

HB 0177

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A bill to be entitled
 An act relating to cargo theft; reenacting s. 812.014(1) and (2), F.S., relating to theft; amending s. 921.0022, F.S.; reclassifying the offenses of cargo theft of the first degree and cargo theft of the second degree under the offense severity ranking chart of the Criminal Punishment Code to increase the penalties imposed for any such offense; providing an effective date.

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

Section 1. Subsections (1) and (2) of section 812.014, Florida Statutes, are reenacted to read:

812.014 Theft.--

(1) A person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently:

(a) Deprive the other person of a right to the property or a benefit from the property.

(b) Appropriate the property to his or her own use or to the use of any person not entitled to the use of the property.

(2)(a)1. If the property stolen is valued at \$100,000 or more; or

2. If the property stolen is cargo valued at \$50,000 or more that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock; or

3. If the offender commits any grand theft and:

a. In the course of committing the offense the offender uses a motor vehicle as an instrumentality, other than merely as

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31 a getaway vehicle, to assist in committing the offense and
 32 thereby damages the real property of another; or

33 b. In the course of committing the offense the offender
 34 causes damage to the real or personal property of another in
 35 excess of \$1,000,

36
 37 the offender commits grand theft in the first degree, punishable
 38 as a felony of the first degree, as provided in s. 775.082, s.
 39 775.083, or s. 775.084.

40 (b)1. If the property stolen is valued at \$20,000 or more,
 41 but less than \$100,000;

42 2. The property stolen is cargo valued at less than
 43 \$50,000 that has entered the stream of interstate or intrastate
 44 commerce from the shipper's loading platform to the consignee's
 45 receiving dock; or

46 3. The property stolen is emergency medical equipment,
 47 valued at \$300 or more, that is taken from a facility licensed
 48 under chapter 395 or from an aircraft or vehicle permitted under
 49 chapter 401,

50
 51 the offender commits grand theft in the second degree,
 52 punishable as a felony of the second degree, as provided in s.
 53 775.082, s. 775.083, or s. 775.084. Emergency medical equipment
 54 means mechanical or electronic apparatus used to provide
 55 emergency services and care as defined in s. 395.002(10) or to
 56 treat medical emergencies.

57 (c) It is grand theft of the third degree and a felony of
 58 the third degree, punishable as provided in s. 775.082, s.
 59 775.083, or s. 775.084, if the property stolen is:

60 1. Valued at \$300 or more, but less than \$5,000.

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- 61 2. Valued at \$5,000 or more, but less than \$10,000.
- 62 3. Valued at \$10,000 or more, but less than \$20,000.
- 63 4. A will, codicil, or other testamentary instrument.
- 64 5. A firearm.
- 65 6. A motor vehicle, except as provided in paragraph
- 66 (2)(a).
- 67 7. Any commercially farmed animal, including any animal of
- 68 the equine, bovine, or swine class, or other grazing animal, and
- 69 including aquaculture species raised at a certified aquaculture
- 70 facility. If the property stolen is aquaculture species raised
- 71 at a certified aquaculture facility, then a \$10,000 fine shall
- 72 be imposed.
- 73 8. Any fire extinguisher.
- 74 9. Any amount of citrus fruit consisting of 2,000 or more
- 75 individual pieces of fruit.
- 76 10. Taken from a designated construction site identified
- 77 by the posting of a sign as provided for in s. 810.09(2)(d).
- 78 11. Any stop sign.
- 79 12. Anyhydrous ammonia.
- 80 (d) It is grand theft of the third degree and a felony of
- 81 the third degree, punishable as provided in s. 775.082, s.
- 82 775.083, or s. 775.084, if the property stolen is valued at \$100
- 83 or more, but less than \$300, and is taken from a dwelling as
- 84 defined in s. 810.011(2) or from the unenclosed curtilage of a
- 85 dwelling pursuant to s. 810.09(1).
- 86 (e) Except as provided in paragraph (d), if the property
- 87 stolen is valued at \$100 or more, but less than \$300, the
- 88 offender commits petit theft of the first degree, punishable as
- 89 a misdemeanor of the first degree, as provided in s. 775.082 or
- 90 s. 775.083.

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91 Section 2. Paragraphs (f), (g), and (h) of subsection (3)
 92 of section 921.0022, Florida Statutes, are amended to read:
 93 921.0022 Criminal Punishment Code; offense severity
 94 ranking chart.--

95 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description
	(f) LEVEL 6	
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051(3)	2nd	Forgery of pedigree papers.
499.0051(4)	2nd	Purchase or receipt of legend drug from unauthorized person.
499.0051(5)	2nd	Sale of legend drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.

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105	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
106	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
107	784.041	3rd	Felony battery.
108	784.048(3)	3rd	Aggravated stalking; credible threat.
109	784.048(5)	3rd	Aggravated stalking of person under 16.
110	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
111	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
112	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
113	784.081(2)	2nd	Aggravated assault on specified official or employee.
114	784.082(2)	2nd	Aggravated assault by detained person on

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visitor or other
detainee.

115

784.083(2) 2nd

Aggravated assault on
code inspector.

116

787.02(2) 3rd

False imprisonment;
restraining with purpose
other than those in s.
787.01.

117

790.115(2)(d) 2nd

Discharging firearm or
weapon on school
property.

118

790.161(2) 2nd

Make, possess, or throw
destructive device with
intent to do bodily harm
or damage property.

119

790.164(1) 2nd

False report of deadly
explosive, weapon of
mass destruction, or act
of arson or violence to
state property.

120

790.19 2nd

Shooting or throwing
deadly missiles into
dwellings, vessels, or
vehicles.

121

794.011(8)(a) 3rd

Solicitation of minor to
participate in sexual

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			activity by custodial adult.
122	794.05(1)	2nd	Unlawful sexual activity with specified minor.
123	800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
124	800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
125	806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
126	810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
127	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
128	812.014(2)(b)2.	2nd	Property stolen; cargo valued at less than

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~~\$50,000, grand theft in
2nd degree.~~

129

812.015(9) 2nd

Retail theft; property
stolen \$300 or more;
second or subsequent
conviction.

130

812.13(2)(c) 2nd

Robbery, no firearm or
other weapon (strong-arm
robbery).

131

817.034(4)(a)1. 1st

Communications fraud,
value greater than
\$50,000.

132

817.4821(5) 2nd

Possess cloning
paraphernalia with
intent to create cloned
cellular telephones.

133

825.102(1) 3rd

Abuse of an elderly
person or disabled
adult.

134

825.102(3)(c) 3rd

Neglect of an elderly
person or disabled
adult.

135

825.1025(3) 3rd

Lewd or lascivious
molestation of an
elderly person or
disabled adult.

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136	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
137	827.03(1)	3rd	Abuse of a child.
138	827.03(3)(c)	3rd	Neglect of a child.
139	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
140	836.05	2nd	Threats; extortion.
141	836.10	2nd	Written threats to kill or do bodily injury.
142	843.12	3rd	Aids or assists person to escape.
143	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
144	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
145	943.0435(9)	3rd	Sex offenders; failure

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to comply with reporting requirements.

146

944.35(3)(a)2.

3rd

Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

147

944.40

2nd

Escapes.

148

944.46

3rd

Harboring, concealing, aiding escaped prisoners.

149

944.47(1)(a)5.

2nd

Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

150

951.22(1)

3rd

Intoxicating drug, firearm, or weapon introduced into county facility.

151

(g) LEVEL 7

152

316.027(1)(b)

2nd

Accident involving death, failure to stop;

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316.193(3)(c)2. 3rd
327.35(3)(c)2. 3rd
402.319(2) 2nd
409.920(2) 3rd
456.065(2) 3rd
456.065(2) 2nd
458.327(1) 3rd
459.013(1) 3rd

leaving scene.
DUI resulting in serious
bodily injury.
Vessel BUI resulting in
serious bodily injury.
Misrepresentation and
negligence or
intentional act
resulting in great
bodily harm, permanent
disfiguration, permanent
disability, or death.
Medicaid provider fraud.
Practicing a health care
profession without a
license.
Practicing a health care
profession without a
license which results in
serious bodily injury.
Practicing medicine
without a license.
Practicing osteopathic
medicine without a
license.

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161	460.411(1)	3rd	Practicing chiropractic medicine without a license.
162	461.012(1)	3rd	Practicing podiatric medicine without a license.
163	462.17	3rd	Practicing naturopathy without a license.
164	463.015(1)	3rd	Practicing optometry without a license.
165	464.016(1)	3rd	Practicing nursing without a license.
166	465.015(2)	3rd	Practicing pharmacy without a license.
167	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
168	467.201	3rd	Practicing midwifery without a license.
169	468.366	3rd	Delivering respiratory care services without a license.
170	483.828(1)	3rd	Practicing as clinical laboratory personnel

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171

483.901(9) 3rd

without a license.

172

484.013(1)(c) 3rd

Practicing medical physics without a license.

173

484.053 3rd

Preparing or dispensing optical devices without a prescription.

174

494.0018(2) 1st

Dispensing hearing aids without a license.

175

560.123(8)(b)1. 3rd

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.

176

560.125(5)(a) 3rd

Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
Money transmitter business by unauthorized person, currency or

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177

655.50(10)(b)1.

3rd

payment instruments
exceeding \$300 but less
than \$20,000.

Failure to report
financial transactions
exceeding \$300 but less
than \$20,000 by
financial institution.

178

782.051(3)

2nd

Attempted felony murder
of a person by a person
other than the
perpetrator or the
perpetrator of an
attempted felony.

179

782.07(1)

2nd

Killing of a human being
by the act, procurement,
or culpable negligence
of another
(manslaughter).

180

782.071

2nd

Killing of human being
or viable fetus by the
operation of a motor
vehicle in a reckless
manner (vehicular
homicide).

181

782.072

2nd

Killing of a human being
by the operation of a

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vessel in a reckless
manner (vessel
homicide).

182

784.045(1)(a)1. 2nd

Aggravated battery;
intentionally causing
great bodily harm or
disfigurement.

183

784.045(1)(a)2. 2nd

Aggravated battery;
using deadly weapon.

184

784.045(1)(b) 2nd

Aggravated battery;
perpetrator aware victim
pregnant.

185

784.048(4) 3rd

Aggravated stalking;
violation of injunction
or court order.

186

784.07(2)(d) 1st

Aggravated battery on
law enforcement officer.

187

784.074(1)(a) 1st

Aggravated battery on
sexually violent
predators facility
staff.

188

784.08(2)(a) 1st

Aggravated battery on a
person 65 years of age
or older.

189

784.081(1) 1st

Aggravated battery on

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			specified official or employee.
190	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
191	784.083(1)	1st	Aggravated battery on code inspector.
192	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
193	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
194	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
195	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
196	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of

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790.166(4) 2nd

mass destruction.
Possessing, displaying,
or threatening to use a
hoax weapon of mass
destruction while
committing or attempting
to commit a felony.

796.03 2nd

Procuring any person
under 16 years for
prostitution.

800.04(5)(c)1. 2nd

Lewd or lascivious
molestation; victim less
than 12 years of age;
offender less than 18
years.

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.

806.01(2) 2nd

Maliciously damage
structure by fire or
explosive.

810.02(3)(a) 2nd

Burglary of occupied
dwelling; unarmed; no

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203	810.02(3)(b)	2nd	assault or battery. Burglary of unoccupied dwelling; unarmed; no assault or battery.
204	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
205	812.014(2)(a) <u>1.</u>	1st	Property stolen, valued at \$100,000 or more; cargo stolen valued at \$50,000 or more; property stolen while causing other property damage; 1st degree grand theft.
206	<u>812.014(2)(b)2.</u>	<u>2nd</u>	<u>Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.</u>
207	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
208	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
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	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
210	812.131(2)(a)	2nd	Robbery by sudden snatching.
211	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
212	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
213	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
214	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
215	817.2341(2)(b)& (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which

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216	825.102(3)(b)	2nd	are a significant cause of the insolvency of that entity.
217	825.103(2)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
218	827.03(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
219	827.04(3)	3rd	Neglect of a child causing great bodily harm, disability, or disfigurement.
220	837.05(2)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
221	838.015	2nd	Giving false information about alleged capital felony to a law enforcement officer.
222			Bribery.

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	838.016	2nd	Unlawful compensation or reward for official behavior.
223	838.021(3)(a)	2nd	Unlawful harm to a public servant.
224	838.22	2nd	Bid tampering.
225	872.06	2nd	Abuse of a dead human body.
226	893.13(1)(c)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 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

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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 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.

232

893.135
(1)(d)1. 1st

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

233

893.135(1)(e)1. 1st

Trafficking in
methaqualone, more than
200 grams, less than 5

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893.135(1)(f)1. 1st

kilograms.

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

893.135 (1)(g)1.a. 1st

Trafficking in
flunitrazepam, 4 grams
or more, less than 14
grams.

893.135 (1)(h)1.a. 1st

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

893.135 (1)(j)1.a. 1st

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

893.135 (1)(k)2.a. 1st

Trafficking in
Phenethylamines, 10
grams or more, less than
200 grams.

896.101(5)(a) 3rd

Money laundering,
financial transactions
exceeding \$300 but less
than \$20,000.

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241	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
242	316.193 (3)(c)3.a.	2nd	DUI manslaughter.
243	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
244	499.0051(7)	1st	Forgery of prescription or legend drug labels.
245	499.0052	1st	Trafficking in contraband legend drugs.
246	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.
247	560.125(5)(b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding

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655.50(10)(b)2. 2nd

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

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

249

777.03(2)(a) 1st

Accessory after the
fact, capital felony.

250

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,
aircraft piracy, or
unlawfully discharging
bomb.

251

782.051(2) 1st

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

252

782.071(1)(b) 1st

Committing vehicular
homicide and failing to
render aid or give

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782.072(2)

1st

information.

Committing vessel homicide and failing to render aid or give information.

790.161(3)

1st

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

794.011(5)

2nd

Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

800.04(4)

2nd

Lewd or lascivious battery.

806.01(1)

1st

Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

810.02(2)(a)

1st, PBL

Burglary with assault or battery.

810.02(2)(b)

1st, PBL

Burglary; armed with explosives or dangerous weapon.

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260	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
261	<u>812.014(2)(a)2.</u>	<u>1st</u>	<u>Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.</u>
262	812.13(2)(b)	1st	Robbery with a weapon.
263	812.135(2)	1st	Home-invasion robbery.
264	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
265	825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
266	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
267	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult

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268	837.02(2)	2nd		Perjury in official proceedings relating to prosecution of a capital felony.
269	837.021(2)	2nd		Making contradictory statements in official proceedings relating to prosecution of a capital felony.
270	860.121(2)(c)	1st		Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
271	860.16	1st		Aircraft piracy.
272	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).
273	893.13(2)(b)	1st		Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
274				

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	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
275	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
276	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
277	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
278	893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
279	893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
280	893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
281			

HB 0177	893.135	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
	(1)(g)1.b.		
	893.135	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
	(1)(h)1.b.		
	893.135	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
	(1)(j)1.b.		
	893.135	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
	(1)(k)2.b.		
	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

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288 895.03(3) 1st Conduct or participate
in any enterprise
through pattern of
racketeering activity.

289 896.101(5)(b) 2nd Money laundering,
financial transactions
totaling or exceeding
\$20,000, but less than
\$100,000.

290 896.104(4)(a)2. 2nd Structuring transactions
to evade reporting or
registration
requirements, financial
transactions totaling or
exceeding \$20,000 but
less than \$100,000.

291 Section 3. This act shall take effect July 1, 2004.