

By the Committee on Criminal Justice; and Senators Oelrich and Gaetz

591-06406-08

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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 having 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 who has actual or constructive possession of a
13 place, 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:
29

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30 Section 1. Present subsections (5) through (21) of section
31 893.02, Florida Statutes, are renumbered as subsections (6)
32 through (22), respectively, and a new subsection (5) is added to
33 that 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~~ for the sale
50 of a controlled substance, as provided in s. 893.13; or for the
51 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 constructive
56 possession of any place, structure, or part thereof, trailer, or
57 other conveyance with the knowledge that the place, structure, or
58 part thereof, trailer, or conveyance will be used for the purpose

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59 of trafficking in a controlled substance, as provided in s.
60 893.135; for the sale of a controlled substance, as provided in
61 s. 893.13; or for the manufacture of a controlled substance
62 intended for sale or distribution to another. A person who
63 violates this subsection commits a felony of the second degree,
64 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

81 893.10 Burden of proof; photograph or video recording of
82 evidence.--

83 (1) It is ~~shall~~ not be necessary for the state to negative
84 any exemption or exception set forth in this chapter in any
85 indictment, information, or other pleading or in any trial,
86 hearing, or other proceeding under this chapter, and the burden
87 of going forward with the evidence with respect to any ~~such~~

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88 exemption or exception is ~~shall be~~ upon the person claiming its
89 benefit.

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

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

105 (4) After a law enforcement agency documents the
106 manufacturing equipment by photography or video recording, the
107 manufacturing equipment may be destroyed on site and left in
108 disrepair. The law enforcement agency destroying the equipment is
109 immune from civil liability for the destruction of the equipment.
110 The destruction of the equipment must be recorded by the
111 supervising law enforcement officer in the manner described in s.
112 893.12(1) (a) and records must be maintained for 24 months.

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

115 921.0022 Criminal Punishment Code; offense severity ranking
116 chart.--

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117 (3) OFFENSE SEVERITY RANKING CHART

118 (e) LEVEL 5

119

Florida	Felony	Description
Statute	Degree	

120

316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
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121

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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122

322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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123

327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
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124

381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
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125

440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
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126

440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
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127	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
128	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
129	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
130	790.01 (2)	3rd	Carrying a concealed firearm.
131	790.162	2nd	Threat to throw or discharge destructive device.
132	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
133	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
134	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.

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135	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
136	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
137	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
138	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
139	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
140	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
141	812.131 (2) (b)	3rd	Robbery by sudden snatching.
142	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
143	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.

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144	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
145	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.
146	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 or use of personal identification information of 10 or more individuals.
147	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
148	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
149			

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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	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
154	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
155	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
	874.05 (2)	2nd	Encouraging or recruiting another to join a criminal street gang;

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156	893.13(1)(a)1.	2nd	second or subsequent offense.
157	893.13(1)(c)2.	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).
158	893.13(1)(d)1.	1st	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 community center.
159	893.13(1)(e)2.	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) within 1,000 feet of university.
			Sell, manufacture, or deliver cannabis or other drug prohibited

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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.

160

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.

161

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).

162

893.1351(1) 3rd

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

163

164 (g) LEVEL 7

165

Florida	Felony	Description
Statute	Degree	

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166	316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
167	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
168	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.
169	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
170	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
171	409.920 (2)	3rd	Medicaid provider fraud.
172	456.065 (2)	3rd	Practicing a health care profession without a license.

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173	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
174	458.327 (1)	3rd	Practicing medicine without a license.
175	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
176	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
177	461.012 (1)	3rd	Practicing podiatric medicine without a license.
178	462.17	3rd	Practicing naturopathy without a license.
179	463.015 (1)	3rd	Practicing optometry without a license.
180	464.016 (1)	3rd	Practicing nursing without a license.
181	465.015 (2)	3rd	Practicing pharmacy without a license.
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183	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
184	467.201	3rd	Practicing midwifery without a license.
185	468.366	3rd	Delivering respiratory care services without a license.
186	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
187	483.901(9)	3rd	Practicing medical physics without a license.
188	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
189	484.053	3rd	Dispensing hearing aids without a license.
190	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.
	560.123(8)(b)1.	3rd	Failure to report currency or

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payment instruments exceeding \$300 but less than \$20,000 by money transmitter.

191

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

192

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

193

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

194

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

195

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

196

782.051 (3) 2nd Attempted felony murder of a

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person by a person other than the perpetrator or the perpetrator of an attempted felony.

197

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

198

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

199

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

200

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

201

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

202

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

203

784.048 (4) 3rd Aggravated stalking; violation of

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injunction or court order.

204

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

205

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

206

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

207

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

208

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

209

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

210

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

211

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

212

790.16 (1) 1st Discharge of a machine gun under

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specified circumstances.

213

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

214

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

215

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

216

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

217

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.

218

796.03 2nd Procuring any person under 16
years for prostitution.

219

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation;

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victim less than 12 years of age;
offender less than 18 years.

220

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.

221

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

222

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

223

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

224

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

225

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

226

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.

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227	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
228	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
229	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
230	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
231	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
232	812.131 (2) (a)	2nd	Robbery by sudden snatching.
233	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
234	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
235			

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236	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
237	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
238	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.
239	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
240	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.
241	827.03 (3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
	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.

242

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

243

838.015 2nd Bribery.

244

838.016 2nd Unlawful compensation or reward
for official behavior.

245

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

246

838.22 2nd Bid tampering.

247

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

248

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

249

872.06 2nd Abuse of a dead human body.

250

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

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(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.

251

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.

252

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).

253

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

254

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

255

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

256

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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.
261	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
262	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
263	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
	<u>893.1351(2)</u>	<u>2nd</u>	<u>Possession of place for trafficking in or manufacturing of</u>

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controlled substance.

264

896.101 (5) (a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

265

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

266

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

267

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

268

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

269

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

270

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271	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
272	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
273	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
274	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
275	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
276	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
277	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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985.4815(13) 3rd Sexual offender; failure to report
and reregister; failure to respond
to address verification.

278

279 (h) LEVEL 8

280

Florida	Felony	Description
Statute	Degree	

281

316.193(3)(c)3.a. 2nd DUI manslaughter.

282

316.1935(4)(b) 1st Aggravated fleeing or attempted
eluding with serious bodily
injury or death.

283

327.35(3)(c)3. 2nd Vessel BUI manslaughter.

284

499.0051(7) 1st Forgery of prescription or legend
drug labels.

285

499.0052 1st Trafficking in contraband legend
drugs.

286

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.

287

560.125(5)(b) 2nd Money transmitter business by

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288	655.50 (10) (b) 2.	2nd	<p>unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.</p>
289	777.03 (2) (a)	1st	<p>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</p>
290	782.04 (4)	2nd	<p>Accessory after the fact, capital felony.</p>
291	782.051 (2)	1st	<p>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.</p>
292	782.071 (1) (b)	1st	<p>Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).</p>
			<p>Committing vehicular homicide and failing to render aid or give</p>

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			information.
293	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
294	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
295	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
296	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
297	800.04 (4)	2nd	Lewd or lascivious battery.
298	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
299	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
300	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.

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301	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
302	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
303	812.13 (2) (b)	1st	Robbery with a weapon.
304	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
305	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
306	825.102 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
307	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
308	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is

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valued at \$100,000 or more.

309

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

310

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

311

860.121 (2) (c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

312

860.16 1st Aircraft piracy.

313

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).

314

893.13 (2) (b) 1st Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

315

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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316	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
317	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
318	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
319	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
320	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
321	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
322	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
323	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-

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hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

324

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

325

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

326

893.1351(3) 1st Possession of a place used to manufacture controlled substance when minor is present or resides there.

327

895.03(1) 1st Use or invest proceeds derived from pattern of racketeering activity.

328

895.03(2) 1st Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

329

895.03(3) 1st Conduct or participate in any enterprise through pattern of racketeering activity.

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896.101 (5) (b) 2nd Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

331

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.

332

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

335 465.016 Disciplinary actions.--

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

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

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

345 465.023 Pharmacy permittee; disciplinary action.--

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

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349 has:

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

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

362 893.135 Trafficking; mandatory sentences; suspension or
363 reduction of sentences; conspiracy to engage in trafficking.--

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

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