

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION _____ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

1 Committee/Subcommittee hearing bill: Criminal Justice
 2 Subcommittee
 3 Representative Edwards offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (1) of section
 893.135, Florida Statutes, is amended to read:

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

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

(c)1. A ~~Any~~ person who knowingly sells, purchases,
 manufactures, delivers, or brings into this state, or who is
 knowingly in actual or constructive possession of, 4 grams or
 more of any morphine, opium, ~~oxycodone, hydrocodone,~~
 hydromorphone, or any salt, derivative, isomer, or salt of an

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18 isomer thereof, including heroin, as described in s.
19 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more
20 of any mixture containing any such substance, but less than 30
21 kilograms of such substance or mixture, commits a felony of the
22 first degree, which felony shall be known as "trafficking in
23 illegal drugs," punishable as provided in s. 775.082, s.
24 775.083, or s. 775.084. If the quantity involved:

25 a. Is 4 grams or more, but less than 14 grams, such person
26 shall be sentenced to a mandatory minimum term of imprisonment
27 of 3 years, ~~and the defendant~~ shall be ordered to pay a fine of
28 \$50,000.

29 b. Is 14 grams or more, but less than 28 grams, such
30 person shall be sentenced to a mandatory minimum term of
31 imprisonment of 15 years, ~~and the defendant~~ shall be ordered to
32 pay a fine of \$100,000.

33 c. Is 28 grams or more, but less than 30 kilograms, such
34 person shall be sentenced to a mandatory minimum term of
35 imprisonment of 25 ~~calendar~~ years and shall be ordered to pay a
36 fine of \$500,000.

37 2. A person who knowingly sells, purchases, manufactures,
38 delivers, or brings into this state, or who is knowingly in
39 actual or constructive possession of, 14 grams or more of
40 hydrocodone, or 14 grams or more of any mixture containing any
41 such substance, commits a felony of the first degree, which
42 felony shall be known as "trafficking in hydrocodone,"

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43 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

44 If the quantity involved:

45 a. Is 14 grams or more, but less than 28 grams, such
46 person shall be sentenced to a mandatory minimum term of
47 imprisonment of 3 years and shall be ordered to pay a fine of
48 \$50,000.

49 b. Is 28 grams or more, but less than 50 grams, such
50 person shall be sentenced to a mandatory minimum term of
51 imprisonment of 7 years and shall be ordered to pay a fine of
52 \$100,000.

53 c. Is 50 grams or more, but less than 200 grams, such
54 person shall be sentenced to a mandatory minimum term of
55 imprisonment of 15 years and shall be ordered to pay a fine of
56 \$500,000.

57 d. Is 200 grams or more, but less than 30 kilograms, such
58 person shall be sentenced to a mandatory minimum term of
59 imprisonment of 25 years and shall be ordered to pay a fine of
60 \$750,000.

61 3. A person who knowingly sells, purchases, manufactures,
62 delivers, or brings into this state, or who is knowingly in
63 actual or constructive possession of, 7 grams or more of
64 oxycodone, or 7 grams or more of any mixture containing any such
65 substance, commits a felony of the first degree, which felony
66 shall be known as "trafficking in oxycodone," punishable as
67 provided in s. 775.082, s. 775.083, or s. 775.084. If the
68 quantity involved:

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

72 b. Is 14 grams or more, but less than 25 grams, such
73 person shall be sentenced to a mandatory minimum term of
74 imprisonment of 7 years and shall be ordered to pay a fine of
75 \$100,000.

76 c. Is 25 grams or more, but less than 100 grams, such
77 person shall be sentenced to a mandatory minimum term of
78 imprisonment of 15 years and shall be ordered to pay a fine of
79 \$500,000.

80 d. Is 100 grams or more, but less than 30 kilograms, such
81 person shall be sentenced to a mandatory minimum term of
82 imprisonment of 25 years and shall be ordered to pay a fine of
83 \$750,000.

84 4. A ~~Any~~ person who knowingly sells, purchases,
85 manufactures, delivers, or brings into this state, or who is
86 knowingly in actual or constructive possession of, 30 kilograms
87 or more of any morphine, opium, oxycodone, hydrocodone,
88 hydromorphone, or any salt, derivative, isomer, or salt of an
89 isomer thereof, including heroin, as described in s.
90 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
91 more of any mixture containing any such substance, commits the
92 first degree felony of trafficking in illegal drugs. A person
93 who has been convicted of the first degree felony of trafficking
94 in illegal drugs under this subparagraph shall be punished by

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95 life imprisonment and is ineligible for any form of
96 discretionary early release except pardon or executive clemency
97 or conditional medical release under s. 947.149. However, if the
98 court determines that, in addition to committing any act
99 specified in this paragraph:

100 a. The person intentionally killed an individual or
101 counseled, commanded, induced, procured, or caused the
102 intentional killing of an individual and such killing was the
103 result; or

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

106
107 such person commits the capital felony of trafficking in illegal
108 drugs, punishable as provided in ss. 775.082 and 921.142. A Any
109 person sentenced for a capital felony under this paragraph shall
110 also be sentenced to pay the maximum fine provided under
111 subparagraph 1.

112 ~~5.3.~~ A Any person who knowingly brings into this state 60
113 kilograms or more of any morphine, opium, oxycodone,
114 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
115 salt of an isomer thereof, including heroin, as described in s.
116 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
117 more of any mixture containing any such substance, and who knows
118 that the probable result of such importation would be the death
119 of a any person, commits capital importation of illegal drugs, a
120 capital felony punishable as provided in ss. 775.082 and

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121 921.142. A ~~Any~~ person sentenced for a capital felony under this
 122 paragraph shall also be sentenced to pay the maximum fine
 123 provided under subparagraph 1.

124 Section 2. Paragraphs (g), (h), and (i) of subsection (3)
 125 of section 921.0022, Florida Statutes, are amended to read:

126 921.0022 Criminal Punishment Code; offense severity
 127 ranking chart.—

128 (3) OFFENSE SEVERITY RANKING CHART

129 (g) LEVEL 7

130

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with

131

132

133

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siren and lights activated.

134

327.35(3)(c)2. 3rd Vessel BUI resulting in serious
bodily injury.

135

402.319(2) 2nd Misrepresentation and
negligence or intentional act
resulting in great bodily harm,
permanent disfiguration,
permanent disability, or death.

136

409.920 3rd Medicaid provider fraud;
(2)(b)1.a. \$10,000 or less.

137

409.920 2nd Medicaid provider fraud; more
(2)(b)1.b. than \$10,000, but less than
\$50,000.

138

456.065(2) 3rd Practicing a health care
profession without a license.

139

456.065(2) 2nd Practicing a health care
profession without a license
which results in serious bodily
injury.

140

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141	458.327(1)	3rd	Practicing medicine without a license.
142	459.013(1)	3rd	Practicing osteopathic medicine without a license.
143	460.411(1)	3rd	Practicing chiropractic medicine without a license.
144	461.012(1)	3rd	Practicing podiatric medicine without a license.
145	462.17	3rd	Practicing naturopathy without a license.
146	463.015(1)	3rd	Practicing optometry without a license.
147	464.016(1)	3rd	Practicing nursing without a license.
148	465.015(2)	3rd	Practicing pharmacy without a license.
	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.

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149	467.201	3rd	Practicing midwifery without a license.
150	468.366	3rd	Delivering respiratory care services without a license.
151	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
152	483.901 (9)	3rd	Practicing medical physics without a license.
153	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
154	484.053	3rd	Dispensing hearing aids without a license.
155	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

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156

560.123(8)(b)1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

157

560.125(5)(a) 3rd Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

158

655.50(10)(b)1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

159

775.21(10)(a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

160

775.21(10)(b) 3rd Sexual predator working where children regularly congregate.

161

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162	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
163	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
164	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
165	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

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166

784.045 (1) (a) 1. 2nd Aggravated battery;
intentionally causing great
bodily harm or disfigurement.

167

784.045 (1) (a) 2. 2nd Aggravated battery; using
deadly weapon.

168

784.045 (1) (b) 2nd Aggravated battery; perpetrator
aware victim pregnant.

169

784.048 (4) 3rd Aggravated stalking; violation
of injunction or court order.

170

784.048 (7) 3rd Aggravated stalking; violation
of court order.

171

784.07 (2) (d) 1st Aggravated battery on law
enforcement officer.

172

784.074 (1) (a) 1st Aggravated battery on sexually
violent predators facility
staff.

173

784.08 (2) (a) 1st Aggravated battery on a person
65 years of age or older.

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174	784.081(1)	1st	Aggravated battery on specified official or employee.
175	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
176	784.083(1)	1st	Aggravated battery on code inspector.
177	787.06(3)(a)	1st	Human trafficking using coercion for labor and services.
178	787.06(3)(e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
179	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
180			

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181	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
182	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
183	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
184	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
185	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
186	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

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187	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
188	796.03	2nd	Procuring any person under 16 years for prostitution.
189	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
190	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
191	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
192	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
	810.02(3)(b)	2nd	Burglary of unoccupied

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dwelling; unarmed; no assault
or battery.

193

810.02 (3) (d) 2nd Burglary of occupied
conveyance; unarmed; no assault
or battery.

194

810.02 (3) (e) 2nd Burglary of authorized
emergency vehicle.

195

812.014 (2) (a) 1. 1st Property stolen, valued at
\$100,000 or more or a
semitrailer deployed by a law
enforcement officer; property
stolen while causing other
property damage; 1st degree
grand theft.

196

812.014 (2) (b) 2. 2nd Property stolen, cargo valued
at less than \$50,000, grand
theft in 2nd degree.

197

812.014 (2) (b) 3. 2nd Property stolen, emergency
medical equipment; 2nd degree
grand theft.

198

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199	812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
200	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
201	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
202	812.131(2)(a)	2nd	Robbery by sudden snatching.
203	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
204	817.034(4)(a)1.	1st	Communications fraud, value greater than \$50,000.
205	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
	817.234(9)	2nd	Organizing, planning, or participating in an intentional

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motor vehicle collision.

206

817.234(11)(c) 1st Insurance fraud; property value
\$100,000 or more.

207

817.2341 1st Making false entries of
(2)(b) & material fact or false
(3)(b) statements regarding property
values relating to the solvency
of an insuring entity which are
a significant cause of the
insolvency of that entity.

208

817.535(2)(a) 3rd Filing false lien or other
unauthorized document.

209

825.102(3)(b) 2nd Neglecting an elderly person or
disabled adult causing great
bodily harm, disability, or
disfigurement.

210

825.103(2)(b) 2nd Exploiting an elderly person or
disabled adult and property is
valued at \$20,000 or more, but
less than \$100,000.

211

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212	827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
213	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
214	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
215	838.015	2nd	Bribery.
216	838.016	2nd	Unlawful compensation or reward for official behavior.
217	838.021(3)(a)	2nd	Unlawful harm to a public servant.
218	838.22	2nd	Bid tampering.
219	843.0855(2)	3rd	Impersonation of a public officer or employee.
	843.0855(3)	3rd	Unlawful simulation of legal

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process.

220

843.0855(4) 3rd Intimidation of a public officer or employee.

221

847.0135(3) 3rd Solicitation of a child, via a computer service, to commit an unlawful sex act.

222

847.0135(4) 2nd Traveling to meet a minor to commit an unlawful sex act.

223

872.06 2nd Abuse of a dead human body.

224

874.05(2)(b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

225

874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

226

893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other drug

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prohibited under s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.)
within 1,000 feet of a child
care facility, school, or
state, county, or municipal
park or publicly owned
recreational facility or
community center.

227

893.13(1)(e)1. 1st Sell, manufacture, or deliver
cocaine or other drug
prohibited under s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.,
within 1,000 feet of property
used for religious services or
a specified business site.

228

893.13(4)(a) 1st Deliver to minor cocaine (or
other s. 893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or
(2)(c)4. drugs).

229

893.135(1)(a)1. 1st Trafficking in cannabis, more
than 25 lbs., less than 2,000

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lbs.

230

893.135 (1) (b) 1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

231

893.135 (1) (c) 1.a. 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

893.135 (1) (c) 2.a. 1st Trafficking in hydrocodone, 14 grams or more, less than 28 grams.

893.135 (1) (c) 2.b. 1st Trafficking in hydrocodone, 28 grams or more, less than 50 grams.

893.135 (1) (c) 3.a. 1st Trafficking in oxycodone, 7 grams or more, less than 14 grams.

893.135 (1) (c) 3.b. 1st Trafficking in oxycodone, 14 grams or more, less than 25 grams.

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233

234

893.135 (1) (d) 1. 1st Trafficking in phencyclidine,
more than 28 grams, less than
200 grams.

235

893.135 (1) (e) 1. 1st Trafficking in methaqualone,
more than 200 grams, less than
5 kilograms.

236

893.135 (1) (f) 1. 1st Trafficking in amphetamine,
more than 14 grams, less than
28 grams.

237

893.135 1st Trafficking in flunitrazepam, 4
(1) (g) 1.a. grams or more, less than 14
grams.

238

893.135 1st Trafficking in gamma-
(1) (h) 1.a. hydroxybutyric acid (GHB), 1
kilogram or more, less than 5
kilograms.

239

893.135 1st Trafficking in 1,4-Butanediol,
(1) (j) 1.a. 1 kilogram or more, less than 5

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kilograms.

240

893.135 (1) (k) 2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

241

893.1351(2) 2nd Possession of place for trafficking in or manufacturing of controlled substance.

242

896.101(5) (a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

243

896.104(4) (a) 1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

244

943.0435(4) (c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

245

943.0435(8) 2nd Sexual offender; remains in

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state after indicating intent
to leave; failure to comply
with reporting requirements.

246

943.0435(9)(a) 3rd Sexual offender; failure to
comply with reporting
requirements.

247

943.0435(13) 3rd Failure to report or providing
false information about a
sexual offender; harbor or
conceal a sexual offender.

248

943.0435(14) 3rd Sexual offender; failure to
report and reregister; failure
to respond to address
verification.

249

944.607(9) 3rd Sexual offender; failure to
comply with reporting
requirements.

250

944.607(10)(a) 3rd Sexual offender; failure to
submit to the taking of a
digitized photograph.

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252

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

253

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

254

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

255

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

256

257

(h) LEVEL 8

258

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	Florida Statute	Felony Degree	Description
259	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
260	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
261	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
262	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
263	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
264	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.
265	560.125 (5) (b)	2nd	Money transmitter business by

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unauthorized person, currency
or payment instruments totaling
or exceeding \$20,000, but less
than \$100,000.

266

655.50(10)(b)2. 2nd Failure to report financial
transactions totaling or
exceeding \$20,000, but less
than \$100,000 by financial
institutions.

267

777.03(2)(a) 1st Accessory after the fact,
capital felony.

268

782.04(4) 2nd Killing of human without design
when engaged in act or attempt
of any felony other than arson,
sexual battery, robbery,
burglary, kidnapping,
aggravated fleeing or eluding
with serious bodily injury or
death, aircraft piracy, or
unlawfully discharging bomb.

269

782.051(2) 1st Attempted felony murder while
perpetrating or attempting to

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perpetrate a felony not
enumerated in s. 782.04(3).

270

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

271

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

272

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

273

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

274

787.06(3)(f) 1st Human trafficking using
coercion for commercial sexual
activity by the transfer or
transport of any individual
from outside Florida to within
the state.

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276	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
277	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
278	794.08(3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
279	800.04(4)	2nd	Lewd or lascivious battery.
280	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
281	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
282	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.

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283	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
284	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
285	812.13 (2) (b)	1st	Robbery with a weapon.
286	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
287	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
288	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document;

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defendant is incarcerated or
under supervision.

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

290

817.568 (6) 2nd Fraudulent use of personal
identification information of
an individual under the age of
18.

291

825.102 (2) 1st Aggravated abuse of an elderly
person or disabled adult.

292

825.1025 (2) 2nd Lewd or lascivious battery upon
an elderly person or disabled
adult.

293

825.103 (2) (a) 1st Exploiting an elderly person or
disabled adult and property is
valued at \$100,000 or more.

294

837.02 (2) 2nd Perjury in official proceedings

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relating to prosecution of a
capital felony.

295

837.021(2) 2nd Making contradictory statements
in official proceedings
relating to prosecution of a
capital felony.

296

860.121(2)(c) 1st Shooting at or throwing any
object in path of railroad
vehicle resulting in great
bodily harm.

297

860.16 1st Aircraft piracy.

298

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).

299

893.13(2)(b) 1st Purchase in excess of 10 grams
of any substance specified in
s. 893.03(1)(a) or (b).

300

893.13(6)(c) 1st Possess in excess of 10 grams
of any substance specified in

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

301

893.135(1)(a)2. 1st Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

302

893.135 (1)(b)1.b. 1st Trafficking in cocaine, more than 200 grams, less than 400 grams.

303

893.135 (1)(c)1.b. 1st Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

893.135(1)(c)2.c. 1st Trafficking in hydrocodone, 50 grams or more, less than 200 grams.

893.135(1)(c)3.c. 1st Trafficking in oxycodone, 25 grams or more, less than 100 grams.

304

893.135 (1)(d)1.b. 1st Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

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306	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
307	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
308	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
309	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
310	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
311	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
	893.1351(3)	1st	Possession of a place used to

Amendment No. 1

manufacture controlled
substance when minor is present
or resides there.

312

895.03(1) 1st Use or invest proceeds derived
from pattern of racketeering
activity.

313

895.03(2) 1st Acquire or maintain through
racketeering activity any
interest in or control of any
enterprise or real property.

314

895.03(3) 1st Conduct or participate in any
enterprise through pattern of
racketeering activity.

315

896.101(5)(b) 2nd Money laundering, financial
transactions totaling or
exceeding \$20,000, but less
than \$100,000.

316

896.104(4)(a)2. 2nd Structuring transactions to
evade reporting or registration
requirements, financial
transactions totaling or

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

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325

(i) LEVEL 9

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

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326
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330

- 560.125(5)(c)
1st
Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
- 655.50(10)(b)3.
1st
Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
- 775.0844
1st
Aggravated white collar crime.
- 782.04(1)
1st
Attempt, conspire, or solicit to commit premeditated murder.
- 782.04(3)
1st,PBL
Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
- 782.051(1)
1st
Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated

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in s. 782.04(3).

331

782.07(2) 1st Aggravated manslaughter of an
elderly person or disabled
adult.

332

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or
reward or as a shield or
hostage.

333

787.01(1)(a)2. 1st,PBL Kidnapping with intent to
commit or facilitate commission
of any felony.

334

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

335

787.02(3)(a) 1st False imprisonment; child under
age 13; perpetrator also
commits aggravated child abuse,
sexual battery, or lewd or
lascivious battery,
molestation, conduct, or
exhibition.

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336

787.06(3)(d) 1st Human trafficking using coercion for commercial sexual activity of an unauthorized alien.

337

787.06(3)(g) 1st,PBL Human trafficking for commercial sexual activity of a child under the age of 18.

338

787.06(4) 1st Selling or buying of minors into human trafficking.

339

790.161 1st Attempted capital destructive device offense.

340

790.166(2) 1st,PBL Possessing, selling, using, or attempting to use a weapon of mass destruction.

341

794.011(2) 1st Attempted sexual battery; victim less than 12 years of age.

342

794.011(2) Life Sexual battery; offender younger than 18 years and

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commits sexual battery on a
person less than 12 years.

343

794.011(4) 1st Sexual battery; victim 12 years
or older, certain
circumstances.

344

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

345

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

346

796.035 1st Selling or buying of minors
into prostitution.

347

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

348

812.13(2)(a) 1st, PBL Robbery with firearm or other
deadly weapon.

349

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350	812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
351	812.135(2)(b)	1st	Home-invasion robbery with weapon.
352	817.535(3)(b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
353	817.535(4)(a)2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
354	817.535(5)(b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.
	817.568(7)	2nd, PBL	Fraudulent use of personal identification information of

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an individual under the age of
18 by his or her parent, legal
guardian, or person exercising
custodial authority.

355

827.03(2)(a) 1st Aggravated child abuse.

356

847.0145(1) 1st Selling, or otherwise
transferring custody or
control, of a minor.

357

847.0145(2) 1st Purchasing, or otherwise
obtaining custody or control,
of a minor.

358

859.01 1st Poisoning or introducing
bacteria, radioactive
materials, viruses, or chemical
compounds into food, drink,
medicine, or water with intent
to kill or injure another
person.

359

893.135 1st Attempted capital trafficking
offense.

360

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 99 (2014)

Amendment No. 1

361	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
362	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
	<u>893.135(1)(c)2.d.</u>	<u>1st</u>	<u>Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.</u>
	<u>893.135(1)(c)3.d.</u>	<u>1st</u>	<u>Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.</u>
363	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
364	893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
365			

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366 893.135 1st Trafficking in amphetamine,
(1) (f) 1.c. more than 200 grams.

367 893.135 1st Trafficking in gamma-
(1) (h) 1.c. hydroxybutyric acid (GHB), 10
kilograms or more.

368 893.135 1st Trafficking in 1,4-Butanediol,
(1) (j) 1.c. 10 kilograms or more.

369 893.135 1st Trafficking in Phenethylamines,
(1) (k) 2.c. 400 grams or more.

370 896.101 (5) (c) 1st Money laundering, financial
instruments totaling or
exceeding \$100,000.

371 896.104 (4) (a) 3. 1st Structuring transactions to
evade reporting or registration
requirements, financial
372 transactions totaling or
exceeding \$100,000.

373 Section 3. For the purpose of incorporating the amendment
374 made by this act to section 893.135, Florida Statutes, in a

Amendment No. 1

375 reference thereto, paragraph (a) of subsection (2) and paragraph
376 (a) of subsection (3) of section 775.087, Florida Statutes, is
377 reenacted to read:

378 775.087 Possession or use of weapon; aggravated battery;
379 felony reclassification; minimum sentence.—

380 (2)(a)1. Any person who is convicted of a felony or an
381 attempt to commit a felony, regardless of whether the use of a
382 weapon is an element of the felony, and the conviction was for:

- 383 a. Murder;
- 384 b. Sexual battery;
- 385 c. Robbery;
- 386 d. Burglary;
- 387 e. Arson;
- 388 f. Aggravated assault;
- 389 g. Aggravated battery;
- 390 h. Kidnapping;
- 391 i. Escape;
- 392 j. Aircraft piracy;
- 393 k. Aggravated child abuse;
- 394 l. Aggravated abuse of an elderly person or disabled
395 adult;
- 396 m. Unlawful throwing, placing, or discharging of a
397 destructive device or bomb;
- 398 n. Carjacking;
- 399 o. Home-invasion robbery;
- 400 p. Aggravated stalking;

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401 q. Trafficking in cannabis, trafficking in cocaine,
402 capital importation of cocaine, trafficking in illegal drugs,
403 capital importation of illegal drugs, trafficking in
404 phencyclidine, capital importation of phencyclidine, trafficking
405 in methaqualone, capital importation of methaqualone,
406 trafficking in amphetamine, capital importation of amphetamine,
407 trafficking in flunitrazepam, trafficking in gamma-
408 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
409 trafficking in Phenethylamines, or other violation of s.
410 893.135(1); or

411 r. Possession of a firearm by a felon

412
413 and during the commission of the offense, such person actually
414 possessed a "firearm" or "destructive device" as those terms are
415 defined in s. 790.001, shall be sentenced to a minimum term of
416 imprisonment of 10 years, except that a person who is convicted
417 for aggravated assault, possession of a firearm by a felon, or
418 burglary of a conveyance shall be sentenced to a minimum term of
419 imprisonment of 3 years if such person possessed a "firearm" or
420 "destructive device" during the commission of the offense.
421 However, if an offender who is convicted of the offense of
422 possession of a firearm by a felon has a previous conviction of
423 committing or attempting to commit a felony listed in s.
424 775.084(1)(b)1. and actually possessed a firearm or destructive
425 device during the commission of the prior felony, the offender

Amendment No. 1

426 shall be sentenced to a minimum term of imprisonment of 10
427 years.

428 2. Any person who is convicted of a felony or an attempt
429 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,
430 regardless of whether the use of a weapon is an element of the
431 felony, and during the course of the commission of the felony
432 such person discharged a "firearm" or "destructive device" as
433 defined in s. 790.001 shall be sentenced to a minimum term of
434 imprisonment of 20 years.

435 3. Any person who is convicted of a felony or an attempt
436 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,
437 regardless of whether the use of a weapon is an element of the
438 felony, and during the course of the commission of the felony
439 such person discharged a "firearm" or "destructive device" as
440 defined in s. 790.001 and, as the result of the discharge, death
441 or great bodily harm was inflicted upon any person, the
442 convicted person shall be sentenced to a minimum term of
443 imprisonment of not less than 25 years and not more than a term
444 of imprisonment of life in prison.

445 (3)(a)1. Any person who is convicted of a felony or an
446 attempt to commit a felony, regardless of whether the use of a
447 firearm is an element of the felony, and the conviction was for:

- 448 a. Murder;
- 449 b. Sexual battery;
- 450 c. Robbery;
- 451 d. Burglary;

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- 452 e. Arson;
- 453 f. Aggravated assault;
- 454 g. Aggravated battery;
- 455 h. Kidnapping;
- 456 i. Escape;
- 457 j. Sale, manufacture, delivery, or intent to sell,
458 manufacture, or deliver any controlled substance;
- 459 k. Aircraft piracy;
- 460 l. Aggravated child abuse;
- 461 m. Aggravated abuse of an elderly person or disabled
462 adult;
- 463 n. Unlawful throwing, placing, or discharging of a
464 destructive device or bomb;
- 465 o. Carjacking;
- 466 p. Home-invasion robbery;
- 467 q. Aggravated stalking; or
- 468 r. Trafficking in cannabis, trafficking in cocaine,
469 capital importation of cocaine, trafficking in illegal drugs,
470 capital importation of illegal drugs, trafficking in
471 phencyclidine, capital importation of phencyclidine, trafficking
472 in methaqualone, capital importation of methaqualone,
473 trafficking in amphetamine, capital importation of amphetamine,
474 trafficking in flunitrazepam, trafficking in gamma-
475 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
476 trafficking in Phenethylamines, or other violation of s.
477 893.135(1);

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478
479 and during the commission of the offense, such person possessed
480 a semiautomatic firearm and its high-capacity detachable box
481 magazine or a machine gun as defined in s. 790.001, shall be
482 sentenced to a minimum term of imprisonment of 15 years.

483 2. Any person who is convicted of a felony or an attempt
484 to commit a felony listed in subparagraph (a)1., regardless of
485 whether the use of a weapon is an element of the felony, and
486 during the course of the commission of the felony such person
487 discharged a semiautomatic firearm and its high-capacity box
488 magazine or a "machine gun" as defined in s. 790.001 shall be
489 sentenced to a minimum term of imprisonment of 20 years.

490 3. Any person who is convicted of a felony or an attempt
491 to commit a felony listed in subparagraph (a)1., regardless of
492 whether the use of a weapon is an element of the felony, and
493 during the course of the commission of the felony such person
494 discharged a semiautomatic firearm and its high-capacity box
495 magazine or a "machine gun" as defined in s. 790.001 and, as the
496 result of the discharge, death or great bodily harm was
497 inflicted upon any person, the convicted person shall be
498 sentenced to a minimum term of imprisonment of not less than 25
499 years and not more than a term of imprisonment of life in
500 prison.

501 Section 4. For the purpose of incorporating the amendment
502 made by this act to section 893.135, Florida Statutes, in a
503 reference thereto, paragraph (a) of subsection (1) and

Amendment No. 1

504 subsections (3) and (4) of section 782.04, Florida Statutes, are
505 reenacted to read:

506 782.04 Murder.—

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

508 1. When perpetrated from a premeditated design to effect
509 the death of the person killed or any human being;

510 2. When committed by a person engaged in the perpetration
511 of, or in the attempt to perpetrate, any:

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

513 b. Arson,

514 c. Sexual battery,

515 d. Robbery,

516 e. Burglary,

517 f. Kidnapping,

518 g. Escape,

519 h. Aggravated child abuse,

520 i. Aggravated abuse of an elderly person or disabled

521 adult,

522 j. Aircraft piracy,

523 k. Unlawful throwing, placing, or discharging of a
524 destructive device or bomb,

525 l. Carjacking,

526 m. Home-invasion robbery,

527 n. Aggravated stalking,

528 o. Murder of another human being,

Amendment No. 1

- 529 p. Resisting an officer with violence to his or her
530 person,
- 531 q. Aggravated fleeing or eluding with serious bodily
532 injury or death,
- 533 r. Felony that is an act of terrorism or is in furtherance
534 of an act of terrorism; or
- 535 3. Which resulted from the unlawful distribution of any
536 substance controlled under s. 893.03(1), cocaine as described in
537 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
538 compound, derivative, or preparation of opium, or methadone by a
539 person 18 years of age or older, when such drug is proven to be
540 the proximate cause of the death of the user,
541
542 is murder in the first degree and constitutes a capital felony,
543 punishable as provided in s. 775.082.
- 544 (3) When a human being is killed during the perpetration
545 of, or during the attempt to perpetrate, any:
- 546 (a) Trafficking offense prohibited by s. 893.135(1),
547 (b) Arson,
548 (c) Sexual battery,
549 (d) Robbery,
550 (e) Burglary,
551 (f) Kidnapping,
552 (g) Escape,
553 (h) Aggravated child abuse,

Amendment No. 1

- 554 (i) Aggravated abuse of an elderly person or disabled
555 adult,
- 556 (j) Aircraft piracy,
- 557 (k) Unlawful throwing, placing, or discharging of a
558 destructive device or bomb,
- 559 (l) Carjacking,
- 560 (m) Home-invasion robbery,
- 561 (n) Aggravated stalking,
- 562 (o) Murder of another human being,
- 563 (p) Aggravated fleeing or eluding with serious bodily
564 injury or death,
- 565 (q) Resisting an officer with violence to his or her
566 person, or
- 567 (r) Felony that is an act of terrorism or is in
568 furtherance of an act of terrorism,
- 569
- 570 by a person other than the person engaged in the perpetration of
571 or in the attempt to perpetrate such felony, the person
572 perpetrating or attempting to perpetrate such felony commits
573 murder in the second degree, which constitutes a felony of the
574 first degree, punishable by imprisonment for a term of years not
575 exceeding life or as provided in s. 775.082, s. 775.083, or s.
576 775.084.
- 577 (4) The unlawful killing of a human being, when
578 perpetrated without any design to effect death, by a person

Amendment No. 1

579 engaged in the perpetration of, or in the attempt to perpetrate,
580 any felony other than any:

- 581 (a) Trafficking offense prohibited by s. 893.135(1),
- 582 (b) Arson,
- 583 (c) Sexual battery,
- 584 (d) Robbery,
- 585 (e) Burglary,
- 586 (f) Kidnapping,
- 587 (g) Escape,
- 588 (h) Aggravated child abuse,
- 589 (i) Aggravated abuse of an elderly person or disabled
590 adult,
- 591 (j) Aircraft piracy,
- 592 (k) Unlawful throwing, placing, or discharging of a
593 destructive device or bomb,
- 594 (l) Unlawful distribution of any substance controlled
595 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
596 or opium or any synthetic or natural salt, compound, derivative,
597 or preparation of opium by a person 18 years of age or older,
598 when such drug is proven to be the proximate cause of the death
599 of the user,
- 600 (m) Carjacking,
- 601 (n) Home-invasion robbery,
- 602 (o) Aggravated stalking,
- 603 (p) Murder of another human being,

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- 604 (q) Aggravated fleeing or eluding with serious bodily
605 injury or death,
606 (r) Resisting an officer with violence to his or her
607 person, or
608 (s) Felony that is an act of terrorism or is in
609 furtherance of an act of terrorism,
610
611 is murder in the third degree and constitutes a felony of the
612 second degree, punishable as provided in s. 775.082, s. 775.083,
613 or s. 775.084.

614
615
616 -----
617 **T I T L E A M E N D M E N T**

618 Remove everything before the enacting clause and insert:
619 An act relating to controlled substances; amending s. 893.135,
620 F.S.; providing that a person who knowingly sells, purchases,
621 manufactures, delivers, or brings into this state specified
622 quantities of hydrocodone or oxycodone, or who is knowingly in
623 actual or constructive possession of specified quantities of
624 hydrocodone or oxycodone, commits the offense of "trafficking in
625 hydrocodone," or "trafficking in oxycodone," respectively;
626 providing criminal penalties; amending s. 921.0022, F.S.;
627 ranking the offenses of trafficking in hydrocodone and
628 trafficking in oxycodone for purposes of the criminal punishment
629 code; reenacting s. 775.087(2) (a) and (3) (a), F.S., relating to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 99 (2014)

Amendment No. 1

630 mandatory minimum sentences for the possession or use of a
631 weapon during the commission of certain offenses, to incorporate
632 the amendments made to s. 893.135, F.S., in a reference thereto;
633 reenacting s. 782.04(1)(a), (3) and (4), F.S., relating to the
634 classification of a murder committed during the commission of
635 certain offenses, to incorporate the amendments made to s.
636 893.135, F.S., in a reference thereto; providing an effective
637 date.