

ENROLLED
CS/HB 173

2008 Legislature

1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 893.02, F.S.; defining the term "cultivating" for
4 specified purposes; amending s. 893.1351, F.S.;
5 prohibiting a person from owning or actually or
6 constructively possessing a place, structure, trailer, or
7 other described place with knowledge that the place will
8 be used to manufacture, sell, or traffic in a controlled
9 substance; providing that possession of a specified number
10 or more of cannabis plants constitutes prima facie
11 evidence of intent to sell or distribute; providing that a
12 person with actual or constructive possession of a place,
13 structure, trailer, or conveyance being used to
14 manufacture a controlled substance for sale and
15 distribution commits a felony of the first degree if a
16 minor is present or resides in the place, structure,
17 trailer, or conveyance; providing criminal penalties;
18 amending s. 893.10, F.S.; providing that equipment used in
19 the manufacture of controlled substances may be
20 photographed or video recorded and the photograph or video
21 recording used as evidence for later use at trial;
22 providing for the destruction of the equipment; amending
23 s. 921.0022, F.S.; ranking specified offenses in the
24 offense severity ranking chart of the Criminal Punishment
25 Code; amending ss. 465.016, 465.023, and 893.135, F.S.;
26 conforming cross-references; providing an effective date.

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

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29
30 Section 1. Subsections (5) through (21) of section 893.02,
31 Florida Statutes, are renumbered as subsections (6) through
32 (22), respectively, and a new subsection (5) is added to that
33 section to read:

34 893.02 Definitions.--The following words and phrases as
35 used in this chapter shall have the following meanings, unless
36 the context otherwise requires:

37 (5) "Cultivating" means the preparation of any soil or
38 hydroponic medium for the planting of a controlled substance or
39 the tending and care or harvesting of a controlled substance.

40 Section 2. Section 893.1351, Florida Statutes, is amended
41 to read:

42 893.1351 Ownership, lease, rental, or possession ~~or rent~~
43 ~~for the purpose of~~ trafficking in or manufacturing a controlled
44 substance.--

45 (1) A person may not own, lease, or rent any place,
46 structure, or part thereof, trailer, or other conveyance, with
47 the knowledge that the such place, structure, trailer, or
48 conveyance will be used for the purpose of trafficking in a
49 controlled substance, as provided in s. 893.135; ~~for, or~~ the
50 sale of a controlled substance, as provided in s. 893.13; or for
51 the manufacture of a controlled substance intended for sale or
52 distribution to another. A person who violates this subsection
53 commits a felony of the third degree, punishable as provided in
54 s. 775.082, s. 775.083, or s. 775.084.

55 (2) A person may not knowingly be in actual or
56 constructive possession of any place, structure, or part

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57 thereof, trailer, or other conveyance with the knowledge that
 58 the place, structure, or part thereof, trailer, or conveyance
 59 will be used for the purpose of trafficking in a controlled
 60 substance, as provided in s. 893.135; for the sale of a
 61 controlled substance, as provided in s. 893.13; or for the
 62 manufacture of a controlled substance intended for sale or
 63 distribution to another. A person who violates this subsection
 64 commits a felony of the second degree, punishable as provided in
 65 s. 775.082, s. 775.083, or s. 775.084.

66 (3) A person who is in actual or constructive possession
 67 of a place, structure, trailer, or conveyance with the knowledge
 68 that the place, structure, trailer, or conveyance is being used
 69 to manufacture a controlled substance intended for sale or
 70 distribution to another and who knew or should have known that a
 71 minor is present or resides in the place, structure, trailer, or
 72 conveyance commits a felony of the first degree, punishable as
 73 provided in s. 775.082, s. 775.083, or s. 775.084.

74 (4) For the purposes of this section, proof of the
 75 possession of 25 or more cannabis plants constitutes prima facie
 76 evidence that the cannabis is intended for sale or distribution.

77 ~~(2) A person who violates subsection (1) is guilty of a~~
 78 ~~felony of the third degree, punishable as provided in s.~~
 79 ~~775.082, s. 775.083, or s. 775.084.~~

80 Section 3. Section 893.10, Florida Statutes, is amended to
 81 read:

82 893.10 Burden of proof; photograph or video recording of
 83 evidence.--

84 (1) It is ~~shall~~ not be necessary for the state to negative

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85 any exemption or exception set forth in this chapter in any
86 indictment, information, or other pleading or in any trial,
87 hearing, or other proceeding under this chapter, and the burden
88 of going forward with the evidence with respect to any ~~such~~
89 exemption or exception is ~~shall be~~ upon the person claiming its
90 benefit.

91 (2) In the case of a person charged under s. 893.14(1)
92 with the possession of a controlled substance, the label
93 required under s. 893.04(1) or s. 893.05(2) is ~~shall be~~
94 admissible in evidence and ~~shall be~~ prima facie evidence that
95 such substance was obtained pursuant to a valid prescription
96 form or dispensed by a practitioner while acting in the course
97 of his or her professional practice.

98 (3) In the prosecution of an offense involving the
99 manufacture of a controlled substance, a photograph or video
100 recording of the manufacturing equipment used in committing the
101 offense, including, but not limited to, grow lights, growing
102 trays, and chemical fertilizers, may be introduced as competent
103 evidence of the existence and use of the equipment and is
104 admissible in the prosecution of the offense to the same extent
105 as if the property were introduced as evidence.

106 (4) After a law enforcement agency documents the
107 manufacturing equipment by photography or video recording, the
108 manufacturing equipment may be destroyed on site and left in
109 disrepair. The law enforcement agency destroying the equipment
110 is immune from civil liability for the destruction of the
111 equipment. The destruction of the equipment must be recorded by
112 the supervising law enforcement officer in the manner described

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113 in s. 893.12(1)(a) and records must be maintained for 24 months.

114 Section 4. Paragraphs (e), (g), and (h) of subsection (3)
115 of section 921.0022, Florida Statutes, are amended to read:

116 921.0022 Criminal Punishment Code; offense severity
117 ranking chart.--

118 (3) OFFENSE SEVERITY RANKING CHART

119 (e) LEVEL 5

120

Florida Statute	Felony Degree	Description
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.

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127	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
128	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
129	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
130	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
131	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
132	790.01 (2)	3rd	Carrying a concealed firearm.
133	790.162	2nd	Threat to throw or discharge destructive device.
	790.163 (1)	2nd	False report of deadly explosive

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134			or weapon of mass destruction.
	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
135			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
136			
	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
137			
	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
138			
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
139			
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
140			
	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
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142	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
143	812.131 (2) (b)	3rd	Robbery by sudden snatching.
144	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
145	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
146	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
147	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more

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			or use of personal identification information of 10 or more individuals.
148	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
149	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
150	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
151	827.071 (5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
152	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
153			

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154	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
155	847.0137(2)&(3)	3rd	Transmission of pornography by electronic device or equipment.
156	847.0138(2)&(3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
157	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
158	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000

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feet of a child care facility,
school, or state, county, or
municipal park or publicly owned
recreational facility or
community center.

159

893.13 (1) (d) 1. 1st Sell, manufacture, or deliver
cocaine (or other s.
893.03 (1) (a), (1) (b), (1) (d),
(2) (a), (2) (b), or (2) (c) 4.
drugs) within 1,000 feet of
university.

160

893.13 (1) (e) 2. 2nd Sell, manufacture, or deliver
cannabis or other drug prohibited
under s. 893.03 (1) (c), (2) (c) 1.,
(2) (c) 2., (2) (c) 3., (2) (c) 5.,
(2) (c) 6., (2) (c) 7., (2) (c) 8.,
(2) (c) 9., (3), or (4) within
1,000 feet of property used for
religious services or a specified
business site.

161

893.13 (1) (f) 1. 1st Sell, manufacture, or deliver
cocaine (or other s.
893.03 (1) (a), (1) (b), (1) (d), or
(2) (a), (2) (b), or (2) (c) 4.

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162			drugs) within 1,000 feet of public housing facility.
	893.13 (4) (b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
163	<u>893.1351(1)</u>	<u>3rd</u>	<u>Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.</u>
164			
165	(g) LEVEL 7		
166			
	Florida Statute	Felony Degree	Description
167	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
168	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
169	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton

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disregard for safety while fleeing
or attempting to elude law
enforcement officer who is in a
patrol vehicle with siren and
lights activated.

170

327.35(3)(c)2. 3rd Vessel BUI resulting in serious
bodily injury.

171

402.319(2) 2nd Misrepresentation and negligence
or intentional act resulting in
great bodily harm, permanent
disfiguration, permanent
disability, or death.

172

409.920(2) 3rd Medicaid provider fraud.

173

456.065(2) 3rd Practicing a health care
profession without a license.

174

456.065(2) 2nd Practicing a health care
profession without a license which
results in serious bodily injury.

175

458.327(1) 3rd Practicing medicine without a
license.

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177	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
178	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
179	461.012 (1)	3rd	Practicing podiatric medicine without a license.
180	462.17	3rd	Practicing naturopathy without a license.
181	463.015 (1)	3rd	Practicing optometry without a license.
182	464.016 (1)	3rd	Practicing nursing without a license.
183	465.015 (2)	3rd	Practicing pharmacy without a license.
184	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
185	467.201	3rd	Practicing midwifery without a license.

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186	468.366	3rd	Delivering respiratory care services without a license.
187	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
188	483.901 (9)	3rd	Practicing medical physics without a license.
189	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
190	484.053	3rd	Dispensing hearing aids without a license.
191	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.
192	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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193	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
194	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
195	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
196	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
197	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of

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an attempted felony.

198

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

199

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

200

782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

201

784.045(1)(a)1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.

202

784.045(1)(a)2. 2nd Aggravated battery; using deadly weapon.

203

784.045(1)(b) 2nd Aggravated battery; perpetrator aware victim pregnant.

204

784.048(4) 3rd Aggravated stalking; violation of

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injunction or court order.

205

784.048 (7) 3rd Aggravated stalking; violation of court order.

206

784.07 (2) (d) 1st Aggravated battery on law enforcement officer.

207

784.074 (1) (a) 1st Aggravated battery on sexually violent predators facility staff.

208

784.08 (2) (a) 1st Aggravated battery on a person 65 years of age or older.

209

784.081 (1) 1st Aggravated battery on specified official or employee.

210

784.082 (1) 1st Aggravated battery by detained person on visitor or other detainee.

211

784.083 (1) 1st Aggravated battery on code inspector.

212

790.07 (4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

213

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214	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
215	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
216	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
217	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
218	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
219	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
	796.03	2nd	Procuring any person under 16

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years for prostitution.

220

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation;
victim less than 12 years of age;
offender less than 18 years.

221

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.

222

806.01 (2) 2nd Maliciously damage structure by
fire or explosive.

223

810.02 (3) (a) 2nd Burglary of occupied dwelling;
unarmed; no assault or battery.

224

810.02 (3) (b) 2nd Burglary of unoccupied dwelling;
unarmed; no assault or battery.

225

810.02 (3) (d) 2nd Burglary of occupied conveyance;
unarmed; no assault or battery.

226

810.02 (3) (e) 2nd Burglary of authorized emergency
vehicle.

227

812.014 (2) (a) 1. 1st Property stolen, valued at

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\$100,000 or more or a semitrailer
deployed by a law enforcement
officer; property stolen while
causing other property damage; 1st
degree grand theft.

228

812.014 (2) (b) 2. 2nd Property stolen, cargo valued at
less than \$50,000, grand theft in
2nd degree.

229

812.014 (2) (b) 3. 2nd Property stolen, emergency medical
equipment; 2nd degree grand theft.

230

812.014 (2) (b) 4. 2nd Property stolen, law enforcement
equipment from authorized
emergency vehicle.

231

812.0145 (2) (a) 1st Theft from person 65 years of age
or older; \$50,000 or more.

232

812.019 (2) 1st Stolen property; initiates,
organizes, plans, etc., the theft
of property and traffics in stolen
property.

233

812.131 (2) (a) 2nd Robbery by sudden snatching.

234

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235	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
236	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
237	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
238	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
239	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.
240	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
	825.103 (2) (b)	2nd	Exploiting an elderly person or

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

241

827.03 (3) (b) 2nd Neglect of a child causing great
bodily harm, disability, or
disfigurement.

242

827.04 (3) 3rd Impregnation of a child under 16
years of age by person 21 years of
age or older.

243

837.05 (2) 3rd Giving false information about
alleged capital felony to a law
enforcement officer.

244

838.015 2nd Bribery.

245

838.016 2nd Unlawful compensation or reward
for official behavior.

246

838.021 (3) (a) 2nd Unlawful harm to a public servant.

247

838.22 2nd Bid tampering.

248

847.0135 (3) 3rd Solicitation of a child, via a
computer service, to commit an

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unlawful sex act.

249

847.0135(4) 2nd Traveling to meet a minor to
commit an unlawful sex act.

250

872.06 2nd Abuse of a dead human body.

251

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.

252

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.

253

893.13(4)(a) 1st Deliver to minor cocaine (or other

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s. 893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)4.
drugs).

254 893.135(1)(a)1. 1st Trafficking in cannabis, more than
25 lbs., less than 2,000 lbs.

255 893.135(1)(b)1.a. 1st Trafficking in cocaine, more than
28 grams, less than 200 grams.

256 893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more
than 4 grams, less than 14 grams.

257 893.135(1)(d)1. 1st Trafficking in phencyclidine, more
than 28 grams, less than 200
grams.

258 893.135(1)(e)1. 1st Trafficking in methaqualone, more
than 200 grams, less than 5
kilograms.

259 893.135(1)(f)1. 1st Trafficking in amphetamine, more
than 14 grams, less than 28 grams.

260 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4
grams or more, less than 14 grams.

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262	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
263	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
264	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
265	<u>893.1351 (2)</u>	<u>2nd</u>	<u>Possession of place for trafficking in or manufacturing of controlled substance.</u>
266	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
267	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

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268	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
269	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
270	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
271	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
272	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
273	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
274	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.

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275	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
276	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
277	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
278	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
279	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
280	(h) LEVEL 8		
281	Florida Statute	Felony Degree	Description
282			

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283	316.193 (3) (c) 3. a.	2nd	DUI manslaughter.
284	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
285	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
286	499.0051 (7)	1st	Forgery of prescription or legend drug labels.
287	499.0052	1st	Trafficking in contraband legend drugs.
288	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.
289	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or

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			exceeding \$20,000, but less than \$100,000 by financial institutions.
290	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
291	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.
292	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
293	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
294	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
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296	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
297	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
298	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
299	800.04 (4)	2nd	Lewd or lascivious battery.
300	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
301	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
302	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property

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			damage.
303	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
304	812.13 (2) (b)	1st	Robbery with a weapon.
305	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
306	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
307	825.102 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
308	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
309	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
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311	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
312	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
313	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
314	860.16	1st	Aircraft piracy.
315	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).
316	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
317	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).

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318	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
319	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
320	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
321	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
322	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
323	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
324	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

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325	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
326	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
327	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
328	<u>893.1351 (3)</u>	<u>1st</u>	<u>Possession of a place used to manufacture controlled substance when minor is present or resides there.</u>
329	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
330	895.03 (2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

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- 331 895.03 (3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.
- 332 896.101 (5) (b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
- 333 896.104 (4) (a) 2. 2nd Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

334 Section 5. Paragraph (s) of subsection (1) of section
335 465.016, Florida Statutes, is amended to read:

336 465.016 Disciplinary actions.--

337 (1) The following acts constitute grounds for denial of a
338 license or disciplinary action, as specified in s. 456.072(2):

339 (s) Dispensing any medicinal drug based upon a
340 communication that purports to be a prescription as defined by
341 s. 465.003(14) or s. 893.02 ~~893.02(20)~~ when the pharmacist knows
342 or has reason to believe that the purported prescription is not
343 based upon a valid practitioner-patient relationship.

344 Section 6. Paragraph (e) of subsection (1) of section
345 465.023, Florida Statutes, is amended to read:

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346 465.023 Pharmacy permittee; disciplinary action.--

347 (1) The department or the board may revoke or suspend the
348 permit of any pharmacy permittee, and may fine, place on
349 probation, or otherwise discipline any pharmacy permittee who
350 has:

351 (e) Dispensed any medicinal drug based upon a
352 communication that purports to be a prescription as defined by
353 s. 465.003(14) or s. 893.02 ~~893.02(20)~~ when the pharmacist knows
354 or has reason to believe that the purported prescription is not
355 based upon a valid practitioner-patient relationship that
356 includes a documented patient evaluation, including history and
357 a physical examination adequate to establish the diagnosis for
358 which any drug is prescribed and any other requirement
359 established by board rule under chapter 458, chapter 459,
360 chapter 461, chapter 463, chapter 464, or chapter 466.

361 Section 7. Subsection (6) of section 893.135, Florida
362 Statutes, is amended to read:

363 893.135 Trafficking; mandatory sentences; suspension or
364 reduction of sentences; conspiracy to engage in trafficking.--

365 (6) A mixture, as defined in s. 893.02 ~~893.02(14)~~,
366 containing any controlled substance described in this section
367 includes, but is not limited to, a solution or a dosage unit,
368 including but not limited to, a pill or tablet, containing a
369 controlled substance. For the purpose of clarifying legislative
370 intent regarding the weighing of a mixture containing a
371 controlled substance described in this section, the weight of
372 the controlled substance is the total weight of the mixture,
373 including the controlled substance and any other substance in

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374 | the mixture. If there is more than one mixture containing the
375 | same controlled substance, the weight of the controlled
376 | substance is calculated by aggregating the total weight of each
377 | mixture.

378 | Section 8. This act shall take effect July 1, 2008.