

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

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

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

67
 68 Be It Enacted by the Legislature of the State of Florida:

69
 70 Section 1. Paragraph (a) of subsection (1) and subsection
 71 (2) of section 775.082, Florida Statutes, are amended to read:
 72 775.082 Penalties; applicability of sentencing structures;
 73 mandatory minimum sentences for certain reoffenders previously
 74 released from prison.—

75 (1) (a) ~~Except as provided in paragraph (b),~~ A person who

76 | has been convicted of a capital felony shall be punished by
 77 | ~~death if the proceeding held to determine sentence according to~~
 78 | ~~the procedure set forth in s. 921.141 results in a determination~~
 79 | ~~that such person shall be punished by death, otherwise such~~
 80 | ~~person shall be punished by life imprisonment and shall be~~
 81 | ineligible for parole.

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

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

94 | 27.51 Duties of public defender.—

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

98 | (d) Sought by petition filed in such court to be
 99 | involuntarily placed as a mentally ill person under part I of
 100 | chapter 394, involuntarily committed as a sexually violent

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

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

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

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

116 27.511 Offices of criminal conflict and civil regional
 117 counsel; legislative intent; qualifications; appointment;
 118 duties.—

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

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

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

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

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

140 (8) The public defender for the judicial circuit specified
141 in s. 27.51(4) shall, after the record on appeal is transmitted
142 to the appellate court by the office of criminal conflict and
143 civil regional counsel which handled the trial and if requested
144 by the regional counsel for the indicated appellate district,
145 handle all circuit court appeals authorized pursuant to
146 paragraph (5) (e) ~~(5) (f)~~ within the state courts system and any
147 authorized appeals to the federal courts required of the
148 official making the request. If the public defender certifies to
149 the court that the public defender has a conflict consistent
150 with the criteria prescribed in s. 27.5303 and moves to

151 withdraw, the regional counsel shall handle the appeal, unless
 152 the regional counsel has a conflict, in which case the court
 153 shall appoint private counsel pursuant to s. 27.40.

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

156 27.5304 Private court-appointed counsel; compensation;
 157 notice.—

158 (13) Notwithstanding the limitation set forth in
 159 subsection (5) and for the 2019-2020 fiscal year only, the
 160 compensation for representation in a criminal proceeding may not
 161 exceed the following:

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

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

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

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

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

173 (e)(f) This subsection expires July 1, 2020.

174 Section 5. Sections 27.7001, 27.7002, 27.701, 27.702,
 175 27.703, 27.704, 27.7045, 27.705, 27.706, 27.707, 27.708,

176 27.7081, 27.7091, 27.710, 27.711, and 27.715, Florida Statutes,
 177 are repealed.

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

180 23.21 Definitions.—For purposes of this part:

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

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

193 27.51 Duties of public defender.—

194 ~~(5) (a) When direct appellate proceedings prosecuted by a~~
 195 ~~public defender on behalf of an accused and challenging a~~
 196 ~~judgment of conviction and sentence of death terminate in an~~
 197 ~~affirmance of such conviction and sentence, whether by the~~
 198 ~~Florida Supreme Court or by the United States Supreme Court or~~
 199 ~~by expiration of any deadline for filing such appeal in a state~~
 200 ~~or federal court, the public defender shall notify the accused~~

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

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

211 27.511 Offices of criminal conflict and civil regional
212 counsel; legislative intent; qualifications; appointment;
213 duties.—

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

226 ~~collateral regional counsel. The office of criminal conflict and~~
227 ~~civil regional counsel shall forward all original files on the~~
228 ~~matter to the capital collateral regional counsel, retaining~~
229 ~~such copies for his or her files as may be desired or required~~
230 ~~by law.~~

231 Section 9. Paragraph (a) of subsection (5) and subsections
232 (6) and (7) of section 43.16, Florida Statutes, are amended to
233 read:

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

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

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

244 (6) The commission, each state attorney, each public
245 defender, the criminal conflict and civil regional counsel, ~~the~~
246 ~~capital collateral regional counsel,~~ and the Guardian Ad Litem
247 Program shall establish and maintain internal controls designed
248 to:

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

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

253 (c) Support economical and efficient operations.

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

255 (e) Safeguard assets.

256 (7) The provisions contained in this section shall be
 257 supplemental to those of chapter 27, relating to state
 258 attorneys, public defenders, and criminal conflict and civil
 259 regional counsel, ~~and capital collateral regional counsel~~; to
 260 those of chapter 39, relating to the Guardian Ad Litem Program;
 261 or to other laws pertaining hereto.

262 Section 10. Paragraph (e) of subsection (13) of section
 263 112.0455, Florida Statutes, is amended to read:

264 112.0455 Drug-Free Workplace Act.—

265 (13) RULES.—

266 (e) The Justice Administrative Commission may adopt rules
 267 on behalf of the state attorneys and public defenders of
 268 Florida, ~~the capital collateral regional counsel~~, and the
 269 Judicial Qualifications Commission.

270
 271 This section shall not be construed to eliminate the bargainable
 272 rights as provided in the collective bargaining process where
 273 applicable.

274 Section 11. Paragraph (d) of subsection (1) of section
 275 119.071, Florida Statutes, is amended to read:

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276 | 119.071 General exemptions from inspection or copying of
277 | public records.—

278 | (1) AGENCY ADMINISTRATION.—

279 | (d)1. A public record that was prepared by an agency
280 | attorney (including an attorney employed or retained by the
281 | agency or employed or retained by another public officer or
282 | agency to protect or represent the interests of the agency
283 | having custody of the record) or prepared at the attorney's
284 | express direction, that reflects a mental impression,
285 | conclusion, litigation strategy, or legal theory of the attorney
286 | or the agency, and that was prepared exclusively for civil or
287 | criminal litigation or for adversarial administrative
288 | proceedings, or that was prepared in anticipation of imminent
289 | civil or criminal litigation or imminent adversarial
290 | administrative proceedings, is exempt from s. 119.07(1) and s.
291 | 24(a), Art. I of the State Constitution until the conclusion of
292 | the litigation or adversarial administrative proceedings. ~~For~~
293 | ~~purposes of capital collateral litigation as set forth in s.~~
294 | ~~27.7001, the Attorney General's office is entitled to claim this~~
295 | ~~exemption for those public records prepared for direct appeal as~~
296 | ~~well as for all capital collateral litigation after direct~~
297 | ~~appeal until execution of sentence or imposition of a life~~
298 | ~~sentence.~~

299 | 2. This exemption is not waived by the release of such
300 | public record to another public employee or officer of the same

301 agency or any person consulted by the agency attorney. When
 302 asserting the right to withhold a public record pursuant to this
 303 paragraph, the agency shall identify the potential parties to
 304 any such criminal or civil litigation or adversarial
 305 administrative proceedings. If a court finds that the document
 306 or other record has been improperly withheld under this
 307 paragraph, the party seeking access to such document or record
 308 shall be awarded reasonable attorney's fees and costs in
 309 addition to any other remedy ordered by the court.

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

312 186.003 Definitions; ss. 186.001-186.031, 186.801-
 313 186.901.—As used in ss. 186.001-186.031 and 186.801-186.901, the
 314 term:

315 (6) "State agency" or "agency" means any official,
 316 officer, commission, board, authority, council, committee, or
 317 department of the executive branch of state government. For
 318 purposes of this chapter, "state agency" or "agency" includes
 319 state attorneys, public defenders, ~~the capital collateral~~
 320 ~~regional counsel,~~ the Justice Administrative Commission, and the
 321 Public Service Commission.

322 Section 13. Paragraph (b) of subsection (2) of section
 323 215.89, Florida Statutes, is amended to read:

324 215.89 Charts of account.—

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

326 (b) "State agency" means an official, officer, commission,
 327 board, authority, council, committee, or department of the
 328 executive branch; a state attorney, public defender, or criminal
 329 conflict and civil regional counsel, ~~or capital collateral~~
 330 ~~regional counsel~~; the Florida Clerks of Court Operations
 331 Corporation; the Justice Administrative Commission; the Florida
 332 Housing Finance Corporation; the Florida Public Service
 333 Commission; the State Board of Administration; the Supreme Court
 334 or a district court of appeal, circuit court, or county court;
 335 or the Judicial Qualifications Commission.

336 Section 14. Paragraph (h) of subsection (14) of section
 337 215.985, Florida Statutes, is amended to read:

338 215.985 Transparency in government spending.—

339 (14) The Chief Financial Officer shall establish and
 340 maintain a secure contract tracking system available for viewing
 341 and downloading by the public through a secure website. The
 342 Chief Financial Officer shall use appropriate Internet security
 343 measures to ensure that no person has the ability to alter or
 344 modify records available on the website.

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

346 1. "Procurement document" means any document or material
 347 provided to the public or any vendor as part of a formal
 348 competitive solicitation of goods or services undertaken by a
 349 state entity, and a document or material submitted in response
 350 to a formal competitive solicitation by any vendor who is

351 awarded the resulting contract.

352 2. "State entity" means an official, officer, commission,
 353 board, authority, council, committee, or department of the
 354 executive branch of state government; a state attorney, public
 355 defender, criminal conflict and civil regional counsel, ~~capital~~
 356 ~~collateral regional counsel~~, and the Justice Administrative
 357 Commission; the Public Service Commission; and any part of the
 358 judicial branch of state government.

359 Section 15. Paragraph (qq) of subsection (1) of section
 360 216.011, Florida Statutes, is amended to read:

361 216.011 Definitions.—

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

365 (qq) "State agency" or "agency" means any official,
 366 officer, commission, board, authority, council, committee, or
 367 department of the executive branch of state government. For
 368 purposes of this chapter and chapter 215, "state agency" or
 369 "agency" includes, but is not limited to, state attorneys,
 370 public defenders, criminal conflict and civil regional counsel,
 371 ~~capital collateral regional counsel~~, the Justice Administrative
 372 Commission, the Florida Housing Finance Corporation, and the
 373 Florida Public Service Commission. Solely for the purposes of
 374 implementing s. 19(h), Art. III of the State Constitution, the
 375 terms "state agency" or "agency" include the judicial branch.

376 Section 16. Paragraph (p) of subsection (3) of section
 377 790.25, Florida Statutes, is amended to read:

378 790.25 Lawful ownership, possession, and use of firearms
 379 and other weapons.—

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

385 ~~(p) Investigators employed by the capital collateral~~
 386 ~~regional counsel, while actually carrying out official duties,~~
 387 ~~provided such investigators:~~

- 388 ~~1. Are employed full time;~~
- 389 ~~2. Meet the official training standards for firearms as~~
 390 ~~established by the Criminal Justice Standards and Training~~
 391 ~~Commission as provided in s. 943.12(1) and the requirements of~~
 392 ~~ss. 493.6108(1)(a) and 943.13(1)-(4); and~~
- 393 ~~3. Are individually designated by an affidavit of consent~~
 394 ~~signed by the capital collateral regional counsel and filed with~~
 395 ~~the clerk of the circuit court in the county in which the~~
 396 ~~investigator is headquartered.~~

397 Section 17. Subsection (1) of section 775.15, Florida
 398 Statutes, is amended to read:

399 775.15 Time limitations; general time limitations;
 400 exceptions.—

401 (1) A prosecution for a capital felony, a life felony, or
402 a felony that resulted in a death may be commenced at any time.
403 ~~If the death penalty is held to be unconstitutional by the~~
404 ~~Florida Supreme Court or the United States Supreme Court, all~~
405 ~~crimes designated as capital felonies shall be considered life~~
406 ~~felonies for the purposes of this section, and prosecution for~~
407 ~~such crimes may be commenced at any time.~~

408 Section 18. Subsection (4) of section 790.161, Florida
409 Statutes, is amended to read:

410 790.161 Making, possessing, throwing, projecting, placing,
411 or discharging any destructive device or attempt so to do,
412 felony; penalties.—A person who willfully and unlawfully makes,
413 possesses, throws, projects, places, discharges, or attempts to
414 make, possess, throw, project, place, or discharge any
415 destructive device:

416 (4) If the act results in the death of another person,
417 commits a capital felony, punishable as provided in s. 775.082.
418 ~~In the event the death penalty in a capital felony is held to be~~
419 ~~unconstitutional by the Florida Supreme Court or the United~~
420 ~~States Supreme Court, the court having jurisdiction over a~~
421 ~~person previously sentenced to death for a capital felony shall~~
422 ~~cause such person to be brought before the court, and the court~~
423 ~~shall sentence such person to life imprisonment if convicted of~~
424 ~~murder in the first degree or of a capital felony under this~~
425 ~~subsection, and such person shall be ineligible for parole. No~~

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426 ~~sentence of death shall be reduced as a result of a~~
427 ~~determination that a method of execution is held to be~~
428 ~~unconstitutional under the State Constitution or the~~
429 ~~Constitution of the United States.~~

430 Section 19. Sections 913.13, 921.137, 921.141, and
431 921.142, Florida Statutes, are repealed.

432 Section 20. Paragraph (c) of subsection (5) of section
433 775.021, Florida Statutes, is amended to read:

434 775.021 Rules of construction.—

435 (5) Whoever commits an act that violates a provision of
436 this code or commits a criminal offense defined by another
437 statute and thereby causes the death of, or bodily injury to, an
438 unborn child commits a separate offense if the provision or
439 statute does not otherwise specifically provide a separate
440 offense for such death or injury to an unborn child.

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

443 Section 21. Subsection (1) of section 782.04, Florida
444 Statutes, is amended to read:

445 782.04 Murder.—

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

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

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

451 1.a. Trafficking offense prohibited by s. 893.135(1),
 452 2.b. Arson,
 453 3.e. Sexual battery,
 454 4.d. Robbery,
 455 5.e. Burglary,
 456 6.f. Kidnapping,
 457 7.g. Escape,
 458 8.h. Aggravated child abuse,
 459 9.i. Aggravated abuse of an elderly person or disabled
 460 adult,
 461 10.j. Aircraft piracy,
 462 11.k. Unlawful throwing, placing, or discharging of a
 463 destructive device or bomb,
 464 12.l. Carjacking,
 465 13.m. Home-invasion robbery,
 466 14.n. Aggravated stalking,
 467 15.o. Murder of another human being,
 468 16.p. Resisting an officer with violence to his or her
 469 person,
 470 17.q. Aggravated fleeing or eluding with serious bodily
 471 injury or death,
 472 18.r. Felony that is an act of terrorism or is in
 473 furtherance of an act of terrorism, including a felony under s.
 474 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or
 475 19.s. Human trafficking; or

476 (c)3. Which resulted from the unlawful distribution by a
477 person 18 years of age or older of any of the following
478 substances, or mixture containing any of the following
479 substances, when such substance or mixture is proven to be the
480 proximate cause of the death of the user:

- 481 1.a. A substance controlled under s. 893.03(1);
482 2.b. Cocaine, as described in s. 893.03(2)(a)4.;
483 3.e. Opium or any synthetic or natural salt, compound,
484 derivative, or preparation of opium;
485 4.d. Methadone;
486 5.e. Alfentanil, as described in s. 893.03(2)(b)1.;
487 6.f. Carfentanil, as described in s. 893.03(2)(b)6.;
488 7.g. Fentanyl, as described in s. 893.03(2)(b)9.;
489 8.h. Sufentanil, as described in s. 893.03(2)(b)30.; or
490 9.i. A controlled substance analog, as described in s.
491 893.0356, of any substance specified in paragraphs 1.-8. ~~sub-~~
492 ~~subparagraphs a.-h.~~,

493
494 is murder in the first degree and constitutes a capital felony,
495 punishable as provided in s. 775.082.

496 ~~(b) In all cases under this section, the procedure set~~
497 ~~forth in s. 921.141 shall be followed in order to determine~~
498 ~~sentence of death or life imprisonment. If the prosecutor~~
499 ~~intends to seek the death penalty, the prosecutor must give~~
500 ~~notice to the defendant and file the notice with the court~~

501 ~~within 45 days after arraignment. The notice must contain a list~~
 502 ~~of the aggravating factors the state intends to prove and has~~
 503 ~~reason to believe it can prove beyond a reasonable doubt. The~~
 504 ~~court may allow the prosecutor to amend the notice upon a~~
 505 ~~showing of good cause.~~

506 Section 22. Subsection (2) of section 775.30, Florida
 507 Statutes, is amended to read:

508 775.30 Terrorism; defined; penalties.—

509 (2) A person who violates s. 782.04(1)(a) ~~s.~~
 510 ~~782.04(1)(a)1.~~ or (2), s. 782.065, s. 782.07(1), s. 782.09, s.
 511 784.045, s. 784.07, s. 787.01, s. 787.02, s. 787.07, s. 790.115,
 512 s. 790.15, s. 790.16, s. 790.161, s. 790.1615, s. 790.162, s.
 513 790.166, s. 790.19, s. 806.01, s. 806.031, s. 806.111, s.
 514 815.06, s. 815.061, s. 859.01, or s. 876.34, in furtherance of
 515 intimidating or coercing the policy of a government, or in
 516 furtherance of affecting the conduct of a government by mass
 517 destruction, assassination, or kidnapping, commits the crime of
 518 terrorism, a felony of the first degree, punishable as provided
 519 in s. 775.082, s. 775.083, or s. 775.084.

520 Section 23. Paragraph (a) of subsection (9) of section
 521 394.912, Florida Statutes, is amended to read:

522 394.912 Definitions.—As used in this part, the term:

523 (9) "Sexually violent offense" means:

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

526 Section 24. Subsection (1) of section 782.065, Florida
 527 Statutes, is amended to read:

528 782.065 Murder; law enforcement officer, correctional
 529 officer, correctional probation officer.—Notwithstanding ss.
 530 775.082, 775.0823, 782.04, 782.051, and chapter 921, a defendant
 531 shall be sentenced to life imprisonment without eligibility for
 532 release upon findings by the trier of fact that, beyond a
 533 reasonable doubt:

534 (1) The defendant committed murder in the first degree in
 535 violation of s. 782.04(1) and a death sentence was not imposed;
 536 murder in the second or third degree in violation of s.
 537 782.04(2), (3), or (4); attempted murder in the first or second
 538 degree in violation of s. 782.04(1)(a) ~~s. 782.04(1)(a)1.~~ or (2);
 539 or attempted felony murder in violation of s. 782.051; and

540 Section 25. Paragraph (a) of subsection (2) of section
 541 794.011, Florida Statutes, is amended to read:

542 794.011 Sexual battery.—

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

548 Section 26. Paragraphs (b) through (l) and paragraph (n)
 549 of subsection (1) of section 893.135, Florida Statutes, are
 550 amended to read:

551 893.135 Trafficking; mandatory sentences; suspension or
552 reduction of sentences; conspiracy to engage in trafficking.—

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

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

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

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

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

575 2. Any person who knowingly sells, purchases,

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

587 a. The person intentionally killed an individual or
588 counseled, commanded, induced, procured, or caused the
589 intentional killing of an individual and such killing was the
590 result; or

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

593

594 such person commits the capital felony of trafficking in
595 cocaine, punishable as provided in s. 775.082 ~~ss. 775.082 and~~
596 ~~921.142~~. Any person sentenced for a capital felony under this
597 paragraph shall also be sentenced to pay the maximum fine
598 provided under subparagraph 1.

599 3. Any person who knowingly brings into this state 300
600 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,

601 and who knows that the probable result of such importation would
602 be the death of any person, commits capital importation of
603 cocaine, a capital felony punishable as provided in s. 775.082
604 ~~ss. 775.082 and 921.142~~. Any person sentenced for a capital
605 felony under this paragraph shall also be sentenced to pay the
606 maximum fine provided under subparagraph 1.

607 (c)1. A person who knowingly sells, purchases,
608 manufactures, delivers, or brings into this state, or who is
609 knowingly in actual or constructive possession of, 4 grams or
610 more of any morphine, opium, hydromorphone, or any salt,
611 derivative, isomer, or salt of an isomer thereof, including
612 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
613 (3)(c)4., or 4 grams or more of any mixture containing any such
614 substance, but less than 30 kilograms of such substance or
615 mixture, commits a felony of the first degree, which felony
616 shall be known as "trafficking in illegal drugs," punishable as
617 provided in s. 775.082, s. 775.083, or s. 775.084. If the
618 quantity involved:

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

622 b. Is 14 grams or more, but less than 28 grams, such
623 person shall be sentenced to a mandatory minimum term of
624 imprisonment of 15 years and shall be ordered to pay a fine of
625 \$100,000.

626 c. Is 28 grams or more, but less than 30 kilograms, such
627 person shall be sentenced to a mandatory minimum term of
628 imprisonment of 25 years and shall be ordered to pay a fine of
629 \$500,000.

630 2. A person who knowingly sells, purchases, manufactures,
631 delivers, or brings into this state, or who is knowingly in
632 actual or constructive possession of, 28 grams or more of
633 hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as
634 described in s. 893.03(2)(a)1.g., or any salt thereof, or 28
635 grams or more of any mixture containing any such substance,
636 commits a felony of the first degree, which felony shall be
637 known as "trafficking in hydrocodone," punishable as provided in
638 s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

639 a. Is 28 grams or more, but less than 50 grams, such
640 person shall be sentenced to a mandatory minimum term of
641 imprisonment of 3 years and shall be ordered to pay a fine of
642 \$50,000.

643 b. Is 50 grams or more, but less than 100 grams, such
644 person shall be sentenced to a mandatory minimum term of
645 imprisonment of 7 years and shall be ordered to pay a fine of
646 \$100,000.

647 c. Is 100 grams or more, but less than 300 grams, such
648 person shall be sentenced to a mandatory minimum term of
649 imprisonment of 15 years and shall be ordered to pay a fine of
650 \$500,000.

651 d. Is 300 grams or more, but less than 30 kilograms, such
652 person shall be sentenced to a mandatory minimum term of
653 imprisonment of 25 years and shall be ordered to pay a fine of
654 \$750,000.

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

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

667 b. Is 14 grams or more, but less than 25 grams, such
668 person shall be sentenced to a mandatory minimum term of
669 imprisonment of 7 years and shall be ordered to pay a fine of
670 \$100,000.

671 c. Is 25 grams or more, but less than 100 grams, such
672 person shall be sentenced to a mandatory minimum term of
673 imprisonment of 15 years and shall be ordered to pay a fine of
674 \$500,000.

675 d. Is 100 grams or more, but less than 30 kilograms, such

676 | person shall be sentenced to a mandatory minimum term of
 677 | imprisonment of 25 years and shall be ordered to pay a fine of
 678 | \$750,000.

679 | 4.a. A person who knowingly sells, purchases,
 680 | manufactures, delivers, or brings into this state, or who is
 681 | knowingly in actual or constructive possession of, 4 grams or
 682 | more of:

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

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

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

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

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

688 | 893.03(1)(a)62.;

689 | (VI) A controlled substance analog, as described in s.
 690 | 893.0356, of any substance described in sub-sub-subparagraphs
 691 | (I)-(V); or

692 | (VII) A mixture containing any substance described in sub-
 693 | sub-subparagraphs (I)-(VI),

694 |
 695 | commits a felony of the first degree, which felony shall be
 696 | known as "trafficking in fentanyl," punishable as provided in s.
 697 | 775.082, s. 775.083, or s. 775.084.

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

699 | (I) Is 4 grams or more, but less than 14 grams, such
 700 | person shall be sentenced to a mandatory minimum term of

701 imprisonment of 3 years, and shall be ordered to pay a fine of
702 \$50,000.

703 (II) Is 14 grams or more, but less than 28 grams, such
704 person shall be sentenced to a mandatory minimum term of
705 imprisonment of 15 years, and shall be ordered to pay a fine of
706 \$100,000.

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

710 5. A person who knowingly sells, purchases, manufactures,
711 delivers, or brings into this state, or who is knowingly in
712 actual or constructive possession of, 30 kilograms or more of
713 any morphine, opium, oxycodone, hydrocodone, codeine,
714 hydromorphone, or any salt, derivative, isomer, or salt of an
715 isomer thereof, including heroin, as described in s.
716 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
717 more of any mixture containing any such substance, commits the
718 first degree felony of trafficking in illegal drugs. A person
719 who has been convicted of the first degree felony of trafficking
720 in illegal drugs under this subparagraph shall be punished by
721 life imprisonment and is ineligible for any form of
722 discretionary early release except pardon or executive clemency
723 or conditional medical release under s. 947.149. However, if the
724 court determines that, in addition to committing any act
725 specified in this paragraph:

726 a. The person intentionally killed an individual or
727 counseled, commanded, induced, procured, or caused the
728 intentional killing of an individual and such killing was the
729 result; or

730 b. The person's conduct in committing that act led to a
731 natural, though not inevitable, lethal result,
732
733 such person commits the capital felony of trafficking in illegal
734 drugs, punishable as provided in s. 775.085 ~~ss. 775.082 and~~
735 ~~921.142~~. A person sentenced for a capital felony under this
736 paragraph shall also be sentenced to pay the maximum fine
737 provided under subparagraph 1.

738 6. A person who knowingly brings into this state 60
739 kilograms or more of any morphine, opium, oxycodone,
740 hydrocodone, codeine, hydromorphone, or any salt, derivative,
741 isomer, or salt of an isomer thereof, including heroin, as
742 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
743 60 kilograms or more of any mixture containing any such
744 substance, and who knows that the probable result of such
745 importation would be the death of a person, commits capital
746 importation of illegal drugs, a capital felony punishable as
747 provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A person
748 sentenced for a capital felony under this paragraph shall also
749 be sentenced to pay the maximum fine provided under subparagraph
750 1.

751 (d)1. Any person who knowingly sells, purchases,
752 manufactures, delivers, or brings into this state, or who is
753 knowingly in actual or constructive possession of, 28 grams or
754 more of phencyclidine, as described in s. 893.03(2)(b)23., a
755 substituted phenylcyclohexylamine, as described in s.
756 893.03(1)(c)195., or a substance described in s.
757 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
758 containing phencyclidine, as described in s. 893.03(2)(b)23., a
759 substituted phenylcyclohexylamine, as described in s.
760 893.03(1)(c)195., or a substance described in s.
761 893.03(1)(c)13., 32., 38., 103., or 146., commits a felony of
762 the first degree, which felony shall be known as "trafficking in
763 phencyclidine," punishable as provided in s. 775.082, s.
764 775.083, or s. 775.084. If the quantity involved:
765 a. Is 28 grams or more, but less than 200 grams, such
766 person shall be sentenced to a mandatory minimum term of
767 imprisonment of 3 years, and the defendant shall be ordered to
768 pay a fine of \$50,000.
769 b. Is 200 grams or more, but less than 400 grams, such
770 person shall be sentenced to a mandatory minimum term of
771 imprisonment of 7 years, and the defendant shall be ordered to
772 pay a fine of \$100,000.
773 c. Is 400 grams or more, such person shall be sentenced to
774 a mandatory minimum term of imprisonment of 15 calendar years
775 and pay a fine of \$250,000.

776 2. Any person who knowingly brings into this state 800
777 grams or more of phencyclidine, as described in s.
778 893.03(2)(b)23., a substituted phenylcyclohexylamine, as
779 described in s. 893.03(1)(c)195., or a substance described in s.
780 893.03(1)(c)13., 32., 38., 103., or 146., or of any mixture
781 containing phencyclidine, as described in s. 893.03(2)(b)23., a
782 substituted phenylcyclohexylamine, as described in s.
783 893.03(1)(c)195., or a substance described in s.
784 893.03(1)(c)13., 32., 38., 103., or 146., and who knows that the
785 probable result of such importation would be the death of any
786 person commits capital importation of phencyclidine, a capital
787 felony punishable as provided in s. 775.082 ~~ss. 775.082 and~~
788 ~~921.142~~. Any person sentenced for a capital felony under this
789 paragraph shall also be sentenced to pay the maximum fine
790 provided under subparagraph 1.

791 (e)1. Any person who knowingly sells, purchases,
792 manufactures, delivers, or brings into this state, or who is
793 knowingly in actual or constructive possession of, 200 grams or
794 more of methaqualone or of any mixture containing methaqualone,
795 as described in s. 893.03(1)(d), commits a felony of the first
796 degree, which felony shall be known as "trafficking in
797 methaqualone," punishable as provided in s. 775.082, s. 775.083,
798 or s. 775.084. If the quantity involved:

799 a. Is 200 grams or more, but less than 5 kilograms, such
800 person shall be sentenced to a mandatory minimum term of

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

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

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

810 2. Any person who knowingly brings into this state 50
 811 kilograms or more of methaqualone or of any mixture containing
 812 methaqualone, as described in s. 893.03(1)(d), and who knows
 813 that the probable result of such importation would be the death
 814 of any person commits capital importation of methaqualone, a
 815 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~
 816 ~~and 921.142~~. Any person sentenced for a capital felony under
 817 this paragraph shall also be sentenced to pay the maximum fine
 818 provided under subparagraph 1.

819 (f)1. Any person who knowingly sells, purchases,
 820 manufactures, delivers, or brings into this state, or who is
 821 knowingly in actual or constructive possession of, 14 grams or
 822 more of amphetamine, as described in s. 893.03(2)(c)2., or
 823 methamphetamine, as described in s. 893.03(2)(c)5., or of any
 824 mixture containing amphetamine or methamphetamine, or
 825 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine

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826 in conjunction with other chemicals and equipment utilized in
827 the manufacture of amphetamine or methamphetamine, commits a
828 felony of the first degree, which felony shall be known as
829 "trafficking in amphetamine," punishable as provided in s.
830 775.082, s. 775.083, or s. 775.084. If the quantity involved:

831 a. Is 14 grams or more, but less than 28 grams, such
832 person shall be sentenced to a mandatory minimum term of
833 imprisonment of 3 years, and the defendant shall be ordered to
834 pay a fine of \$50,000.

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

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

842 2. Any person who knowingly manufactures or brings into
843 this state 400 grams or more of amphetamine, as described in s.
844 893.03(2)(c)2., or methamphetamine, as described in s.
845 893.03(2)(c)5., or of any mixture containing amphetamine or
846 methamphetamine, or phenylacetone, phenylacetic acid,
847 pseudoephedrine, or ephedrine in conjunction with other
848 chemicals and equipment used in the manufacture of amphetamine
849 or methamphetamine, and who knows that the probable result of
850 such manufacture or importation would be the death of any person

851 commits capital manufacture or importation of amphetamine, a
852 capital felony punishable as provided in s. 775.082 ~~ss. 775.082~~
853 ~~and 921.142~~. Any person sentenced for a capital felony under
854 this paragraph shall also be sentenced to pay the maximum fine
855 provided under subparagraph 1.

856 (g)1. Any person who knowingly sells, purchases,
857 manufactures, delivers, or brings into this state, or who is
858 knowingly in actual or constructive possession of, 4 grams or
859 more of flunitrazepam or any mixture containing flunitrazepam as
860 described in s. 893.03(1)(a) commits a felony of the first
861 degree, which felony shall be known as "trafficking in
862 flunitrazepam," punishable as provided in s. 775.082, s.
863 775.083, or s. 775.084. If the quantity involved:

864 a. Is 4 grams or more but less than 14 grams, such person
865 shall be sentenced to a mandatory minimum term of imprisonment
866 of 3 years, and the defendant shall be ordered to pay a fine of
867 \$50,000.

868 b. Is 14 grams or more but less than 28 grams, such person
869 shall be sentenced to a mandatory minimum term of imprisonment
870 of 7 years, and the defendant shall be ordered to pay a fine of
871 \$100,000.

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

875 2. Any person who knowingly sells, purchases,

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

887 a. The person intentionally killed an individual or
 888 counseled, commanded, induced, procured, or caused the
 889 intentional killing of an individual and such killing was the
 890 result; or

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

893
 894 such person commits the capital felony of trafficking in
 895 flunitrazepam, punishable as provided in s. 775.082 ~~ss. 775.082~~
 896 ~~and 921.142~~. Any person sentenced for a capital felony under
 897 this paragraph shall also be sentenced to pay the maximum fine
 898 provided under subparagraph 1.

899 (h)1. Any person who knowingly sells, purchases,
 900 manufactures, delivers, or brings into this state, or who is

901 knowingly in actual or constructive possession of, 1 kilogram or
902 more of gamma-hydroxybutyric acid (GHB), as described in s.
903 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
904 acid (GHB), commits a felony of the first degree, which felony
905 shall be known as "trafficking in gamma-hydroxybutyric acid
906 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
907 775.084. If the quantity involved:

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

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

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

919 2. Any person who knowingly manufactures or brings into
920 this state 150 kilograms or more of gamma-hydroxybutyric acid
921 (GHB), as described in s. 893.03(1)(d), or any mixture
922 containing gamma-hydroxybutyric acid (GHB), and who knows that
923 the probable result of such manufacture or importation would be
924 the death of any person commits capital manufacture or
925 importation of gamma-hydroxybutyric acid (GHB), a capital felony

926 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~.

927 Any person sentenced for a capital felony under this paragraph
928 shall also be sentenced to pay the maximum fine provided under
929 subparagraph 1.

930 (i)1. Any person who knowingly sells, purchases,
931 manufactures, delivers, or brings into this state, or who is
932 knowingly in actual or constructive possession of, 1 kilogram or
933 more of gamma-butyrolactone (GBL), as described in s.
934 893.03(1)(d), or any mixture containing gamma-butyrolactone
935 (GBL), commits a felony of the first degree, which felony shall
936 be known as "trafficking in gamma-butyrolactone (GBL),"
937 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
938 If the quantity involved:

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

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

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

950 2. Any person who knowingly manufactures or brings into

951 the state 150 kilograms or more of gamma-butyrolactone (GBL), as
 952 described in s. 893.03(1)(d), or any mixture containing gamma-
 953 butyrolactone (GBL), and who knows that the probable result of
 954 such manufacture or importation would be the death of any person
 955 commits capital manufacture or importation of gamma-
 956 butyrolactone (GBL), a capital felony punishable as provided in
 957 s. 775.082 ~~ss. 775.082 and 921.142~~. Any person sentenced for a
 958 capital felony under this paragraph shall also be sentenced to
 959 pay the maximum fine provided under subparagraph 1.

960 (j)1. Any person who knowingly sells, purchases,
 961 manufactures, delivers, or brings into this state, or who is
 962 knowingly in actual or constructive possession of, 1 kilogram or
 963 more of 1,4-Butanediol as described in s. 893.03(1)(d), or of
 964 any mixture containing 1,4-Butanediol, commits a felony of the
 965 first degree, which felony shall be known as "trafficking in
 966 1,4-Butanediol," punishable as provided in s. 775.082, s.
 967 775.083, or s. 775.084. If the quantity involved:

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

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

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

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

989 (k)1. A person who knowingly sells, purchases,
990 manufactures, delivers, or brings into this state, or who is
991 knowingly in actual or constructive possession of, 10 grams or
992 more of a:

993 a. Substance described in s. 893.03(1)(c)4., 5., 10., 11.,
994 15., 17., 21.-27., 29., 39., 40.-45., 58., 72.-80., 81.-86.,
995 90.-102., 104.-108., 110.-113., 143.-145., 148.-150., 160.-163.,
996 165., or 187.-189., a substituted cathinone, as described in s.
997 893.03(1)(c)191., or substituted phenethylamine, as described in
998 s. 893.03(1)(c)192.;

999 b. Mixture containing any substance described in sub-
1000 subparagraph a.; or

1001 c. Salt, isomer, ester, or ether or salt of an isomer,
 1002 ester, or ether of a substance described in sub-subparagraph a.,
 1003
 1004 commits a felony of the first degree, which felony shall be
 1005 known as "trafficking in phenethylamines," punishable as
 1006 provided in s. 775.082, s. 775.083, or s. 775.084.

1007 2. If the quantity involved under subparagraph 1.:

1008 a. Is 10 grams or more, but less than 200 grams, such
 1009 person shall be sentenced to a mandatory minimum term of
 1010 imprisonment of 3 years and shall be ordered to pay a fine of
 1011 \$50,000.

1012 b. Is 200 grams or more, but less than 400 grams, such
 1013 person shall be sentenced to a mandatory minimum term of
 1014 imprisonment of 7 years and shall be ordered to pay a fine of
 1015 \$100,000.

1016 c. Is 400 grams or more, such person shall be sentenced to
 1017 a mandatory minimum term of imprisonment of 15 years and shall
 1018 be ordered to pay a fine of \$250,000.

1019 3. A person who knowingly manufactures or brings into this
 1020 state 30 kilograms or more of a substance described in sub-
 1021 subparagraph 1.a., a mixture described in sub-subparagraph 1.b.,
 1022 or a salt, isomer, ester, or ether or a salt of an isomer,
 1023 ester, or ether described in sub-subparagraph 1.c., and who
 1024 knows that the probable result of such manufacture or
 1025 importation would be the death of any person commits capital

1026 manufacture or importation of phenethylamines, a capital felony
 1027 punishable as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. A
 1028 person sentenced for a capital felony under this paragraph shall
 1029 also be sentenced to pay the maximum fine under subparagraph 2.

1030 (1)1. Any person who knowingly sells, purchases,
 1031 manufactures, delivers, or brings into this state, or who is
 1032 knowingly in actual or constructive possession of, 1 gram or
 1033 more of lysergic acid diethylamide (LSD) as described in s.
 1034 893.03(1)(c), or of any mixture containing lysergic acid
 1035 diethylamide (LSD), commits a felony of the first degree, which
 1036 felony shall be known as "trafficking in lysergic acid
 1037 diethylamide (LSD)," punishable as provided in s. 775.082, s.
 1038 775.083, or s. 775.084. If the quantity involved:

1039 a. Is 1 gram or more, but less than 5 grams, such person
 1040 shall be sentenced to a mandatory minimum term of imprisonment
 1041 of 3 years, and the defendant shall be ordered to pay a fine of
 1042 \$50,000.

1043 b. Is 5 grams or more, but less than 7 grams, such person
 1044 shall be sentenced to a mandatory minimum term of imprisonment
 1045 of 7 years, and the defendant shall be ordered to pay a fine of
 1046 \$100,000.

1047 c. Is 7 grams or more, such person shall be sentenced to a
 1048 mandatory minimum term of imprisonment of 15 calendar years and
 1049 pay a fine of \$500,000.

1050 2. Any person who knowingly manufactures or brings into

1051 | this state 7 grams or more of lysergic acid diethylamide (LSD)
 1052 | as described in s. 893.03(1)(c), or any mixture containing
 1053 | lysergic acid diethylamide (LSD), and who knows that the
 1054 | probable result of such manufacture or importation would be the
 1055 | death of any person commits capital manufacture or importation
 1056 | of lysergic acid diethylamide (LSD), a capital felony punishable
 1057 | as provided in s. 775.082 ~~ss. 775.082 and 921.142~~. Any person
 1058 | sentenced for a capital felony under this paragraph shall also
 1059 | be sentenced to pay the maximum fine provided under subparagraph
 1060 | 1.

1061 | (n)1. A person who knowingly sells, purchases,
 1062 | manufactures, delivers, or brings into this state, or who is
 1063 | knowingly in actual or constructive possession of, 14 grams or
 1064 | more of:

1065 | a. A substance described in s. 893.03(1)(c)164., 174., or
 1066 | 175., a n-benzyl phenethylamine compound, as described in s.
 1067 | 893.03(1)(c)193.; or

1068 | b. A mixture containing any substance described in sub-
 1069 | subparagraph a.,

1070 |
 1071 | commits a felony of the first degree, which felony shall be
 1072 | known as "trafficking in n-benzyl phenethylamines," punishable
 1073 | as provided in s. 775.082, s. 775.083, or s. 775.084.

1074 | 2. If the quantity involved under subparagraph 1.:

1075 | a. Is 14 grams or more, but less than 100 grams, such

1076 person shall be sentenced to a mandatory minimum term of
 1077 imprisonment of 3 years, and the defendant shall be ordered to
 1078 pay a fine of \$50,000.

1079 b. Is 100 grams or more, but less than 200 grams, such
 1080 person shall be sentenced to a mandatory minimum term of
 1081 imprisonment of 7 years, and the defendant shall be ordered to
 1082 pay a fine of \$100,000.

1083 c. Is 200 grams or more, such person shall be sentenced to
 1084 a mandatory minimum term of imprisonment of 15 years, and the
 1085 defendant shall be ordered to pay a fine of \$500,000.

1086 3. A person who knowingly manufactures or brings into this
 1087 state 400 grams or more of a substance described in sub-
 1088 subparagraph 1.a. or a mixture described in sub-subparagraph
 1089 1.b., and who knows that the probable result of such manufacture
 1090 or importation would be the death of any person commits capital
 1091 manufacture or importation of a n-benzyl phenethylamine
 1092 compound, a capital felony punishable as provided in s. 775.082
 1093 ~~ss. 775.082 and 921.142~~. A person sentenced for a capital felony
 1094 under this paragraph shall also be sentenced to pay the maximum
 1095 fine under subparagraph 2.

1096 Section 27. Paragraph (e) of subsection (4) of section
 1097 944.275, Florida Statutes, is amended to read:

1098 944.275 Gain-time.—

1099 (4)

1100 (e) Notwithstanding subparagraph (b)3., for sentences

1101 imposed for offenses committed on or after October 1, 2014, the
 1102 department may not grant incentive gain-time if the offense is a
 1103 violation of s. 782.04(1)(b)3. ~~s. 782.04(1)(a)2.c.~~; s.
 1104 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011,
 1105 excluding s. 794.011(10); s. 800.04; s. 825.1025; or s.
 1106 847.0135(5).

1107 Section 28. Paragraph (a) of subsection (5) of section
 1108 948.012, Florida Statutes, is amended to read:

1109 948.012 Split sentence of probation or community control
 1110 and imprisonment.—

1111 (5) (a) Effective for offenses committed on or after
 1112 October 1, 2014, if the court imposes a term of years in
 1113 accordance with s. 775.082 which is less than the maximum
 1114 sentence for the offense, the court must impose a split sentence
 1115 pursuant to subsection (1) for any person who is convicted of a
 1116 violation of:

- 1117 1. Section 782.04(1)(b)3. ~~782.04(1)(a)2.c.~~;
- 1118 2. Section 787.01(3)(a)2. or 3.;
- 1119 3. Section 787.02(3)(a)2. or 3.;
- 1120 4. Section 794.011, excluding s. 794.011(10);
- 1121 5. Section 800.04;
- 1122 6. Section 825.1025; or
- 1123 7. Section 847.0135(5).

1124 Section 29. Sections 922.052, 922.06, 922.07, 922.08,
 1125 922.095, 922.10, 922.105, 922.108, 922.11, 922.111, 922.12,

1126 | 922.14, 922.15, 924.055, 924.056, and 924.057, Florida Statutes,
 1127 | are repealed.

1128 | Section 30. Subsection (4) of section 925.11, Florida
 1129 | Statutes, is amended to read:

1130 | 925.11 Postsentencing DNA testing.—

1131 | (4) PRESERVATION OF EVIDENCE.—

1132 | ~~(a)~~ Governmental entities that may be in possession of any
 1133 | physical evidence in the case, including, but not limited to,
 1134 | any investigating law enforcement agency, the clerk of the
 1135 | court, the prosecuting authority, or the Department of Law
 1136 | Enforcement shall maintain any physical evidence collected at
 1137 | the time of the crime for which a postsentencing testing of DNA
 1138 | may be requested.

1139 | ~~(b) In a case in which the death penalty is imposed, the~~
 1140 | ~~evidence shall be maintained for 60 days after execution of the~~
 1141 | ~~sentence. In all other cases, a governmental entity may dispose~~
 1142 | ~~of the physical evidence if the term of the sentence imposed in~~
 1143 | ~~the case has expired and no other provision of law or rule~~
 1144 | ~~requires that the physical evidence be preserved or retained.~~

1145 | Section 31. Paragraphs (g), (h), and (i) of subsection (1)
 1146 | and subsection (2) of section 945.10, Florida Statutes, are
 1147 | amended to read:

1148 | 945.10 Confidential information.—

1149 | (1) Except as otherwise provided by law or in this
 1150 | section, the following records and information held by the

1151 Department of Corrections are confidential and exempt from the
1152 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1153 Constitution:

1154 ~~(g) Information which identifies an executioner, or any~~
1155 ~~person prescribing, preparing, compounding, dispensing, or~~
1156 ~~administering a lethal injection.~~

1157 (g) ~~(h)~~ The identity of any inmate or offender upon whom an
1158 HIV test has been performed and the inmate's or offender's test
1159 results, in accordance with s. 381.004. The term "HIV test" has
1160 the same meaning as provided in s. 381.004. This paragraph is
1161 subject to the Open Government Sunset Review Act of 1995 in
1162 accordance with s. 119.15 and shall stand repealed on October 2,
1163 2022, unless reviewed and saved from repeal through reenactment
1164 by the Legislature.

1165 (h) ~~(i)~~ Records that are otherwise confidential or exempt
1166 from public disclosure by law.

1167 (2) The records and information specified in paragraphs
1168 (1) (a) - (h) ~~(1) (a) - (i)~~ may be released as follows unless
1169 expressly prohibited by federal law:

1170 (a) Information specified in paragraphs (1) (b), (d), and
1171 (f) to the Executive Office of the Governor, the Legislature,
1172 the Florida Commission on Offender Review, the Department of
1173 Children and Families, a private correctional facility or
1174 program that operates under a contract, the Department of Legal
1175 Affairs, a state attorney, the court, or a law enforcement

1176 agency. A request for records or information pursuant to this
1177 paragraph need not be in writing.

1178 (b) Information specified in paragraphs (1)(c), (e), and
1179 (h) ~~(i)~~ to the Executive Office of the Governor, the
1180 Legislature, the Florida Commission on Offender Review, the
1181 Department of Children and Families, a private correctional
1182 facility or program that operates under contract, the Department
1183 of Legal Affairs, a state attorney, the court, or a law
1184 enforcement agency. A request for records or information
1185 pursuant to this paragraph must be in writing and a statement
1186 provided demonstrating a need for the records or information.

1187 (c) Information specified in paragraph (1)(b) to an
1188 attorney representing an inmate under sentence of death, except
1189 those portions of the records containing a victim's statement or
1190 address, or the statement or address of a relative of the
1191 victim. A request for records of information pursuant to this
1192 paragraph must be in writing and a statement provided
1193 demonstrating a need for the records or information.

1194 (d) Information specified in paragraph (1)(b) to a public
1195 defender representing a defendant, except those portions of the
1196 records containing a victim's statement or address, or the
1197 statement or address of a relative of the victim. A request for
1198 records or information pursuant to this paragraph need not be in
1199 writing.

1200 (e) Information specified in paragraph (1)(b) to state or

1201 local governmental agencies. A request for records or
 1202 information pursuant to this paragraph must be in writing and a
 1203 statement provided demonstrating a need for the records or
 1204 information.

1205 (f) Information specified in paragraph (1)(b) to a person
 1206 conducting legitimate research. A request for records and
 1207 information pursuant to this paragraph must be in writing, the
 1208 person requesting the records or information must sign a
 1209 confidentiality agreement, and the department must approve the
 1210 request in writing.

1211 (g) Protected health information and records specified in
 1212 paragraphs (1)(a) and (i) ~~(h)~~ to the Department of Health and
 1213 the county health department where an inmate plans to reside if
 1214 he or she has tested positive for the presence of the antibody
 1215 or antigen to human immunodeficiency virus infection or as
 1216 authorized in s. 381.004.

1217 (h) Protected health information and mental health,
 1218 medical, or substance abuse records specified in paragraph
 1219 (1)(a) to the Executive Office of the Governor, the Correctional
 1220 Medical Authority, and the Department of Health for health care
 1221 oversight activities authorized by state or federal law,
 1222 including audits; civil, administrative, or criminal
 1223 investigations; or inspections relating to the provision of
 1224 health services, in accordance with 45 C.F.R. part 164, subpart
 1225 E.

1226 (i) Protected health information and mental health,
 1227 medical, or substance abuse records specified in paragraph
 1228 (1) (a) to a state attorney, a state court, or a law enforcement
 1229 agency conducting an ongoing criminal investigation, if the
 1230 inmate agrees to the disclosure and provides written consent or,
 1231 if the inmate refuses to provide written consent, in response to
 1232 an order of a court of competent jurisdiction, a subpoena,
 1233 including a grand jury, investigative, or administrative
 1234 subpoena, a court-ordered warrant, or a statutorily authorized
 1235 investigative demand or other process as authorized by law, in
 1236 accordance with 45 C.F.R. part 164, subpart E, provided that:

1237 1. The protected health information and records sought are
 1238 relevant and material to a legitimate law enforcement inquiry;

1239 2. There is a clear connection between the investigated
 1240 incident and the inmate whose protected health information and
 1241 records are sought;

1242 3. The request is specific and limited in scope to the
 1243 extent reasonably practicable in light of the purpose for which
 1244 the information or records are sought; and

1245 4. Deidentified information could not reasonably be used.

1246 (j) Protected health information and mental health,
 1247 medical, or substance abuse records specified in paragraph
 1248 (1) (a) of an inmate who is or is suspected of being the victim
 1249 of a crime, to a state attorney or a law enforcement agency if
 1250 the inmate agrees to the disclosure and provides written consent

1251 or if the inmate is unable to agree because of incapacity or
 1252 other emergency circumstance, in accordance with 45 C.F.R. part
 1253 164, subpart E, provided that:

1254 1. Such protected health information and records are
 1255 needed to determine whether a violation of law by a person other
 1256 than the inmate victim has occurred;

1257 2. Such protected health information or records are not
 1258 intended to be used against the inmate victim;

1259 3. The immediate law enforcement activity that depends
 1260 upon the disclosure would be materially and adversely affected
 1261 by waiting until the inmate victim is able to agree to the
 1262 disclosure; and

1263 4. The disclosure is in the best interests of the inmate
 1264 victim, as determined by the department.

1265 (k) Protected health information and mental health,
 1266 medical, or substance abuse records specified in paragraph
 1267 (1)(a) to a state attorney or a law enforcement agency if the
 1268 department believes in good faith that the information and
 1269 records constitute evidence of criminal conduct that occurred in
 1270 a correctional institution or facility, in accordance with 45
 1271 C.F.R. part 164, subpart E, provided that:

1272 1. The protected health information and records disclosed
 1273 are specific and limited in scope to the extent reasonably
 1274 practicable in light of the purpose for which the information or
 1275 records are sought;

1276 2. There is a clear connection between the criminal
 1277 conduct and the inmate whose protected health information and
 1278 records are sought; and

1279 3. Deidentified information could not reasonably be used.

1280 (1) Protected health information and mental health,
 1281 medical, or substance abuse records specified in paragraph
 1282 (1) (a) to the Division of Risk Management of the Department of
 1283 Financial Services, in accordance with 45 C.F.R. part 164,
 1284 subpart E, upon certification by the Division of Risk Management
 1285 that such information and records are necessary to investigate
 1286 and provide legal representation for a claim against the
 1287 Department of Corrections.

1288 (m) Protected health information and mental health,
 1289 medical, or substance abuse records specified in paragraph
 1290 (1) (a) of an inmate who is bringing a legal action against the
 1291 department, to the Department of Legal Affairs or to an attorney
 1292 retained to represent the department in a legal proceeding, in
 1293 accordance with 45 C.F.R. part 164, subpart E.

1294 (n) Protected health information and mental health,
 1295 medical, or substance abuse records of an inmate as specified in
 1296 paragraph (1) (a) to another correctional institution or facility
 1297 or law enforcement official having lawful custody of the inmate,
 1298 in accordance with 45 C.F.R. part 164, subpart E, if the
 1299 protected health information or records are necessary for:

1300 1. The provision of health care to the inmate;

1301 2. The health and safety of the inmate or other inmates;

1302 3. The health and safety of the officers, employees, or
1303 others at the correctional institution or facility;

1304 4. The health and safety of the individuals or officers
1305 responsible for transporting the inmate from one correctional
1306 institution, facility, or setting to another;

1307 5. Law enforcement on the premises of the correctional
1308 institution or facility; or

1309 6. The administration and maintenance of the safety,
1310 security, and good order of the correctional institution or
1311 facility.

1312 (o) Protected health information and mental health,
1313 medical, or substance abuse records of an inmate as specified in
1314 paragraph (1)(a) to the Department of Children and Families and
1315 the Florida Commission on Offender Review, in accordance with 45
1316 C.F.R. part 164, subpart E, if the inmate received mental health
1317 treatment while in the custody of the Department of Corrections
1318 and becomes eligible for release under supervision or upon the
1319 end of his or her sentence.

1320 (p) Notwithstanding s. 456.057 and in accordance with 45
1321 C.F.R. part 164, subpart E, protected health information and
1322 mental health, medical, or substance abuse records specified in
1323 paragraph (1)(a) of a deceased inmate or offender to an
1324 individual with authority to act on behalf of the deceased
1325 inmate or offender, upon the individual's request. For purposes

1326 of this section, the following individuals have authority to act
1327 on behalf of a deceased inmate or offender only for the purpose
1328 of requesting access to such protected health information and
1329 records:

1330 1. A person appointed by a court to act as the personal
1331 representative, executor, administrator, curator, or temporary
1332 administrator of the deceased inmate's or offender's estate;

1333 2. If a court has not made a judicial appointment under
1334 subparagraph 1., a person designated by the inmate or offender
1335 to act as his or her personal representative in a last will that
1336 is self-proved under s. 732.503; or

1337 3. If a court has not made a judicial appointment under
1338 subparagraph 1. or if the inmate or offender has not designated
1339 a person in a self-proved last will as provided in subparagraph
1340 2., only the following individuals:

1341 a. A surviving spouse.

1342 b. If there is no surviving spouse, a surviving adult
1343 child of the inmate or offender.

1344 c. If there is no surviving spouse or adult child, a
1345 parent of the inmate or offender.

1346 (q) All requests for access to a deceased inmate's or
1347 offender's protected health information or mental health,
1348 medical, or substance abuse records specified in paragraph

1349 (1)(a) must be in writing and must be accompanied by the
1350 following:

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1351 1. If made by a person authorized under subparagraph
1352 (p)1., a copy of the letter of administration and a copy of the
1353 court order appointing such person as the representative of the
1354 inmate's or offender's estate.

1355 2. If made by a person authorized under subparagraph
1356 (p)2., a copy of the self-proved last will designating the
1357 person as the inmate's or offender's representative.

1358 3. If made by a person authorized under subparagraph
1359 (p)3., a letter from the person's attorney verifying the
1360 person's relationship to the inmate or offender and the absence
1361 of a court-appointed representative and self-proved last will.

1362
1363 Records and information released under this subsection remain
1364 confidential and exempt from the provisions of s. 119.07(1) and
1365 s. 24(a), Art. I of the State Constitution when held by the
1366 receiving person or entity.

1367 Section 32. This act shall take effect upon becoming a
1368 law.