

By the Committee on Crime Prevention, Corrections & Safety
and Representative Andrews

1 A bill to be entitled
2 An act relating to homicide of an unborn child;
3 amending s. 316.193, F.S.; including the death
4 of a viable fetus under DUI manslaughter;
5 providing a definition; amending s. 782.071,
6 F.S.; specifying when a fetus is viable for
7 purposes of "vehicular homicide"; amending s.
8 782.09, F.S.; providing that killing an unborn
9 quick child by injury to the mother which would
10 be murder in any degree if it resulted in the
11 death of the mother is murder in the same
12 degree; providing penalties; providing that the
13 unlawful killing of an unborn quick child by
14 injury to the mother which would be
15 manslaughter if it resulted in the death of the
16 mother is manslaughter; providing penalties;
17 providing that the death of the mother does not
18 bar prosecution under specified circumstances;
19 reenacting ss. 921.0022(3)(g) and (h) and
20 960.03(3), F.S., relating to the Criminal
21 Punishment Code offense severity ranking chart
22 and the definition of "crime" with respect to
23 the Florida Crimes Compensation Act,
24 respectively, to incorporate said amendment in
25 references; providing an effective date.

26
27 WHEREAS, the Legislature finds that unborn children
28 have protectable interests in life, health, and well-being,
29 and

30 WHEREAS, the Legislature finds that in order to best
31 serve the needs of unborn children, and the needs of parents

1 of unborn children who choose life, it is necessary to afford
2 all unborn children the full protection of the law, and

3 WHEREAS, the Legislature finds that it is in the best
4 interest of the state to seek justice for unborn children who
5 would have lived had it not been for the criminal act of
6 another, NOW, THEREFORE,

7

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

9

10 Section 1. Paragraph (c) of subsection (3) of section
11 316.193, Florida Statutes, is amended to read:

12 316.193 Driving under the influence; penalties.--

13 (1) A person is guilty of the offense of driving under
14 the influence and is subject to punishment as provided in
15 subsection (2) if the person is driving or in actual physical
16 control of a vehicle within this state and:

17 (a) The person is under the influence of alcoholic
18 beverages, any chemical substance set forth in s. 877.111, or
19 any substance controlled under chapter 893, when affected to
20 the extent that the person's normal faculties are impaired;

21 (b) The person has a blood-alcohol level of 0.08 or
22 more grams of alcohol per 100 milliliters of blood; or

23 (c) The person has a breath-alcohol level of 0.08 or
24 more grams of alcohol per 210 liters of breath.

25 (3) Any person:

26 (a) Who is in violation of subsection (1);

27 (b) Who operates a vehicle; and

28 (c) Who, by reason of such operation, causes:

29 1. Damage to the property or person of another commits
30 a misdemeanor of the first degree, punishable as provided in
31 s. 775.082 or s. 775.083.

1 2. Serious bodily injury to another, as defined in s.
2 316.1933, commits a felony of the third degree, punishable as
3 provided in s. 775.082, s. 775.083, or s. 775.084.

4 3. The death of any human being or viable fetus
5 commits DUI manslaughter, and commits:

6 a. A felony of the second degree, punishable as
7 provided in s. 775.082, s. 775.083, or s. 775.084.

8 b. A felony of the first degree, punishable as
9 provided in s. 775.082, s. 775.083, or s. 775.084, if:

10 (I) At the time of the crash, the person knew, or
11 should have known, that the crash occurred; and

12 (II) The person failed to give information and render
13 aid as required by s. 316.062.

14
15 For purposes of this subsection, a fetus is viable after the
16 20th week of gestation.

17 Section 2. Section 782.071, Florida Statutes, is
18 amended to read:

19 782.071 Vehicular homicide.--"Vehicular homicide" is
20 the killing of a human being, or the killing of a viable fetus
21 by any injury to the mother, caused by the operation of a
22 motor vehicle by another in a reckless manner likely to cause
23 the death of, or great bodily harm to, another. Vehicular
24 homicide is:

25 (1) A felony of the second degree, punishable as
26 provided in s. 775.082, s. 775.083, or s. 775.084.

27 (2) A felony of the first degree, punishable as
28 provided in s. 775.082, s. 775.083, or s. 775.084, if:

29 (a) At the time of the accident, the person knew, or
30 should have known, that the accident occurred; and

31

1 (b) The person failed to give information and render
2 aid as required by s. 316.062.

3
4 This subsection does not require that the person knew that the
5 accident resulted in injury or death.

6 (3) For purposes of this section, a fetus is viable
7 after the 20th week of gestation ~~when it becomes capable of~~
8 ~~meaningful life outside the womb through standard medical~~
9 ~~measures.~~

10 (4) A right of action for civil damages shall exist
11 under s. 768.19, under all circumstances, for all deaths
12 described in this section.

13 Section 3. Section 782.09, Florida Statutes, is
14 amended to read:

15 782.09 Killing of unborn child by injury to mother.--

16 (1) The unlawful ~~willful~~ killing of an unborn quick
17 child, by any injury to the mother of such child which would
18 be murder if it resulted in the death of such mother, shall be
19 deemed murder in the same degree as that which would have been
20 committed against the mother. A person who unlawfully kills an
21 unborn quick child by any injury to the mother:

22 (a) Which would be murder in the first degree
23 constituting a capital felony if it resulted in the mother's
24 death commits murder in the first degree constituting a
25 capital felony, punishable as provided in s. 775.082.

26 (b) Which would be murder in the second degree if it
27 resulted in the mother's death commits murder in the second
28 degree and a felony of the first degree, punishable as
29 provided in s. 775.082, s. 775.083, or s. 775.084.

30 (c) Which would be murder in the third degree if it
31 resulted in the mother's death commits murder in the third

1 ~~degree and manslaughter,~~ a felony of the second degree,
2 punishable as provided in s. 775.082, s. 775.083, or s.
3 775.084.
4 (2) The unlawful killing of an unborn quick child, by
5 any injury to the mother of such child which would be
6 manslaughter if it resulted in the death of such mother, shall
7 be deemed manslaughter. A person who unlawfully kills an
8 unborn quick child by any injury to the mother which would be
9 manslaughter if it resulted in the mother's death commits
10 manslaughter and a felony of the second degree, punishable as
11 provided in s. 775.082, s. 775.083, or s. 775.084.

12 (3) The death of the mother resulting from the same
13 act or criminal episode which caused the death of the unborn
14 quick child shall not bar prosecution under this section.

15 Section 4. For the purposes of incorporating the
16 amendment to s. 782.071, Florida Statutes, in references
17 thereto, the sections or subdivisions of Florida Statutes set
18 forth below are reenacted to read:

19 921.0022 Criminal Punishment Code; offense severity
20 ranking chart.--

21 (3) OFFENSE SEVERITY RANKING CHART

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|--|
| | | (g) LEVEL 7 |
| 316.193(3)(c)2. | 3rd | DUI resulting in serious bodily injury. |
| 327.35(3)(c)2. | 3rd | Vessel BUI resulting in serious bodily injury. |

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|----|------------|-----|----------------------------------|
| 1 | 402.319(2) | 2nd | Misrepresentation and negligence |
| 2 | | | or intentional act resulting in |
| 3 | | | great bodily harm, permanent |
| 4 | | | disfiguration, permanent |
| 5 | | | disability, or death. |
| 6 | 409.920(2) | 3rd | Medicaid provider fraud. |
| 7 | 456.065(2) | 3rd | Practicing a health care |
| 8 | | | profession without a license. |
| 9 | 456.065(2) | 2nd | Practicing a health care |
| 10 | | | profession without a license |
| 11 | | | which results in serious bodily |
| 12 | | | injury. |
| 13 | 458.327(1) | 3rd | Practicing medicine without a |
| 14 | | | license. |
| 15 | 459.013(1) | 3rd | Practicing osteopathic medicine |
| 16 | | | without a license. |
| 17 | 460.411(1) | 3rd | Practicing chiropractic medicine |
| 18 | | | without a license. |
| 19 | 461.012(1) | 3rd | Practicing podiatric medicine |
| 20 | | | without a license. |
| 21 | 462.17 | 3rd | Practicing naturopathy without a |
| 22 | | | license. |
| 23 | 463.015(1) | 3rd | Practicing optometry without a |
| 24 | | | license. |
| 25 | 464.016(1) | 3rd | Practicing nursing without a |
| 26 | | | license. |
| 27 | 465.015(2) | 3rd | Practicing pharmacy without a |
| 28 | | | license. |
| 29 | 466.026(1) | 3rd | Practicing dentistry or dental |
| 30 | | | hygiene without a license. |
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|----|-----------------|-----|-----------------------------------|
| 1 | 467.201 | 3rd | Practicing midwifery without a |
| 2 | | | license. |
| 3 | 468.366 | 3rd | Delivering respiratory care |
| 4 | | | services without a license. |
| 5 | 483.828(1) | 3rd | Practicing as clinical laboratory |
| 6 | | | personnel without a license. |
| 7 | 483.901(9) | 3rd | Practicing medical physics |
| 8 | | | without a license. |
| 9 | 484.053 | 3rd | Dispensing hearing aids without a |
| 10 | | | license. |
| 11 | 494.0018(2) | 1st | Conviction of any violation of |
| 12 | | | ss. 494.001-494.0077 in which the |
| 13 | | | total money and property |
| 14 | | | unlawfully obtained exceeded |
| 15 | | | \$50,000 and there were five or |
| 16 | | | more victims. |
| 17 | 560.123(8)(b)1. | 3rd | Failure to report currency or |
| 18 | | | payment instruments exceeding |
| 19 | | | \$300 but less than \$20,000 by |
| 20 | | | money transmitter. |
| 21 | 560.125(5)(a) | 3rd | Money transmitter business by |
| 22 | | | unauthorized person, currency or |
| 23 | | | payment instruments exceeding |
| 24 | | | \$300 but less than \$20,000. |
| 25 | 655.50(10)(b)1. | 3rd | Failure to report financial |
| 26 | | | transactions exceeding \$300 but |
| 27 | | | less than \$20,000 by financial |
| 28 | | | institution. |
| 29 | | | |
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| 1 | 782.051(3) | 2nd | Attempted felony murder of a |
| 2 | | | person by a person other than the |
| 3 | | | perpetrator or the perpetrator of |
| 4 | | | an attempted felony. |
| 5 | 782.07(1) | 2nd | Killing of a human being by the |
| 6 | | | act, procurement, or culpable |
| 7 | | | negligence of another |
| 8 | | | (manslaughter). |
| 9 | 782.071 | 2nd | Killing of human being or viable |
| 10 | | | fetus by the operation of a motor |
| 11 | | | vehicle in a reckless manner |
| 12 | | | (vehicular homicide). |
| 13 | 782.072 | 2nd | Killing of a human being by the |
| 14 | | | operation of a vessel in a |
| 15 | | | reckless manner (vessel |
| 16 | | | homicide). |
| 17 | 784.045(1)(a)1. | 2nd | Aggravated battery; intentionally |
| 18 | | | causing great bodily harm or |
| 19 | | | disfigurement. |
| 20 | 784.045(1)(a)2. | 2nd | Aggravated battery; using deadly |
| 21 | | | weapon. |
| 22 | 784.045(1)(b) | 2nd | Aggravated battery; perpetrator |
| 23 | | | aware victim pregnant. |
| 24 | 784.048(4) | 3rd | Aggravated stalking; violation of |
| 25 | | | injunction or court order. |
| 26 | 784.07(2)(d) | 1st | Aggravated battery on law |
| 27 | | | enforcement officer. |
| 28 | 784.08(2)(a) | 1st | Aggravated battery on a person 65 |
| 29 | | | years of age or older. |
| 30 | 784.081(1) | 1st | Aggravated battery on specified |
| 31 | | | official or employee. |

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|----|----------------|-----|-----------------------------------|
| 1 | 784.082(1) | 1st | Aggravated battery by detained |
| 2 | | | person on visitor or other |
| 3 | | | detainee. |
| 4 | 784.083(1) | 1st | Aggravated battery on code |
| 5 | | | inspector. |
| 6 | 790.07(4) | 1st | Specified weapons violation |
| 7 | | | subsequent to previous conviction |
| 8 | | | of s. 790.07(1) or (2). |
| 9 | 790.16(1) | 1st | Discharge of a machine gun under |
| 10 | | | specified circumstances. |
| 11 | 790.166(3) | 2nd | Possessing, selling, using, or |
| 12 | | | attempting to use a hoax weapon |
| 13 | | | of mass destruction. |
| 14 | 796.03 | 2nd | Procuring any person under 16 |
| 15 | | | years for prostitution. |
| 16 | 800.04(5)(c)1. | 2nd | Lewd or lascivious molestation; |
| 17 | | | victim less than 12 years of age; |
| 18 | | | offender less than 18 years. |
| 19 | 800.04(5)(c)2. | 2nd | Lewd or lascivious molestation; |
| 20 | | | victim 12 years of age or older |
| 21 | | | but less than 16 years; offender |
| 22 | | | 18 years or older. |
| 23 | 806.01(2) | 2nd | Maliciously damage structure by |
| 24 | | | fire or explosive. |
| 25 | 810.02(3)(a) | 2nd | Burglary of occupied dwelling; |
| 26 | | | unarmed; no assault or battery. |
| 27 | 810.02(3)(b) | 2nd | Burglary of unoccupied dwelling; |
| 28 | | | unarmed; no assault or battery. |
| 29 | 810.02(3)(d) | 2nd | Burglary of occupied conveyance; |
| 30 | | | unarmed; no assault or battery. |
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| 1 | 812.014(2)(a) | 1st | Property stolen, valued at |
| 2 | | | \$100,000 or more; property stolen |
| 3 | | | while causing other property |
| 4 | | | damage; 1st degree grand theft. |
| 5 | 812.019(2) | 1st | Stolen property; initiates, |
| 6 | | | organizes, plans, etc., the theft |
| 7 | | | of property and traffics in |
| 8 | | | stolen property. |
| 9 | 812.131(2)(a) | 2nd | Robbery by sudden snatching. |
| 10 | 812.133(2)(b) | 1st | Carjacking; no firearm, deadly |
| 11 | | | weapon, or other weapon. |
| 12 | 825.102(3)(b) | 2nd | Neglecting an elderly person or |
| 13 | | | disabled adult causing great |
| 14 | | | bodily harm, disability, or |
| 15 | | | disfigurement. |
| 16 | 825.1025(2) | 2nd | Lewd or lascivious battery upon |
| 17 | | | an elderly person or disabled |
| 18 | | | adult. |
| 19 | 825.103(2)(b) | 2nd | Exploiting an elderly person or |
| 20 | | | disabled adult and property is |
| 21 | | | valued at \$20,000 or more, but |
| 22 | | | less than \$100,000. |
| 23 | 827.03(3)(b) | 2nd | Neglect of a child causing great |
| 24 | | | bodily harm, disability, or |
| 25 | | | disfigurement. |
| 26 | 827.04(3) | 3rd | Impregnation of a child under 16 |
| 27 | | | years of age by person 21 years |
| 28 | | | of age or older. |
| 29 | 837.05(2) | 3rd | Giving false information about |
| 30 | | | alleged capital felony to a law |
| 31 | | | enforcement officer. |

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| 1 | 872.06 | 2nd | Abuse of a dead human body. |
| 2 | 893.13(1)(c)1. | 1st | Sell, manufacture, or deliver |
| 3 | | | cocaine (or other drug prohibited |
| 4 | | | under s. 893.03(1)(a), (1)(b), |
| 5 | | | (1)(d), (2)(a), (2)(b), or |
| 6 | | | (2)(c)4.) within 1,000 feet of a |
| 7 | | | child care facility or school. |
| 8 | 893.13(1)(e)1. | 1st | Sell, manufacture, or deliver |
| 9 | | | cocaine or other drug prohibited |
| 10 | | | under s. 893.03(1)(a), (1)(b), |
| 11 | | | (1)(d), (2)(a), (2)(b), or |
| 12 | | | (2)(c)4., within 1,000 feet of |
| 13 | | | property used for religious |
| 14 | | | services or a specified business |
| 15 | | | site. |
| 16 | 893.13(4)(a) | 1st | Deliver to minor cocaine (or |
| 17 | | | other s. 893.03(1)(a), (1)(b), |
| 18 | | | (1)(d), (2)(a), (2)(b), or |
| 19 | | | (2)(c)4. drugs). |
| 20 | 893.135(1)(a)1. | 1st | Trafficking in cannabis, more |
| 21 | | | than 50 lbs., less than 2,000 |
| 22 | | | lbs. |
| 23 | 893.135 | | |
| 24 | (1)(b)1.a. | 1st | Trafficking in cocaine, more than |
| 25 | | | 28 grams, less than 200 grams. |
| 26 | 893.135 | | |
| 27 | (1)(c)1.a. | 1st | Trafficking in illegal drugs, |
| 28 | | | more than 4 grams, less than 14 |
| 29 | | | grams. |
| 30 | | | |
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| 1 | 893.135 | | |
| 2 | (1)(d)1. | 1st | Trafficking in phencyclidine, |
| 3 | | | more than 28 grams, less than 200 |
| 4 | | | grams. |
| 5 | 893.135(1)(e)1. | 1st | Trafficking in methaqualone, more |
| 6 | | | than 200 grams, less than 5 |
| 7 | | | kilograms. |
| 8 | 893.135(1)(f)1. | 1st | Trafficking in amphetamine, more |
| 9 | | | than 14 grams, less than 28 |
| 10 | | | grams. |
| 11 | 893.135 | | |
| 12 | (1)(g)1.a. | 1st | Trafficking in flunitrazepam, 4 |
| 13 | | | grams or more, less than 14 |
| 14 | | | grams. |
| 15 | 893.135 | | |
| 16 | (1)(h)1.a. | 1st | Trafficking in |
| 17 | | | gamma-hydroxybutyric acid (GHB), |
| 18 | | | 1 kilogram or more, less than 5 |
| 19 | | | kilograms. |
| 20 | 893.135 | | |
| 21 | (1)(i)1.a. | 1st | Trafficking in 1,4-Butanediol, 1 |
| 22 | | | kilogram or more, less then 5 |
| 23 | | | kilograms. |
| 24 | 893.135 | | |
| 25 | (1)(j)2.a. | 1st | Trafficking in Phenethylamines, |
| 26 | | | 10 grams or more, less than 200 |
| 27 | | | grams. |
| 28 | 896.101(5)(a) | 3rd | Money laundering, financial |
| 29 | | | transactions exceeding \$300 but |
| 30 | | | less than \$20,000. |
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| 1 | 896.104(4)(a)1. | 3rd | Structuring transactions to evade |
| 2 | | | reporting or registration |
| 3 | | | requirements, financial |
| 4 | | | transactions exceeding \$300 but |
| 5 | | | less than \$20,000. |
| 6 | | | (h) LEVEL 8 |
| 7 | 316.193 | | |
| 8 | (3)(c)3.a. | 2nd | DUI manslaughter. |
| 9 | 327.35(3)(c)3. | 2nd | Vessel BUI manslaughter. |
| 10 | 560.123(8)(b)2. | 2nd | Failure to report currency or |
| 11 | | | payment instruments totaling or |
| 12 | | | exceeding \$20,000, but less than |
| 13 | | | \$100,000 by money transmitter. |
| 14 | 560.125(5)(b) | 2nd | Money transmitter business by |
| 15 | | | unauthorized person, currency or |
| 16 | | | payment instruments totaling or |
| 17 | | | exceeding \$20,000, but less than |
| 18 | | | \$100,000. |
| 19 | 655.50(10)(b)2. | 2nd | Failure to report financial |
| 20 | | | transactions totaling or |
| 21 | | | exceeding \$20,000, but less than |
| 22 | | | \$100,000 by financial |
| 23 | | | institutions. |
| 24 | 777.03(2)(a) | 1st | Accessory after the fact, capital |
| 25 | | | felony. |
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|----|--------------|---------|-----------------------------------|
| 1 | 782.04(4) | 2nd | Killing of human without design |
| 2 | | | when engaged in act or attempt of |
| 3 | | | any felony other than arson, |
| 4 | | | sexual battery, robbery, |
| 5 | | | burglary, kidnapping, aircraft |
| 6 | | | piracy, or unlawfully discharging |
| 7 | | | bomb. |
| 8 | 782.051(2) | 1st | Attempted felony murder while |
| 9 | | | perpetrating or attempting to |
| 10 | | | perpetrate a felony not |
| 11 | | | enumerated in s. 782.04(3). |
| 12 | 782.071(2) | 1st | Committing vehicular homicide and |
| 13 | | | failing to render aid or give |
| 14 | | | information. |
| 15 | 782.072(2) | 1st | Committing vessel homicide and |
| 16 | | | failing to render aid or give |
| 17 | | | information. |
| 18 | 790.161(3) | 1st | Discharging a destructive device |
| 19 | | | which results in bodily harm or |
| 20 | | | property damage. |
| 21 | 794.011(5) | 2nd | Sexual battery, victim 12 years |
| 22 | | | or over, offender does not use |
| 23 | | | physical force likely to cause |
| 24 | | | serious injury. |
| 25 | 800.04(4) | 2nd | Lewd or lascivious battery. |
| 26 | 806.01(1) | 1st | Maliciously damage dwelling or |
| 27 | | | structure by fire or explosive, |
| 28 | | | believing person in structure. |
| 29 | 810.02(2)(a) | 1st,PBL | Burglary with assault or battery. |
| 30 | 810.02(2)(b) | 1st,PBL | Burglary; armed with explosives |
| 31 | | | or dangerous weapon. |

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|----|---------------|-----|------------------------------------|
| 1 | 810.02(2)(c) | 1st | Burglary of a dwelling or |
| 2 | | | structure causing structural |
| 3 | | | damage or \$1,000 or more property |
| 4 | | | damage. |
| 5 | 812.13(2)(b) | 1st | Robbery with a weapon. |
| 6 | 812.135(2) | 1st | Home-invasion robbery. |
| 7 | 825.102(2) | 2nd | Aggravated abuse of an elderly |
| 8 | | | person or disabled adult. |
| 9 | 825.103(2)(a) | 1st | Exploiting an elderly person or |
| 10 | | | disabled adult and property is |
| 11 | | | valued at \$100,000 or more. |
| 12 | 837.02(2) | 2nd | Perjury in official proceedings |
| 13 | | | relating to prosecution of a |
| 14 | | | capital felony. |
| 15 | 837.021(2) | 2nd | Making contradictory statements |
| 16 | | | in official proceedings relating |
| 17 | | | to prosecution of a capital |
| 18 | | | felony. |
| 19 | 860.121(2)(c) | 1st | Shooting at or throwing any |
| 20 | | | object in path of railroad |
| 21 | | | vehicle resulting in great bodily |
| 22 | | | harm. |
| 23 | 860.16 | 1st | Aircraft piracy. |
| 24 | 893.13(1)(b) | 1st | Sell or deliver in excess of 10 |
| 25 | | | grams of any substance specified |
| 26 | | | in s. 893.03(1)(a) or (b). |
| 27 | 893.13(2)(b) | 1st | Purchase in excess of 10 grams of |
| 28 | | | any substance specified in s. |
| 29 | | | 893.03(1)(a) or (b). |
| 30 | | | |
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|----|-----------------|-----|-----------------------------------|
| 1 | 893.13(6)(c) | 1st | Possess in excess of 10 grams of |
| 2 | | | any substance specified in s. |
| 3 | | | 893.03(1)(a) or (b). |
| 4 | 893.135(1)(a)2. | 1st | Trafficking in cannabis, more |
| 5 | | | than 2,000 lbs., less than 10,000 |
| 6 | | | lbs. |
| 7 | 893.135 | | |
| 8 | (1)(b)1.b. | 1st | Trafficking in cocaine, more than |
| 9 | | | 200 grams, less than 400 grams. |
| 10 | 893.135 | | |
| 11 | (1)(c)1.b. | 1st | Trafficking in illegal drugs, |
| 12 | | | more than 14 grams, less than 28 |
| 13 | | | grams. |
| 14 | 893.135 | | |
| 15 | (1)(d)1.b. | 1st | Trafficking in phencyclidine, |
| 16 | | | more than 200 grams, less than |
| 17 | | | 400 grams. |
| 18 | 893.135 | | |
| 19 | (1)(e)1.b. | 1st | Trafficking in methaqualone, more |
| 20 | | | than 5 kilograms, less than 25 |
| 21 | | | kilograms. |
| 22 | 893.135 | | |
| 23 | (1)(f)1.b. | 1st | Trafficking in amphetamine, more |
| 24 | | | than 28 grams, less than 200 |
| 25 | | | grams. |
| 26 | 893.135 | | |
| 27 | (1)(g)1.b. | 1st | Trafficking in flunitrazepam, 14 |
| 28 | | | grams or more, less than 28 |
| 29 | | | grams. |
| 30 | | | |
| 31 | | | |

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|----|---------------|-----|-----------------------------------|
| 1 | 893.135 | | |
| 2 | (1)(h)1.b. | 1st | Trafficking in |
| 3 | | | gamma-hydroxybutyric acid (GHB), |
| 4 | | | 5 kilograms or more, less than 10 |
| 5 | | | kilograms. |
| 6 | 893.135 | | |
| 7 | (1)(i)1.b. | 1st | Trafficking in 1,4-Butanediol, 5 |
| 8 | | | kilograms or more, less than 10 |
| 9 | | | kilograms. |
| 10 | 893.135 | | |
| 11 | (1)(j)2.b. | 1st | Trafficking in Phenethylamines, |
| 12 | | | 200 grams or more, less than 400 |
| 13 | | | grams. |
| 14 | 895.03(1) | 1st | Use or invest proceeds derived |
| 15 | | | from pattern of racketeering |
| 16 | | | activity. |
| 17 | 895.03(2) | 1st | Acquire or maintain through |
| 18 | | | racketeering activity any |
| 19 | | | interest in or control of any |
| 20 | | | enterprise or real property. |
| 21 | 895.03(3) | 1st | Conduct or participate in any |
| 22 | | | enterprise through pattern of |
| 23 | | | racketeering activity. |
| 24 | 896.101(5)(b) | 2nd | Money laundering, financial |
| 25 | | | transactions totaling or |
| 26 | | | exceeding \$20,000, but less than |
| 27 | | | \$100,000. |
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1 896.104(4)(a)2. 2nd Structuring transactions to evade
2 reporting or registration
3 requirements, financial
4 transactions totaling or
5 exceeding \$20,000 but less than
6 \$100,000.

7 960.03 Definitions; ss. 960.01-960.28.--As used in ss.
8 960.01-960.28, unless the context otherwise requires, the
9 term:

10 (3) "Crime" means:

11 (b) A violation of s. 316.193, s. 316.027(1), s.
12 327.35(1), s. 782.071(2), or s. 860.13(1)(a) which results in
13 physical injury or death; however, no other act involving the
14 operation of a motor vehicle, boat, or aircraft which results
15 in injury or death shall constitute a crime for the purpose of
16 this chapter unless the injury or death was intentionally
17 inflicted through the use of such vehicle, boat, or aircraft
18 or unless such vehicle, boat, or aircraft is an implement of a
19 crime to which this act applies.

20 Section 5. This act shall take effect October 1, 2001,
21 and shall apply to offenses committed on or after that date.

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