
387 perpetrating or attempting to perpetrate such felony commits  
388 murder in the second degree, which constitutes a felony of the  
389 first degree, punishable by imprisonment for a term of years not  
390 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
391 775.084.

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

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

397 (b) Arson,

398 (c) Sexual battery,

399 (d) Robbery,

400 (e) Burglary,

401 (f) Kidnapping,

402 (g) Escape,

403 (h) Aggravated child abuse,

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

406 (j) Aircraft piracy,

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

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

415 (m) Carjacking,

416 (n) Home-invasion robbery,

417 (o) Aggravated stalking,

418 (p) Murder of another human being,

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

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

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

426  
427 is murder in the third degree and constitutes a felony of the  
428 second degree, punishable as provided in s. 775.082, s. 775.083,  
429 or s. 775.084.

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

434 373.6055 Criminal history checks for certain water  
435 management district employees and others.-

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436 (3)

437 (c) In addition to other requirements for employment or  
438 access established by any water management district pursuant to  
439 its water management district's security plan for buildings,  
440 facilities, and structures, each water management district's  
441 security plan shall provide that:

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

461 2. Any person who has at any time been convicted of any of  
462 the offenses listed in subparagraph 1. may not be qualified for  
463 initial employment within or authorized regular access to  
464 buildings, facilities, or structures defined in the water



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465 management district's security plan as restricted access areas  
466 unless, after release from incarceration and any supervision  
467 imposed as a sentence, the person remained free from a  
468 subsequent conviction, regardless of whether adjudication was  
469 withheld, for any of the listed offenses for a period of at  
470 least 7 years prior to the employment or access date under  
471 consideration.

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

476 381.95 Medical facility information maintained for  
477 terrorism response purposes; confidentiality.—

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

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

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494 395.1056 Plan components addressing a hospital's response  
495 to terrorism; public records exemption; public meetings  
496 exemption.—

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

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

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

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523 records, and methods of responding to family inquiries.

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

528 874.03 Definitions.—As used in this chapter:

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

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

538 907.041 Pretrial detention and release.—

539 (4) PRETRIAL DETENTION.—

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

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

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

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

573           943.0312 Regional domestic security task forces.—The  
574 Legislature finds that there is a need to develop and implement  
575 a statewide strategy to address prevention, preparation,  
576 protection, response, and recovery efforts by federal, state,  
577 and local law enforcement agencies, emergency management  
578 agencies, fire and rescue departments, first-responder personnel  
579 and others in dealing with potential or actual terrorist acts  
580 within or affecting this state.

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

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

601 943.0321 The Florida Domestic Security and Counter-  
602 Terrorism Intelligence Center and the Florida Domestic Security  
603 and Counter-Terrorism Database.—

604 (2) The intelligence center shall:

605 (a) Gather, document, and analyze active criminal  
606 intelligence and criminal investigative information related to  
607 terrorism, as defined in s. 775.30, including information  
608 related to individuals or groups that plot, plan, or coordinate  
609 acts of terrorism, as defined in s. 775.30, and that operate

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610 within this state or otherwise commit acts affecting this state;

611 (b) Maintain and operate the domestic security and counter-  
612 terrorism database; and

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

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

620 27.401 Cross-Circuit Conflict Representation Pilot  
621 Program.—

622 (2) Notwithstanding ss. 27.40 and 27.5305:

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

637 (b) If the public defender in the Thirteenth Judicial  
638 Circuit is unable to provide representation to an indigent

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

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

655 39.806 Grounds for termination of parental rights.—

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

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

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

665 2. The incarcerated parent has been determined by the court  
666 to be a violent career criminal as defined in s. 775.084, a  
667 habitual violent felony offender as defined in s. 775.084, or a

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668 sexual predator as defined in s. 775.21; has been convicted of  
669 first degree or second degree murder in violation of s. 782.04  
670 or a sexual battery that constitutes a capital, life, or first  
671 degree felony violation of s. 794.011; or has been convicted of  
672 an offense in another jurisdiction which is substantially  
673 similar to one of the offenses listed in this paragraph. As used  
674 in this section, the term "substantially similar offense" means  
675 any offense that is substantially similar in elements and  
676 penalties to one of those listed in this subparagraph, and that  
677 is in violation of a law of any other jurisdiction, whether that  
678 of another state, the District of Columbia, the United States or  
679 any possession or territory thereof, or any foreign  
680 jurisdiction; or

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

687 a. The age of the child.

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

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

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

695 e. Any other factor the court deems relevant.

696 Section 17. For the purpose of incorporating the amendment



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697 made by this act to section 782.04, Florida Statutes, in a  
698 reference thereto, paragraph (b) of subsection (4) of section  
699 63.089, Florida Statutes, is reenacted to read:

700 63.089 Proceeding to terminate parental rights pending  
701 adoption; hearing; grounds; dismissal of petition; judgment.—

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

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

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

723 2. The incarcerated parent has been determined by a court  
724 of competent jurisdiction to be a violent career criminal as  
725 defined in s. 775.084, a habitual violent felony offender as

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726 defined in s. 775.084, convicted of child abuse as defined in s.  
727 827.03, or a sexual predator as defined in s. 775.21; has been  
728 convicted of first degree or second degree murder in violation  
729 of s. 782.04 or a sexual battery that constitutes a capital,  
730 life, or first degree felony violation of s. 794.011; or has  
731 been convicted of a substantially similar offense in another  
732 jurisdiction. As used in this section, the term "substantially  
733 similar offense" means any offense that is substantially similar  
734 in elements and penalties to one of those listed in this  
735 subparagraph, and that is in violation of a law of any other  
736 jurisdiction, whether that of another state, the District of  
737 Columbia, the United States or any possession or territory  
738 thereof, or any foreign jurisdiction; or

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

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

748 95.11 Limitations other than for the recovery of real  
749 property.—Actions other than for recovery of real property shall  
750 be commenced as follows:

751 (10) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS  
752 DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph  
753 (4) (d), an action for wrongful death seeking damages authorized  
754 under s. 768.21 brought against a natural person for an

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755 intentional tort resulting in death from acts described in s.  
756 782.04 or s. 782.07 may be commenced at any time. This  
757 subsection shall not be construed to require an arrest, the  
758 filing of formal criminal charges, or a conviction for a  
759 violation of s. 782.04 or s. 782.07 as a condition for filing a  
760 civil action.

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

765 435.04 Level 2 screening standards.—

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

775 (e) Section 782.04, relating to murder.

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

780 435.07 Exemptions from disqualification.—Unless otherwise  
781 provided by law, the provisions of this section apply to  
782 exemptions from disqualification for disqualifying offenses  
783 revealed pursuant to background screenings required under this

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784 chapter, regardless of whether those disqualifying offenses are  
785 listed in this chapter or other laws.

786 (4)

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

801 1. A felony offense prohibited under any of the following  
802 statutes:

803 a. Chapter 741, relating to domestic violence.

804 b. Section 782.04, relating to murder.

805 c. Section 782.07, relating to manslaughter, aggravated  
806 manslaughter of an elderly person or disabled adult, aggravated  
807 manslaughter of a child, or aggravated manslaughter of an  
808 officer, a firefighter, an emergency medical technician, or a  
809 paramedic.

810 d. Section 784.021, relating to aggravated assault.

811 e. Section 784.045, relating to aggravated battery.

812 f. Section 787.01, relating to kidnapping.

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

814 h. Section 787.04(2), relating to leading, taking,  
815 enticing, or removing a minor beyond the state limits, or  
816 concealing the location of a minor, with criminal intent pending  
817 custody proceedings.

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

823 j. Section 794.011, relating to sexual battery.

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

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

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

830 n. Section 806.01, relating to arson.

831 o. Section 826.04, relating to incest.

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

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

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

838 s. Chapter 847, relating to child pornography.

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

841 2. A misdemeanor offense prohibited under any of the

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842 following statutes:

843 a. Section 784.03, relating to battery, if the victim of  
844 the offense was a minor.

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

846 c. Chapter 847, relating to child pornography.

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

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

856 775.082 Penalties; applicability of sentencing structures;  
857 mandatory minimum sentences for certain reoffenders previously  
858 released from prison.-

859 (1)

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

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871 is entitled to a review of his or her sentence in accordance  
872 with s. 921.1402(2)(a).

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

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

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

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

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

899 3. Except as provided in subparagraph 4., for a life felony

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900 committed on or after July 1, 1995, by a term of imprisonment  
901 for life or by imprisonment for a term of years not exceeding  
902 life imprisonment.

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

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

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

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

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

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

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



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

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

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

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

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

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

957 b. A person who did not actually kill, intend to kill, or

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958 attempt to kill the victim and is sentenced to a term of  
959 imprisonment of more than 15 years is entitled to a review of  
960 his or her sentence in accordance with s. 921.1402(2)(c).

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

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

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

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987 of section 775.0823, Florida Statutes, are reenacted to read:

988       775.0823 Violent offenses committed against law enforcement  
989 officers, correctional officers, state attorneys, assistant  
990 state attorneys, justices, or judges.—The Legislature does  
991 hereby provide for an increase and certainty of penalty for any  
992 person convicted of a violent offense against any law  
993 enforcement or correctional officer, as defined in s. 943.10(1),  
994 (2), (3), (6), (7), (8), or (9); against any state attorney  
995 elected pursuant to s. 27.01 or assistant state attorney  
996 appointed under s. 27.181; or against any justice or judge of a  
997 court described in Art. V of the State Constitution, which  
998 offense arises out of or in the scope of the officer's duty as a  
999 law enforcement or correctional officer, the state attorney's or  
1000 assistant state attorney's duty as a prosecutor or investigator,  
1001 or the justice's or judge's duty as a judicial officer, as  
1002 follows:

1003       (1) For murder in the first degree as described in s.  
1004 782.04(1), if the death sentence is not imposed, a sentence of  
1005 imprisonment for life without eligibility for release.

1006       (2) For attempted murder in the first degree as described  
1007 in s. 782.04(1), a sentence pursuant to s. 775.082, s. 775.083,  
1008 or s. 775.084.

1009       (4) For murder in the second degree as described in s.  
1010 782.04(2) and (3), a sentence pursuant to s. 775.082, s.  
1011 775.083, or s. 775.084.

1012       (5) For attempted murder in the second degree as described  
1013 in s. 782.04(2) and (3), a sentence pursuant to s. 775.082, s.  
1014 775.083, or s. 775.084.

1015       (6) For murder in the third degree as described in s.

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1016 782.04(4), a sentence pursuant to s. 775.082, s. 775.083, or s.  
1017 775.084.

1018 (7) For attempted murder in the third degree as described  
1019 in s. 782.04(4), a sentence pursuant to s. 775.082, s. 775.083,  
1020 or s. 775.084.

1021  
1022 Notwithstanding the provisions of s. 948.01, with respect to any  
1023 person who is found to have violated this section, adjudication  
1024 of guilt or imposition of sentence shall not be suspended,  
1025 deferred, or withheld.

1026 Section 23. For the purpose of incorporating the amendment  
1027 made by this act to section 782.04, Florida Statutes, in a  
1028 reference thereto, section 782.051, Florida Statutes, is  
1029 reenacted to read:

1030 782.051 Attempted felony murder.—

1031 (1) Any person who perpetrates or attempts to perpetrate  
1032 any felony enumerated in s. 782.04(3) and who commits, aids, or  
1033 abets an intentional act that is not an essential element of the  
1034 felony and that could, but does not, cause the death of another  
1035 commits a felony of the first degree, punishable by imprisonment  
1036 for a term of years not exceeding life, or as provided in s.  
1037 775.082, s. 775.083, or s. 775.084, which is an offense ranked  
1038 in level 9 of the Criminal Punishment Code. Victim injury points  
1039 shall be scored under this subsection.

1040 (2) Any person who perpetrates or attempts to perpetrate  
1041 any felony other than a felony enumerated in s. 782.04(3) and  
1042 who commits, aids, or abets an intentional act that is not an  
1043 essential element of the felony and that could, but does not,  
1044 cause the death of another commits a felony of the first degree,

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1045 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
1046 which is an offense ranked in level 8 of the Criminal Punishment  
1047 Code. Victim injury points shall be scored under this  
1048 subsection.

1049 (3) When a person is injured during the perpetration of or  
1050 the attempt to perpetrate any felony enumerated in s. 782.04(3)  
1051 by a person other than the person engaged in the perpetration of  
1052 or the attempt to perpetrate such felony, the person  
1053 perpetrating or attempting to perpetrate such felony commits a  
1054 felony of the second degree, punishable as provided in s.  
1055 775.082, s. 775.083, or s. 775.084, which is an offense ranked  
1056 in level 7 of the Criminal Punishment Code. Victim injury points  
1057 shall be scored under this subsection.

1058 Section 24. For the purpose of incorporating the amendment  
1059 made by this act to section 782.04, Florida Statutes, in a  
1060 reference thereto, section 782.065, Florida Statutes, is  
1061 reenacted to read:

1062 782.065 Murder; law enforcement officer, correctional  
1063 officer, correctional probation officer.—Notwithstanding ss.  
1064 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant  
1065 shall be sentenced to life imprisonment without eligibility for  
1066 release upon findings by the trier of fact that, beyond a  
1067 reasonable doubt:

1068 (1) The defendant committed murder in the first degree in  
1069 violation of s. 782.04(1) and a death sentence was not imposed;  
1070 murder in the second or third degree in violation of s.  
1071 782.04(2), (3), or (4); attempted murder in the first or second  
1072 degree in violation of s. 782.04(1)(a)1. or (2); or attempted  
1073 felony murder in violation of s. 782.051; and

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1074 (2) The victim of any offense described in subsection (1)  
1075 was a law enforcement officer, part-time law enforcement  
1076 officer, auxiliary law enforcement officer, correctional  
1077 officer, part-time correctional officer, auxiliary correctional  
1078 officer, correctional probation officer, part-time correctional  
1079 probation officer, or auxiliary correctional probation officer,  
1080 as those terms are defined in s. 943.10, engaged in the lawful  
1081 performance of a legal duty.

1082 Section 25. For the purpose of incorporating the amendment  
1083 made by this act to section 782.04, Florida Statutes, in a  
1084 reference thereto, section 903.133, Florida Statutes, is  
1085 reenacted to read:

1086 903.133 Bail on appeal; prohibited for certain felony  
1087 convictions.—Notwithstanding the provisions of s. 903.132, no  
1088 person adjudged guilty of a felony of the first degree for a  
1089 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.  
1090 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a  
1091 violation of s. 794.011(2) or (3), shall be admitted to bail  
1092 pending review either by posttrial motion or appeal.

1093 Section 26. For the purpose of incorporating the amendment  
1094 made by this act to section 782.04, Florida Statutes, in  
1095 references thereto, paragraphs (h) and (i) of subsection (3) of  
1096 section 921.0022, Florida Statutes, are reenacted to read:

1097 921.0022 Criminal Punishment Code; offense severity ranking  
1098 chart.—

1099 (3) OFFENSE SEVERITY RANKING CHART

1100 (h) LEVEL 8

1101

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	Florida Statute	Felony Degree	Description
1102	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
1103	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
1104	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
1105	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
1106	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
1107	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.
1108	560.125 (5) (b)	2nd	Money transmitter

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1109	655.50 (10) (b) 2.	2nd	business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
1110	777.03 (2) (a)	1st	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
1111	782.04 (4)	2nd	Accessory after the fact, capital felony.  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.



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1112

782.051 (2) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).

1113

782.071 (1) (b) 1st Committing vehicular homicide and failing to render aid or give information.

1114

782.072 (2) 1st Committing vessel homicide and failing to render aid or give information.

1115

787.06 (3) (a) 1. 1st Human trafficking for labor and services of a child.

1116

787.06 (3) (b) 1st Human trafficking using coercion for commercial sexual activity of an adult.

1117

787.06 (3) (c) 2. 1st Human trafficking using coercion for labor and services of an

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1118

unauthorized alien adult.

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.

1119

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.

1120

790.161(3)

1st

Discharging a destructive device which results in bodily harm or property damage.

1121

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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1127	800.04 (4) (b)	2nd	Lewd or lascivious battery.
1128	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
1129	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
1130	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
1131	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
1132	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
	812.014 (2) (a) 2.	1st	Property stolen; cargo

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			valued at \$50,000 or more, grand theft in 1st degree.
1133	812.13 (2) (b)	1st	Robbery with a weapon.
1134	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
1135	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
1136	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
1137	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
1138	817.535 (5) (a)	2nd	Filing false lien or other unauthorized

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1139	817.568 (6)	2nd	document; owner of the property incurs financial loss as a result of the false instrument.
1140	817.611 (2) (c)	1st	Fraudulent use of personal identification information of an individual under the age of 18.
1141	825.102 (2)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
1142	825.1025 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
1143	825.103 (3) (a)	1st	Lewd or lascivious battery upon an elderly person or disabled adult.
1144			Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.

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1145

837.02 (2)

2nd

Perjury in official proceedings relating to prosecution of a capital felony.

1146

837.021 (2)

2nd

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).

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	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
1151			
	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
1152			
	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
1153			
	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
1154			
	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
1155			
	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
1156			
	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than



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1157

893.135  
(1) (e) 1.b.

1st

200 grams, less than 400  
grams.

Trafficking in  
methaqualone, more than 5  
kilograms, less than 25  
kilograms.

1158

893.135  
(1) (f) 1.b.

1st

Trafficking in  
amphetamine, more than 28  
grams, less than 200  
grams.

1159

893.135  
(1) (g) 1.b.

1st

Trafficking in  
flunitrazepam, 14 grams  
or more, less than 28  
grams.

1160

893.135  
(1) (h) 1.b.

1st

Trafficking in gamma-  
hydroxybutyric acid  
(GHB), 5 kilograms or  
more, less than 10  
kilograms.

1161

893.135  
(1) (j) 1.b.

1st

Trafficking in 1,4-  
Butanediol, 5 kilograms  
or more, less than 10  
kilograms.

1162

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1163	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
1164	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.
	896.101 (5) (b)	2nd	Money laundering, financial transactions

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1168			totaling or exceeding \$20,000, but less than \$100,000.
	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.
1169			
1170	(i) LEVEL 9		
1171			
	Florida Statute	Felony Degree	Description
1172			
	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
1173			
	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
1174			
	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
1175			
	499.0051 (8)	1st	Knowing sale or purchase

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1176	560.123 (8) (b) 3.	1st	of contraband prescription drugs resulting in great bodily harm.
1177	560.125 (5) (c)	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1178	655.50 (10) (b) 3.	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1179	775.0844	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1180	782.04 (1)	1st	Aggravated white collar crime.
			Attempt, conspire, or solicit to commit

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1181

782.04(3)

1st, PBL

premeditated murder.

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.

1182

782.051(1)

1st

Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).

1183

782.07(2)

1st

Aggravated manslaughter of an elderly person or disabled adult.

1184

787.01(1)(a)1.

1st, PBL

Kidnapping; hold for ransom or reward or as a shield or hostage.

1185

787.01(1)(a)2.

1st, PBL

Kidnapping with intent to commit or facilitate commission of any felony.

1186

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1187	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
1188	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.
1190	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

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			within the state.
1191	790.161	1st	Attempted capital destructive device offense.
1192	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
1193	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
1194	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
1195	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.
1196	794.011 (4) (b)	1st	Sexual battery, certain

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1197

circumstances; victim and  
offender 18 years of age  
or older.

794.011 (4) (c)

1st

Sexual battery, certain  
circumstances; victim 12  
years of age or older;  
offender younger than 18  
years.

1198

794.011 (4) (d)

1st, PBL

Sexual battery, certain  
circumstances; victim 12  
years of age or older;  
prior conviction for  
specified sex offenses.

1199

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.

1200

794.08 (2)

1st

Female genital  
mutilation; victim  
younger than 18 years of  
age.

1201

800.04 (5) (b)

Life

Lewd or lascivious  
molestation; victim less



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1202

than 12 years; offender  
18 years or older.

812.13(2)(a)

1st, PBL

Robbery with firearm or  
other deadly weapon.

1203

812.133(2)(a)

1st, PBL

Carjacking; firearm or  
other deadly weapon.

1204

812.135(2)(b)

1st

Home-invasion robbery  
with weapon.

1205

817.535(3)(b)

1st

Filing false lien or  
other unauthorized  
document; second or  
subsequent offense;  
property owner is a  
public officer or  
employee.

1206

817.535(4)(a)2.

1st

Filing false claim or  
other unauthorized  
document; defendant is  
incarcerated or under  
supervision.

1207

817.535(5)(b)

1st

Filing false lien or  
other unauthorized  
document; second or

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1208	817.568 (7)	2nd, PBL	subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
1209	827.03 (2) (a)	1st	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	847.0145 (1)	1st	Aggravated child abuse.
1211	847.0145 (2)	1st	Selling, or otherwise transferring custody or control, of a minor.
1212	859.01	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
			Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into

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			food, drink, medicine, or water with intent to kill or injure another person.
1213	893.135	1st	Attempted capital trafficking offense.
1214	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
1215	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1216	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1217	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
1218	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
1219	893.135	1st	Trafficking in

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	(1) (d) 1.c.		phencyclidine, more than 400 grams.
1220	893.135	1st	Trafficking in
	(1) (e) 1.c.		methaqualone, more than 25 kilograms.
1221	893.135	1st	Trafficking in
	(1) (f) 1.c.		amphetamine, more than 200 grams.
1222	893.135	1st	Trafficking in gamma-
	(1) (h) 1.c.		hydroxybutyric acid (GHB), 10 kilograms or more.
1223	893.135	1st	Trafficking in 1,4-
	(1) (j) 1.c.		Butanediol, 10 kilograms or more.
1224	893.135	1st	Trafficking in
	(1) (k) 2.c.		Phenethylamines, 400 grams or more.
1225	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
1226			

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896.104(4)(a)3.

1st

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

1227

1228

1229 Section 27. For the purpose of incorporating the amendment  
 1230 made by this act to section 782.04, Florida Statutes, in a  
 1231 reference thereto, subsection (1) of section 921.16, Florida  
 1232 Statutes, is reenacted to read:

1233 921.16 When sentences to be concurrent and when  
 1234 consecutive.—

1235 (1) A defendant convicted of two or more offenses charged  
 1236 in the same indictment, information, or affidavit or in  
 1237 consolidated indictments, informations, or affidavits shall  
 1238 serve the sentences of imprisonment concurrently unless the  
 1239 court directs that two or more of the sentences be served  
 1240 consecutively. Sentences of imprisonment for offenses not  
 1241 charged in the same indictment, information, or affidavit shall  
 1242 be served consecutively unless the court directs that two or  
 1243 more of the sentences be served concurrently. Any sentence for  
 1244 sexual battery as defined in chapter 794 or murder as defined in  
 1245 s. 782.04 must be imposed consecutively to any other sentence  
 1246 for sexual battery or murder which arose out of a separate  
 1247 criminal episode or transaction.

1248 Section 28. For the purpose of incorporating the amendment  
 1249 made by this act to section 782.04, Florida Statutes, in a

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1250 reference thereto, paragraph (i) of subsection (3) of section  
1251 947.146, Florida Statutes, is reenacted to read:

1252 947.146 Control Release Authority.—

1253 (3) Within 120 days prior to the date the state  
1254 correctional system is projected pursuant to s. 216.136 to  
1255 exceed 99 percent of total capacity, the authority shall  
1256 determine eligibility for and establish a control release date  
1257 for an appropriate number of parole ineligible inmates committed  
1258 to the department and incarcerated within the state who have  
1259 been determined by the authority to be eligible for  
1260 discretionary early release pursuant to this section. In  
1261 establishing control release dates, it is the intent of the  
1262 Legislature that the authority prioritize consideration of  
1263 eligible inmates closest to their tentative release date. The  
1264 authority shall rely upon commitment data on the offender  
1265 information system maintained by the department to initially  
1266 identify inmates who are to be reviewed for control release  
1267 consideration. The authority may use a method of objective risk  
1268 assessment in determining if an eligible inmate should be  
1269 released. Such assessment shall be a part of the department's  
1270 management information system. However, the authority shall have  
1271 sole responsibility for determining control release eligibility,  
1272 establishing a control release date, and effectuating the  
1273 release of a sufficient number of inmates to maintain the inmate  
1274 population between 99 percent and 100 percent of total capacity.  
1275 Inmates who are ineligible for control release are inmates who  
1276 are parole eligible or inmates who:

1277 (i) Are convicted, or have been previously convicted, of  
1278 committing or attempting to commit murder in the first, second,

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1279 or third degree under s. 782.04(1), (2), (3), or (4), or have  
1280 ever been convicted of any degree of murder or attempted murder  
1281 in another jurisdiction;

1282  
1283 In making control release eligibility determinations under this  
1284 subsection, the authority may rely on any document leading to or  
1285 generated during the course of the criminal proceedings,  
1286 including, but not limited to, any presentence or postsentence  
1287 investigation or any information contained in arrest reports  
1288 relating to circumstances of the offense.

1289 Section 29. For the purpose of incorporating the amendment  
1290 made by this act to section 782.04, Florida Statutes, in a  
1291 reference thereto, paragraph (c) of subsection (8) of section  
1292 948.06, Florida Statutes, is reenacted to read:

1293 948.06 Violation of probation or community control;  
1294 revocation; modification; continuance; failure to pay  
1295 restitution or cost of supervision.-

1296 (8)

1297 (c) For purposes of this section, the term "qualifying  
1298 offense" means any of the following:

1299 1. Kidnapping or attempted kidnapping under s. 787.01,  
1300 false imprisonment of a child under the age of 13 under s.  
1301 787.02(3), or luring or enticing a child under s. 787.025(2) (b)  
1302 or (c).

1303 2. Murder or attempted murder under s. 782.04, attempted  
1304 felony murder under s. 782.051, or manslaughter under s. 782.07.

1305 3. Aggravated battery or attempted aggravated battery under  
1306 s. 784.045.

1307 4. Sexual battery or attempted sexual battery under s.

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1308 794.011(2), (3), (4), or (8)(b) or (c).

1309 5. Lewd or lascivious battery or attempted lewd or  
1310 lascivious battery under s. 800.04(4), lewd or lascivious  
1311 molestation under s. 800.04(5)(b) or (c)2., lewd or lascivious  
1312 conduct under s. 800.04(6)(b), lewd or lascivious exhibition  
1313 under s. 800.04(7)(b), or lewd or lascivious exhibition on  
1314 computer under s. 847.0135(5)(b).

1315 6. Robbery or attempted robbery under s. 812.13, carjacking  
1316 or attempted carjacking under s. 812.133, or home invasion  
1317 robbery or attempted home invasion robbery under s. 812.135.

1318 7. Lewd or lascivious offense upon or in the presence of an  
1319 elderly or disabled person or attempted lewd or lascivious  
1320 offense upon or in the presence of an elderly or disabled person  
1321 under s. 825.1025.

1322 8. Sexual performance by a child or attempted sexual  
1323 performance by a child under s. 827.071.

1324 9. Computer pornography under s. 847.0135(2) or (3),  
1325 transmission of child pornography under s. 847.0137, or selling  
1326 or buying of minors under s. 847.0145.

1327 10. Poisoning food or water under s. 859.01.

1328 11. Abuse of a dead human body under s. 872.06.

1329 12. Any burglary offense or attempted burglary offense that  
1330 is either a first degree felony or second degree felony under s.  
1331 810.02(2) or (3).

1332 13. Arson or attempted arson under s. 806.01(1).

1333 14. Aggravated assault under s. 784.021.

1334 15. Aggravated stalking under s. 784.048(3), (4), (5), or  
1335 (7).

1336 16. Aircraft piracy under s. 860.16.



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1337 17. Unlawful throwing, placing, or discharging of a  
1338 destructive device or bomb under s. 790.161(2), (3), or (4).

1339 18. Treason under s. 876.32.

1340 19. Any offense committed in another jurisdiction which  
1341 would be an offense listed in this paragraph if that offense had  
1342 been committed in this state.

1343 Section 30. For the purpose of incorporating the amendment  
1344 made by this act to section 782.04, Florida Statutes, in a  
1345 reference thereto, subsection (1) of section 948.062, Florida  
1346 Statutes, is reenacted to read:

1347 948.062 Reviewing and reporting serious offenses committed  
1348 by offenders placed on probation or community control.—

1349 (1) The department shall review the circumstances related  
1350 to an offender placed on probation or community control who has  
1351 been arrested while on supervision for the following offenses:

1352 (a) Any murder as provided in s. 782.04;

1353 (b) Any sexual battery as provided in s. 794.011 or s.  
1354 794.023;

1355 (c) Any sexual performance by a child as provided in s.  
1356 827.071;

1357 (d) Any kidnapping, false imprisonment, or luring of a  
1358 child as provided in s. 787.01, s. 787.02, or s. 787.025;

1359 (e) Any lewd and lascivious battery or lewd and lascivious  
1360 molestation as provided in s. 800.04(4) or (5);

1361 (f) Any aggravated child abuse as provided in s.  
1362 827.03(2) (a);

1363 (g) Any robbery with a firearm or other deadly weapon, home  
1364 invasion robbery, or carjacking as provided in s. 812.13(2) (a),  
1365 s. 812.135, or s. 812.133;

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1366 (h) Any aggravated stalking as provided in s. 784.048(3),  
1367 (4), or (5);

1368 (i) Any forcible felony as provided in s. 776.08, committed  
1369 by a person on probation or community control who is designated  
1370 as a sexual predator; or

1371 (j) Any DUI manslaughter as provided in s. 316.193(3)(c),  
1372 or vehicular or vessel homicide as provided in s. 782.071 or s.  
1373 782.072, committed by a person who is on probation or community  
1374 control for an offense involving death or injury resulting from  
1375 a driving incident.

1376 Section 31. For the purpose of incorporating the amendment  
1377 made by this act to section 782.04, Florida Statutes, in a  
1378 reference thereto, paragraph (b) of subsection (3) of section  
1379 985.265, Florida Statutes, is reenacted to read:

1380 985.265 Detention transfer and release; education; adult  
1381 jails.—

1382 (3)

1383 (b) When a juvenile is released from secure detention or  
1384 transferred to nonsecure detention, detention staff shall  
1385 immediately notify the appropriate law enforcement agency,  
1386 school personnel, and victim if the juvenile is charged with  
1387 committing any of the following offenses or attempting to commit  
1388 any of the following offenses:

- 1389 1. Murder, under s. 782.04;
- 1390 2. Sexual battery, under chapter 794;
- 1391 3. Stalking, under s. 784.048; or
- 1392 4. Domestic violence, as defined in s. 741.28.

1393 Section 32. For the purpose of incorporating the amendment  
1394 made by this act to section 782.04, Florida Statutes, in a

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1395 reference thereto, paragraph (d) of subsection (1) of section  
1396 1012.315, Florida Statutes, is reenacted to read:

1397       1012.315 Disqualification from employment.—A person is  
1398 ineligible for educator certification, and instructional  
1399 personnel and school administrators, as defined in s. 1012.01,  
1400 are ineligible for employment in any position that requires  
1401 direct contact with students in a district school system,  
1402 charter school, or private school that accepts scholarship  
1403 students under s. 1002.39 or s. 1002.395, if the person,  
1404 instructional personnel, or school administrator has been  
1405 convicted of:

1406       (1) Any felony offense prohibited under any of the  
1407 following statutes:

1408       (d) Section 782.04, relating to murder.

1409       Section 33. For the purpose of incorporating the amendments  
1410 made by this act to sections 775.30 and 782.04, Florida  
1411 Statutes, in a reference thereto, paragraph (g) of subsection  
1412 (2) of section 1012.467, Florida Statutes, is reenacted to read:

1413       1012.467 Noninstructional contractors who are permitted  
1414 access to school grounds when students are present; background  
1415 screening requirements.—

1416       (2)

1417       (g) A noninstructional contractor for whom a criminal  
1418 history check is required under this section may not have been  
1419 convicted of any of the following offenses designated in the  
1420 Florida Statutes, any similar offense in another jurisdiction,  
1421 or any similar offense committed in this state which has been  
1422 redesignated from a former provision of the Florida Statutes to  
1423 one of the following offenses:

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- 1424           1. Any offense listed in s. 943.0435(1)(h)1., relating to  
1425 the registration of an individual as a sexual offender.
- 1426           2. Section 393.135, relating to sexual misconduct with  
1427 certain developmentally disabled clients and the reporting of  
1428 such sexual misconduct.
- 1429           3. Section 394.4593, relating to sexual misconduct with  
1430 certain mental health patients and the reporting of such sexual  
1431 misconduct.
- 1432           4. Section 775.30, relating to terrorism.
- 1433           5. Section 782.04, relating to murder.
- 1434           6. Section 787.01, relating to kidnapping.
- 1435           7. Any offense under chapter 800, relating to lewdness and  
1436 indecent exposure.
- 1437           8. Section 826.04, relating to incest.
- 1438           9. Section 827.03, relating to child abuse, aggravated  
1439 child abuse, or neglect of a child.
- 1440           Section 34. This act shall take effect October 1, 2017.