

1                   A bill to be entitled  
 2           An act relating to sentences of inmates; amending s.  
 3           893.135, F.S.; revising the quantity of a controlled  
 4           substance which a person must knowingly sell,  
 5           purchase, manufacture, deliver, or bring into this  
 6           state in order to be subject to the automatic  
 7           imposition of a mandatory minimum term of  
 8           imprisonment; providing the method for determining the  
 9           weight of a controlled substance in a mixture that is  
 10          a prescription drug; revising legislative intent;  
 11          amending s. 921.0022, F.S.; revising provisions to  
 12          conform to changes made by the act; reenacting ss.  
 13          775.087(2)(a) and 782.04(1)(a), (3), and (4), F.S.,  
 14          relating to the possession or use of a weapon and  
 15          murder, respectively, to incorporate the amendments  
 16          made to s. 893.135, F.S., in references thereto;  
 17          repealing s. 893.101, F.S., relating to legislative  
 18          findings and intent relative to knowledge of a person  
 19          to the possession of a controlled substance; providing  
 20          an effective date.

21  
 22   Be It Enacted by the Legislature of the State of Florida:

23  
 24           Section 1. Section 893.135, Florida Statutes, is amended  
 25   to read:

26           893.135   Trafficking; mandatory sentences; suspension or  
 27   reduction of sentences; conspiracy to engage in trafficking.—

28           (1)   Except as authorized in this chapter or in chapter 499

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29 and notwithstanding the provisions of s. 893.13:

30 (a) Any person who knowingly sells, purchases,  
31 manufactures, delivers, or brings into this state, or who is  
32 knowingly in actual or constructive possession of, in excess of  
33 25 pounds of cannabis, or 300 or more cannabis plants, commits a  
34 felony of the first degree, which felony shall be known as  
35 "trafficking in cannabis," punishable as provided in s. 775.082,  
36 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

37 1. Is in excess of 25 pounds, but less than 2,000 pounds,  
38 or is 300 or more cannabis plants, but not more than 2,000  
39 cannabis plants, such person shall be sentenced to a mandatory  
40 minimum term of imprisonment of 3 years, and the defendant shall  
41 be ordered to pay a fine of \$25,000.

42 2. Is 2,000 pounds or more, but less than 10,000 pounds,  
43 or is 2,000 or more cannabis plants, but not more than 10,000  
44 cannabis plants, such person shall be sentenced to a mandatory  
45 minimum term of imprisonment of 7 years, and the defendant shall  
46 be ordered to pay a fine of \$50,000.

47 3. Is 10,000 pounds or more, or is 10,000 or more cannabis  
48 plants, such person shall be sentenced to a mandatory minimum  
49 term of imprisonment of 15 calendar years, and the defendant  
50 shall be ordered to pay a fine of \$200,000.

51  
52 For the purpose of this paragraph, a plant, including, but not  
53 limited to, a seedling or cutting, is a "cannabis plant" if it  
54 has some readily observable evidence of root formation, such as  
55 root hairs. To determine if a piece or part of a cannabis plant  
56 severed from the cannabis plant is itself a cannabis plant, the

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57 severed piece or part must have some readily observable evidence  
58 of root formation, such as root hairs. Callous tissue is not  
59 readily observable evidence of root formation. The viability and  
60 sex of a plant and the fact that the plant may or may not be a  
61 dead harvested plant are not relevant in determining if the  
62 plant is a "cannabis plant" or in the charging of an offense  
63 under this paragraph. Upon conviction, the court shall impose  
64 the longest term of imprisonment provided for in this paragraph.

65 (b)1. Any person who knowingly sells, purchases,  
66 manufactures, delivers, or brings into this state, or who is  
67 knowingly in actual or constructive possession of, 50 ~~28~~ grams  
68 or more of cocaine, as described in s. 893.03(2)(a)4., or of any  
69 mixture containing cocaine, but less than 150 kilograms of  
70 cocaine or any such mixture, commits a felony of the first  
71 degree, which felony shall be known as "trafficking in cocaine,"  
72 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
73 If the quantity involved:

74 a. Is 50 ~~28~~ grams or more, but less than 400 ~~200~~ grams,  
75 such person shall be sentenced to a mandatory minimum term of  
76 imprisonment of 3 years, and the defendant shall be ordered to  
77 pay a fine of \$50,000.

78 b. Is 400 ~~200~~ grams or more, but less than 4 kilograms ~~400~~  
79 ~~grams~~, such person shall be sentenced to a mandatory minimum  
80 term of imprisonment of 7 years, and the defendant shall be  
81 ordered to pay a fine of \$100,000.

82 c. Is 4 kilograms ~~400 grams~~ or more, but less than 150  
83 kilograms, such person shall be sentenced to a mandatory minimum  
84 term of imprisonment of 15 calendar years, and the defendant

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85 shall be ordered to pay a fine of \$250,000.

86 2. Any person who knowingly sells, purchases,  
87 manufactures, delivers, or brings into this state, or who is  
88 knowingly in actual or constructive possession of, 150 kilograms  
89 or more of cocaine, as described in s. 893.03(2)(a)4., commits  
90 the first degree felony of trafficking in cocaine. A person who  
91 has been convicted of the first-degree ~~first-degree~~ felony of  
92 trafficking in cocaine under this subparagraph shall be punished  
93 by life imprisonment and is ineligible for any form of  
94 discretionary early release except pardon or executive clemency  
95 or conditional medical release under s. 947.149. However, if the  
96 court determines that, in addition to committing any act  
97 specified in this paragraph:

98 a. The person intentionally killed an individual or  
99 counseled, commanded, induced, procured, or caused the  
100 intentional killing of an individual and such killing was the  
101 result; or

102 b. The person's conduct in committing that act led to a  
103 natural, though not inevitable, lethal result,  
104  
105 such person commits the capital felony of trafficking in  
106 cocaine, punishable as provided in ss. 775.082 and 921.142. Any  
107 person sentenced for a capital felony under this paragraph shall  
108 also be ordered ~~sentenced~~ to pay the maximum fine provided under  
109 subparagraph 1.

110 3. Any person who knowingly brings into this state 300  
111 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,  
112 and who knows that the probable result of such importation would

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113 be the death of any person, commits capital importation of  
 114 cocaine, a capital felony punishable as provided in ss. 775.082  
 115 and 921.142. Any person sentenced for a capital felony under  
 116 this paragraph shall also be ordered ~~sentenced~~ to pay the  
 117 maximum fine provided under subparagraph 1.

118 (c)1. Any person who knowingly sells, purchases,  
 119 manufactures, delivers, or brings into this state, or who is  
 120 knowingly in actual or constructive possession of, 4 grams or  
 121 more of any morphine, opium, oxycodone, hydrocodone,  
 122 hydromorphone, or any salt, derivative, isomer, or salt of an  
 123 isomer thereof, including heroin, as described in s.  
 124 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more  
 125 of any mixture containing any such substance, but less than 30  
 126 kilograms of such substance or mixture, commits a felony of the  
 127 first degree, which felony shall be known as "trafficking in  
 128 illegal drugs," punishable as provided in s. 775.082, s.  
 129 775.083, or s. 775.084. If the quantity involved:

130 a. Is 4 grams or more, but less than 14 grams, such person  
 131 shall be sentenced to a mandatory minimum term of imprisonment  
 132 of 3 years, and the defendant shall be ordered to pay a fine of  
 133 \$50,000.

134 b. Is 14 grams or more, but less than 28 grams, such  
 135 person shall be sentenced to a mandatory minimum term of  
 136 imprisonment of 15 years, and the defendant shall be ordered to  
 137 pay a fine of \$100,000.

138 c. Is 28 grams or more, but less than 30 kilograms, such  
 139 person shall be sentenced to a mandatory minimum term of  
 140 imprisonment of 25 calendar years, and the defendant shall be

141 ordered to pay a fine of \$500,000.

142 2. Any person who knowingly sells, purchases,  
 143 manufactures, delivers, or brings into this state, or who is  
 144 knowingly in actual or constructive possession of, 30 kilograms  
 145 or more of any morphine, opium, oxycodone, hydrocodone,  
 146 hydromorphone, or any salt, derivative, isomer, or salt of an  
 147 isomer thereof, including heroin, as described in s.  
 148 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
 149 more of any mixture containing any such substance, commits the  
 150 first-degree ~~first-degree~~ felony of trafficking in illegal  
 151 drugs. A person who has been convicted of the first-degree ~~first-~~  
 152 ~~degree~~ felony of trafficking in illegal drugs under this  
 153 subparagraph shall be punished by life imprisonment and is  
 154 ineligible for any form of discretionary early release except  
 155 pardon or executive clemency or conditional medical release  
 156 under s. 947.149. However, if the court determines that, in  
 157 addition to committing any act specified in this paragraph:

158 a. The person intentionally killed an individual or  
 159 counseled, commanded, induced, procured, or caused the  
 160 intentional killing of an individual and such killing was the  
 161 result; or

162 b. The person's conduct in committing that act led to a  
 163 natural, though not inevitable, lethal result,  
 164  
 165 such person commits the capital felony of trafficking in illegal  
 166 drugs, punishable as provided in ss. 775.082 and 921.142. Any  
 167 person sentenced for a capital felony under this paragraph shall  
 168 also be ordered ~~sentenced~~ to pay the maximum fine provided under

169 subparagraph 1.

170 3. Any person who knowingly brings into this state 60  
 171 kilograms or more of any morphine, opium, oxycodone,  
 172 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
 173 salt of an isomer thereof, including heroin, as described in s.  
 174 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
 175 more of any mixture containing any such substance, and who knows  
 176 that the probable result of such importation would be the death  
 177 of any person, commits capital importation of illegal drugs, a  
 178 capital felony punishable as provided in ss. 775.082 and  
 179 921.142. Any person sentenced for a capital felony under this  
 180 paragraph shall also be ordered ~~sentenced~~ to pay the maximum  
 181 fine provided under subparagraph 1.

182 (d)1. Any person who knowingly sells, purchases,  
 183 manufactures, delivers, or brings into this state, or who is  
 184 knowingly in actual or constructive possession of, 28 grams or  
 185 more of phencyclidine or of any mixture containing  
 186 phencyclidine, as described in s. 893.03(2)(b), commits a felony  
 187 of the first degree, which felony shall be known as "trafficking  
 188 in phencyclidine," punishable as provided in s. 775.082, s.  
 189 775.083, or s. 775.084. If the quantity involved:

190 a. Is 50 ~~28~~ grams or more, but less than 400 ~~200~~ grams,  
 191 such person shall be sentenced to a mandatory minimum term of  
 192 imprisonment of 3 years, and the defendant shall be ordered to  
 193 pay a fine of \$50,000.

194 b. Is 400 ~~200~~ grams or more, but less than 4 kilograms ~~400~~  
 195 ~~grams~~, such person shall be sentenced to a mandatory minimum  
 196 term of imprisonment of 7 years, and the defendant shall be

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197 | ordered to pay a fine of \$100,000.

198 |       c. Is 4 kilograms ~~400 grams~~ or more, such person shall be  
 199 | sentenced to a mandatory minimum term of imprisonment of 15  
 200 | calendar years, and the defendant shall be ordered to pay a fine  
 201 | of \$250,000.

202 |       2. Any person who knowingly brings into this state 8  
 203 | kilograms ~~800 grams~~ or more of phencyclidine or of any mixture  
 204 | containing phencyclidine, as described in s. 893.03(2)(b), and  
 205 | who knows that the probable result of such importation would be  
 206 | the death of any person commits capital importation of  
 207 | phencyclidine, a capital felony punishable as provided in ss.  
 208 | 775.082 and 921.142. Any person sentenced for a capital felony  
 209 | under this paragraph shall also be ordered ~~sentenced~~ to pay the  
 210 | maximum fine provided under subparagraph 1.

211 |       (e)1. Any person who knowingly sells, purchases,  
 212 | manufactures, delivers, or brings into this state, or who is  
 213 | knowingly in actual or constructive possession of, 200 grams or  
 214 | more of methaqualone or of any mixture containing methaqualone,  
 215 | as described in s. 893.03(1)(d), commits a felony of the first  
 216 | degree, which felony shall be known as "trafficking in  
 217 | methaqualone," punishable as provided in s. 775.082, s. 775.083,  
 218 | or s. 775.084. If the quantity involved:

219 |       a. Is 200 grams or more, but less than 5 kilograms, such  
 220 | person shall be sentenced to a mandatory minimum term of  
 221 | imprisonment of 3 years, and the defendant shall be ordered to  
 222 | pay a fine of \$50,000.

223 |       b. Is 5 kilograms or more, but less than 25 kilograms,  
 224 | such person shall be sentenced to a mandatory minimum term of



225 imprisonment of 7 years, and the defendant shall be ordered to  
 226 pay a fine of \$100,000.

227 c. Is 25 kilograms or more, such person shall be sentenced  
 228 to a mandatory minimum term of imprisonment of 15 calendar  
 229 years, and the defendant shall be ordered to pay a fine of  
 230 \$250,000.

231 2. Any person who knowingly brings into this state 50  
 232 kilograms or more of methaqualone or of any mixture containing  
 233 methaqualone, as described in s. 893.03(1)(d), and who knows  
 234 that the probable result of such importation would be the death  
 235 of any person commits capital importation of methaqualone, a  
 236 capital felony punishable as provided in ss. 775.082 and  
 237 921.142. Any person sentenced for a capital felony under this  
 238 paragraph shall also be ordered ~~sentenced~~ to pay the maximum  
 239 fine provided under subparagraph 1.

240 (f)1. Any person who knowingly sells, purchases,  
 241 manufactures, delivers, or brings into this state, or who is  
 242 knowingly in actual or constructive possession of, 30 ~~14~~ grams  
 243 or more of amphetamine, as described in s. 893.03(2)(c)2., or  
 244 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
 245 mixture containing amphetamine or methamphetamine, or  
 246 phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine  
 247 in conjunction with other chemicals and equipment utilized in  
 248 the manufacture of amphetamine or methamphetamine, commits a  
 249 felony of the first degree, which felony shall be known as  
 250 "trafficking in amphetamine," punishable as provided in s.  
 251 775.082, s. 775.083, or s. 775.084. If the quantity involved:

252 a. Is 30 ~~14~~ grams or more, but less than 200 ~~28~~ grams,

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253 such person shall be sentenced to a mandatory minimum term of  
 254 imprisonment of 3 years, and the defendant shall be ordered to  
 255 pay a fine of \$50,000.

256 b. Is 200 ~~20~~ grams or more, but less than 400 ~~200~~ grams,  
 257 such person shall be sentenced to a mandatory minimum term of  
 258 imprisonment of 7 years, and the defendant shall be ordered to  
 259 pay a fine of \$100,000.

260 c. Is 400 ~~200~~ grams or more, such person shall be  
 261 sentenced to a mandatory minimum term of imprisonment of 15  
 262 calendar years, and the defendant shall be ordered to pay a fine  
 263 of \$250,000.

264 2. Any person who knowingly manufactures or brings into  
 265 this state 1.5 kilograms ~~400 grams~~ or more of amphetamine, as  
 266 described in s. 893.03(2)(c)2., or methamphetamine, as described  
 267 in s. 893.03(2)(c)4., or of any mixture containing amphetamine  
 268 or methamphetamine, or phenylacetone, phenylacetic acid,  
 269 pseudoephedrine, or ephedrine in conjunction with other  
 270 chemicals and equipment used in the manufacture of amphetamine  
 271 or methamphetamine, and who knows that the probable result of  
 272 such manufacture or importation would be the death of any person  
 273 commits capital manufacture or importation of amphetamine, a  
 274 capital felony punishable as provided in ss. 775.082 and  
 275 921.142. Any person sentenced for a capital felony under this  
 276 paragraph shall also be ordered ~~sentenced~~ to pay the maximum  
 277 fine provided under subparagraph 1.

278 (g)1. Any person who knowingly sells, purchases,  
 279 manufactures, delivers, or brings into this state, or who is  
 280 knowingly in actual or constructive possession of, 4 grams or

281 more of flunitrazepam or any mixture containing flunitrazepam as  
 282 described in s. 893.03(1)(a) commits a felony of the first  
 283 degree, which felony shall be known as "trafficking in  
 284 flunitrazepam," punishable as provided in s. 775.082, s.  
 285 775.083, or s. 775.084. If the quantity involved:

286 a. Is 4 grams or more but less than 14 grams, such person  
 287 shall be sentenced to a mandatory minimum term of imprisonment  
 288 of 3 years, and the defendant shall be ordered to pay a fine of  
 289 \$50,000.

290 b. Is 14 grams or more but less than 28 grams, such person  
 291 shall be sentenced to a mandatory minimum term of imprisonment  
 292 of 7 years, and the defendant shall be ordered to pay a fine of  
 293 \$100,000.

294 c. Is 28 grams or more but less than 30 kilograms, such  
 295 person shall be sentenced to a mandatory minimum term of  
 296 imprisonment of 25 calendar years, and the defendant shall be  
 297 ordered to pay a fine of \$500,000.

298 2. Any person who knowingly sells, purchases,  
 299 manufactures, delivers, or brings into this state or who is  
 300 knowingly in actual or constructive possession of 30 kilograms  
 301 or more of flunitrazepam or any mixture containing flunitrazepam  
 302 as described in s. 893.03(1)(a) commits the first-degree ~~first~~  
 303 ~~degree~~ felony of trafficking in flunitrazepam. A person who has  
 304 been convicted of the first-degree ~~first-degree~~ felony of  
 305 trafficking in flunitrazepam under this subparagraph shall be  
 306 punished by life imprisonment and is ineligible for any form of  
 307 discretionary early release except pardon or executive clemency  
 308 or conditional medical release under s. 947.149. However, if the

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309 court determines that, in addition to committing any act  
 310 specified in this paragraph:

311 a. The person intentionally killed an individual or  
 312 counseled, commanded, induced, procured, or caused the  
 313 intentional killing of an individual and such killing was the  
 314 result; or

315 b. The person's conduct in committing that act led to a  
 316 natural, though not inevitable, lethal result,

317  
 318 such person commits the capital felony of trafficking in  
 319 flunitrazepam, punishable as provided in ss. 775.082 and  
 320 921.142. Any person sentenced for a capital felony under this  
 321 paragraph shall also be ordered ~~sentenced~~ to pay the maximum  
 322 fine provided under subparagraph 1.

323 (h)1. Any person who knowingly sells, purchases,  
 324 manufactures, delivers, or brings into this state, or who is  
 325 knowingly in actual or constructive possession of, 5 kilograms ~~±~~  
 326 ~~kilogram~~ or more of gamma-hydroxybutyric acid (GHB), as  
 327 described in s. 893.03(1)(d), or any mixture containing gamma-  
 328 hydroxybutyric acid (GHB), commits a felony of the first degree,  
 329 which felony shall be known as "trafficking in gamma-  
 330 hydroxybutyric acid (GHB)," punishable as provided in s.  
 331 775.082, s. 775.083, or s. 775.084. If the quantity involved:

332 a. Is 5 kilograms ~~± kilogram~~ or more but less than 15 ~~±~~  
 333 kilograms, such person shall be sentenced to a mandatory minimum  
 334 term of imprisonment of 3 years, and the defendant shall be  
 335 ordered to pay a fine of \$50,000.

336 b. Is 15 ~~±~~ kilograms or more but less than 30 ~~±0~~

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337 kilograms, such person shall be sentenced to a mandatory minimum  
 338 term of imprisonment of 7 years, and the defendant shall be  
 339 ordered to pay a fine of \$100,000.

340 c. Is 30 ~~10~~ kilograms or more, such person shall be  
 341 sentenced to a mandatory minimum term of imprisonment of 15  
 342 calendar years, and the defendant shall be ordered to pay a fine  
 343 of \$250,000.

344 2. Any person who knowingly manufactures or brings into  
 345 this state 150 kilograms or more of gamma-hydroxybutyric acid  
 346 (GHB), as described in s. 893.03(1)(d), or any mixture  
 347 containing gamma-hydroxybutyric acid (GHB), and who knows that  
 348 the probable result of such manufacture or importation would be  
 349 the death of any person commits capital manufacture or  
 350 importation of gamma-hydroxybutyric acid (GHB), a capital felony  
 351 punishable as provided in ss. 775.082 and 921.142. Any person  
 352 sentenced for a capital felony under this paragraph shall also  
 353 be ordered ~~sentenced~~ to pay the maximum fine provided under  
 354 subparagraph 1.

355 (i)1. Any person who knowingly sells, purchases,  
 356 manufactures, delivers, or brings into this state, or who is  
 357 knowingly in actual or constructive possession of, 5 kilograms ~~1~~  
 358 ~~kilogram~~ or more of gamma-butyrolactone (GBL), as described in  
 359 s. 893.03(1)(d), or any mixture containing gamma-butyrolactone  
 360 (GBL), commits a felony of the first degree, which felony shall  
 361 be known as "trafficking in gamma-butyrolactone (GBL),"   
 362 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 363 If the quantity involved:

364 a. Is 5 kilograms ~~1-kilogram~~ or more but less than 15 ~~5~~

365 kilograms, such person shall be sentenced to a mandatory minimum  
 366 term of imprisonment of 3 years, and the defendant shall be  
 367 ordered to pay a fine of \$50,000.

368 b. Is 15 ~~5~~ kilograms or more but less than 30 ~~10~~  
 369 kilograms, such person shall be sentenced to a mandatory minimum  
 370 term of imprisonment of 7 years, and the defendant shall be  
 371 ordered to pay a fine of \$100,000.

372 c. Is 30 ~~10~~ kilograms or more, such person shall be  
 373 sentenced to a mandatory minimum term of imprisonment of 15  
 374 calendar years, and the defendant shall be ordered to pay a fine  
 375 of \$250,000.

376 2. Any person who knowingly manufactures or brings into  
 377 the state 150 kilograms or more of gamma-butyrolactone (GBL), as  
 378 described in s. 893.03(1)(d), or any mixture containing gamma-  
 379 butyrolactone (GBL), and who knows that the probable result of  
 380 such manufacture or importation would be the death of any person  
 381 commits capital manufacture or importation of gamma-  
 382 butyrolactone (GBL), a capital felony punishable as provided in  
 383 ss. 775.082 and 921.142. Any person sentenced for a capital  
 384 felony under this paragraph shall also be ordered ~~sentenced~~ to  
 385 pay the maximum fine provided under subparagraph 1.

386 (j)1. Any person who knowingly sells, purchases,  
 387 manufactures, delivers, or brings into this state, or who is  
 388 knowingly in actual or constructive possession of, 5 kilograms ~~1~~  
 389 ~~kilogram~~ or more of 1,4-Butanediol as described in s.  
 390 893.03(1)(d), or of any mixture containing 1,4-Butanediol,  
 391 commits a felony of the first degree, which felony shall be  
 392 known as "trafficking in 1,4-Butanediol," punishable as provided

393 in s. 775.082, s. 775.083, or s. 775.084. If the quantity  
 394 involved:

395 a. Is 5 kilograms ~~1 kilogram~~ or more, but less than 15 ~~5~~  
 396 kilograms, such person shall be sentenced to a mandatory minimum  
 397 term of imprisonment of 3 years, and the defendant shall be  
 398 ordered to pay a fine of \$50,000.

399 b. Is 15 ~~5~~ kilograms or more, but less than 30 ~~10~~  
 400 kilograms, such person shall be sentenced to a mandatory minimum  
 401 term of imprisonment of 7 years, and the defendant shall be  
 402 ordered to pay a fine of \$100,000.

403 c. Is 30 ~~10~~ kilograms or more, such person shall be  
 404 sentenced to a mandatory minimum term of imprisonment of 15  
 405 calendar years, and the defendant shall be ordered to pay a fine  
 406 of \$500,000.

407 2. Any person who knowingly manufactures or brings into  
 408 this state 150 kilograms or more of 1,4-Butanediol as described  
 409 in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol,  
 410 and who knows that the probable result of such manufacture or  
 411 importation would be the death of any person commits capital  
 412 manufacture or importation of 1,4-Butanediol, a capital felony  
 413 punishable as provided in ss. 775.082 and 921.142. Any person  
 414 sentenced for a capital felony under this paragraph shall also  
 415 be ordered ~~sentenced~~ to pay the maximum fine provided under  
 416 subparagraph 1.

417 (k)1. Any person who knowingly sells, purchases,  
 418 manufactures, delivers, or brings into this state, or who is  
 419 knowingly in actual or constructive possession of, 10 grams or  
 420 more of any of the following substances described in s.

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- 421 893.03(1) (a) or (c):
- 422 a. 3,4-Methylenedioxyamphetamine (MDMA);
  - 423 b. 4-Bromo-2,5-dimethoxyamphetamine;
  - 424 c. 4-Bromo-2,5-dimethoxyphenethylamine;
  - 425 d. 2,5-Dimethoxyamphetamine;
  - 426 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
  - 427 f. N-ethylamphetamine;
  - 428 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
  - 429 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
  - 430 i. 4-methoxyamphetamine;
  - 431 j. 4-methoxymethamphetamine;
  - 432 k. 4-Methyl-2,5-dimethoxyamphetamine;
  - 433 l. 3,4-Methylenedioxy-N-ethylamphetamine;
  - 434 m. 3,4-Methylenedioxyamphetamine;
  - 435 n. N,N-dimethylamphetamine; or
  - 436 o. 3,4,5-Trimethoxyamphetamine,
- 437
- 438 individually or in any combination of or any mixture containing
- 439 any substance listed in sub-subparagraphs a.-o., commits a
- 440 felony of the first degree, which felony shall be known as
- 441 "trafficking in Phenethylamines," punishable as provided in s.
- 442 775.082, s. 775.083, or s. 775.084.
- 443 2. If the quantity involved:
- 444 a. Is 30 ~~10~~ grams or more but less than 200 grams, such
  - 445 person shall be sentenced to a mandatory minimum term of
  - 446 imprisonment of 3 years, and the defendant shall be ordered to
  - 447 pay a fine of \$50,000.
  - 448 b. Is 200 grams or more, but less than 400 grams, such



449 person shall be sentenced to a mandatory minimum term of  
 450 imprisonment of 7 years, and the defendant shall be ordered to  
 451 pay a fine of \$100,000.

452 c. Is 400 grams or more, such person shall be sentenced to  
 453 a mandatory minimum term of imprisonment of 15 calendar years,  
 454 and the defendant shall be ordered to pay a fine of \$250,000.

455 3. Any person who knowingly manufactures or brings into  
 456 this state 30 kilograms or more of any of the following  
 457 substances described in s. 893.03(1)(a) or (c):

- 458 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 459 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 460 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 461 d. 2,5-Dimethoxyamphetamine;
- 462 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 463 f. N-ethylamphetamine;
- 464 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 465 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 466 i. 4-methoxyamphetamine;
- 467 j. 4-methoxymethamphetamine;
- 468 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 469 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 470 m. 3,4-Methylenedioxyamphetamine;
- 471 n. N,N-dimethylamphetamine; or
- 472 o. 3,4,5-Trimethoxyamphetamine,

473  
 474 individually or in any combination of or any mixture containing  
 475 any substance listed in sub-subparagraphs a.-o., and who knows  
 476 that the probable result of such manufacture or importation

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477 would be the death of any person commits capital manufacture or  
478 importation of Phenethylamines, a capital felony punishable as  
479 provided in ss. 775.082 and 921.142. Any person sentenced for a  
480 capital felony under this paragraph shall also be ordered  
481 ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

482 (1)1. Any person who knowingly sells, purchases,  
483 manufactures, delivers, or brings into this state, or who is  
484 knowingly in actual or constructive possession of, 1 gram or  
485 more of lysergic acid diethylamide (LSD) as described in s.  
486 893.03(1)(c), or of any mixture containing lysergic acid  
487 diethylamide (LSD), commits a felony of the first degree, which  
488 felony shall be known as "trafficking in lysergic acid  
489 diethylamide (LSD)," punishable as provided in s. 775.082, s.  
490 775.083, or s. 775.084. If the quantity involved:

491 a. Is 1 gram or more, but less than 5 grams, such person  
492 shall be sentenced to a mandatory minimum term of imprisonment  
493 of 3 years, and the defendant shall be ordered to pay a fine of  
494 \$50,000.

495 b. Is 5 grams or more, but less than 7 grams, such person  
496 shall be sentenced to a mandatory minimum term of imprisonment  
497 of 7 years, and the defendant shall be ordered to pay a fine of  
498 \$100,000.

499 c. Is 7 grams or more, such person shall be sentenced to a  
500 mandatory minimum term of imprisonment of 15 calendar years, and  
501 the defendant shall be ordered to pay a fine of \$500,000.

502 2. Any person who knowingly manufactures or brings into  
503 this state 7 grams or more of lysergic acid diethylamide (LSD)  
504 as described in s. 893.03(1)(c), or any mixture containing

505 lysergic acid diethylamide (LSD), and who knows that the  
 506 probable result of such manufacture or importation would be the  
 507 death of any person commits capital manufacture or importation  
 508 of lysergic acid diethylamide (LSD), a capital felony punishable  
 509 as provided in ss. 775.082 and 921.142. Any person sentenced for  
 510 a capital felony under this paragraph shall also be ordered  
 511 ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

512 (2) A person acts knowingly under subsection (1) if that  
 513 person intends to sell, purchase, manufacture, deliver, or bring  
 514 into this state, or to actually or constructively possess, any  
 515 of the controlled substances listed in subsection (1),  
 516 regardless of which controlled substance listed in subsection  
 517 (1) is in fact sold, purchased, manufactured, delivered, or  
 518 brought into this state, or actually or constructively  
 519 possessed.

520 (3) Notwithstanding the provisions of s. 948.01, with  
 521 respect to any person who is found to have violated this  
 522 section, adjudication of guilt or imposition of sentence may  
 523 ~~shall~~ not be suspended, deferred, or withheld, and ~~nor shall~~  
 524 such person is not ~~be~~ eligible for parole before ~~prior to~~  
 525 serving the mandatory minimum term of imprisonment prescribed by  
 526 this section. A person sentenced to a mandatory minimum term of  
 527 imprisonment under this section is not eligible for any form of  
 528 discretionary early release, except pardon or executive clemency  
 529 or conditional medical release under s. 947.149, before ~~prior to~~  
 530 serving the mandatory minimum term of imprisonment.

531 (4) The state attorney may move the sentencing court to  
 532 reduce or suspend the sentence of any person who is convicted of

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533 a violation of this section and who provides substantial  
534 assistance in the identification, arrest, or conviction of any  
535 of that person's accomplices, accessories, coconspirators, or  
536 principals or of any other person engaged in trafficking in  
537 controlled substances. The arresting agency shall be given an  
538 opportunity to be heard in aggravation or mitigation in  
539 reference to any such motion. Upon good cause shown, the motion  
540 may be filed and heard in camera. The judge hearing the motion  
541 may reduce or suspend, defer, or withhold the sentence or  
542 adjudication of guilt if the judge finds that the defendant  
543 rendered such substantial assistance.

544 (5) Any person who agrees, conspires, combines, or  
545 confederates with another person to commit any act prohibited by  
546 subsection (1) commits a felony of the first degree and is  
547 punishable as if he or she had actually committed such  
548 prohibited act. ~~Nothing in~~ This subsection does not ~~shall be~~  
549 ~~construed to~~ prohibit separate convictions and sentences for a  
550 violation of this subsection and any violation of subsection  
551 (1).

552 (6) A mixture, as defined in s. 893.02, containing any  
553 controlled substance described in this section includes, but is  
554 not limited to, a solution or a dosage unit, including, but not  
555 limited to, a pill or tablet, containing a controlled substance.  
556 For the purpose of clarifying legislative intent regarding the  
557 weighing of a mixture containing a controlled substance  
558 described in this section, the weight of the controlled  
559 substance is the total weight of the mixture, including the  
560 controlled substance and any other substance in the mixture.

561 However, if the mixture is a prescription drug as defined in s.  
 562 499.003 and the weight of the controlled substance in the  
 563 mixture can be identified using the national drug code, the  
 564 weight of the controlled substance is the weight identified in  
 565 the national drug code. If there is more than one mixture  
 566 containing the same controlled substance, the weight of the  
 567 controlled substance is calculated by aggregating the total  
 568 weight of each mixture.

569 (7) For the purpose of further clarifying legislative  
 570 intent, the Legislature finds that the opinion in Hayes v.  
 571 State, 750 So. 2d 1 (Fla. 1999) ~~does not~~ correctly construes  
 572 ~~construe~~ legislative intent. The Legislature finds that the  
 573 opinions in State v. Hayes, 720 So. 2d 1095 (Fla. 4th DCA 1998)  
 574 and State v. Baxley, 684 So. 2d 831 (Fla. 5th DCA 1996) do not  
 575 correctly construe legislative intent.

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

578 921.0022 Criminal Punishment Code; offense severity  
 579 ranking chart.—

580 (3) OFFENSE SEVERITY RANKING CHART

581 (g) LEVEL 7

582

Florida	Felony	
Statute	Degree	Description
316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.

584

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585	316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
586	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.
587	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
588	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.
589	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
590	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
591	456.065 (2)	3rd	Practicing a health care profession without a license.

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592	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
593	458.327 (1)	3rd	Practicing medicine without a license.
594	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
595	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
596	461.012 (1)	3rd	Practicing podiatric medicine without a license.
597	462.17	3rd	Practicing naturopathy without a license.
598	463.015 (1)	3rd	Practicing optometry without a license.
599	464.016 (1)	3rd	Practicing nursing without a license.
600	465.015 (2)	3rd	Practicing pharmacy without a license.
601	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.

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602	467.201	3rd	Practicing midwifery without a license.
603	468.366	3rd	Delivering respiratory care services without a license.
604	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
605	483.901 (9)	3rd	Practicing medical physics without a license.
606	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
607	484.053	3rd	Dispensing hearing aids without a license.
608	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.
609	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.



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610	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
611	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
612	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
613	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
614	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
615	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
616	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

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617	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
618	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
619	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
620	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
621	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
622	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
623	784.048 (7)	3rd	Aggravated stalking; violation of court order.
624	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.

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625	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
626	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
627	784.081 (1)	1st	Aggravated battery on specified official or employee.
628	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
629	784.083 (1)	1st	Aggravated battery on code inspector.
630	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
631	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
632	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
633	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

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634	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
635	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
636	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
637	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.
638	796.03	2nd	Procuring any person under 16 years for prostitution.
639	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than

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16 years; offender 18 years or older.

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647

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

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

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

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

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

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.

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

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648	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
649	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
650	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
651	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
652	812.131 (2) (a)	2nd	Robbery by sudden snatching.
653	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
654	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
655	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
	817.234 (11) (c)	1st	Insurance fraud; property value

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\$100,000 or more.

656

817.2341 1st Making false entries of material fact  
(2) (b) & or false statements regarding property  
(3) (b) values relating to the solvency of an  
insuring entity which are a significant  
cause of the insolvency of that entity.

657

825.102 (3) (b) 2nd Neglecting an elderly person or  
disabled adult causing great bodily  
harm, disability, or disfigurement.

658

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.

659

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

660

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

661

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

662

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663	838.015	2nd	Bribery.
664	838.016	2nd	Unlawful compensation or reward for official behavior.
665	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
666	838.22	2nd	Bid tampering.
667	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
668	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
669	872.06	2nd	Abuse of a dead human body.
670	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	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



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

671

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.

672

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).

673

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

674

893.135 (1)(b)1.a. 1st Trafficking in cocaine, more than 50 ~~28~~ grams, less than 400 ~~200~~ grams.

675

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

676

893.135(1)(d)1. 1st Trafficking in phencyclidine, more than 50 ~~28~~ grams, less than 400 ~~200~~ grams.

677

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678	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
679	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than <u>30</u> <del>14</del> grams, less than <u>200</u> <del>28</del> grams.
680	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
681	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), <u>5 kilograms</u> <del>1 kilogram</del> or more, less than <u>15</u> <del>5</del> kilograms.
682	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, <u>5 kilograms</u> <del>1 kilogram</del> or more, less than <u>15</u> <del>5</del> kilograms.
683	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, <u>30</u> <del>10</del> grams or more, less than 200 grams.
684	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
685	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.

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686	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
687	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
688	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
689	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
690	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
691	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
692	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.

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693	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
694	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
695	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
696	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
697	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
698	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.

(h) LEVEL 8

700	Florida	Felony	
701	Statute	Degree	Description

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702	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
703	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
704	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
705	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
706	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
707	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.
708	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 exceeding

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\$20,000, but less than \$100,000 by  
financial institutions.

709

777.03(2)(a) 1st Accessory after the fact, capital  
felony.

710

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.

711

782.051(2) 1st Attempted felony murder while  
perpetrating or attempting to  
perpetrate a felony not enumerated in  
s. 782.04(3).

712

782.071(1)(b) 1st Committing vehicular homicide and  
failing to render aid or give  
information.

713

782.072(2) 1st Committing vessel homicide and failing  
to render aid or give information.

714

790.161(3) 1st Discharging a destructive device which  
results in bodily harm or property  
damage.

715

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716	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
717	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
718	800.04 (4)	2nd	Lewd or lascivious battery.
719	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
720	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
721	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
722	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
723	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

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724	812.13 (2) (b)	1st	Robbery with a weapon.
725	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
726	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
727	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
728	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
729	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
730	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
731	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.



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732	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
733	860.16	1st	Aircraft piracy.
734	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).
735	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
736	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03 (1) (a) or (b).
737	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
738	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than <u>400</u> <del>200</del> grams, less than <u>4 kilograms</u> <del>400 grams</del> .
739	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

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740	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than <u>400</u> <del>200</del> grams, less than <u>4 kilograms</u> <del>400 grams</del> .
741	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
742	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than <u>200</u> <del>28</del> grams, less than <u>400</u> <del>200</del> grams.
743	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
744	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), <u>15</u> <del>5</del> kilograms or more, less than <u>30</u> <del>10</del> kilograms.
745	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, <u>15</u> <del>5</del> kilograms or more, less than <u>30</u> <del>10</del> kilograms.
746	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
747	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.

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748	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
749	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
750	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
751	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
752	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.
753	(i)	LEVEL 9	
754	Florida	Felony	
755	Statute	Degree	Description

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2012

756	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
757	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
758	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
759	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
760	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
761	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
762	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
763	775.0844	1st	Aggravated white collar crime.

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- 764 782.04 (1) 1st Attempt, conspire, or solicit to  
commit premeditated murder.
- 765 782.04 (3) 1st,PBL Accomplice to murder in connection  
with arson, sexual battery, robbery,  
burglary, and other specified  
felonies.
- 766 782.051 (1) 1st Attempted felony murder while  
perpetrating or attempting to  
perpetrate a felony enumerated in s.  
782.04 (3) .
- 767 782.07 (2) 1st Aggravated manslaughter of an elderly  
person or disabled adult.
- 768 787.01 (1) (a) 1. 1st,PBL Kidnapping; hold for ransom or reward  
or as a shield or hostage.
- 769 787.01 (1) (a) 2. 1st,PBL Kidnapping with intent to commit or  
facilitate commission of any felony.
- 770 787.01 (1) (a) 4. 1st,PBL Kidnapping with intent to interfere  
with performance of any governmental  
or political function.
- 787.02 (3) (a) 1st False imprisonment; child under age

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13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

771

790.161 1st Attempted capital destructive device offense.

772

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

773

794.011(2) 1st Attempted sexual battery; victim less than 12 years of age.

774

794.011(2) Life Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

775

794.011(4) 1st Sexual battery; victim 12 years or older, certain circumstances.

776

794.011(8)(b) 1st Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

777

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778	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
779	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
780	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
781	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
782	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
783	817.568 (7)	2nd, PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
784	827.03 (2)	1st	Aggravated child abuse.
785	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
	847.0145 (2)	1st	Purchasing, or otherwise obtaining

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custody or control, of a minor.

786

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

787

893.135 1st Attempted capital trafficking offense.

788

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

789

893.135 1st Trafficking in cocaine, more than 4  
(1) (b) 1.c. kilograms ~~400 grams~~, less than 150 kilograms.

790

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

791

893.135 1st Trafficking in phencyclidine, more  
(1) (d) 1.c. than 4 kilograms ~~400 grams~~.

792

893.135 1st Trafficking in methaqualone, more than  
(1) (e) 1.c. 25 kilograms.

793

893.135 1st Trafficking in amphetamine, more than



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794 (1) (f) 1.c. 400 ~~200~~ grams.

893.135 1st Trafficking in gamma-hydroxybutyric  
 795 (1) (h) 1.c. acid (GHB), 30 ~~10~~ kilograms or more.

893.135 1st Trafficking in 1,4-Butanediol, 30 ~~10~~  
 796 (1) (j) 1.c. kilograms or more.

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

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

896.104 (4) (a) 3. 1st Structuring transactions to evade  
 799 reporting or registration  
 800 requirements, financial transactions  
 801 totaling or exceeding \$100,000.

802 Section 3. For the purpose of incorporating the amendments  
 803 made by this act to section 893.135, Florida Statutes, in a  
 804 reference thereto, paragraph (a) of subsection (2) of section  
 805 775.087, Florida Statutes, is reenacted to read:  
 806 775.087 Possession or use of weapon; aggravated battery;  
 807 felony reclassification; minimum sentence.—  
 (2) (a) 1. Any person who is convicted of a felony or an  
 attempt to commit a felony, regardless of whether the use of a

808 | weapon is an element of the felony, and the conviction was for:  
 809 |       a. Murder;  
 810 |       b. Sexual battery;  
 811 |       c. Robbery;  
 812 |       d. Burglary;  
 813 |       e. Arson;  
 814 |       f. Aggravated assault;  
 815 |       g. Aggravated battery;  
 816 |       h. Kidnapping;  
 817 |       i. Escape;  
 818 |       j. Aircraft piracy;  
 819 |       k. Aggravated child abuse;  
 820 |       l. Aggravated abuse of an elderly person or disabled  
 821 | adult;  
 822 |       m. Unlawful throwing, placing, or discharging of a  
 823 | destructive device or bomb;  
 824 |       n. Carjacking;  
 825 |       o. Home-invasion robbery;  
 826 |       p. Aggravated stalking;  
 827 |       q. Trafficking in cannabis, trafficking in cocaine,  
 828 | capital importation of cocaine, trafficking in illegal drugs,  
 829 | capital importation of illegal drugs, trafficking in  
 830 | phencyclidine, capital importation of phencyclidine, trafficking  
 831 | in methaqualone, capital importation of methaqualone,  
 832 | trafficking in amphetamine, capital importation of amphetamine,  
 833 | trafficking in flunitrazepam, trafficking in gamma-  
 834 | hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,  
 835 | trafficking in Phenethylamines, or other violation of s.

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836 893.135(1); or

837 r. Possession of a firearm by a felon

838

839 and during the commission of the offense, such person actually  
840 possessed a "firearm" or "destructive device" as those terms are  
841 defined in s. 790.001, shall be sentenced to a minimum term of  
842 imprisonment of 10 years, except that a person who is convicted  
843 for aggravated assault, possession of a firearm by a felon, or  
844 burglary of a conveyance shall be sentenced to a minimum term of  
845 imprisonment of 3 years if such person possessed a "firearm" or  
846 "destructive device" during the commission of the offense.

847 2. Any person who is convicted of a felony or an attempt  
848 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
849 regardless of whether the use of a weapon is an element of the  
850 felony, and during the course of the commission of the felony  
851 such person discharged a "firearm" or "destructive device" as  
852 defined in s. 790.001 shall be sentenced to a minimum term of  
853 imprisonment of 20 years.

854 3. Any person who is convicted of a felony or an attempt  
855 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
856 regardless of whether the use of a weapon is an element of the  
857 felony, and during the course of the commission of the felony  
858 such person discharged a "firearm" or "destructive device" as  
859 defined in s. 790.001 and, as the result of the discharge, death  
860 or great bodily harm was inflicted upon any person, the  
861 convicted person shall be sentenced to a minimum term of  
862 imprisonment of not less than 25 years and not more than a term  
863 of imprisonment of life in prison.

864 Section 4. For the purpose of incorporating the amendments  
 865 made by this act to section 893.135, Florida Statutes, in  
 866 references thereto, paragraph (a) of subsection (1) and  
 867 subsections (3) and (4) of section 782.04, Florida Statutes, are  
 868 reenacted to read:

869 782.04 Murder.—

870 (1)(a) The unlawful killing of a human being:

871 1. When perpetrated from a premeditated design to effect  
 872 the death of the person killed or any human being;

873 2. When committed by a person engaged in the perpetration  
 874 of, or in the attempt to perpetrate, any:

875 a. Trafficking offense prohibited by s. 893.135(1),

876 b. Arson,

877 c. Sexual battery,

878 d. Robbery,

879 e. Burglary,

880 f. Kidnapping,

881 g. Escape,

882 h. Aggravated child abuse,

883 i. Aggravated abuse of an elderly person or disabled  
 884 adult,

885 j. Aircraft piracy,

886 k. Unlawful throwing, placing, or discharging of a  
 887 destructive device or bomb,

888 l. Carjacking,

889 m. Home-invasion robbery,

890 n. Aggravated stalking,

891 o. Murder of another human being,

892           p. Resisting an officer with violence to his or her  
 893 person,  
 894           q. Felony that is an act of terrorism or is in furtherance  
 895 of an act of terrorism; or  
 896           3. Which resulted from the unlawful distribution of any  
 897 substance controlled under s. 893.03(1), cocaine as described in  
 898 s. 893.03(2)(a)4., opium or any synthetic or natural salt,  
 899 compound, derivative, or preparation of opium, or methadone by a  
 900 person 18 years of age or older, when such drug is proven to be  
 901 the proximate cause of the death of the user,  
 902  
 903 is murder in the first degree and constitutes a capital felony,  
 904 punishable as provided in s. 775.082.  
 905           (3) When a person is killed in the perpetration of, or in  
 906 the attempt to perpetrate, any:  
 907           (a) Trafficking offense prohibited by s. 893.135(1),  
 908           (b) Arson,  
 909           (c) Sexual battery,  
 910           (d) Robbery,  
 911           (e) Burglary,  
 912           (f) Kidnapping,  
 913           (g) Escape,  
 914           (h) Aggravated child abuse,  
 915           (i) Aggravated abuse of an elderly person or disabled  
 916 adult,  
 917           (j) Aircraft piracy,  
 918           (k) Unlawful throwing, placing, or discharging of a  
 919 destructive device or bomb,

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- 920 (l) Carjacking,  
 921 (m) Home-invasion robbery,  
 922 (n) Aggravated stalking,  
 923 (o) Murder of another human being,  
 924 (p) Resisting an officer with violence to his or her  
 925 person, or  
 926 (q) Felony that is an act of terrorism or is in  
 927 furtherance of an act of terrorism,  
 928  
 929 by a person other than the person engaged in the perpetration of  
 930 or in the attempt to perpetrate such felony, the person  
 931 perpetrating or attempting to perpetrate such felony is guilty  
 932 of murder in the second degree, which constitutes a felony of  
 933 the first degree, punishable by imprisonment for a term of years  
 934 not exceeding life or as provided in s. 775.082, s. 775.083, or  
 935 s. 775.084.
- 936 (4) The unlawful killing of a human being, when  
 937 perpetrated without any design to effect death, by a person  
 938 engaged in the perpetration of, or in the attempt to perpetrate,  
 939 any felony other than any:
- 940 (a) Trafficking offense prohibited by s. 893.135(1),  
 941 (b) Arson,  
 942 (c) Sexual battery,  
 943 (d) Robbery,  
 944 (e) Burglary,  
 945 (f) Kidnapping,  
 946 (g) Escape,  
 947 (h) Aggravated child abuse,

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- 948 (i) Aggravated abuse of an elderly person or disabled  
 949 adult,  
 950 (j) Aircraft piracy,  
 951 (k) Unlawful throwing, placing, or discharging of a  
 952 destructive device or bomb,  
 953 (l) Unlawful distribution of any substance controlled  
 954 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,  
 955 or opium or any synthetic or natural salt, compound, derivative,  
 956 or preparation of opium by a person 18 years of age or older,  
 957 when such drug is proven to be the proximate cause of the death  
 958 of the user,  
 959 (m) Carjacking,  
 960 (n) Home-invasion robbery,  
 961 (o) Aggravated stalking,  
 962 (p) Murder of another human being,  
 963 (q) Resisting an officer with violence to his or her  
 964 person, or  
 965 (r) Felony that is an act of terrorism or is in  
 966 furtherance of an act of terrorism,  
 967  
 968 is murder in the third degree and constitutes a felony of the  
 969 second degree, punishable as provided in s. 775.082, s. 775.083,  
 970 or s. 775.084.  
 971 Section 5. Section 893.101, Florida Statutes, is repealed.  
 972 Section 6. This act shall take effect July 1, 2012.