

1 to the Criminal Punishment Code offense
2 severity ranking chart, to conform provisions
3 to changes made by the act, and reenacting
4 paragraphs (3)(h) and (i), to incorporate the
5 amendments to ss. 316.193 and 782.071, F.S., in
6 references thereto; reenacting s. 316.656(3),
7 F.S., relating to mandatory adjudication, to
8 incorporate the amendment to s. 316.193, F.S.,
9 in a reference thereto; reenacting s.
10 947.146(3)(j), F.S., relating to the Control
11 Release Authority, to incorporate the amendment
12 to s. 316.193, F.S., in a reference thereto;
13 reenacting s. 960.03(3)(b), F.S., relating to
14 the definition of "crime" under the Florida
15 Crimes Compensation Act, to incorporate the
16 amendment to s. 782.071, F.S., in a reference
17 thereto; providing an effective date.
18

19 Be It Enacted by the Legislature of the State of Florida:
20

21 Section 1. Subsection (3) of section 316.193, Florida
22 Statutes, is amended to read:

23 316.193 Driving under the influence; penalties.--

24 (3) Any person:

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

26 (b) Who operates a vehicle; and

27 (c) Who, by reason of such operation, causes or

28 contributes to causing:

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 unborn quick child
5 as defined in s. 782.09 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 Section 2. Section 782.071, Florida Statutes, is
15 amended to read:

16 782.071 Vehicular homicide.--"Vehicular homicide" is
17 the killing of a human being, or the killing of an unborn
18 quick child as defined in s. 782.09 ~~a viable fetus~~ by any
19 injury to the mother, caused by the operation of a motor
20 vehicle by another in a reckless manner likely to cause the
21 death of, or great bodily harm to, another.

22 (1) Vehicular homicide is:

23 (a) A felony of the second degree, punishable as
24 provided in s. 775.082, s. 775.083, or s. 775.084.

25 (b) A felony of the first degree, punishable as
26 provided in s. 775.082, s. 775.083, or s. 775.084, if:

27 1. At the time of the accident, the person knew, or
28 should have known, that the accident occurred; and

29 2. The person failed to give information and render
30 aid as required by s. 316.062.

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1 This paragraph does not require that the person knew that the
2 accident resulted in injury or death.

3 ~~(2) For purposes of this section, a fetus is viable~~
4 ~~when it becomes capable of meaningful life outside the womb~~
5 ~~through standard medical measures.~~

6 ~~(2)(3)~~ A right of action for civil damages shall exist
7 under s. 768.19, under all circumstances, for all deaths
8 described in this section.

9 ~~(3)(4)~~ In addition to any other punishment, the court
10 may order the person to serve 120 community service hours in a
11 trauma center or hospital that regularly receives victims of
12 vehicle accidents, under the supervision of a registered
13 nurse, an emergency room physician, or an emergency medical
14 technician pursuant to a voluntary community service program
15 operated by the trauma center or hospital.

16 Section 3. Section 782.09, Florida Statutes, is
17 amended to read:

18 782.09 Killing of unborn quick child by injury to
19 mother.--

20 (1) The term "unborn quick child" means the unborn
21 child of a pregnant woman which has developed to the point of
22 maturity at which its movements can be felt in its mother, or
23 at which the unborn child becomes capable of meaningful life
24 outside the womb through standard medical measures.

25 (2) The unlawful willful killing of an unborn quick
26 child, by any injury to the mother of such child which would
27 be murder if it resulted in the death of such mother, shall be
28 deemed murder in the same degree as that which would have been
29 committed against the mother. A person who unlawfully kills an
30 unborn quick child by any injury to the mother:

31

1 (a) Which would be murder in the first degree
2 constituting a capital felony if it resulted in the mother's
3 death commits murder in the first degree constituting a
4 capital felony, punishable as provided in s. 775.082.

5 (b) Which would be murder in the second degree if it
6 resulted in the mother's death commits murder in the second
7 degree, a felony of the first degree, punishable as provided
8 in s. 775.082, s. 775.083, or s. 775.084.

9 (c) Which would be murder in the third degree if it
10 resulted in the mother's death commits murder in the third
11 degree ~~manslaughter~~, a felony of the second degree, punishable
12 as provided in s. 775.082, s. 775.083, or s. 775.084.

13 (3) The unlawful killing of an unborn quick child by
14 any injury to the mother of such child which would be
15 manslaughter if it resulted in the death of such mother shall
16 be deemed manslaughter. A person who unlawfully kills an
17 unborn quick child by any injury to the mother which would be
18 manslaughter if it resulted in the mother's death commits
19 manslaughter, a felony of the second degree, punishable as
20 provided in s. 775.082, s. 775.083, or s. 775.084.

21 (4) The death of the mother resulting from the same
22 act or criminal episode that caused the death of the unborn
23 quick child does not bar prosecution under this section.

24 (5) This section does not authorize the prosecution of
25 any person in connection with a termination of pregnancy
26 pursuant to chapter 390.

27 Section 4. Paragraph (f) of subsection (2) of section
28 435.03, Florida Statutes, is reenacted, and paragraph (g) of
29 that subsection is amended, to read:

30 435.03 Level 1 screening standards.--

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1 (2) Any person for whom employment screening is
2 required by statute must not have been found guilty of,
3 regardless of adjudication, or entered a plea of nolo
4 contendere or guilty to, any offense prohibited under any of
5 the following provisions of the Florida Statutes or under any
6 similar statute of another jurisdiction:

7 (f) Section 782.071, relating to vehicular homicide.

8 (g) Section 782.09, relating to killing of an unborn
9 quick child by injury to the mother.

10 Section 5. Paragraph (f) of subsection (2) of section
11 435.04, Florida Statutes, is reenacted, and paragraph (g) of
12 that subsection is amended, to read:

13 435.04 Level 2 screening standards.--

14 (2) The security background investigations under this
15 section must ensure that no persons subject to the provisions
16 of this section have been found guilty of, regardless of
17 adjudication, or entered a plea of nolo contendere or guilty
18 to, any offense prohibited under any of the following
19 provisions of the Florida Statutes or under any similar
20 statute of another jurisdiction:

21 (f) Section 782.071, relating to vehicular homicide.

22 (g) Section 782.09, relating to killing of an unborn
23 quick child by injury to the mother.

24 Section 6. Paragraphs (h) and (i) of subsection (3) of
25 section 921.0022, Florida Statutes, are reenacted, and
26 paragraph (g) of that subsection is amended, to read:

27 921.0022 Criminal Punishment Code; offense severity
28 ranking chart.--

29 (3) OFFENSE SEVERITY RANKING CHART
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	Florida Statute	Felony Degree	Description
1			
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4			
5			(g) LEVEL 7
6	316.027(1)(b)	2nd	Accident involving death, failure
7			to stop; leaving scene.
8	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
9			injury.
10	316.1935(3)(b)	1st	Causing serious bodily injury or
11			death to another person; driving
12			at high speed or with wanton
13			disregard for safety while
14			fleeing or attempting to elude
15			law enforcement officer who is in
16			a patrol vehicle with siren and
17			lights activated.
18	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
19			bodily injury.
20	402.319(2)	2nd	Misrepresentation and negligence
21			or intentional act resulting in
22			great bodily harm, permanent
23			disfiguration, permanent
24			disability, or death.
25	409.920(2)	3rd	Medicaid provider fraud.
26	456.065(2)	3rd	Practicing a health care
27			profession without a license.
28	456.065(2)	2nd	Practicing a health care
29			profession without a license
30			which results in serious bodily
31			injury.

1	458.327(1)	3rd	Practicing medicine without a
2			license.
3	459.013(1)	3rd	Practicing osteopathic medicine
4			without a license.
5	460.411(1)	3rd	Practicing chiropractic medicine
6			without a license.
7	461.012(1)	3rd	Practicing podiatric medicine
8			without a license.
9	462.17	3rd	Practicing naturopathy without a
10			license.
11	463.015(1)	3rd	Practicing optometry without a
12			license.
13	464.016(1)	3rd	Practicing nursing without a
14			license.
15	465.015(2)	3rd	Practicing pharmacy without a
16			license.
17	466.026(1)	3rd	Practicing dentistry or dental
18			hygiene without a license.
19	467.201	3rd	Practicing midwifery without a
20			license.
21	468.366	3rd	Delivering respiratory care
22			services without a license.
23	483.828(1)	3rd	Practicing as clinical laboratory
24			personnel without a license.
25	483.901(9)	3rd	Practicing medical physics
26			without a license.
27	484.013(1)(c)	3rd	Preparing or dispensing optical
28			devices without a prescription.
29	484.053	3rd	Dispensing hearing aids without a
30			license.
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1	494.0018(2)	1st	Conviction of any violation of
2			ss. 494.001-494.0077 in which the
3			total money and property
4			unlawfully obtained exceeded
5			\$50,000 and there were five or
6			more victims.
7	560.123(8)(b)1.	3rd	Failure to report currency or
8			payment instruments exceeding
9			\$300 but less than \$20,000 by
10			money transmitter.
11	560.125(5)(a)	3rd	Money transmitter business by
12			unauthorized person, currency or
13			payment instruments exceeding
14			\$300 but less than \$20,000.
15	655.50(10)(b)1.	3rd	Failure to report financial
16			transactions exceeding \$300 but
17			less than \$20,000 by financial
18			institution.
19	782.051(3)	2nd	Attempted felony murder of a
20			person by a person other than the
21			perpetrator or the perpetrator of
22			an attempted felony.
23	782.07(1)	2nd	Killing of a human being by the
24			act, procurement, or culpable
25			negligence of another
26			(manslaughter).
27	782.071(1)	2nd	Killing of human being or <u>unborn</u>
28			<u>quick child</u> viable fetus by the
29			operation of a motor vehicle in a
30			reckless manner (vehicular
31			homicide).

1	782.072	2nd	Killing of a human being by the
2			operation of a vessel in a
3			reckless manner (vessel
4			homicide).
5	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
6			causing great bodily harm or
7			disfigurement.
8	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
9			weapon.
10	784.045(1)(b)	2nd	Aggravated battery; perpetrator
11			aware victim pregnant.
12	784.048(4)	3rd	Aggravated stalking; violation of
13			injunction or court order.
14	784.048(7)	3rd	Aggravated stalking; violation of
15			court order.
16	784.07(2)(d)	1st	Aggravated battery on law
17			enforcement officer.
18	784.074(1)(a)	1st	Aggravated battery on sexually
19			violent predators facility staff.
20	784.08(2)(a)	1st	Aggravated battery on a person 65
21			years of age or older.
22	784.081(1)	1st	Aggravated battery on specified
23			official or employee.
24	784.082(1)	1st	Aggravated battery by detained
25			person on visitor or other
26			detainee.
27	784.083(1)	1st	Aggravated battery on code
28			inspector.
29	790.07(4)	1st	Specified weapons violation
30			subsequent to previous conviction
31			of s. 790.07(1) or (2).

1	790.16(1)	1st	Discharge of a machine gun under
2			specified circumstances.
3	790.165(2)	2nd	Manufacture, sell, possess, or
4			deliver hoax bomb.
5	790.165(3)	2nd	Possessing, displaying, or
6			threatening to use any hoax bomb
7			while committing or attempting to
8			commit a felony.
9	790.166(3)	2nd	Possessing, selling, using, or
10			attempting to use a hoax weapon
11			of mass destruction.
12	790.166(4)	2nd	Possessing, displaying, or
13			threatening to use a hoax weapon
14			of mass destruction while
15			committing or attempting to
16			commit a felony.
17	796.03	2nd	Procuring any person under 16
18			years for prostitution.
19	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
20			victim less than 12 years of age;
21			offender less than 18 years.
22	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
23			victim 12 years of age or older
24			but less than 16 years; offender
25			18 years or older.
26	806.01(2)	2nd	Maliciously damage structure by
27			fire or explosive.
28	810.02(3)(a)	2nd	Burglary of occupied dwelling;
29			unarmed; no assault or battery.
30	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
31			unarmed; no assault or battery.

1	810.02(3)(d)	2nd	Burglary of occupied conveyance;
2			unarmed; no assault or battery.
3	812.014(2)(a)1.	1st	Property stolen, valued at
4			\$100,000 or more; property stolen
5			while causing other property
6			damage; 1st degree grand theft.
7	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
8			less than \$50,000, grand theft in
9			2nd degree.
10	812.014(2)(b)3.	2nd	Property stolen, emergency
11			medical equipment; 2nd degree
12			grand theft.
13	812.0145(2)(a)	1st	Theft from person 65 years of age
14			or older; \$50,000 or more.
15	812.019(2)	1st	Stolen property; initiates,
16			organizes, plans, etc., the theft
17			of property and traffics in
18			stolen property.
19	812.131(2)(a)	2nd	Robbery by sudden snatching.
20	812.133(2)(b)	1st	Carjacking; no firearm, deadly
21			weapon, or other weapon.
22	817.234(8)(a)	2nd	Solicitation of motor vehicle
23			accident victims with intent to
24			defraud.
25	817.234(9)	2nd	Organizing, planning, or
26			participating in an intentional
27			motor vehicle collision.
28	817.234(11)(c)	1st	Insurance fraud; property value
29			\$100,000 or more.
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1	817.2341(2)(b)&		
2	(3)(b)	1st	Making false entries of material
3			fact or false statements
4			regarding property values
5			relating to the solvency of an
6			insuring entity which are a
7			significant cause of the
8			insolvency of that entity.
9	825.102(3)(b)	2nd	Neglecting an elderly person or
10			disabled adult causing great
11			bodily harm, disability, or
12			disfigurement.
13	825.103(2)(b)	2nd	Exploiting an elderly person or
14			disabled adult and property is
15			valued at \$20,000 or more, but
16			less than \$100,000.
17	827.03(3)(b)	2nd	Neglect of a child causing great
18			bodily harm, disability, or
19			disfigurement.
20	827.04(3)	3rd	Impregnation of a child under 16
21			years of age by person 21 years
22			of age or older.
23	837.05(2)	3rd	Giving false information about
24			alleged capital felony to a law
25			enforcement officer.
26	838.015	2nd	Bribery.
27	838.016	2nd	Unlawful compensation or reward
28			for official behavior.
29	838.021(3)(a)	2nd	Unlawful harm to a public
30			servant.
31	838.22	2nd	Bid tampering.

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, school, or
8			state, county, or municipal park
9			or publicly owned recreational
10			facility or community center.
11	893.13(1)(e)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
16			property used for religious
17			services or a specified business
18			site.
19	893.13(4)(a)	1st	Deliver to minor cocaine (or
20			other s. 893.03(1)(a), (1)(b),
21			(1)(d), (2)(a), (2)(b), or
22			(2)(c)4. drugs).
23	893.135(1)(a)1.	1st	Trafficking in cannabis, more
24			than 25 lbs., less than 2,000
25			lbs.
26	893.135		
27	(1)(b)1.a.	1st	Trafficking in cocaine, more than
28			28 grams, less than 200 grams.
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1	893.135		
2	(1)(c)1.a.	1st	Trafficking in illegal drugs,
3			more than 4 grams, less than 14
4			grams.
5	893.135		
6	(1)(d)1.	1st	Trafficking in phencyclidine,
7			more than 28 grams, less than 200
8			grams.
9	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
10			than 200 grams, less than 5
11			kilograms.
12	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
13			than 14 grams, less than 28
14			grams.
15	893.135		
16	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
17			grams or more, less than 14
18			grams.
19	893.135		
20	(1)(h)1.a.	1st	Trafficking in
21			gamma-hydroxybutyric acid (GHB),
22			1 kilogram or more, less than 5
23			kilograms.
24	893.135		
25	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
26			kilogram or more, less than 5
27			kilograms.
28	893.135		
29	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
30			10 grams or more, less than 200
31			grams.

1	896.101(5)(a)	3rd	Money laundering, financial
2			transactions exceeding \$300 but
3			less than \$20,000.
4	896.104(4)(a)1.	3rd	Structuring transactions to evade
5			reporting or registration
6			requirements, financial
7			transactions exceeding \$300 but
8			less than \$20,000.
9			(h) LEVEL 8
10	316.193		
11	(3)(c)3.a.	2nd	DUI manslaughter.
12	316.1935(4)(b)	1st	Aggravated fleeing or attempted
13			eluding with serious bodily
14			injury or death.
15	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
16	499.0051(7)	1st	Forgery of prescription or legend
17			drug labels.
18	499.0052	1st	Trafficking in contraband legend
19			drugs.
20	560.123(8)(b)2.	2nd	Failure to report currency or
21			payment instruments totaling or
22			exceeding \$20,000, but less than
23			\$100,000 by money transmitter.
24	560.125(5)(b)	2nd	Money transmitter business by
25			unauthorized person, currency or
26			payment instruments totaling or
27			exceeding \$20,000, but less than
28			\$100,000.
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1	655.50(10)(b)2.	2nd	Failure to report financial
2			transactions totaling or
3			exceeding \$20,000, but less than
4			\$100,000 by financial
5			institutions.
6	777.03(2)(a)	1st	Accessory after the fact, capital
7			felony.
8	782.04(4)	2nd	Killing of human without design
9			when engaged in act or attempt of
10			any felony other than arson,
11			sexual battery, robbery,
12			burglary, kidnapping, aircraft
13			piracy, or unlawfully discharging
14			bomb.
15	782.051(2)	1st	Attempted felony murder while
16			perpetrating or attempting to
17			perpetrate a felony not
18			enumerated in s. 782.04(3).
19	782.071(1)(b)	1st	Committing vehicular homicide and
20			failing to render aid or give
21			information.
22	782.072(2)	1st	Committing vessel homicide and
23			failing to render aid or give
24			information.
25	790.161(3)	1st	Discharging a destructive device
26			which results in bodily harm or
27			property damage.
28	794.011(5)	2nd	Sexual battery, victim 12 years
29			or over, offender does not use
30			physical force likely to cause
31			serious injury.

1	800.04(4)	2nd	Lewd or lascivious battery.
2	806.01(1)	1st	Maliciously damage dwelling or
3			structure by fire or explosive,
4			believing person in structure.
5	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
6	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
7			or dangerous weapon.
8	810.02(2)(c)	1st	Burglary of a dwelling or
9			structure causing structural
10			damage or \$1,000 or more property
11			damage.
12	812.014(2)(a)2.	1st	Property stolen; cargo valued at
13			\$50,000 or more, grand theft in
14			1st degree.
15	812.13(2)(b)	1st	Robbery with a weapon.
16	812.135(2)(c)	1st	Home-invasion robbery, no
17			firearm, deadly weapon, or other
18			weapon.
19	817.568(6)	2nd	Fraudulent use of personal
20			identification information of an
21			individual under the age of 18.
22	825.102(2)	2nd	Aggravated abuse of an elderly
23			person or disabled adult.
24	825.1025(2)	2nd	Lewd or lascivious battery upon
25			an elderly person or disabled
26			adult.
27	825.103(2)(a)	1st	Exploiting an elderly person or
28			disabled adult and property is
29			valued at \$100,000 or more.
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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.
30			
31			

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.
31			

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	812.135(2)(b)	1st	Home-invasion robbery with
6			weapon.
7	817.568(7)	2nd,PBL	Fraudulent use of personal
8			identification information of an
9			individual under the age of 18 by
10			his or her parent, legal
11			guardian, or person exercising
12			custodial authority.
13	827.03(2)	1st	Aggravated child abuse.
14	847.0145(1)	1st	Selling, or otherwise
15			transferring custody or control,
16			of a minor.
17	847.0145(2)	1st	Purchasing, or otherwise
18			obtaining custody or control, of
19			a minor.
20	859.01	1st	Poisoning or introducing
21			bacteria, radioactive materials,
22			viruses, or chemical compounds
23			into food, drink, medicine, or
24			water with intent to kill or
25			injure another person.
26	893.135	1st	Attempted capital trafficking
27			offense.
28	893.135(1)(a)3.	1st	Trafficking in cannabis, more
29			than 10,000 lbs.
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1	893.135		
2	(1)(b)1.c.	1st	Trafficking in cocaine, more than
3			400 grams, less than 150
4			kilograms.
5	893.135		
6	(1)(c)1.c.	1st	Trafficking in illegal drugs,
7			more than 28 grams, less than 30
8			kilograms.
9	893.135		
10	(1)(d)1.c.	1st	Trafficking in phencyclidine,
11			more than 400 grams.
12	893.135		
13	(1)(e)1.c.	1st	Trafficking in methaqualone, more
14			than 25 kilograms.
15	893.135		
16	(1)(f)1.c.	1st	Trafficking in amphetamine, more
17			than 200 grams.
18	893.135		
19	(1)(h)1.c.	1st	Trafficking in
20			gamma-hydroxybutyric acid (GHB),
21			10 kilograms or more.
22	893.135		
23	(1)(j)1.c.	1st	Trafficking in 1,4-Butanediol, 10
24			kilograms or more.
25	893.135		
26	(1)(k)2.c.	1st	Trafficking in Phenethylamines,
27			400 grams or more.
28	896.101(5)(c)	1st	Money laundering, financial
29			instruments totaling or exceeding
30			\$100,000.
31			

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

6 Section 7. For the purpose of incorporating the
7 amendment to section 316.193, Florida Statutes, in a reference
8 thereto, subsection (1) of section 316.656, Florida Statutes,
9 is reenacted to read:

10 316.656 Mandatory adjudication; prohibition against
11 accepting plea to lesser included offense.--

12 (1) Notwithstanding the provisions of s. 948.01, no
13 court may suspend, defer, or withhold adjudication of guilt or
14 imposition of sentence for any violation of s. 316.193, for
15 manslaughter resulting from the operation of a motor vehicle,
16 or for vehicular homicide.

17 Section 8. For the purpose of incorporating the
18 amendment to section 316.193, Florida Statutes, in a reference
19 thereto, paragraph (j) of subsection (3) of section 947.146,
20 Florida Statutes, is reenacted to read:

21 947.146 Control Release Authority.--

22 (3) Within 120 days prior to the date the state
23 correctional system is projected pursuant to s. 216.136 to
24 exceed 99 percent of total capacity, the authority shall
25 determine eligibility for and establish a control release date
26 for an appropriate number of parole ineligible inmates
27 committed to the department and incarcerated within the state
28 who have been determined by the authority to be eligible for
29 discretionary early release pursuant to this section. In
30 establishing control release dates, it is the intent of the
31 Legislature that the authority prioritize consideration of

1 eligible inmates closest to their tentative release date. The
2 authority shall rely upon commitment data on the offender
3 information system maintained by the department to initially
4 identify inmates who are to be reviewed for control release
5 consideration. The authority may use a method of objective
6 risk assessment in determining if an eligible inmate should be
7 released. Such assessment shall be a part of the department's
8 management information system. However, the authority shall
9 have sole responsibility for determining control release
10 eligibility, establishing a control release date, and
11 effectuating the release of a sufficient number of inmates to
12 maintain the inmate population between 99 percent and 100
13 percent of total capacity. Inmates who are ineligible for
14 control release are inmates who are parole eligible or inmates
15 who:

16 (j) Are convicted, or have been previously convicted,
17 of DUI manslaughter under s. 316.193(3)(c)3., and are
18 sentenced, or have been sentenced at any time, as a habitual
19 offender for such offense, or have been sentenced at any time
20 in another jurisdiction as a habitual offender for such
21 offense;

22
23 In making control release eligibility determinations under
24 this subsection, the authority may rely on any document
25 leading to or generated during the course of the criminal
26 proceedings, including, but not limited to, any presentence or
27 postsentence investigation or any information contained in
28 arrest reports relating to circumstances of the offense.

29 Section 9. For the purpose of incorporating the
30 amendment to section 782.071, Florida Statutes, in a reference
31

1 thereto, paragraph (b) of subsection (3) of section 960.03,
2 Florida Statutes, is reenacted to read:

3 960.03 Definitions; ss. 960.01-960.28.--As used in ss.
4 960.01-960.28, unless the context otherwise requires, the
5 term:

6 (3) "Crime" means:

7 (b) A violation of s. 316.193, s. 316.027(1), s.
8 327.35(1), s. 782.071(1)(b), or s. 860.13(1)(a) which results
9 in physical injury or death; however, no other act involving
10 the operation of a motor vehicle, boat, or aircraft which
11 results in injury or death shall constitute a crime for the
12 purpose of this chapter unless the injury or death was
13 intentionally inflicted through the use of such vehicle, boat,
14 or aircraft or unless such vehicle, boat, or aircraft is an
15 implement of a crime to which this act applies.

16 Section 10. This act shall take effect October 1,
17 2005, and shall apply to offenses committed on or after that
18 date.

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