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CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: RCS	.	
4/1/2008	.	
	.	
	.	

1 The Committee on Criminal Justice (Wise) recommended the
 2 following **amendment**:

3
 4 **Senate Amendment (with title amendment)**

5
 6 Delete everything after the enacting clause
 7 and insert:

8 Section 1. Present subsections (5) through (21) of section
 9 893.02, Florida Statutes, are renumbered as subsections (6)
 10 through (22), respectively, and a new subsection (5) is added to
 11 that section, to read:

12 893.02 Definitions.--The following words and phrases as
 13 used in this chapter shall have the following meanings, unless
 14 the context otherwise requires:

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

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18 Section 2. Section 893.1351, Florida Statutes, is amended
19 to read:

20 893.1351 Ownership, lease, rental, or possession ~~or rent~~
21 ~~for the purpose of~~ trafficking in or manufacturing a controlled
22 substance.--

23 (1) A person may not own, lease, or rent any place,
24 structure, or part thereof, trailer, or other conveyance, with
25 the knowledge that the such place, structure, trailer, or
26 conveyance will be used for the purpose of trafficking in a
27 controlled substance, as provided in s. 893.135; ~~for, or~~ the sale
28 of a controlled substance, as provided in s. 893.13; or for the
29 manufacture of a controlled substance intended for sale or
30 distribution to another. A person who violates this subsection
31 commits a felony of the third degree, punishable as provided in
32 s. 775.082, s. 775.083, or s. 775.084.

33 (2) A person may not knowingly be in actual or constructive
34 possession of any place, structure, or part thereof, trailer, or
35 other conveyance with the knowledge that the place, structure, or
36 part thereof, trailer, or conveyance will be used for the purpose
37 of trafficking in a controlled substance, as provided in s.
38 893.135; for the sale of a controlled substance, as provided in
39 s. 893.13; or for the manufacture of a controlled substance
40 intended for sale or distribution to another. A person who
41 violates this subsection commits a felony of the second degree,
42 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

43 (3) A person who is in actual or constructive possession of
44 a place, structure, trailer, or conveyance with the knowledge
45 that the place, structure, trailer, or conveyance is being used
46 to manufacture a controlled substance intended for sale or
47 distribution to another and who knew or should have known that a

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48 minor is present or resides in the place, structure, trailer, or
49 conveyance commits a felony of the first degree, punishable as
50 provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

57 Section 3. Section 893.10, Florida Statutes, is amended to
58 read:

59 893.10 Burden of proof; photograph or video recording of
60 evidence.--

61 (1) It is ~~shall~~ not be necessary for the state to negative
62 any exemption or exception set forth in this chapter in any
63 indictment, information, or other pleading or in any trial,
64 hearing, or other proceeding under this chapter, and the burden
65 of going forward with the evidence with respect to any ~~such~~
66 exemption or exception is ~~shall be~~ upon the person claiming its
67 benefit.

68 (2) In the case of a person charged under s. 893.14(1) with
69 the possession of a controlled substance, the label required
70 under s. 893.04(1) or s. 893.05(2) is ~~shall be~~ admissible in
71 evidence and ~~shall be~~ prima facie evidence that such substance
72 was obtained pursuant to a valid prescription form or dispensed
73 by a practitioner while acting in the course of his or her
74 professional practice.

75 (3) In the prosecution of an offense involving the
76 manufacture of a controlled substance, a photograph or video
77 recording of the manufacturing equipment used in committing the



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78 offense, including, but not limited to, grow lights, growing
 79 trays, and chemical fertilizers, may be introduced as competent
 80 evidence of the existence and use of the equipment and is
 81 admissible in the prosecution of the offense to the same extent
 82 as if the property were introduced as evidence.

83 (4) After a law enforcement agency documents the
 84 manufacturing equipment by photography or video recording, the
 85 manufacturing equipment may be destroyed on site and left in
 86 disrepair. The law enforcement agency destroying the equipment is
 87 immune from civil liability for the destruction of the equipment.
 88 The destruction of the equipment must be recorded by the
 89 supervising law enforcement officer in the manner described in s.
 90 893.12(1)(a) and records must be maintained for 24 months.

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

93 921.0022 Criminal Punishment Code; offense severity ranking
 94 chart.--

95 (3) OFFENSE SEVERITY RANKING CHART

96 (e) LEVEL 5

97

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

98

99

100



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vehicle with suspended license,
resulting in death or serious
bodily injury.

101			
	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
102			
	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
103			
	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
104			
	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
105			
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
106			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
107			
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.

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108	790.01 (2)	3rd	Carrying a concealed firearm.
109	790.162	2nd	Threat to throw or discharge destructive device.
110	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
111	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
112	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
113	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
114	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
115	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
116	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
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118	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
119	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
120	812.131(2)(b)	3rd	Robbery by sudden snatching.
121	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
122	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
123	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
124	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



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			injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
125	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
126	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
127	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
128	827.071 (5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
129	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.
130	843.01	3rd	Resist officer with violence to



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131			person; resist arrest with violence.
	847.0137(2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
132			
	847.0138(2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
133			
	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
134			
	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).
135			
	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 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or



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community center.

136

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.

137

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.

138

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. drugs) within 1,000 feet of public housing facility.

139

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.,



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(2) (c) 9., (3), or (4) drugs).

140

893.1351(1)

3rd

Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

141

142 (g) LEVEL 7

143

Florida Statute

Felony Degree Description

144

316.027(1)(b)

1st

Accident involving death, failure to stop; leaving scene.

145

316.193(3)(c)2.

3rd

DUI resulting in serious bodily injury.

146

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 and lights activated.

147

327.35(3)(c)2.

3rd

Vessel BUI resulting in serious bodily injury.

148

402.319(2)

2nd

Misrepresentation and negligence



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or intentional act resulting in
 great bodily harm, permanent
 disfiguration, permanent
 disability, or death.

149

409.920 (2) 3rd Medicaid provider fraud.

150

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

151

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

152

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

153

459.013 (1) 3rd Practicing osteopathic medicine
 without a license.

154

460.411 (1) 3rd Practicing chiropractic medicine
 without a license.

155

461.012 (1) 3rd Practicing podiatric medicine
 without a license.

156

462.17 3rd Practicing naturopathy without a
 license.

157

463.015 (1) 3rd Practicing optometry without a



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license.

158

464.016 (1) 3rd Practicing nursing without a license.

159

465.015 (2) 3rd Practicing pharmacy without a license.

160

466.026 (1) 3rd Practicing dentistry or dental hygiene without a license.

161

467.201 3rd Practicing midwifery without a license.

162

468.366 3rd Delivering respiratory care services without a license.

163

483.828 (1) 3rd Practicing as clinical laboratory personnel without a license.

164

483.901 (9) 3rd Practicing medical physics without a license.

165

484.013 (1) (c) 3rd Preparing or dispensing optical devices without a prescription.

166

484.053 3rd Dispensing hearing aids without a license.

167

494.0018 (2) 1st Conviction of any violation of ss.



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494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

168

560.123 (8) (b) 1. 3rd Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.

169

560.125 (5) (a) 3rd Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

170

655.50 (10) (b) 1. 3rd Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

171

775.21 (10) (a) 3rd Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.

172

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

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174	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
175	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
176	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
177	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
178	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
179	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.

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180	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
181	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
182	784.048 (7)	3rd	Aggravated stalking; violation of court order.
183	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
184	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
185	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
186	784.081 (1)	1st	Aggravated battery on specified official or employee.
187	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
188	784.083 (1)	1st	Aggravated battery on code inspector.
189	790.07 (4)	1st	Specified weapons violation



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subsequent to previous conviction
of s. 790.07(1) or (2).

190

790.16(1) 1st Discharge of a machine gun under
specified circumstances.

191

790.165(2) 2nd Manufacture, sell, possess, or
deliver hoax bomb.

192

790.165(3) 2nd Possessing, displaying, or
threatening to use any hoax bomb
while committing or attempting to
commit a felony.

193

790.166(3) 2nd Possessing, selling, using, or
attempting to use a hoax weapon of
mass destruction.

194

790.166(4) 2nd Possessing, displaying, or
threatening to use a hoax weapon
of mass destruction while
committing or attempting to commit
a felony.

195

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.

196

796.03 2nd Procuring any person under 16



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years for prostitution.

197

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

198

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.

199

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

200

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

201

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

202

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

203

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

204

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



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causing other property damage; 1st degree grand theft.

205

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

206

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

207

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

208

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

209

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

210

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

211

812.133(2)(b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

212

817.234(8)(a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.



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213	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
214	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
215	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.
216	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
217	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.
218	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
219	827.04 (3)	3rd	Impregnation of a child under 16



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years of age by person 21 years of age or older.

220

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

221

838.015 2nd Bribery.

222

838.016 2nd Unlawful compensation or reward for official behavior.

223

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

224

838.22 2nd Bid tampering.

225

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

226

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

227

872.06 2nd Abuse of a dead human body.

228

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



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

229

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.

230

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).

231

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

232

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

233

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

234

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



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grams.

235

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

236

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

237

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

238

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

239

893.135 (1) (j) 1.a. 1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

240

893.135 (1) (k) 2.a. 1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

241

893.1351 (2) 2nd Possession of place for trafficking in or manufacturing of controlled substance.

242

896.101 (5) (a) 3rd Money laundering, financial



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transactions exceeding \$300 but
less than \$20,000.

243

896.104(4)(a)1. 3rd Structuring transactions to evade
reporting or registration
requirements, financial
transactions exceeding \$300 but
less than \$20,000.

244

943.0435(4)(c) 2nd Sexual offender vacating permanent
residence; failure to comply with
reporting requirements.

245

943.0435(8) 2nd Sexual offender; remains in state
after indicating intent to leave;
failure to comply with reporting
requirements.

246

943.0435(9)(a) 3rd Sexual offender; failure to comply
with reporting requirements.

247

943.0435(13) 3rd Failure to report or providing
false information about a sexual
offender; harbor or conceal a
sexual offender.

248

943.0435(14) 3rd Sexual offender; failure to report
and reregister; failure to respond
to address verification.

249



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- 250 944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.
- 251 944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.
- 252 944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
- 253 944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.
- 254 985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.
- 255 985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
- 256 985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

257 (h) LEVEL 8



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258	Florida Statute	Felony Degree	Description
259	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
260	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
261	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
262	499.0051 (7)	1st	Forgery of prescription or legend drug labels.
263	499.0052	1st	Trafficking in contraband legend drugs.
264	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.
265	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.
266	655.50 (10) (b) 2.	2nd	Failure to report financial



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			transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
267	777.03(2)(a)	1st	Accessory after the fact, capital felony.
268	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.
269	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
270	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
271	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
272	790.161(3)	1st	Discharging a destructive device



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which results in bodily harm or property damage.

273

794.011 (5) 2nd Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

274

794.08 (3) 2nd Female genital mutilation, removal of a victim younger than 18 years of age from this state.

275

800.04 (4) 2nd Lewd or lascivious battery.

276

806.01 (1) 1st Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

277

810.02 (2) (a) 1st, PBL Burglary with assault or battery.

278

810.02 (2) (b) 1st, PBL Burglary; armed with explosives or dangerous weapon.

279

810.02 (2) (c) 1st Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

280

812.014 (2) (a) 2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in



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1st degree.

281

812.13 (2) (b) 1st Robbery with a weapon.

282

812.135 (2) (c) 1st Home-invasion robbery, no
firearm, deadly weapon, or other
weapon.

283

817.568 (6) 2nd Fraudulent use of personal
identification information of an
individual under the age of 18.

284

825.102 (2) 2nd Aggravated abuse of an elderly
person or disabled adult.

285

825.1025 (2) 2nd Lewd or lascivious battery upon
an elderly person or disabled
adult.

286

825.103 (2) (a) 1st Exploiting an elderly person or
disabled adult and property is
valued at \$100,000 or more.

287

837.02 (2) 2nd Perjury in official proceedings
relating to prosecution of a
capital felony.

288

837.021 (2) 2nd Making contradictory statements
in official proceedings relating
to prosecution of a capital



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289			felony.
	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
290			
	860.16	1st	Aircraft piracy.
291			
	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).
292			
	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
293			
	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
294			
	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
295			
	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
296			
	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28

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grams.

297

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

298

893.135 (1) (e) 1.b. 1st Trafficking in methaqualone, more
than 5 kilograms, less than 25
kilograms.

299

893.135 (1) (f) 1.b. 1st Trafficking in amphetamine, more
than 28 grams, less than 200
grams.

300

893.135 (1) (g) 1.b. 1st Trafficking in flunitrazepam, 14
grams or more, less than 28
grams.

301

893.135 (1) (h) 1.b. 1st Trafficking in gamma-
hydroxybutyric acid (GHB), 5
kilograms or more, less than 10
kilograms.

302

893.135 (1) (j) 1.b. 1st Trafficking in 1,4-Butanediol, 5
kilograms or more, less than 10
kilograms.

303

893.135 (1) (k) 2.b. 1st Trafficking in Phenethylamines,
200 grams or more, less than 400
grams.

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304	<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>
305	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
306	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
307	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
308	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
309	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.

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310
311 Section 5. Paragraph (s) of subsection (1) of section
312 465.016, Florida Statutes, is amended to read:

313 465.016 Disciplinary actions.--

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

316 (s) Dispensing any medicinal drug based upon a
317 communication that purports to be a prescription as defined by s.
318 465.003(14) or s. 893.02 ~~893.02(20)~~ when the pharmacist knows or
319 has reason to believe that the purported prescription is not
320 based upon a valid practitioner-patient relationship.

321 Section 6. Paragraph (e) of subsection (1) of section
322 465.023, Florida Statutes, is amended to read:

323 465.023 Pharmacy permittee; disciplinary action.--

324 (1) The department or the board may revoke or suspend the
325 permit of any pharmacy permittee, and may fine, place on
326 probation, or otherwise discipline any pharmacy permittee who
327 has:

328 (e) Dispensed any medicinal drug based upon a communication
329 that purports to be a prescription as defined by s. 465.003(14)
330 or s. 893.02 ~~893.02(20)~~ when the pharmacist knows or has reason
331 to believe that the purported prescription is not based upon a
332 valid practitioner-patient relationship that includes a
333 documented patient evaluation, including history and a physical
334 examination adequate to establish the diagnosis for which any
335 drug is prescribed and any other requirement established by board
336 rule under chapter 458, chapter 459, chapter 461, chapter 463,
337 chapter 464, or chapter 466.

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



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340 893.135 Trafficking; mandatory sentences; suspension or
341 reduction of sentences; conspiracy to engage in trafficking.--

342 (6) A mixture, as defined in s. 893.02 ~~893.02(14)~~,
343 containing any controlled substance described in this section
344 includes, but is not limited to, a solution or a dosage unit,
345 including but not limited to, a pill or tablet, containing a
346 controlled substance. For the purpose of clarifying legislative
347 intent regarding the weighing of a mixture containing a
348 controlled substance described in this section, the weight of the
349 controlled substance is the total weight of the mixture,
350 including the controlled substance and any other substance in the
351 mixture. If there is more than one mixture containing the same
352 controlled substance, the weight of the controlled substance is
353 calculated by aggregating the total weight of each mixture.

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

355

356

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

358 And the title is amended as follows:

359

360 Delete everything before the enacting clause

361 and insert:

362

A bill to be entitled

363

An act relating to controlled substances; amending s.

364

893.02, F.S.; defining the term "cultivating" for

365

specified purposes; amending s. 893.1351, F.S.;

366

prohibiting a person from owning or actually or

367

constructively possessing a place, structure, trailer, or

368

other described place having knowledge that the place will

369

be used to manufacture, sell, or traffic in a controlled



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370 substance; providing that possession of a specified number
371 or more of cannabis plants constitutes prima facie
372 evidence of intent to sell or distribute; providing that a
373 person who has actual or constructive possession of a
374 place, structure, trailer, or conveyance being used to
375 manufacture a controlled substance for sale and
376 distribution commits a felony of the first degree if a
377 minor is present or resides in the place, structure,
378 trailer, or conveyance; providing criminal penalties;
379 amending s. 893.10, F.S.; providing that equipment used in
380 the manufacture of controlled substances may be
381 photographed or video recorded and the photograph or video
382 recording used as evidence for later use at trial;
383 providing for the destruction of the equipment; amending
384 s. 921.0022, F.S.; ranking specified offenses in the
385 offense severity ranking chart of the Criminal Punishment
386 Code; amending ss. 465.016, 465.023, and 893.135, F.S.;

387 conforming cross-references; providing an effective date.