

1 A bill to be entitled
2 An act relating to homicide of an unborn quick child;
3 amending s. 316.193, F.S.; including the death of an
4 unborn quick child under DUI manslaughter; amending s.
5 782.071, F.S.; making the killing of an unborn quick child
6 rather than the killing of a viable fetus a "vehicular
7 homicide"; deleting a provision describing the viability
8 of a fetus; amending s. 782.09, F.S.; defining the term
9 "unborn quick child"; providing that killing an unborn
10 quick child by injury to the mother that would be murder
11 in any degree if it resulted in the death of the mother is
12 murder in the same degree; providing penalties; providing
13 that the unlawful killing of an unborn quick child by
14 injury to the mother that would be manslaughter if it
15 resulted in the death of the mother is manslaughter;
16 providing penalties; providing that the death of the
17 mother does not bar prosecution under specified
18 circumstances; providing that the section does not
19 authorize prosecution of a person in connection with a
20 termination of pregnancy; amending ss. 435.03 and 435.04,
21 F.S., to conform language to changes made by s. 782.09,
22 F.S., and reenacting ss. 435.03(2)(f) and 435.04(2)(f),
23 F.S., relating to Level 1 and Level 2 screening standards,
24 respectively, to incorporate the amendment to s. 782.071,
25 F.S., in references thereto; amending s. 921.0022, F.S.,
26 relating to the Criminal Punishment Code offense severity
27 ranking chart, to conform provisions to changes made by
28 the act, and reenacting paragraphs (3)(h) and (i), to

29 incorporate the amendments to ss. 316.193 and 782.071,
 30 F.S., in references thereto; reenacting s. 316.656(3),
 31 F.S., relating to mandatory adjudication, to incorporate
 32 the amendment to s. 316.193, F.S., in a reference thereto;
 33 reenacting s. 947.146(3)(j), F.S., relating to the Control
 34 Release Authority, to incorporate the amendment to s.
 35 316.193, F.S., in a reference thereto; reenacting s.
 36 960.03(3)(b), F.S., relating to the definition of "crime"
 37 under the Florida Crimes Compensation Act, to incorporate
 38 the amendment to s. 782.071, F.S., in a reference thereto;
 39 providing an effective date.

40

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

42

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

45 316.193 Driving under the influence; penalties.--

46 (3) Any person:

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

48 (b) Who operates a vehicle; and

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

50 contributes to causing:

51 1. Damage to the property or person of another commits a
 52 misdemeanor of the first degree, punishable as provided in s.
 53 775.082 or s. 775.083.

54 2. Serious bodily injury to another, as defined in s.
 55 316.1933, commits a felony of the third degree, punishable as
 56 provided in s. 775.082, s. 775.083, or s. 775.084.

57 3. The death of any human being or unborn quick child as
 58 defined in s. 782.09 commits DUI manslaughter, and commits:

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

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

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

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

67 Section 2. Section 782.071, Florida Statutes, is amended
 68 to read:

69 782.071 Vehicular homicide.--"Vehicular homicide" is the
 70 killing of a human being, or the killing of an unborn quick
 71 child as defined in s. 782.09 ~~a viable fetus~~ by any injury to
 72 the mother, caused by the operation of a motor vehicle by
 73 another in a reckless manner likely to cause the death of, or
 74 great bodily harm to, another.

75 (1) Vehicular homicide is:

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

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

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

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

84

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

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

90 (2)~~(3)~~ A right of action for civil damages shall exist
 91 under s. 768.19, under all circumstances, for all deaths
 92 described in this section.

93 (3)~~(4)~~ In addition to any other punishment, the court may
 94 order the person to serve 120 community service hours in a
 95 trauma center or hospital that regularly receives victims of
 96 vehicle accidents, under the supervision of a registered nurse,
 97 an emergency room physician, or an emergency medical technician
 98 pursuant to a voluntary community service program operated by
 99 the trauma center or hospital.

100 Section 3. Section 782.09, Florida Statutes, is amended to
 101 read:

102 782.09 Killing of unborn quick child by injury to
 103 mother.--

104 (1) The term "unborn quick child" means the unborn child
 105 of a pregnant woman that has developed to the point of maturity
 106 at which its movements can be felt in its mother, or at which
 107 the unborn child becomes capable of meaningful life outside the
 108 womb through standard medical measures.

109 (2) The unlawful willful killing of an unborn quick child,
 110 by any injury to the mother of such child which would be murder
 111 if it resulted in the death of such mother, shall be deemed
 112 murder in the same degree as that which would have been

113 committed against the mother. A person who unlawfully kills an
 114 unborn quick child by any injury to the mother:

115 (a) Which would be murder in the first degree constituting
 116 a capital felony if it resulted in the mother's death commits
 117 murder in the first degree constituting a capital felony,
 118 punishable as provided in s. 775.082.

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

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

127 (3) The unlawful killing of an unborn quick child by any
 128 injury to the mother of such child which would be manslaughter
 129 if it resulted in the death of such mother shall be deemed
 130 manslaughter. A person who unlawfully kills an unborn quick
 131 child by any injury to the mother which would be manslaughter if
 132 it resulted in the mother's death commits manslaughter, a felony
 133 of the second degree, punishable as provided in s. 775.082, s.
 134 775.083, or s. 775.084.

135 (4) The death of the mother resulting from the same act or
 136 criminal episode that caused the death of the unborn quick child
 137 shall not bar prosecution under this section.

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

141 Section 4. Paragraph (f) of subsection (2) of section
 142 435.03, Florida Statutes, is reenacted, and paragraph (g) of
 143 said subsection is amended, to read:

144 435.03 Level 1 screening standards.--

145 (2) Any person for whom employment screening is required
 146 by statute must not have been found guilty of, regardless of
 147 adjudication, or entered a plea of nolo contendere or guilty to,
 148 any offense prohibited under any of the following provisions of
 149 the Florida Statutes or under any similar statute of another
 150 jurisdiction:

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

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

154 Section 5. Paragraph (f) of subsection (2) of section
 155 435.04, Florida Statutes, is reenacted, and paragraph (g) of
 156 said subsection is amended, to read:

157 435.04 Level 2 screening standards.--

158 (2) The security background investigations under this
 159 section must ensure that no persons subject to the provisions of
 160 this section have been found guilty of, regardless of
 161 adjudication, or entered a plea of nolo contendere or guilty to,
 162 any offense prohibited under any of the following provisions of
 163 the Florida Statutes or under any similar statute of another
 164 jurisdiction:

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

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

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168 Section 6. Paragraphs (h) and (i) of subsection (3) of
 169 section 921.0022, Florida Statutes, are reenacted, and paragraph
 170 (g) of said subsection is amended, to read:

171 921.0022 Criminal Punishment Code; offense severity
 172 ranking chart.--

173 (3) OFFENSE SEVERITY RANKING CHART

174

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing

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180	327.35(3)(c)2.	3rd	<p>or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.</p>
181	402.319(2)	2nd	<p>Vessel BUI resulting in serious bodily injury.</p>
182	409.920(2)	3rd	<p>Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.</p>
183	456.065(2)	3rd	<p>Medicaid provider fraud.</p>
			<p>Practicing a health care profession</p>

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184	456.065(2)	2nd	without a license. Practicing a health care profession without a license which results in serious bodily injury.
185	458.327(1)	3rd	Practicing medicine without a license.
186	459.013(1)	3rd	Practicing osteopathic medicine without a license.
187	460.411(1)	3rd	Practicing chiropractic medicine without a license.
188	461.012(1)	3rd	Practicing podiatric medicine without a license.
189	462.17	3rd	Practicing naturopathy without a license.

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190	463.015(1)	3rd	Practicing optometry without a license.
191	464.016(1)	3rd	Practicing nursing without a license.
192	465.015(2)	3rd	Practicing pharmacy without a license.
193	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
194	467.201	3rd	Practicing midwifery without a license.
195	468.366	3rd	Delivering respiratory care services without a license.
196	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
197	483.901(9)	3rd	Practicing medical

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198	484.013(1)(c)	3rd	physics without a license.
199	484.053	3rd	Preparing or dispensing optical devices without a prescription.
200	494.0018(2)	1st	Dispensing hearing aids without a license. 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.
201	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.

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202	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
203	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
204	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
205	782.07(1)	2nd	Killing of a human being by the act, procurement, or

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782.071(1)

2nd

culpable negligence
of another
(manslaughter).

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

207

782.072

2nd

Killing of a human
being by the
operation of a
vessel in a reckless
manner (vessel
homicide).

208

784.045(1)(a)1.

2nd

Aggravated battery;
intentionally
causing great bodily
harm or
disfigurement.

209

784.045(1)(a)2.

2nd

Aggravated battery;

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			using deadly weapon.
210	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
211	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
212	784.048(7)	3rd	Aggravated stalking; violation of court order.
213	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
214	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
215	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
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217	784.081(1)	1st	Aggravated battery on specified official or employee.
218	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
219	784.083(1)	1st	Aggravated battery on code inspector.
220	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
221	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
222	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.

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223	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
224	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
225	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
226	796.03	2nd	Procuring any person under 16 years for prostitution.
226	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim

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227	800.04(5)(c)2.	2nd	less than 12 years of age; offender less than 18 years.
228	806.01(2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
229	810.02(3)(a)	2nd	Maliciously damage structure by fire or explosive.
230	810.02(3)(b)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
231	810.02(3)(d)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
			Burglary of occupied conveyance; unarmed; no assault or

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232	812.014(2)(a)1.	1st	battery.
233	812.014(2)(b)2.	2nd	Property stolen, valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
234	812.014(2)(b)3.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
235	812.0145(2)(a)	1st	Property stolen, emergency medical equipment; 2nd degree grand theft.
236	812.019(2)	1st	Theft from person 65 years of age or older; \$50,000 or more.
			Stolen property; initiates, organizes, plans,

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237	812.131(2)(a)	2nd	etc., the theft of property and traffics in stolen property.
238	812.133(2)(b)	1st	Robbery by sudden snatching.
239	817.234(8)(a)	2nd	Carjacking; no firearm, deadly weapon, or other weapon.
240	817.234(9)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
241	817.234(11)(c)	1st	Organizing, planning, or participating in an intentional motor vehicle collision.
			Insurance fraud; property value \$100,000 or more.

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817.2341(2)(b) & 1st
(3)(b)

Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

243

825.102(3)(b) 2nd

Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

244

825.103(2)(b) 2nd

Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

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246	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
247	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
248	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
249	838.015	2nd	Bribery.
250	838.016	2nd	Unlawful compensation or reward for official behavior.
251	838.021(3)(a)	2nd	Unlawful harm to a public servant.
	838.22	2nd	Bid tampering.

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252

872.06 2nd Abuse of a dead
human body.

253

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.

254

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

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255	893.13(4)(a)	1st	(2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
256	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).
257	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
258	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
258	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

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893.135(1)(d)1. 1st Trafficking in
phencyclidine, more
than 28 grams, less
than 200 grams.

260

893.135(1)(e)1. 1st Trafficking in
methaqualone, more
than 200 grams, less
than 5 kilograms.

261

893.135(1)(f)1. 1st Trafficking in
amphetamine, more
than 14 grams, less
than 28 grams.

262

893.135(1)(g)1.a. 1st Trafficking in
flunitrazepam, 4
grams or more, less
than 14 grams.

263

893.135(1)(h)1.a. 1st Trafficking in
gamma-hydroxybutyric
acid (GHB), 1
kilogram or more,
less than 5
kilograms.

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265	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
266	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
267	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
268	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000. (h) LEVEL 8

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269	316.193(3)(c)3.a.	2nd	DUI manslaughter.
270	316.1935(4)(b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
271	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
272	499.0051(7)	1st	Forgery of prescription or legend drug labels.
273	499.0052	1st	Trafficking in contraband legend drugs.
274	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.
275	560.125(5)(b)	2nd	Money transmitter

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276	655.50(10)(b)2.	2nd	<p>business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.</p>
277	777.03(2)(a)	1st	<p>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</p>
278	782.04(4)	2nd	<p>Accessory after the fact, capital felony.</p> <p>Killing of human without design when engaged in act or attempt of any felony other than arson, sexual</p>

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279	782.051(2)	1st	battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
280	782.071(1)(b)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
281	782.072(2)	1st	Committing vehicular homicide and failing to render aid or give information.
282	790.161(3)	1st	Committing vessel homicide and failing to render aid or give information.
	790.161(3)	1st	Discharging a destructive device which results in

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283	794.011(5)	2nd	bodily harm or property damage.
			Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
284	800.04(4)	2nd	Lewd or lascivious battery.
285	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
286	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
287	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
288	810.02(2)(c)	1st	Burglary of a

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289	812.014(2)(a)2.	1st	dwelling or structure causing structural damage or \$1,000 or more property damage.
290	812.13(2)(b)	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
291	812.135(2)(c)	1st	Robbery with a weapon. Home-invasion robbery, no firearm, deadly weapon, or other weapon.
292	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
293	825.102(2)	2nd	Aggravated abuse of

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294	825.1025(2)	2nd	an elderly person or disabled adult.
295	825.103(2)(a)	1st	Lewd or lascivious battery upon an elderly person or disabled adult.
296	837.02(2)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
297	837.021(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
298	860.121(2)(c)	1st	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
			Shooting at or throwing any object

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299	860.16	1st	in path of railroad vehicle resulting in great bodily harm.
300	893.13(1)(b)	1st	Aircraft piracy. Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
301	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
302	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
303	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

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304	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
305	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
306	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
307	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
308	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
309	893.135(1)(g)1.b.	1st	Trafficking in

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310	893.135(1)(h)1.b.	1st	flunitrazepam, 14 grams or more, less than 28 grams.
311	893.135(1)(j)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
312	893.135(1)(k)2.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
313	895.03(1)	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
314			Use or invest proceeds derived from pattern of racketeering activity.

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315	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
316	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
317	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
317	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements,

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318			financial transactions totaling or exceeding \$20,000 but less than \$100,000.
			(i) LEVEL 9
319	316.193(3)(c)3.b.	1st	DUI manslaughter; failing to render aid or give information.
320	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to render aid or give information.
321	499.0053	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
322	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding

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323	560.125(5)(c)	1st	\$100,000 by money transmitter.
324	655.50(10)(b)3.	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
325	775.0844	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
326	782.04(1)	1st	Aggravated white collar crime.
327	782.04(3)	1st,PBL	Attempt, conspire, or solicit to commit premeditated murder.
			Accomplice to murder in connection with

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328	782.051(1)	1st	<p>arson, sexual battery, robbery, burglary, and other specified felonies.</p> <p>Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).</p>
329	782.07(2)	1st	<p>Aggravated manslaughter of an elderly person or disabled adult.</p>
330	787.01(1)(a)1.	1st,PBL	<p>Kidnapping; hold for ransom or reward or as a shield or hostage.</p>
331	787.01(1)(a)2.	1st,PBL	<p>Kidnapping with intent to commit or facilitate commission of any felony.</p>

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787.01(1)(a)4. 1st,PBL Kidnapping with
intent to interfere
with performance of
any governmental or
political function.

333

787.02(3)(a) 1st False imprisonment;
child under age 13;
perpetrator also
commits aggravated
child abuse, sexual
battery, or lewd or
lascivious battery,
molestation,
conduct, or
exhibition.

334

790.161 1st Attempted capital
destructive device
offense.

335

790.166(2) 1st,PBL Possessing, selling,
using, or attempting
to use a weapon of
mass destruction.

336

794.011(2) 1st Attempted sexual

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337	794.011(2)	Life	battery; victim less than 12 years of age.
338	794.011(4)	1st	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
339	794.011(8)(b)	1st	Sexual battery; victim 12 years or older, certain circumstances.
340	800.04(5)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
			Lewd or lascivious molestation; victim less than 12 years; offender 18 years or

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341	812.13(2)(a)	1st,PBL	older. Robbery with firearm or other deadly weapon.
342	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
343	812.135(2)(b)	1st	Home-invasion robbery with weapon.
344	817.568(7)	2nd,PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
345	827.03(2)	1st	Aggravated child abuse.
346	847.0145(1)	1st	Selling, or

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347	847.0145(2)	1st	<p>otherwise transferring custody or control, of a minor.</p>
348	859.01	1st	<p>Purchasing, or otherwise obtaining custody or control, of a minor.</p>
349	893.135	1st	<p>Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.</p>
350	893.135(1)(a)3.	1st	<p>Attempted capital trafficking offense.</p> <p>Trafficking in cannabis, more than 10,000 lbs.</p>

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351	893.135(1)(b)1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
352	893.135(1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
353	893.135(1)(d)1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
354	893.135(1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
355	893.135(1)(f)1.c.	1st	Trafficking in amphetamine, more than 200 grams.
356	893.135(1)(h)1.c.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.
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893.135(1)(j)1.c. 1st Trafficking in 1,4-
Butanediol, 10
kilograms or more.

359

893.135(1)(k)2.c. 1st Trafficking in
Phenethylamines, 400
grams or more.

360

896.101(5)(c) 1st Money laundering,
financial
instruments totaling
or exceeding
\$100,000.

361

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

366 316.656 Mandatory adjudication; prohibition against
 367 accepting plea to lesser included offense.--

368 (1) Notwithstanding the provisions of s. 948.01, no court
 369 may suspend, defer, or withhold adjudication of guilt or
 370 imposition of sentence for any violation of s. 316.193, for
 371 manslaughter resulting from the operation of a motor vehicle, or
 372 for vehicular homicide.

373 Section 8. For the purpose of incorporating the amendment
 374 to section 316.193, Florida Statutes, in a reference thereto,
 375 paragraph (j) of subsection (3) of section 947.146, Florida
 376 Statutes, is reenacted to read:

377 947.146 Control Release Authority.--

378 (3) Within 120 days prior to the date the state
 379 correctional system is projected pursuant to s. 216.136 to
 380 exceed 99 percent of total capacity, the authority shall
 381 determine eligibility for and establish a control release date
 382 for an appropriate number of parole ineligible inmates committed
 383 to the department and incarcerated within the state who have
 384 been determined by the authority to be eligible for
 385 discretionary early release pursuant to this section. In
 386 establishing control release dates, it is the intent of the
 387 Legislature that the authority prioritize consideration of
 388 eligible inmates closest to their tentative release date. The
 389 authority shall rely upon commitment data on the offender
 390 information system maintained by the department to initially
 391 identify inmates who are to be reviewed for control release
 392 consideration. The authority may use a method of objective risk
 393 assessment in determining if an eligible inmate should be

394 released. Such assessment shall be a part of the department's
 395 management information system. However, the authority shall have
 396 sole responsibility for determining control release eligibility,
 397 establishing a control release date, and effectuating the
 398 release of a sufficient number of inmates to maintain the inmate
 399 population between 99 percent and 100 percent of total capacity.
 400 Inmates who are ineligible for control release are inmates who
 401 are parole eligible or inmates who:

402 (j) Are convicted, or have been previously convicted, of
 403 DUI manslaughter under s. 316.193(3)(c)3., and are sentenced, or
 404 have been sentenced at any time, as a habitual offender for such
 405 offense, or have been sentenced at any time in another
 406 jurisdiction as a habitual offender for such offense;

407
 408 In making control release eligibility determinations under this
 409 subsection, the authority may rely on any document leading to or
 410 generated during the course of the criminal proceedings,
 411 including, but not limited to, any presentence or postsentence
 412 investigation or any information contained in arrest reports
 413 relating to circumstances of the offense.

414 Section 9. For the purpose of incorporating the amendment
 415 to section 782.071, Florida Statutes, in a reference thereto,
 416 paragraph (b) of subsection (3) of section 960.03, Florida
 417 Statutes, is reenacted to read:

418 960.03 Definitions; ss. 960.01-960.28.--As used in ss.
 419 960.01-960.28, unless the context otherwise requires, the term:

420 (3) "Crime" means:

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421 (b) A violation of s. 316.193, s. 316.027(1), s.
422 327.35(1), s. 782.071(1)(b), or s. 860.13(1)(a) which results in
423 physical injury or death; however, no other act involving the
424 operation of a motor vehicle, boat, or aircraft which results in
425 injury or death shall constitute a crime for the purpose of this
426 chapter unless the injury or death was intentionally inflicted
427 through the use of such vehicle, boat, or aircraft or unless
428 such vehicle, boat, or aircraft is an implement of a crime to
429 which this act applies.

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