

Bill No. SB 398

Amendment No. \_\_\_\_ Barcode 480740

CHAMBER ACTION

Senate

House

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Senator Miller moved the following amendment:

**Senate Amendment (with title amendment)**

On page 1, line 19, through  
page 2, line 29, delete those lines

and insert:

Section 1. Section 782.08, Florida Statutes, is  
amended to read:

782.08 Assisting self-murder.--

(1) FINDINGS AND PURPOSE.--The Legislature finds that  
the state has a compelling interest in preserving human life,  
preventing suicide, protecting vulnerable persons, protecting  
the public health and safety, and maintaining the integrity of  
the medical profession. The Legislature further finds that  
there is a distinction between assisting self-murder and  
refusing or foregoing medical treatment.

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

(a) "Deliberately assisting" means carrying out an act  
that is intended to:

1. Aid, abet, facilitate, permit, advocate, or

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1 encourage;

2 2. Publicize, promote, advertise, operate, stage,

3 schedule or conduct;

4 3. Provide or secure a venue, transportation, or

5 security; or

6 4. Result in the collection of an admission or fee.

7 (b) "Person" means every natural person, firm,

8 copartnership, association, or corporation.

9 (3) PENALTIES.--Every person deliberately assisting  
10 another in the commission of self-murder, regardless of  
11 whether death actually occurs, shall be guilty of  
12 ~~manslaughter~~, a felony of the second degree, punishable as  
13 provided in s. 775.082, s. 775.083, or s. 775.084.

14 Section 2. Paragraph (g) of subsection (3) of section  
15 921.0022, Florida Statutes, is amended to read:

16 921.0022 Criminal Punishment Code; offense severity  
17 ranking chart.--

18 (3) OFFENSE SEVERITY RANKING CHART

19

20 Florida Felony

21 Statute Degree Description

22

23

24 (g) LEVEL 7

25 316.027(1)(b) 2nd Accident involving death, failure  
26 to stop; leaving scene.

27 316.193(3)(c)2. 3rd DUI resulting in serious bodily  
28 injury.

29 327.35(3)(c)2. 3rd Vessel BUI resulting in serious  
30 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	484.013(1)(c)	3rd	Preparing or dispensing optical
10			devices without a prescription.
11	484.053	3rd	Dispensing hearing aids without a
12			license.
13	494.0018(2)	1st	Conviction of any violation of
14			ss. 494.001-494.0077 in which the
15			total money and property
16			unlawfully obtained exceeded
17			\$50,000 and there were five or
18			more victims.
19	560.123(8)(b)1.	3rd	Failure to report currency or
20			payment instruments exceeding
21			\$300 but less than \$20,000 by
22			money transmitter.
23	560.125(5)(a)	3rd	Money transmitter business by
24			unauthorized person, currency or
25			payment instruments exceeding
26			\$300 but less than \$20,000.
27	655.50(10)(b)1.	3rd	Failure to report financial
28			transactions exceeding \$300 but
29			less than \$20,000 by financial
30			institution.
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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	<u>782.02</u>	<u>2nd</u>	<u>Assisting self-murder.</u>
18	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
19			causing great bodily harm or
20			disfigurement.
21	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
22			weapon.
23	784.045(1)(b)	2nd	Aggravated battery; perpetrator
24			aware victim pregnant.
25	784.048(4)	3rd	Aggravated stalking; violation of
26			injunction or court order.
27	784.07(2)(d)	1st	Aggravated battery on law
28			enforcement officer.
29	784.074(1)(a)	1st	Aggravated battery on sexually
30			violent predators facility staff.
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1	784.08(2)(a)	1st	Aggravated battery on a person 65
2			years of age or older.
3	784.081(1)	1st	Aggravated battery on specified
4			official or employee.
5	784.082(1)	1st	Aggravated battery by detained
6			person on visitor or other
7			detainee.
8	784.083(1)	1st	Aggravated battery on code
9			inspector.
10	790.07(4)	1st	Specified weapons violation
11			subsequent to previous conviction
12			of s. 790.07(1) or (2).
13	790.16(1)	1st	Discharge of a machine gun under
14			specified circumstances.
15	790.165(2)	2nd	Manufacture, sell, possess, or
16			deliver hoax bomb.
17	790.165(3)	2nd	Possessing, displaying, or
18			threatening to use any hoax bomb
19			while committing or attempting to
20			commit a felony.
21	790.166(3)	2nd	Possessing, selling, using, or
22			attempting to use a hoax weapon
23			of mass destruction.
24	790.166(4)	2nd	Possessing, displaying, or
25			threatening to use a hoax weapon
26			of mass destruction while
27			committing or attempting to
28			commit a felony.
29	796.03	2nd	Procuring any person under 16
30			years for prostitution.
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1	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
2			victim less than 12 years of age;
3			offender less than 18 years.
4	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
5			victim 12 years of age or older
6			but less than 16 years; offender
7			18 years or older.
8	806.01(2)	2nd	Maliciously damage structure by
9			fire or explosive.
10	810.02(3)(a)	2nd	Burglary of occupied dwelling;
11			unarmed; no assault or battery.
12	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(d)	2nd	Burglary of occupied conveyance;
15			unarmed; no assault or battery.
16	812.014(2)(a)	1st	Property stolen, valued at
17			\$100,000 or more; cargo stolen
18			valued at \$50,000 or more;
19			property stolen while causing
20			other property damage; 1st degree
21			grand theft.
22	812.014(2)(b)3.	2nd	Property stolen, emergency
23			medical equipment; 2nd degree
24			grand theft.
25	812.0145(2)(a)	1st	Theft from person 65 years of age
26			or older; \$50,000 or more.
27	812.019(2)	1st	Stolen property; initiates,
28			organizes, plans, etc., the theft
29			of property and traffics in
30			stolen property.
31	812.131(2)(a)	2nd	Robbery by sudden snatching.

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1	812.133(2)(b)	1st	Carjacking; no firearm, deadly
2			weapon, or other weapon.
3	817.234(8)(a)	2nd	Solicitation of motor vehicle
4			accident victims with intent to
5			defraud.
6	817.234(9)	2nd	Organizing, planning, or
7			participating in an intentional
8			motor vehicle collision.
9	817.234(11)(c)	1st	Insurance fraud; property value
10			\$100,000 or more.
11	817.2341(2)(b)&		
12	(3)(b)	1st	Making false entries of material
13			fact or false statements
14			regarding property values
15			relating to the solvency of an
16			insuring entity which are a
17			significant cause of the
18			insolvency of that entity.
19	825.102(3)(b)	2nd	Neglecting an elderly person or
20			disabled adult causing great
21			bodily harm, disability, or
22			disfigurement.
23	825.103(2)(b)	2nd	Exploiting an elderly person or
24			disabled adult and property is
25			valued at \$20,000 or more, but
26			less than \$100,000.
27	827.03(3)(b)	2nd	Neglect of a child causing great
28			bodily harm, disability, or
29			disfigurement.
30	827.04(3)	3rd	Impregnation of a child under 16
31			years of age by person 21 years



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1			of age or older.
2	837.05(2)	3rd	Giving false information about
3			alleged capital felony to a law
4			enforcement officer.
5	838.015	2nd	Bribery.
6	838.016	2nd	Unlawful compensation or reward
7			for official behavior.
8	838.021(3)(a)	2nd	Unlawful harm to a public
9			servant.
10	838.22	2nd	Bid tampering.
11	872.06	2nd	Abuse of a dead human body.
12	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
13			cocaine (or other drug prohibited
14			under s. 893.03(1)(a), (1)(b),
15			(1)(d), (2)(a), (2)(b), or
16			(2)(c)4.) within 1,000 feet of a
17			child care facility, school, or
18			state, county, or municipal park
19			or publicly owned recreational
20			facility or community center.
21	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
22			cocaine or other drug prohibited
23			under s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4., within 1,000 feet of
26			property used for religious
27			services or a specified business
28			site.
29	893.13(4)(a)	1st	Deliver to minor cocaine (or
30			other s. 893.03(1)(a), (1)(b),
31			(1)(d), (2)(a), (2)(b), or

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1			(2)(c)4. drugs).
2	893.135(1)(a)1.	1st	Trafficking in cannabis, more
3			than 25 lbs., less than 2,000
4			lbs.
5	893.135		
6	(1)(b)1.a.	1st	Trafficking in cocaine, more than
7			28 grams, less than 200 grams.
8	893.135		
9	(1)(c)1.a.	1st	Trafficking in illegal drugs,
10			more than 4 grams, less than 14
11			grams.
12	893.135		
13	(1)(d)1.	1st	Trafficking in phencyclidine,
14			more than 28 grams, less than 200
15			grams.
16	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
17			than 200 grams, less than 5
18			kilograms.
19	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
20			than 14 grams, less than 28
21			grams.
22	893.135		
23	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
24			grams or more, less than 14
25			grams.
26	893.135		
27	(1)(h)1.a.	1st	Trafficking in
28			gamma-hydroxybutyric acid (GHB),
29			1 kilogram or more, less than 5
30			kilograms.

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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 Section 3. For the purpose of incorporating the  
18 amendment to section 782.08, Florida Statutes, in a reference  
19 thereto, paragraph (c) of subsection (2) of section 790.065,  
20 Florida Statutes, is reenacted to read:

21 790.065 Sale and delivery of firearms.--

22 (2) Upon receipt of a request for a criminal history  
23 record check, the Department of Law Enforcement shall, during  
24 the licensee's call or by return call, forthwith:

25 (c)1. Review any records available to it to determine  
26 whether the potential buyer or transferee has been indicted or  
27 has had an information filed against her or him for an offense  
28 that is a felony under either state or federal law, or, as  
29 mandated by federal law, has had an injunction for protection  
30 against domestic violence entered against the potential buyer  
31 or transferee under s. 741.30, has had an injunction for

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1 protection against repeat violence entered against the  
2 potential buyer or transferee under s. 784.046, or has been  
3 arrested for a dangerous crime as specified in s.  
4 907.041(4)(a) or for any of the following enumerated offenses:  
5 a. Criminal anarchy under ss. 876.01 and 876.02.  
6 b. Extortion under s. 836.05.  
7 c. Explosives violations under s. 552.22(1) and (2).  
8 d. Controlled substances violations under chapter 893.  
9 e. Resisting an officer with violence under s. 843.01.  
10 f. Weapons and firearms violations under this chapter.  
11 g. Treason under s. 876.32.  
12 h. Assisting self-murder under s. 782.08.  
13 i. Sabotage under s. 876.38.  
14 j. Stalking or aggravated stalking under s. 784.048.

15  
16 If the review indicates any such indictment,  
17 information, or arrest, the department shall provide to the  
18 licensee a conditional nonapproval number.

19 2. Within 24 working hours, the department shall  
20 determine the disposition of the indictment, information, or  
21 arrest and inform the licensee as to whether the potential  
22 buyer is prohibited from receiving or possessing a firearm.  
23 For purposes of this paragraph, "working hours" means the  
24 hours from 8 a.m. to 5 p.m. Monday through Friday, excluding  
25 legal holidays.

26 3. The office of the clerk of court, at no charge to  
27 the department, shall respond to any department request for  
28 data on the disposition of the indictment, information, or  
29 arrest as soon as possible, but in no event later than 8  
30 working hours.

31 4. The department shall determine as quickly as

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1 possible within the allotted time period whether the potential  
2 buyer is prohibited from receiving or possessing a firearm.

3           5. If the potential buyer is not so prohibited, or if  
4 the department cannot determine the disposition information  
5 within the allotted time period, the department shall provide  
6 the licensee with a conditional approval number.

7           6. If the buyer is so prohibited, the conditional  
8 nonapproval number shall become a nonapproval number.

9           7. The department shall continue its attempts to  
10 obtain the disposition information and may retain a record of  
11 all approval numbers granted without sufficient disposition  
12 information. If the department later obtains disposition  
13 information which indicates:

14           a. That the potential buyer is not prohibited from  
15 owning a firearm, it shall treat the record of the transaction  
16 in accordance with this section; or

17           b. That the potential buyer is prohibited from owning  
18 a firearm, it shall immediately revoke the conditional  
19 approval number and notify local law enforcement.

20           8. During the time that disposition of the indictment,  
21 information, or arrest is pending and until the department is  
22 notified by the potential buyer that there has been a final  
23 disposition of the indictment, information, or arrest, the  
24 conditional nonapproval number shall remain in effect.

25

26 (Redesignate subsequent sections.)

27

28

29 ===== T I T L E   A M E N D M E N T =====

30 And the title is amended as follows:

31           On page 1, lines 2-15, delete those lines

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1 and insert:

2           An act relating to assisting self-murder;  
3           amending s. 782.08, F.S.; revising element of  
4           offense; providing legislative findings;  
5           providing definitions; providing criminal  
6           penalties; amending s. 921.0022, F.S.; ranking  
7           the offense of assisting self-murder on the  
8           offense severity ranking chart of the Criminal  
9           Punishment Code; reenacting s. 790.065(2)(c),  
10          F.S.; incorporating the amendment to s. 782.08,  
11          F.S., in a reference thereto; providing an  
12          effective date.

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