

By the Committee on Health, Aging, and Long-Term Care; and
Senator Peadar

317-2418-04

1 A bill to be entitled
2 An act relating to controlled substances;
3 amending s. 893.033, F.S.; revising the
4 chemicals defined as "listed precursor
5 chemicals" to include benzaldehyde, hydriodic
6 acid, and nitroethane, and to remove anhydrous
7 ammonia and benzyl chloride; adding anhydrous
8 ammonia, benzyl chloride, hydrochloric gas, and
9 iodine to the chemicals defined as "listed
10 essential chemicals"; providing for the use of
11 anhydrous ammonia for agricultural purposes;
12 amending s. 893.13, F.S.; prohibiting a person
13 from manufacturing methamphetamine or
14 phencyclidine, or possessing listed chemicals
15 with the intent to manufacture such chemicals;
16 providing for minimum terms of imprisonment if
17 a person commits or attempts to commit such
18 crime in a structure or conveyance where a
19 child is present or suffers great bodily harm;
20 providing that it is a third-degree felony to
21 improperly store anhydrous ammonia in a
22 container that does not meet certain standards;
23 providing that a violation of ch. 893, F.S.,
24 resulting in serious injury to a state, local,
25 or federal law enforcement officer is a
26 third-degree felony and such a violation
27 resulting in death or great bodily harm is a
28 second-degree felony; amending s. 893.135,
29 F.S.; including offenses involving
30 pseudoephedrine or ephedrine within the offense
31 of trafficking in amphetamine; providing

1 penalties; providing that it is a capital
2 offense to manufacture or import
3 pseudoephedrine or ephedrine knowing that the
4 probable result will be death; amending s.
5 893.149, F.S., relating to the prohibition
6 against possessing listed chemicals; providing
7 an exception to such prohibition for a person
8 authorized to clean up or dispose of hazardous
9 waste or toxic substance pursuant to ch. 893,
10 F.S.; providing that damages arising out of the
11 unlawful possession of, storage of, or
12 tampering with a listed chemical is the sole
13 responsibility of the person unlawfully
14 possessing, storing, or tampering with the
15 chemical; providing that the lawful owner,
16 installer, maintainer, designer, manufacturer,
17 possessor, or seller is immune from liability
18 in the absence of negligent misconduct or
19 failure to abide by laws governing possession
20 or storage; reenacting s. 921.0022(3)(g), (h),
21 and (i), F.S., relating to the offense severity
22 ranking chart of the Criminal Punishment Code,
23 to incorporate the amendments to s. 893.135,
24 F.S., in references thereto; providing an
25 effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Section 893.033, Florida Statutes, is
30 amended to read:

31

1 893.033 Listed chemicals.--The chemicals listed in
2 this section are included by whatever official, common, usual,
3 chemical, or trade name designated.

4 (1) PRECURSOR CHEMICALS.--The term "listed precursor
5 chemical" means a chemical that may be used in manufacturing a
6 controlled substance in violation of this chapter and is
7 critical to the creation of the controlled substance, and such
8 term includes any salt, optical isomer, or salt of an optical
9 isomer, whenever the existence of such salt, optical isomer,
10 or salt of optical isomer is possible within the specific
11 chemical designation. The following are "listed precursor
12 chemicals":

- 13 ~~(a) Anhydrous ammonia.~~
14 (a)(b) Anthranilic acid.
15 (b) Benzaldehyde.
16 ~~(c) Benzyl chloride.~~
17 (c)(d) Benzyl cyanide.
18 (d)(e) Chloroephedrine.
19 (e)(f) Chloropseudoephedrine.
20 (f)(g) Ephedrine.
21 (g)(h) Ergonovine.
22 (h)(i) Ergotamine.
23 (i)(j) Ethylamine.
24 (j) Hydriodic acid.
25 (k) Isosafrole.
26 (l) Methylamine.
27 (m) 3, 4-Methylenedioxyphenyl-2-propanone.
28 (n) N-acetylanthranilic acid.
29 (o) N-ethylephedrine.
30 (p) N-ethylpseudoephedrine.
31 (q) N-methylephedrine.

- 1 (r) N-methylpseudoephedrine.
2 (s) Nitroethane.
3 (t)~~(s)~~ Norpseudoephedrine.
4 (u)~~(t)~~ Phenylacetic acid.
5 (v)~~(u)~~ Phenylpropanolamine.
6 (w)~~(v)~~ Piperidine.
7 (x)~~(w)~~ Piperonal.
8 (y)~~(x)~~ Propionic anhydride.
9 (z)~~(y)~~ Pseudoephedrine.
10 (aa)~~(z)~~ Safrole.

11 (2) ESSENTIAL CHEMICALS.--The term "listed essential
12 chemical" means a chemical that may be used as a solvent,
13 reagent, or catalyst in manufacturing a controlled substance
14 in violation of this chapter. The following are "listed
15 essential chemicals":

- 16 (a) Acetic anhydride.
17 (b) Acetone.
18 (c) Anhydrous ammonia.
19 (d) Benzyl chloride.
20 (e)~~(c)~~ 2-Butanone.
21 (f)~~(d)~~ Ethyl ether.
22 (g) Hydrochloric gas.
23 (h) Iodine.
24 (i)~~(e)~~ Hydriodic acid.
25 (j)~~(f)~~ Potassium permanganate.
26 (k)~~(g)~~ Toluene.

27 Section 2. Paragraph (g) is added to subsection (1) of
28 section 893.13, Florida Statutes, paragraphs (a) and (c) of
29 subsection (7) of that section is amended, and subsection (12)
30 is added to that section, to read:

31 893.13 Prohibited acts; penalties.--

1 (1)

2 (g) Except as authorized by this chapter, it is

3 unlawful for any person to manufacture methamphetamine or

4 phencyclidine or possess any listed chemical as defined in s.

5 893.033 in violation of s. 893.149 and with intent to

6 manufacture methamphetamine or phencyclidine. If any person

7 violates this paragraph and:

8 1. The commission or attempted commission of the crime

9 occurs in a structure or conveyance where any child under 16

10 years of age is present, the person commits a felony of the

11 first degree, punishable as provided in s. 775.082, s.

12 775.083, or s. 775.084. In addition, the defendant must be

13 sentenced to a minimum term of imprisonment of 5 calendar

14 years.

15 2. The commission of the crime causes any child under

16 16 years of age to suffer great bodily harm, the person

17 commits a felony of the first degree, punishable as provided

18 in s. 775.082, s. 775.083, or s. 775.084. In addition, the

19 defendant must be sentenced to a minimum term of imprisonment

20 of 10 calendar years.

21 (7)(a) It is unlawful for any person:

22 1. To distribute or dispense a controlled substance in

23 violation of this chapter.

24 2. To refuse or fail to make, keep, or furnish any

25 record, notification, order form, statement, invoice, or

26 information required under this chapter.

27 3. To refuse an entry into any premises for any

28 inspection or to refuse to allow any inspection authorized by

29 this chapter.

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1 4. To distribute a controlled substance named or
2 described in s. 893.03(1) or (2) except pursuant to an order
3 form as required by s. 893.06.

4 5. To keep or maintain any store, shop, warehouse,
5 dwelling, building, vehicle, boat, aircraft, or other
6 structure or place which is resorted to by persons using
7 controlled substances in violation of this chapter for the
8 purpose of using these substances, or which is used for
9 keeping or selling them in violation of this chapter.

10 6. To use to his or her own personal advantage, or to
11 reveal, any information obtained in enforcement of this
12 chapter except in a prosecution or administrative hearing for
13 a violation of this chapter.

14 7. To possess a prescription form which has not been
15 completed and signed by the practitioner whose name appears
16 printed thereon, unless the person is that practitioner, is an
17 agent or employee of that practitioner, is a pharmacist, or is
18 a supplier of prescription forms who is authorized by that
19 practitioner to possess those forms.

20 8. To withhold information from a practitioner from
21 whom the person seeks to obtain a controlled substance or a
22 prescription for a controlled substance that the person making
23 the request has received a controlled substance or a
24 prescription for a controlled substance of like therapeutic
25 use from another practitioner within the previous 30 days.

26 9. To acquire or obtain, or attempt to acquire or
27 obtain, possession of a controlled substance by
28 misrepresentation, fraud, forgery, deception, or subterfuge.

29 10. To affix any false or forged label to a package or
30 receptacle containing a controlled substance.

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1 11. To furnish false or fraudulent material
2 information in, or omit any material information from, any
3 report or other document required to be kept or filed under
4 this chapter or any record required to be kept by this
5 chapter.

6 12. To store anhydrous ammonia in a container that is
7 not approved by the United States Department of Transportation
8 to hold anhydrous ammonia or is not constructed in accordance
9 with sound engineering, agricultural, or commercial practices.

10 (c) Any person who violates the provisions of
11 subparagraphs (a) 8.-12. ~~(a) 8.-11.~~ commits a felony of the
12 third degree, punishable as provided in s. 775.082, s.
13 775.083, or s. 775.084.

14 (12) If a person violates any provision of this
15 chapter and such violation results in a serious injury to a
16 state, local, or federal law enforcement officer, the person
17 commits a felony of the third degree, punishable as provided
18 in s. 775.082, s. 775.083, or s. 775.084. If the injury
19 sustained results in death or great bodily harm, the person
20 commits a felony of the second degree, punishable as provided
21 in s. 775.082, s. 775.083, or 775.084.

22 Section 3. Paragraph (f) of subsection (1) of section
23 893.135, Florida Statutes, is amended to read:

24 893.135 Trafficking; mandatory sentences; suspension
25 or reduction of sentences; conspiracy to engage in
26 trafficking.--

27 (1) Except as authorized in this chapter or in chapter
28 499 and notwithstanding the provisions of s. 893.13:

29 (f)1. Any person who knowingly sells, purchases,
30 manufactures, delivers, or brings into this state, or who is
31 knowingly in actual or constructive possession of, 14 grams or

1 more of amphetamine, as described in s. 893.03(2)(c)2., or
2 methamphetamine, as described in s. 893.03(2)(c)4., or of any
3 mixture containing amphetamine or methamphetamine, or
4 phenylacetone, phenylacetic acid, or pseudoephedrine or
5 ephedrine in conjunction with other chemicals and equipment
6 utilized in the manufacture of amphetamine or methamphetamine,
7 commits a felony of the first degree, which felony shall be
8 known as "trafficking in amphetamine," punishable as provided
9 in s. 775.082, s. 775.083, or s. 775.084. If the quantity
10 involved:

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

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

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

22 2. Any person who knowingly manufactures or brings
23 into this state 400 grams or more of amphetamine, as described
24 in s. 893.03(2)(c)2., or methamphetamine, as described in s.
25 893.03(2)(c)4., or of any mixture containing amphetamine or
26 methamphetamine, or phenylacetone, phenylacetic acid, or
27 pseudoephedrine or ephedrine in conjunction with other
28 chemicals and equipment used in the manufacture of amphetamine
29 or methamphetamine, and who knows that the probable result of
30 such manufacture or importation would be the death of any
31 person commits capital manufacture or importation of

1 amphetamine, a capital felony punishable as provided in ss.
2 775.082 and 921.142. Any person sentenced for a capital felony
3 under this paragraph shall also be sentenced to pay the
4 maximum fine provided under subparagraph 1.

5 Section 4. Section 893.149, Florida Statutes, is
6 amended to read:

7 893.149 Unlawful possession of listed chemical.--

8 (1) It is unlawful for any person to knowingly or
9 intentionally:

10 (a) Possess a listed chemical with the intent to
11 unlawfully manufacture a controlled substance;

12 (b) Possess or distribute a listed chemical knowing,
13 or having reasonable cause to believe, that the listed
14 chemical will be used to unlawfully manufacture a controlled
15 substance.

16 (2) Any person who violates this section commits is
17 ~~guilty of~~ a felony of the second degree, punishable as
18 provided in s. 775.082, s. 775.083, or s. 775.084.

19 (3) This section does not apply to a public employee
20 or private contractor authorized to clean up or dispose of
21 hazardous waste or toxic substances pursuant to the provisions
22 of this chapter.

23 (4) Any damages arising out of the unlawful possession
24 of, storage of, or tampering with a listed chemical, as
25 defined in s. 893.033, shall be the sole responsibility of the
26 person or persons unlawfully possessing, storing, or tampering
27 with the listed chemical. In no case shall liability for
28 damages arising out of the unlawful possession of, storage of,
29 or tampering with a listed chemical extend to the lawful
30 owner, installer, maintainer, designer, manufacturer,
31 possessor, or seller of the listed chemical, unless such

1 damages arise out of the acts or omissions of the owner,
2 installer, maintainer, designer, manufacturer, possessor, or
3 seller which constitute negligent misconduct or failure to
4 abide by the laws regarding the possession or storage of a
5 listed chemical.

6 Section 5. For the purpose of incorporating the
7 amendment made by this act to section 893.135, Florida
8 Statutes, in references thereto, paragraphs (g), (h), and (i)
9 of subsection (3) of section 921.0022, Florida Statutes, are
10 reenacted to read:

11 921.0022 Criminal Punishment Code; offense severity
12 ranking chart.--

13 (3) OFFENSE SEVERITY RANKING CHART

14	15 Florida	16 Statute	17 Felony	18 Degree	19 Description
20					(g) LEVEL 7
21	316.027(1)(b)		2nd		Accident involving death, failure to stop; leaving scene.
22	316.193(3)(c)2.		3rd		DUI resulting in serious bodily injury.
23					
24	327.35(3)(c)2.		3rd		Vessel BUI resulting in serious bodily injury.
25					
26	402.319(2)		2nd		Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
27					
28					
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31	409.920(2)		3rd		Medicaid provider fraud.

1	456.065(2)	3rd	Practicing a health care
2			profession without a license.
3	456.065(2)	2nd	Practicing a health care
4			profession without a license
5			which results in serious bodily
6			injury.
7	458.327(1)	3rd	Practicing medicine without a
8			license.
9	459.013(1)	3rd	Practicing osteopathic medicine
10			without a license.
11	460.411(1)	3rd	Practicing chiropractic medicine
12			without a license.
13	461.012(1)	3rd	Practicing podiatric medicine
14			without a license.
15	462.17	3rd	Practicing naturopathy without a
16			license.
17	463.015(1)	3rd	Practicing optometry without a
18			license.
19	464.016(1)	3rd	Practicing nursing without a
20			license.
21	465.015(2)	3rd	Practicing pharmacy without a
22			license.
23	466.026(1)	3rd	Practicing dentistry or dental
24			hygiene without a license.
25	467.201	3rd	Practicing midwifery without a
26			license.
27	468.366	3rd	Delivering respiratory care
28			services without a license.
29	483.828(1)	3rd	Practicing as clinical laboratory
30			personnel without a license.
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1	483.901(9)	3rd	Practicing medical physics
2			without a license.
3	484.013(1)(c)	3rd	Preparing or dispensing optical
4			devices without a prescription.
5	484.053	3rd	Dispensing hearing aids without a
6			license.
7	494.0018(2)	1st	Conviction of any violation of
8			ss. 494.001-494.0077 in which the
9			total money and property
10			unlawfully obtained exceeded
11			\$50,000 and there were five or
12			more victims.
13	560.123(8)(b)1.	3rd	Failure to report currency or
14			payment instruments exceeding
15			\$300 but less than \$20,000 by
16			money transmitter.
17	560.125(5)(a)	3rd	Money transmitter business by
18			unauthorized person, currency or
19			payment instruments exceeding
20			\$300 but less than \$20,000.
21	655.50(10)(b)1.	3rd	Failure to report financial
22			transactions exceeding \$300 but
23			less than \$20,000 by financial
24			institution.
25	782.051(3)	2nd	Attempted felony murder of a
26			person by a person other than the
27			perpetrator or the perpetrator of
28			an attempted felony.
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1	782.07(1)	2nd	Killing of a human being by the
2			act, procurement, or culpable
3			negligence of another
4			(manslaughter).
5	782.071	2nd	Killing of human being or viable
6			fetus by the operation of a motor
7			vehicle in a reckless manner
8			(vehicular homicide).
9	782.072	2nd	Killing of a human being by the
10			operation of a vessel in a
11			reckless manner (vessel
12			homicide).
13	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
14			causing great bodily harm or
15			disfigurement.
16	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
17			weapon.
18	784.045(1)(b)	2nd	Aggravated battery; perpetrator
19			aware victim pregnant.
20	784.048(4)	3rd	Aggravated stalking; violation of
21			injunction or court order.
22	784.07(2)(d)	1st	Aggravated battery on law
23			enforcement officer.
24	784.074(1)(a)	1st	Aggravated battery on sexually
25			violent predators facility staff.
26	784.08(2)(a)	1st	Aggravated battery on a person 65
27			years of age or older.
28	784.081(1)	1st	Aggravated battery on specified
29			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	790.165(2)	2nd	Manufacture, sell, possess, or
12			deliver hoax bomb.
13	790.165(3)	2nd	Possessing, displaying, or
14			threatening to use any hoax bomb
15			while committing or attempting to
16			commit a felony.
17	790.166(3)	2nd	Possessing, selling, using, or
18			attempting to use a hoax weapon
19			of mass destruction.
20	790.166(4)	2nd	Possessing, displaying, or
21			threatening to use a hoax weapon
22			of mass destruction while
23			committing or attempting to
24			commit a felony.
25	796.03	2nd	Procuring any person under 16
26			years for prostitution.
27	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
28			victim less than 12 years of age;
29			offender less than 18 years.
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1	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
2			victim 12 years of age or older
3			but less than 16 years; offender
4			18 years or older.
5	806.01(2)	2nd	Maliciously damage structure by
6			fire or explosive.
7	810.02(3)(a)	2nd	Burglary of occupied dwelling;
8			unarmed; no assault or battery.
9	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
10			unarmed; no assault or battery.
11	810.02(3)(d)	2nd	Burglary of occupied conveyance;
12			unarmed; no assault or battery.
13	812.014(2)(a)	1st	Property stolen, valued at
14			\$100,000 or more; cargo stolen
15			valued at \$50,000 or more;
16			property stolen while causing
17			other property damage; 1st degree
18			grand theft.
19	812.014(2)(b)3.	2nd	Property stolen, emergency
20			medical equipment; 2nd degree
21			grand theft.
22	812.0145(2)(a)	1st	Theft from person 65 years of age
23			or older; \$50,000 or more.
24	812.019(2)	1st	Stolen property; initiates,
25			organizes, plans, etc., the theft
26			of property and traffics in
27			stolen property.
28	812.131(2)(a)	2nd	Robbery by sudden snatching.
29	812.133(2)(b)	1st	Carjacking; no firearm, deadly
30			weapon, or other weapon.
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1	817.234(8)(a)	2nd	Solicitation of motor vehicle
2			accident victims with intent to
3			defraud.
4	817.234(9)	2nd	Organizing, planning, or
5			participating in an intentional
6			motor vehicle collision.
7	817.234(11)(c)	1st	Insurance fraud; property value
8			\$100,000 or more.
9	817.2341(2)(b)&		
10	(3)(b)	1st	Making false entries of material
11			fact or false statements
12			regarding property values
13			relating to the solvency of an
14			insuring entity which are a
15			significant cause of the
16			insolvency of that entity.
17	825.102(3)(b)	2nd	Neglecting an elderly person or
18			disabled adult causing great
19			bodily harm, disability, or
20			disfigurement.
21	825.103(2)(b)	2nd	Exploiting an elderly person or
22			disabled adult and property is
23			valued at \$20,000 or more, but
24			less than \$100,000.
25	827.03(3)(b)	2nd	Neglect of a child causing great
26			bodily harm, disability, or
27			disfigurement.
28	827.04(3)	3rd	Impregnation of a child under 16
29			years of age by person 21 years
30			of age or older.
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1	837.05(2)	3rd	Giving false information about
2			alleged capital felony to a law
3			enforcement officer.
4	838.015	2nd	Bribery.
5	838.016	2nd	Unlawful compensation or reward
6			for official behavior.
7	838.021(3)(a)	2nd	Unlawful harm to a public
8			servant.
9	838.22	2nd	Bid tampering.
10	872.06	2nd	Abuse of a dead human body.
11	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
12			cocaine (or other drug prohibited
13			under s. 893.03(1)(a), (1)(b),
14			(1)(d), (2)(a), (2)(b), or
15			(2)(c)4.) within 1,000 feet of a
16			child care facility, school, or
17			state, county, or municipal park
18			or publicly owned recreational
19			facility or community center.
20	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
21			cocaine or other drug prohibited
22			under s. 893.03(1)(a), (1)(b),
23			(1)(d), (2)(a), (2)(b), or
24			(2)(c)4., within 1,000 feet of
25			property used for religious
26			services or a specified business
27			site.
28	893.13(4)(a)	1st	Deliver to minor cocaine (or
29			other s. 893.03(1)(a), (1)(b),
30			(1)(d), (2)(a), (2)(b), or
31			(2)(c)4. drugs).

1	893.135(1)(a)1.	1st	Trafficking in cannabis, more
2			than 25 lbs., less than 2,000
3			lbs.
4	893.135		
5	(1)(b)1.a.	1st	Trafficking in cocaine, more than
6			28 grams, less than 200 grams.
7	893.135		
8	(1)(c)1.a.	1st	Trafficking in illegal drugs,
9			more than 4 grams, less than 14
10			grams.
11	893.135		
12	(1)(d)1.	1st	Trafficking in phencyclidine,
13			more than 28 grams, less than 200
14			grams.
15	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
16			than 200 grams, less than 5
17			kilograms.
18	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
19			than 14 grams, less than 28
20			grams.
21	893.135		
22	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
23			grams or more, less than 14
24			grams.
25	893.135		
26	(1)(h)1.a.	1st	Trafficking in
27			gamma-hydroxybutyric acid (GHB),
28			1 kilogram or more, less than 5
29			kilograms.
30			
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1	893.135		
2	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
3			kilogram or more, less than 5
4			kilograms.
5	893.135		
6	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
7			10 grams or more, less than 200
8			grams.
9	896.101(5)(a)	3rd	Money laundering, financial
10			transactions exceeding \$300 but
11			less than \$20,000.
12	896.104(4)(a)1.	3rd	Structuring transactions to evade
13			reporting or registration
14			requirements, financial
15			transactions exceeding \$300 but
16			less than \$20,000.
17			(h) LEVEL 8
18	316.193		
19	(3)(c)3.a.	2nd	DUI manslaughter.
20	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
21	499.0051(7)	1st	Forgery of prescription or legend
22			drug labels.
23	499.0052	1st	Trafficking in contraband legend
24			drugs.
25	560.123(8)(b)2.	2nd	Failure to report currency or
26			payment instruments totaling or
27			exceeding \$20,000, but less than
28			\$100,000 by money transmitter.
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1	560.125(5)(b)	2nd	Money transmitter business by
2			unauthorized person, currency or
3			payment instruments totaling or
4			exceeding \$20,000, but less than
5			\$100,000.
6	655.50(10)(b)2.	2nd	Failure to report financial
7			transactions totaling or
8			exceeding \$20,000, but less than
9			\$100,000 by financial
10			institutions.
11	777.03(2)(a)	1st	Accessory after the fact, capital
12			felony.
13	782.04(4)	2nd	Killing of human without design
14			when engaged in act or attempt of
15			any felony other than arson,
16			sexual battery, robbery,
17			burglary, kidnapping, aircraft
18			piracy, or unlawfully discharging
19			bomb.
20	782.051(2)	1st	Attempted felony murder while
21			perpetrating or attempting to
22			perpetrate a felony not
23			enumerated in s. 782.04(3).
24	782.071(1)(b)	1st	Committing vehicular homicide and
25			failing to render aid or give
26			information.
27	782.072(2)	1st	Committing vessel homicide and
28			failing to render aid or give
29			information.
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1	790.161(3)	1st	Discharging a destructive device
2			which results in bodily harm or
3			property damage.
4	794.011(5)	2nd	Sexual battery, victim 12 years
5			or over, offender does not use
6			physical force likely to cause
7			serious injury.
8	800.04(4)	2nd	Lewd or lascivious battery.
9	806.01(1)	1st	Maliciously damage dwelling or
10			structure by fire or explosive,
11			believing person in structure.
12	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
13	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
14			or dangerous weapon.
15	810.02(2)(c)	1st	Burglary of a dwelling or
16			structure causing structural
17			damage or \$1,000 or more property
18			damage.
19	812.13(2)(b)	1st	Robbery with a weapon.
20	812.135(2)	1st	Home-invasion robbery.
21	817.568(6)	2nd	Fraudulent use of personal
22			identification information of an
23			individual under the age of 18.
24	825.102(2)	2nd	Aggravated abuse of an elderly
25			person or disabled adult.
26	825.1025(2)	2nd	Lewd or lascivious battery upon
27			an elderly person or disabled
28			adult.
29	825.103(2)(a)	1st	Exploiting an elderly person or
30			disabled adult and property is
31			valued at \$100,000 or more.

1	837.02(2)	2nd	Perjury in official proceedings
2			relating to prosecution of a
3			capital felony.
4	837.021(2)	2nd	Making contradictory statements
5			in official proceedings relating
6			to prosecution of a capital
7			felony.
8	860.121(2)(c)	1st	Shooting at or throwing any
9			object in path of railroad
10			vehicle resulting in great bodily
11			harm.
12	860.16	1st	Aircraft piracy.
13	893.13(1)(b)	1st	Sell or deliver in excess of 10
14			grams of any substance specified
15			in s. 893.03(1)(a) or (b).
16	893.13(2)(b)	1st	Purchase in excess of 10 grams of
17			any substance specified in s.
18			893.03(1)(a) or (b).
19	893.13(6)(c)	1st	Possess in excess of 10 grams of
20			any substance specified in s.
21			893.03(1)(a) or (b).
22	893.135(1)(a)2.	1st	Trafficking in cannabis, more
23			than 2,000 lbs., less than 10,000
24			lbs.
25	893.135		
26	(1)(b)1.b.	1st	Trafficking in cocaine, more than
27			200 grams, less than 400 grams.
28	893.135		
29	(1)(c)1.b.	1st	Trafficking in illegal drugs,
30			more than 14 grams, less than 28
31			grams.

1	893.135		
2	(1)(d)1.b.	1st	Trafficking in phencyclidine,
3			more than 200 grams, less than
4			400 grams.
5	893.135		
6	(1)(e)1.b.	1st	Trafficking in methaqualone, more
7			than 5 kilograms, less than 25
8			kilograms.
9	893.135		
10	(1)(f)1.b.	1st	Trafficking in amphetamine, more
11			than 28 grams, less than 200
12			grams.
13	893.135		
14	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
15			grams or more, less than 28
16			grams.
17	893.135		
18	(1)(h)1.b.	1st	Trafficking in
19			gamma-hydroxybutyric acid (GHB),
20			5 kilograms or more, less than 10
21			kilograms.
22	893.135		
23	(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5
24			kilograms or more, less than 10
25			kilograms.
26	893.135		
27	(1)(k)2.b.	1st	Trafficking in Phenethylamines,
28			200 grams or more, less than 400
29			grams.
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1	895.03(1)	1st	Use or invest proceeds derived
2			from pattern of racketeering
3			activity.
4	895.03(2)	1st	Acquire or maintain through
5			racketeering activity any
6			interest in or control of any
7			enterprise or real property.
8	895.03(3)	1st	Conduct or participate in any
9			enterprise through pattern of
10			racketeering activity.
11	896.101(5)(b)	2nd	Money laundering, financial
12			transactions totaling or
13			exceeding \$20,000, but less than
14			\$100,000.
15	896.104(4)(a)2.	2nd	Structuring transactions to evade
16			reporting or registration
17			requirements, financial
18			transactions totaling or
19			exceeding \$20,000 but less than
20			\$100,000.
21			(i) LEVEL 9
22	316.193		
23	(3)(c)3.b.	1st	DUI manslaughter; failing to
24			render aid or give information.
25	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to
26			render aid or give information.
27	499.0053	1st	Sale or purchase of contraband
28			legend drugs resulting in great
29			bodily harm.
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1	560.123(8)(b)3.	1st	Failure to report currency or
2			payment instruments totaling or
3			exceeding \$100,000 by money
4			transmitter.
5	560.125(5)(c)	1st	Money transmitter business by
6			unauthorized person, currency, or
7			payment instruments totaling or
8			exceeding \$100,000.
9	655.50(10)(b)3.	1st	Failure to report financial
10			transactions totaling or
11			exceeding \$100,000 by financial
12			institution.
13	775.0844	1st	Aggravated white collar crime.
14	782.04(1)	1st	Attempt, conspire, or solicit to
15			commit premeditated murder.
16	782.04(3)	1st,PBL	Accomplice to murder in
17			connection with arson, sexual
18			battery, robbery, burglary, and
19			other specified felonies.
20	782.051(1)	1st	Attempted felony murder while
21			perpetrating or attempting to
22			perpetrate a felony enumerated in
23			s. 782.04(3).
24	782.07(2)	1st	Aggravated manslaughter of an
25			elderly person or disabled adult.
26	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
27			reward or as a shield or hostage.
28	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
29			or facilitate commission of any
30			felony.
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1	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
2			interfere with performance of any
3			governmental or political
4			function.
5	787.02(3)(a)	1st	False imprisonment; child under
6			age 13; perpetrator also commits
7			aggravated child abuse, sexual
8			battery, or lewd or lascivious
9			battery, molestation, conduct, or
10			exhibition.
11	790.161	1st	Attempted capital destructive
12			device offense.
13	790.166(2)	1st,PBL	Possessing, selling, using, or
14			attempting to use a weapon of
15			mass destruction.
16	794.011(2)	1st	Attempted sexual battery; victim
17			less than 12 years of age.
18	794.011(2)	Life	Sexual battery; offender younger
19			than 18 years and commits sexual
20			battery on a person less than 12
21			years.
22	794.011(4)	1st	Sexual battery; victim 12 years
23			or older, certain circumstances.
24	794.011(8)(b)	1st	Sexual battery; engage in sexual
25			conduct with minor 12 to 18 years
26			by person in familial or
27			custodial authority.
28	800.04(5)(b)	1st	Lewd or lascivious molestation;
29			victim less than 12 years;
30			offender 18 years or older.
31			

1	812.13(2)(a)	1st,PBL	Robbery with firearm or other
2			deadly weapon.
3	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
4			deadly weapon.
5	817.568(7)	2nd,PBL	Fraudulent use of personal
6			identification information of an
7			individual under the age of 18 by
8			his or her parent, legal
9			guardian, or person exercising
10			custodial authority.
11	827.03(2)	1st	Aggravated child abuse.
12	847.0145(1)	1st	Selling, or otherwise
13			transferring custody or control,
14			of a minor.
15	847.0145(2)	1st	Purchasing, or otherwise
16			obtaining custody or control, of
17			a minor.
18	859.01	1st	Poisoning or introducing
19			bacteria, radioactive materials,
20			viruses, or chemical compounds
21			into food, drink, medicine, or
22			water with intent to kill or
23			injure another person.
24	893.135	1st	Attempted capital trafficking
25			offense.
26	893.135(1)(a)3.	1st	Trafficking in cannabis, more
27			than 10,000 lbs.
28	893.135		
29	(1)(b)1.c.	1st	Trafficking in cocaine, more than
30			400 grams, less than 150
31			kilograms.

1	893.135		
2	(1)(c)1.c.	1st	Trafficking in illegal drugs,
3			more than 28 grams, less than 30
4			kilograms.
5	893.135		
6	(1)(d)1.c.	1st	Trafficking in phencyclidine,
7			more than 400 grams.
8	893.135		
9	(1)(e)1.c.	1st	Trafficking in methaqualone, more
10			than 25 kilograms.
11	893.135		
12	(1)(f)1.c.	1st	Trafficking in amphetamine, more
13			than 200 grams.
14	893.135		
15	(1)(h)1.c.	1st	Trafficking in
16			gamma-hydroxybutyric acid (GHB),
17			10 kilograms or more.
18	893.135		
19	(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10
20			kilograms or more.
21	893.135		
22	(1)(k)2.c.	1st	Trafficking in Phenethylamines,
23			400 grams or more.
24	896.101(5)(c)	1st	Money laundering, financial
25			instruments totaling or exceeding
26			\$100,000.
27	896.104(4)(a)3.	1st	Structuring transactions to evade
28			reporting or registration
29			requirements, financial
30			transactions totaling or
31			exceeding \$100,000.

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Section 6. This act shall take effect July 1, 2004.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2160

4 The bill revises the listed chemicals under chapter 893, F.S.,
5 to conform to federal requirements for precursor or essential
6 chemicals used to manufacture controlled substances.

7 With exceptions, it is unlawful for any person to manufacture
8 methamphetamine or phencyclidine, or possess any listed
9 chemical as defined in s. 893.033, F.S., in violation of s.
10 893.149, F.S., and with intent to manufacture methamphetamine
11 or phencyclidine. Section 893.149, F.S., provides that it is a
12 second degree felony for a person to possess a listed chemical
13 with the intent to unlawfully manufacture a controlled
14 substance, or possess or distribute a listed chemical knowing,
15 or having reasonable cause to believe, that the listed
16 chemical will be used to unlawfully manufacture a controlled
17 substance.

18 If any person manufactures methamphetamine or phencyclidine or
19 possesses any listed chemical with an intent to manufacture
20 methamphetamine or phencyclidine and the commission or
21 attempted commission of the crime occurs in a structure or
22 conveyance where any child under 16 years of age is present,
23 the person who does so is liable for a first degree felony
24 which is punishable by imprisonment of up to 30 years and the
25 imposition of a fine of up to \$10,000. Minimum prison terms
26 are specified under specified circumstances for this
27 violation.

28 The bill makes it unlawful to store anhydrous ammonia in a
29 container that is not approved by the U.S. Department of
30 Transportation to hold anhydrous ammonia; or is not
31 constructed in accordance with sound engineering,
agricultural, or commercial practices.

The possession of 14 grams or more of pseudoephedrine such as
Sudafed in conjunction with other chemicals and equipment used
in the manufacture of amphetamine or methamphetamine is a
felony of the first degree and subject to the enhanced felony
penalties of the drug trafficking provisions under chapter
893, F.S.

Criminal violations relating to listed chemicals under s.
893.149, F.S., do not apply to a public employee or private
contractor authorized to clean up or dispose of hazardous
waste or toxic substances pursuant to the provisions of
chapter 893, F.S. Any damages arising out of the unlawful
possession of, storage of, or tampering with a listed
chemical, as defined in s. 893.033, F.S., must be the sole
responsibility of the person or persons unlawfully possessing,
storing, or tampering with the listed chemical. Liability for
damages arising out of the unlawful possession of, storage of,
or tampering with a listed chemical extend to the lawful
owner, installer, maintainer, designer, manufacturer,
possessor, or seller of the listed chemical, is limited to
specified circumstances.