

ENROLLED
CS/HB 1441

2007 Legislature

1 A bill to be entitled
2 An act relating to female genital mutilation; creating s.
3 794.08, F.S.; defining the term "female genital
4 mutilation"; providing that a person who commits female
5 genital mutilation upon a female younger than 18 years of
6 age commits a felony of the first degree; providing that a
7 person who removes, or causes or permits the removal of, a
8 female younger than 18 years of age from this state for
9 the purpose of committing female genital mutilation
10 commits a felony of the second degree; providing that a
11 parent or guardian who consents to the female genital
12 mutilation of his or her female child who is younger than
13 18 years of age commits a felony of the third degree;
14 providing that the act does not apply with respect to
15 certain medical procedures that are conducted by health
16 professionals to preserve the health of the female;
17 providing that consent is not a defense to the offense of
18 female genital mutilation; amending s. 921.0022, F.S.;
19 creating felony classifications in the offense severity
20 ranking chart of the Criminal Punishment Code for
21 specified violations; providing an effective date.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 794.08, Florida Statutes, is created to
26 read:

27 794.08 Female genital mutilation.--
28 (1) As used in this section, the term "female genital

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29 mutilation" means the circumcising, excising, or infibulating,
 30 in whole or in part, the labia majora, labia minora, or clitoris
 31 of a female person.

32 (2) A person who knowingly commits, or attempts to commit,
 33 female genital mutilation upon a female person younger than 18
 34 years of age commits a felony of the first degree, punishable as
 35 provided in s. 775.082, s. 775.083, or s. 775.084.

36 (3) A person who knowingly removes, or causes or permits
 37 the removal of, a female person younger than 18 years of age
 38 from this state for purposes of committing female genital
 39 mutilation commits a felony of the second degree, punishable as
 40 provided in s. 775.082, s. 775.083, or s. 775.084.

41 (4) A person who is a parent, a guardian, or in a position
 42 of familial or custodial authority to a female person younger
 43 than 18 years of age and who knowingly consents to or permits
 44 the female genital mutilation of that female person commits a
 45 felony of the third degree, punishable as provided in s.
 46 775.082, s. 775.083, or s. 775.084.

47 (5) This section does not apply to procedures performed by
 48 or under the direction of a physician licensed under chapter
 49 458, an osteopathic physician licensed under chapter 459, a
 50 registered nurse licensed under part I of chapter 464, a
 51 practical nurse licensed under part I of chapter 464, an
 52 advanced registered nurse practitioner licensed under part I of
 53 chapter 464, a midwife licensed under chapter 467, or a
 54 physician assistant licensed under chapter 458 or chapter 459
 55 when necessary to preserve the physical health of a female
 56 person. This section also does not apply to any autopsy or

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57 limited dissection conducted pursuant to chapter 406.

58 (6) Consent of a female person younger than 18 years of
 59 age or the consent of a parent, guardian, or person who is in a
 60 position of familial or custodial authority to the female person
 61 younger than 18 years of age is not a defense to the offense of
 62 female genital mutilation.

63 Section 2. Paragraphs (g), (h), and (i) of subsection (3)
 64 of section 921.0022, Florida Statutes, are amended to read:

65 921.0022 Criminal Punishment Code; offense severity
 66 ranking chart.--

67 (3) OFFENSE SEVERITY RANKING CHART

Florida Statute	Felony Degree	Description
		(g) LEVEL 7
316.027(1)(b)	1st	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 or attempting to elude law enforcement officer who is in a patrol vehicle with siren

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			and lights activated.
72	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
73	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
74	409.920 (2)	3rd	Medicaid provider fraud.
75	456.065 (2)	3rd	Practicing a health care profession without a license.
76	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
77	458.327 (1)	3rd	Practicing medicine without a license.
78	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
79	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
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81	461.012 (1)	3rd	Practicing podiatric medicine without a license.
82	462.17	3rd	Practicing naturopathy without a license.
83	463.015 (1)	3rd	Practicing optometry without a license.
84	464.016 (1)	3rd	Practicing nursing without a license.
85	465.015 (2)	3rd	Practicing pharmacy without a license.
86	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
87	467.201	3rd	Practicing midwifery without a license.
88	468.366	3rd	Delivering respiratory care services without a license.
89	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
90	483.901 (9)	3rd	Practicing medical physics without a license.

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91	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
92	484.053	3rd	Dispensing hearing aids without a license.
93	494.0018 (2)	1st	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.
94	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
95	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
96	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
	775.21 (10) (a)	3rd	Sexual predator; failure to

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register; failure to renew
driver's license or
identification card; other
registration violations.

97 775.21(10)(b) 3rd Sexual predator working where
children regularly congregate.

98 775.21(10)(g) 3rd Failure to report or providing
false information about a sexual
predator; harbor or conceal a
sexual predator.

99 782.051(3) 2nd Attempted felony murder of a
person by a person other than
the perpetrator or the
perpetrator of an attempted
felony.

100 782.07(1) 2nd Killing of a human being by the
act, procurement, or culpable
negligence of another
(manslaughter).

101 782.071 2nd Killing of human being or viable
fetus by the operation of a
motor vehicle in a reckless
manner (vehicular homicide).

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	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
103	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
104	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
105	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
106	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
107	784.048 (7)	3rd	Aggravated stalking; violation of court order.
108	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
109	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
110	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.

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111	784.081 (1)	1st	Aggravated battery on specified official or employee.
112	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
113	784.083 (1)	1st	Aggravated battery on code inspector.
114	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
115	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
116	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
117	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
118	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

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119	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
120	<u>794.08 (4)</u>	<u>3rd</u>	<u>Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.</u>
121	796.03	2nd	Procuring any person under 16 years for prostitution.
122	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
123	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
124	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
125	810.02 (3) (a)	2nd	Burglary of occupied dwelling;

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			unarmed; no assault or battery.
126	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
127	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
128	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
129	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
130	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
131	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
132	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics

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			in stolen property.
133	812.131 (2) (a)	2nd	Robbery by sudden snatching.
134	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
135	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
136	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
137	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
138	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
139	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

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140	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.
141	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
142	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
143	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
144	838.015	2nd	Bribery.
145	838.016	2nd	Unlawful compensation or reward for official behavior.
146	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
147	838.22	2nd	Bid tampering.
148	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an

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unlawful sex act.

149

872.06 2nd Abuse of a dead human body.

150

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.

151

893.13 (1) (e) 1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4., within 1,000 feet of property used for religious services or a specified business site.

152

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).

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154	893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
155	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
156	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
157	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
158	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
159	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
160	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1

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			kilogram or more, less than 5 kilograms.
161	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
162	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
163	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
164	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
165	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
166	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with

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			reporting requirements.
167	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
168	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
169	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
170	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
171	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
172	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
173	944.607(13)	3rd	Sexual offender; failure to

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\$100,000.

182	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
183	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
184	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.
185	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
186	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
187	782.072 (2)	1st	Committing vessel homicide and

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			failing to render aid or give information.
188	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
189	<u>794.08 (3)</u>	<u>2nd</u>	<u>Female genital mutilation; removal of a victim younger than 18 years of age from this state.</u>
190	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
191	800.04 (4)	2nd	Lewd or lascivious battery.
192	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
193	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
194	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
195	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural

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			damage or \$1,000 or more property damage.
196	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
197	812.13 (2) (b)	1st	Robbery with a weapon.
198	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
199	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
200	825.102 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
201	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
202	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
203	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a

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			capital felony.
204	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
205	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
206	860.16	1st	Aircraft piracy.
207	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
208	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
209	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
210	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
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212	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
213	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
214	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
215	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
216	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
217	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
218	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
	893.135	1st	Trafficking in 1,4-Butanediol, 5

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219	(1) (j) 1.b.		kilograms or more, less than 10 kilograms.
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.b.		200 grams or more, less than 400 grams.
220	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
221	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
222	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
223	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
224	896.104 (4) (a) 2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or

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

225

(i) LEVEL 9

226

316.193 1st
(3) (c) 3.b.

DUI manslaughter; failing to
render aid or give information.

227

327.35 (3) (c) 3.b. 1st

BUI manslaughter; failing to
render aid or give information.

228

499.00535 1st

Sale or purchase of contraband
legend drugs resulting in great
bodily harm.

229

560.123 (8) (b) 3. 1st

Failure to report currency or
payment instruments totaling or
exceeding \$100,000 by money
transmitter.

230

560.125 (5) (c) 1st

Money transmitter business by
unauthorized person, currency,
or payment instruments totaling
or exceeding \$100,000.

231

655.50 (10) (b) 3. 1st

Failure to report financial
transactions totaling or
exceeding \$100,000 by financial
institution.

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233	775.0844	1st	Aggravated white collar crime.
234	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
235	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
236	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).
237	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
238	787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
239	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political

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			function.
240	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.
241	790.161	1st	Attempted capital destructive device offense.
242	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
243	<u>794.08 (2)</u>	<u>1st</u>	<u>Female genital mutilation; victim younger than 18 years of age.</u>
244	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
245	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
246	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.

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247	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
248	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
249	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
250	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
251	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
252	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.
253	827.03 (2)	1st	Aggravated child abuse.
254	847.0145 (1)	1st	Selling, or otherwise transferring custody or control,

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of a minor.

255 847.0145 (2) 1st Purchasing, or otherwise
obtaining custody or control, of
a minor.

256 859.01 1st Poisoning or introducing
bacteria, radioactive materials,
viruses, or chemical compounds
into food, drink, medicine, or
water with intent to kill or
injure another person.

257 893.135 1st Attempted capital trafficking
offense.

258 893.135 (1) (a) 3. 1st Trafficking in cannabis, more
than 10,000 lbs.

259 893.135 1st Trafficking in cocaine, more
(1) (b) 1.c. than 400 grams, less than 150
kilograms.

260 893.135 1st Trafficking in illegal drugs,
(1) (c) 1.c. more than 28 grams, less than 30
kilograms.

261 893.135 1st Trafficking in phencyclidine,
(1) (d) 1.c. more than 400 grams.

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263	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
264	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
265	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
266	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
267	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
268	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
269	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
270	Section 3. This act shall take effect October 1, 2007.		