

By Senator Bogdanoff

25-00224C-12

2012732

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 with the intent to distribute in order to be
7 subject to the automatic imposition of a mandatory
8 minimum term of imprisonment; providing the method for
9 determining the weight of a controlled substance in a
10 mixture that is a prescription drug; revising
11 legislative intent; amending s. 921.0022, F.S.;
12 revising provisions to conform to changes made by the
13 act; reenacting ss. 775.087(2)(a) and 782.04(1)(a),
14 (3), and (4), F.S., relating to the possession or use
15 of a weapon and murder, respectively, to incorporate
16 the amendments made to s. 893.135, F.S., in references
17 thereto; repealing s. 893.101, F.S., relating to
18 legislative findings and intent relative to knowledge
19 of a person to the possession of a controlled
20 substance; providing 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 to
25 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
29 and notwithstanding the provisions of s. 893.13:

25-00224C-12

2012732

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

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

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

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

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

25-00224C-12

2012732

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

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

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

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

83 c. Is 4 kilograms ~~400 grams~~ or more, but less than 150
84 kilograms, such person shall be sentenced to a mandatory minimum
85 term of imprisonment of 15 calendar years, and the defendant
86 shall be ordered to pay a fine of \$250,000.

87 2. Any person who knowingly sells, purchases, manufactures,

25-00224C-12

2012732

88 delivers, or brings into this state, or who ~~is~~ knowingly is in
89 actual or constructive possession with intent to distribute ~~of~~,
90 150 kilograms or more of cocaine, as described in s.

91 893.03(2)(a)4., commits the first degree felony of trafficking
92 in cocaine. A person who has been convicted of the first-degree
93 ~~first-degree~~ felony of trafficking in cocaine under this
94 subparagraph shall be punished by life imprisonment and is
95 ineligible for any form of discretionary early release except
96 pardon or executive clemency or conditional medical release
97 under s. 947.149. However, if the court determines that, in
98 addition to committing any act specified in this paragraph:

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

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

105
106 such person commits the capital felony of trafficking in
107 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
108 person sentenced for a capital felony under this paragraph shall
109 also be ordered ~~sentenced~~ to pay the maximum fine provided under
110 subparagraph 1.

111 3. Any person who knowingly brings into this state 300
112 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
113 and who knows that the probable result of such importation would
114 be the death of any person, commits capital importation of
115 cocaine, a capital felony punishable as provided in ss. 775.082
116 and 921.142. Any person sentenced for a capital felony under

25-00224C-12

2012732

117 this paragraph shall also be ordered ~~sentenced~~ to pay the
118 maximum fine provided under subparagraph 1.

119 (c)1. Any person who knowingly sells, purchases,
120 manufactures, delivers, or brings into this state, or who ~~is~~
121 knowingly is in actual or constructive possession with intent to
122 distribute ~~of~~, 4 grams or more of any morphine, opium,
123 oxycodone, hydrocodone, hydromorphone, or any salt, derivative,
124 isomer, or salt of an isomer thereof, including heroin, as
125 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
126 4 grams or more of any mixture containing any such substance,
127 but less than 30 kilograms of such substance or mixture, commits
128 a felony of the first degree, which felony shall be known as
129 "trafficking in illegal drugs," punishable as provided in s.
130 775.082, s. 775.083, or s. 775.084. If the quantity involved:

131 a. Is 4 grams or more, but less than 14 grams, such person
132 shall be sentenced to a mandatory minimum term of imprisonment
133 of 3 years, and the defendant shall be ordered to pay a fine of
134 \$50,000.

135 b. Is 14 grams or more, but less than 28 grams, such person
136 shall be sentenced to a mandatory minimum term of imprisonment
137 of 15 years, and the defendant shall be ordered to pay a fine of
138 \$100,000.

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

143 2. Any person who knowingly sells, purchases, manufactures,
144 delivers, or brings into this state, or who ~~is~~ knowingly is in
145 actual or constructive possession with intent to distribute ~~of~~,

25-00224C-12

2012732

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

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

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

165
166 such person commits the capital felony of trafficking in illegal
167 drugs, punishable as provided in ss. 775.082 and 921.142. Any
168 person sentenced for a capital felony under this paragraph shall
169 also be ordered ~~sentenced~~ to pay the maximum fine provided under
170 subparagraph 1.

171 3. Any person who knowingly brings into this state 60
172 kilograms or more of any morphine, opium, oxycodone,
173 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
174 salt of an isomer thereof, including heroin, as described in s.

25-00224C-12

2012732

175 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
176 more of any mixture containing any such substance, and who knows
177 that the probable result of such importation would be the death
178 of any person, commits capital importation of illegal drugs, a
179 capital felony punishable as provided in ss. 775.082 and
180 921.142. Any person sentenced for a capital felony under this
181 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
182 fine provided under subparagraph 1.

183 (d)1. Any person who knowingly sells, purchases,
184 manufactures, delivers, or brings into this state, or who ~~is~~
185 knowingly is in actual or constructive possession with intent to
186 distribute ~~of~~, 50 ~~28~~ grams or more of phencyclidine or of any
187 mixture containing phencyclidine, as described in s.

188 893.03(2)(b), commits a felony of the first degree, which felony
189 shall be known as "trafficking in phencyclidine," punishable as
190 provided in s. 775.082, s. 775.083, or s. 775.084. If the
191 quantity involved:

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

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

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

25-00224C-12

2012732

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

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

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

226 b. Is 5 kilograms or more, but less than 25 kilograms, such
227 person shall be sentenced to a mandatory minimum term of
228 imprisonment of 7 years, and the defendant shall be ordered to
229 pay a fine of \$100,000.

230 c. Is 25 kilograms or more, such person shall be sentenced
231 to a mandatory minimum term of imprisonment of 15 calendar
232 years, and the defendant shall be ordered to pay a fine of

25-00224C-12

2012732

233 \$250,000.

234 2. Any person who knowingly brings into this state 50
235 kilograms or more of methaqualone or of any mixture containing
236 methaqualone, as described in s. 893.03(1)(d), and who knows
237 that the probable result of such importation would be the death
238 of any person commits capital importation of methaqualone, a
239 capital felony punishable as provided in ss. 775.082 and
240 921.142. Any person sentenced for a capital felony under this
241 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
242 fine provided under subparagraph 1.

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

256 a. Is 30 ~~14~~ grams or more, but less than 200 ~~28~~ grams, such
257 person shall be sentenced to a mandatory minimum term of
258 imprisonment of 3 years, and the defendant shall be ordered to
259 pay a fine of \$50,000.

260 b. Is 200 ~~28~~ grams or more, but less than 400 ~~200~~ grams,
261 such person shall be sentenced to a mandatory minimum term of

25-00224C-12

2012732

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

264 c. Is 400 ~~200~~ grams or more, such person shall be sentenced
265 to a mandatory minimum term of imprisonment of 15 calendar
266 years, and the defendant shall be ordered to pay a fine of
267 \$250,000.

268 2. Any person who knowingly manufactures or brings into
269 this state 1.5 kilograms ~~400 grams~~ or more of amphetamine, as
270 described in s. 893.03(2)(c)2., or methamphetamine, as described
271 in s. 893.03(2)(c)4., or of any mixture containing amphetamine
272 or methamphetamine, or phenylacetone, phenylacetic acid,
273 pseudoephedrine, or ephedrine in conjunction with other
274 chemicals and equipment used in the manufacture of amphetamine
275 or methamphetamine, and who knows that the probable result of
276 such manufacture or importation would be the death of any person
277 commits capital manufacture or importation of amphetamine, a
278 capital felony punishable as provided in ss. 775.082 and
279 921.142. Any person sentenced for a capital felony under this
280 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
281 fine provided under subparagraph 1.

282 (g)1. Any person who knowingly sells, purchases,
283 manufactures, delivers, or brings into this state, or who ~~is~~
284 knowingly is in actual or constructive possession with intent to
285 distribute ~~of~~, 4 grams or more of flunitrazepam or any mixture
286 containing flunitrazepam as described in s. 893.03(1)(a) commits
287 a felony of the first degree, which felony shall be known as
288 "trafficking in flunitrazepam," punishable as provided in s.
289 775.082, s. 775.083, or s. 775.084. If the quantity involved:

290 a. Is 4 grams or more but less than 14 grams, such person

25-00224C-12

2012732

291 shall be sentenced to a mandatory minimum term of imprisonment
292 of 3 years, and the defendant shall be ordered to pay a fine of
293 \$50,000.

294 b. Is 14 grams or more but less than 28 grams, such person
295 shall be sentenced to a mandatory minimum term of imprisonment
296 of 7 years, and the defendant shall be ordered to pay a fine of
297 \$100,000.

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

302 2. Any person who knowingly sells, purchases, manufactures,
303 delivers, or brings into this state, or who ~~is~~ knowingly is in
304 actual or constructive possession with intent to distribute ~~of~~
305 30 kilograms or more of flunitrazepam or any mixture containing
306 flunitrazepam as described in s. 893.03(1)(a) commits the first-
307 degree ~~first-degree~~ felony of trafficking in flunitrazepam. A
308 person who has been convicted of the first-degree ~~first-degree~~
309 felony of trafficking in flunitrazepam under this subparagraph
310 shall be punished by life imprisonment and is ineligible for any
311 form of discretionary early release except pardon or executive
312 clemency or conditional medical release under s. 947.149.
313 However, if the court determines that, in addition to committing
314 any act specified in this paragraph:

315 a. The person intentionally killed an individual or
316 counseled, commanded, induced, procured, or caused the
317 intentional killing of an individual and such killing was the
318 result; or

319 b. The person's conduct in committing that act led to a

25-00224C-12

2012732__

320 natural, though not inevitable, lethal result,

321

322 such person commits the capital felony of trafficking in
323 flunitrazepam, punishable as provided in ss. 775.082 and
324 921.142. Any person sentenced for a capital felony under this
325 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
326 fine provided under subparagraph 1.

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

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

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

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

25-00224C-12

2012732

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

360 (i)1. Any person who knowingly sells, purchases,
361 manufactures, delivers, or brings into this state, or who ~~is~~
362 knowingly is in actual or constructive possession with intent to
363 distribute of, 5 kilograms ~~1 kilogram~~ or more of gamma-
364 butyrolactone (GBL), as described in s. 893.03(1)(d), or any
365 mixture containing gamma-butyrolactone (GBL), commits a felony
366 of the first degree, which felony shall be known as "trafficking
367 in gamma-butyrolactone (GBL)," punishable as provided in s.
368 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

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

377 c. Is 30 ~~10~~ kilograms or more, such person shall be

25-00224C-12

2012732__

378 sentenced to a mandatory minimum term of imprisonment of 15
379 calendar years, and the defendant shall be ordered to pay a fine
380 of \$250,000.

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

391 (j)1. Any person who knowingly sells, purchases,
392 manufactures, delivers, or brings into this state, or who ~~is~~
393 knowingly is in actual or constructive possession with intent to
394 distribute ~~of~~, 5 kilograms ~~1 kilogram~~ or more of 1,4-Butanediol
395 as described in s. 893.03(1)(d), or of any mixture containing
396 1,4-Butanediol, commits a felony of the first degree, which
397 felony shall be known as "trafficking in 1,4-Butanediol,"
398 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
399 If the quantity involved:

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

404 b. Is 15 ~~5~~ kilograms or more, but less than 30 ~~10~~
405 kilograms, such person shall be sentenced to a mandatory minimum
406 term of imprisonment of 7 years, and the defendant shall be

25-00224C-12

2012732__

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

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

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

422 (k)1. Any person who knowingly sells, purchases,
423 manufactures, delivers, or brings into this state, or who ~~is~~
424 knowingly is in actual or constructive possession with intent to
425 distribute ~~of~~, 30 ~~10~~ grams or more of any of the following
426 substances described in s. 893.03(1)(a) or (c):

- 427 a. 3,4-Methylenedioxymethamphetamine (MDMA);
428 b. 4-Bromo-2,5-dimethoxyamphetamine;
429 c. 4-Bromo-2,5-dimethoxyphenethylamine;
430 d. 2,5-Dimethoxyamphetamine;
431 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
432 f. N-ethylamphetamine;
433 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
434 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
435 i. 4-methoxyamphetamine;

25-00224C-12

2012732

- 436 j. 4-methoxymethamphetamine;
- 437 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 438 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 439 m. 3,4-Methylenedioxyamphetamine;
- 440 n. N,N-dimethylamphetamine; or
- 441 o. 3,4,5-Trimethoxyamphetamine,
- 442
- 443 individually or in any combination of or any mixture containing
- 444 any substance listed in sub-subparagraphs a.-o., commits a
- 445 felony of the first degree, which felony shall be known as
- 446 "trafficking in Phenethylamines," punishable as provided in s.
- 447 775.082, s. 775.083, or s. 775.084.
- 448 2. If the quantity involved:
- 449 a. Is 30 ~~10~~ grams or more but less than 200 grams, such
- 450 person shall be sentenced to a mandatory minimum term of
- 451 imprisonment of 3 years, and the defendant shall be ordered to
- 452 pay a fine of \$50,000.
- 453 b. Is 200 grams or more, but less than 400 grams, such
- 454 person shall be sentenced to a mandatory minimum term of
- 455 imprisonment of 7 years, and the defendant shall be ordered to
- 456 pay a fine of \$100,000.
- 457 c. Is 400 grams or more, such person shall be sentenced to
- 458 a mandatory minimum term of imprisonment of 15 calendar years,
- 459 and the defendant shall be ordered to pay a fine of \$250,000.
- 460 3. Any person who knowingly manufactures or brings into
- 461 this state 30 kilograms or more of any of the following
- 462 substances described in s. 893.03(1)(a) or (c):
- 463 a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 464 b. 4-Bromo-2,5-dimethoxyamphetamine;

25-00224C-12

2012732

- 465 c. 4-Bromo-2,5-dimethoxyphenethylamine;
 466 d. 2,5-Dimethoxyamphetamine;
 467 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
 468 f. N-ethylamphetamine;
 469 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
 470 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
 471 i. 4-methoxyamphetamine;
 472 j. 4-methoxymethamphetamine;
 473 k. 4-Methyl-2,5-dimethoxyamphetamine;
 474 l. 3,4-Methylenedioxy-N-ethylamphetamine;
 475 m. 3,4-Methylenedioxyamphetamine;
 476 n. N,N-dimethylamphetamine; or
 477 o. 3,4,5-Trimethoxyamphetamine,

478
 479 individually or in any combination of or any mixture containing
 480 any substance listed in sub-subparagraphs a.-o., and who knows
 481 that the probable result of such manufacture or importation
 482 would be the death of any person commits capital manufacture or
 483 importation of Phenethylamines, a capital felony punishable as
 484 provided in ss. 775.082 and 921.142. Any person sentenced for a
 485 capital felony under this paragraph shall also be ordered
 486 ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

487 (1)1. Any person who knowingly sells, purchases,
 488 manufactures, delivers, or brings into this state, or who ~~is~~
 489 knowingly is in actual or constructive possession with intent to
 490 distribute ~~of~~, 1 gram or more of lysergic acid diethylamide
 491 (LSD) as described in s. 893.03(1)(c), or of any mixture
 492 containing lysergic acid diethylamide (LSD), commits a felony of
 493 the first degree, which felony shall be known as "trafficking in

25-00224C-12

2012732

494 lysergic acid diethylamide (LSD)," punishable as provided in s.
495 775.082, s. 775.083, or s. 775.084. If the quantity involved:

496 a. Is 1 gram or more, but less than 5 grams, such person
497 shall be sentenced to a mandatory minimum term of imprisonment
498 of 3 years, and the defendant shall be ordered to pay a fine of
499 \$50,000.

500 b. Is 5 grams or more, but less than 7 grams, such person
501 shall be sentenced to a mandatory minimum term of imprisonment
502 of 7 years, and the defendant shall be ordered to pay a fine of
503 \$100,000.

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

507 2. Any person who knowingly manufactures or brings into
508 this state 7 grams or more of lysergic acid diethylamide (LSD)
509 as described in s. 893.03(1)(c), or any mixture containing
510 lysergic acid diethylamide (LSD), and who knows that the
511 probable result of such manufacture or importation would be the
512 death of any person commits capital manufacture or importation
513 of lysergic acid diethylamide (LSD), a capital felony punishable
514 as provided in ss. 775.082 and 921.142. Any person sentenced for
515 a capital felony under this paragraph shall also be ordered
516 ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

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

25-00224C-12

2012732__

523 brought into this state, or actually or constructively
524 possessed.

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

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

549 (5) Any person who agrees, conspires, combines, or
550 confederates with another person to commit any act prohibited by
551 subsection (1) commits a felony of the first degree and is

25-00224C-12

2012732

552 punishable as if he or she had actually committed such
553 prohibited act. ~~Nothing in~~ This subsection does not ~~shall be~~
554 ~~construed to~~ prohibit separate convictions and sentences for a
555 violation of this subsection and any violation of subsection
556 (1).

557 (6) A mixture, as defined in s. 893.02, containing any
558 controlled substance described in this section includes, but is
559 not limited to, a solution or a dosage unit, including, but not
560 limited to, a pill or tablet, containing a controlled substance.
561 For the purpose of clarifying legislative intent regarding the
562 weighing of a mixture containing a controlled substance
563 described in this section, the weight of the controlled
564 substance is the total weight of the mixture, including the
565 controlled substance and any other substance in the mixture.
566 However, if the mixture is a prescription drug as defined in s.
567 499.003 and the weight of the controlled substance in the
568 mixture can be identified using the national drug code, the
569 weight of the controlled substance is the weight identified in
570 the national drug code. If there is more than one mixture
571 containing the same controlled substance, the weight of the
572 controlled substance is calculated by aggregating the total
573 weight of each mixture.

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

25-00224C-12

2012732__

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

583 921.0022 Criminal Punishment Code; offense severity ranking
 584 chart.—

585 (3) OFFENSE SEVERITY RANKING CHART

586 (g) LEVEL 7

587

Florida Statute	Felony Degree	Description
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588

316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
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589

316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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590

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.
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591

327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
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592

402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration,
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25-00224C-12

2012732__

permanent disability, or death.

593

409.920 3rd Medicaid provider fraud; \$10,000 or
(2) (b) 1.a. less.

594

409.920 2nd Medicaid provider fraud; more than
(2) (b) 1.b. \$10,000, but less than \$50,000.

595

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

596

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

597

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

598

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

599

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

600

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

601

462.17 3rd Practicing naturopathy without a
license.

602

25-00224C-12 2012732__

603	463.015 (1)	3rd	Practicing optometry without a license.
604	464.016 (1)	3rd	Practicing nursing without a license.
605	465.015 (2)	3rd	Practicing pharmacy without a license.
606	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
607	467.201	3rd	Practicing midwifery without a license.
608	468.366	3rd	Delivering respiratory care services without a license.
609	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
610	483.901 (9)	3rd	Practicing medical physics without a license.
611	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
612	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained

25-00224C-12

2012732__

exceeded \$50,000 and there were five or more victims.

613

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.

614

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

615

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

616

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

617

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

618

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

619

782.051 (3) 2nd Attempted felony murder of a person by

25-00224C-12

2012732__

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

620

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

621

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

622

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

623

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

624

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

625

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

626

784.048(4) 3rd Aggravated stalking; violation of
injunction or court order.

627

	25-00224C-12			2012732__
628	784.048 (7)	3rd	Aggravated stalking; violation of court order.	
629	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.	
630	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.	
631	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.	
632	784.081 (1)	1st	Aggravated battery on specified official or employee.	
633	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.	
634	784.083 (1)	1st	Aggravated battery on code inspector.	
635	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).	
636	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.	
	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.	

25-00224C-12

2012732__

637

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

638

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

639

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

640

790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

641

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.

642

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

643

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

25-00224C-12

2012732__

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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.
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.

25-00224C-12

2012732

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- 812.014 (2) (b) 3. 2nd Property stolen, emergency medical equipment; 2nd degree grand theft.
- 812.014 (2) (b) 4. 2nd Property stolen, law enforcement equipment from authorized emergency vehicle.
- 812.0145 (2) (a) 1st Theft from person 65 years of age or older; \$50,000 or more.
- 812.019 (2) 1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
- 812.131 (2) (a) 2nd Robbery by sudden snatching.
- 812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.
- 817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.
- 817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.
- 817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

25-00224C-12

2012732__

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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.
825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
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 years of age by person 21 years of age or older.
837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.

25-00224C-12

2012732__

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838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
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 state, county, or municipal park or publicly owned recreational facility or community center.

25-00224C-12

2012732

- 677
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.
- 678
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).
- 679
893.135(1)(a)1.
1st
Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
- 680
893.135
(1)(b)1.a.
1st
Trafficking in cocaine, more than 50 ~~28~~ grams, less than 400 ~~200~~ grams.
- 681
893.135
(1)(c)1.a.
1st
Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
- 682
893.135(1)(d)1.
1st
Trafficking in phencyclidine, more than 50 ~~28~~ grams, less than 400 ~~200~~ grams.
- 683
893.135(1)(e)1.
1st
Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
- 684
893.135(1)(f)1.
1st
Trafficking in amphetamine, more than 30 ~~14~~ grams, less than 200 ~~28~~ grams.

25-00224C-12 2012732

685 893.135 1st Trafficking in flunitrazepam, 4 grams
(1) (g) 1.a. or more, less than 14 grams.

686 893.135 1st Trafficking in gamma-hydroxybutyric
(1) (h) 1.a. acid (GHB), 5 kilograms ~~1 kilogram~~ or
more, less than 15 ~~5~~ kilograms.

687 893.135 1st Trafficking in 1,4-Butanediol, 5
(1) (j) 1.a. kilograms ~~1 kilogram~~ or more, less than
15 ~~5~~ kilograms.

688 893.135 1st Trafficking in Phenethylamines, 30 ~~10~~
(1) (k) 2.a. grams or more, less than 200 grams.

689 893.1351 (2) 2nd Possession of place for trafficking in
or manufacturing of controlled
substance.

690 896.101 (5) (a) 3rd Money laundering, financial
transactions exceeding \$300 but less
than \$20,000.

691 896.104 (4) (a) 1. 3rd Structuring transactions to evade
reporting or registration requirements,
financial transactions exceeding \$300
but less than \$20,000.

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

25-00224C-12

2012732__

reporting requirements.

692

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

693

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

694

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

695

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

696

944.607(9) 3rd Sexual offender; failure to comply with reporting requirements.

697

944.607(10)(a) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

698

944.607(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

699

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to

25-00224C-12

2012732__

address verification.

700

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

701

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

702

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

703

704 (h) LEVEL 8

705

Florida	Felony	
Statute	Degree	Description

706

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

707

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

708

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

709

499.0051(7) 1st Knowing trafficking in contraband prescription drugs.

710

25-00224C-12 2012732

711	499.0051(8)	1st	Knowing forgery of prescription labels or prescription drug labels.
712	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.
713	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.
714	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
715	777.03(2)(a)	1st	Accessory after the fact, capital felony.
716	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.
	782.051(2)	1st	Attempted felony murder while

25-00224C-12

2012732__

perpetrating or attempting to
perpetrate a felony not enumerated in
s. 782.04(3).

717

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

718

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

719

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

720

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

721

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

722

800.04(4) 2nd Lewd or lascivious battery.

723

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

724

25-00224C-12 2012732__

- 725 810.02 (2) (a) 1st,PBL Burglary with assault or battery.
- 726 810.02 (2) (b) 1st,PBL Burglary; armed with explosives or
dangerous weapon.
- 727 810.02 (2) (c) 1st Burglary of a dwelling or structure
causing structural damage or \$1,000 or
more property damage.
- 728 812.014 (2) (a) 2. 1st Property stolen; cargo valued at
\$50,000 or more, grand theft in 1st
degree.
- 729 812.13 (2) (b) 1st Robbery with a weapon.
- 730 812.135 (2) (c) 1st Home-invasion robbery, no firearm,
deadly weapon, or other weapon.
- 731 817.568 (6) 2nd Fraudulent use of personal
identification information of an
individual under the age of 18.
- 732 825.102 (2) 1st Aggravated abuse of an elderly person
or disabled adult.
- 733 825.1025 (2) 2nd Lewd or lascivious battery upon an
elderly person or disabled adult.
- 825.103 (2) (a) 1st Exploiting an elderly person or

25-00224C-12

2012732

disabled adult and property is valued
at \$100,000 or more.

734

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

735

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

736

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

737

860.16 1st Aircraft piracy.

738

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).

739

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

740

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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25-00224C-12

2012732__

742

893.135 (1) (a) 2. 1st Trafficking in cannabis, more than
2,000 lbs., less than 10,000 lbs.

743

893.135 (1) (b) 1.b. 1st Trafficking in cocaine, more than 400
~~200~~ grams, less than 4 kilograms ~~400~~
grams.

744

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

745

893.135 (1) (d) 1.b. 1st Trafficking in phencyclidine, more than
400 ~~200~~ grams, less than 4 kilograms
~~400~~ grams.

746

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

747

893.135 (1) (f) 1.b. 1st Trafficking in amphetamine, more than
200 ~~28~~ grams, less than 400 ~~200~~ grams.

748

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

749

893.135 (1) (h) 1.b. 1st Trafficking in gamma-hydroxybutyric
acid (GHB), 15 ~~5~~ kilograms or more,
less than 30 ~~10~~ kilograms.

893.135 (1) (j) 1.b. 1st Trafficking in 1,4-Butanediol, 15 ~~5~~
kilograms or more, less than 30 ~~10~~

25-00224C-12

2012732

kilograms.

750

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

751

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

752

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

753

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

754

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

755

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

756

896.104(4)(a)2. 2nd Structuring transactions to evade
reporting or registration requirements,
financial transactions totaling or
exceeding \$20,000 but less than

25-00224C-12

2012732__

\$100,000.

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(i) LEVEL 9

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

25-00224C-12 2012732__

- 767
655.50(10)(b)3.
1st
Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
- 768
775.0844
1st
Aggravated white collar crime.
- 769
782.04(1)
1st
Attempt, conspire, or solicit to commit premeditated murder.
- 770
782.04(3)
1st,PBL
Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.
- 771
782.051(1)
1st
Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
- 772
782.07(2)
1st
Aggravated manslaughter of an elderly person or disabled adult.
- 773
787.01(1)(a)1.
1st,PBL
Kidnapping; hold for ransom or reward or as a shield or hostage.
- 774
787.01(1)(a)2.
1st,PBL
Kidnapping with intent to commit or facilitate commission of any felony.
- 774
787.01(1)(a)4.
1st,PBL
Kidnapping with intent to interfere

25-00224C-12

2012732

with performance of any governmental or political function.

775

787.02 (3) (a) 1st False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

776

790.161 1st Attempted capital destructive device offense.

777

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

778

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

779

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

780

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

781

794.011 (8) (b) 1st Sexual battery; engage in sexual conduct with minor 12 to 18 years by

25-00224C-12

2012732__

person in familial or custodial authority.

782

794.08 (2) 1st Female genital mutilation; victim younger than 18 years of age.

783

800.04 (5) (b) Life Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

784

812.13 (2) (a) 1st, PBL Robbery with firearm or other deadly weapon.

785

812.133 (2) (a) 1st, PBL Carjacking; firearm or other deadly weapon.

786

812.135 (2) (b) 1st Home-invasion robbery with weapon.

787

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.

788

827.03 (2) 1st Aggravated child abuse.

789

847.0145 (1) 1st Selling, or otherwise transferring custody or control, of a minor.

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25-00224C-12 2012732__

791	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
792	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.
793	893.135	1st	Attempted capital trafficking offense.
794	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
795	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than <u>4 kilograms</u> 400 grams , less than 150 kilograms.
796	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
797	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than <u>4 kilograms</u> 400 grams .
798	893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
	893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than <u>400</u> 200 grams.

25-00224C-12

2012732__

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893.135 (1) (h) 1.c. 1st Trafficking in gamma-hydroxybutyric acid (GHB), 30 ~~40~~ kilograms or more.

893.135 (1) (j) 1.c. 1st Trafficking in 1,4-Butanediol, 30 ~~40~~ kilograms or more.

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

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

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

Section 3. For the purpose of incorporating the amendments made by this act to section 893.135, Florida Statutes, in a reference thereto, paragraph (a) of subsection (2) of section 775.087, Florida Statutes, is reenacted to read:

775.087 Possession or use of weapon; aggravated battery; 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 weapon is an element of the felony, and the conviction was for:

a. Murder;

25-00224C-12

2012732

- 815 b. Sexual battery;
- 816 c. Robbery;
- 817 d. Burglary;
- 818 e. Arson;
- 819 f. Aggravated assault;
- 820 g. Aggravated battery;
- 821 h. Kidnapping;
- 822 i. Escape;
- 823 j. Aircraft piracy;
- 824 k. Aggravated child abuse;
- 825 l. Aggravated abuse of an elderly person or disabled adult;
- 826 m. Unlawful throwing, placing, or discharging of a
- 827 destructive device or bomb;
- 828 n. Carjacking;
- 829 o. Home-invasion robbery;
- 830 p. Aggravated stalking;
- 831 q. Trafficking in cannabis, trafficking in cocaine, capital
- 832 importation of cocaine, trafficking in illegal drugs, capital
- 833 importation of illegal drugs, trafficking in phencyclidine,
- 834 capital importation of phencyclidine, trafficking in
- 835 methaqualone, capital importation of methaqualone, trafficking
- 836 in amphetamine, capital importation of amphetamine, trafficking
- 837 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
- 838 (GHB), trafficking in 1,4-Butanediol, trafficking in
- 839 Phenethylamines, or other violation of s. 893.135(1); or
- 840 r. Possession of a firearm by a felon
- 841
- 842 and during the commission of the offense, such person actually
- 843 possessed a "firearm" or "destructive device" as those terms are

25-00224C-12

2012732

844 defined in s. 790.001, shall be sentenced to a minimum term of
845 imprisonment of 10 years, except that a person who is convicted
846 for aggravated assault, possession of a firearm by a felon, or
847 burglary of a conveyance shall be sentenced to a minimum term of
848 imprisonment of 3 years if such person possessed a "firearm" or
849 "destructive device" during the commission of the offense.

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

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

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

872 782.04 Murder.—

25-00224C-12

2012732

- 873 (1) (a) The unlawful killing of a human being:
- 874 1. When perpetrated from a premeditated design to effect
- 875 the death of the person killed or any human being;
- 876 2. When committed by a person engaged in the perpetration
- 877 of, or in the attempt to perpetrate, any:
- 878 a. Trafficking offense prohibited by s. 893.135(1),
- 879 b. Arson,
- 880 c. Sexual battery,
- 881 d. Robbery,
- 882 e. Burglary,
- 883 f. Kidnapping,
- 884 g. Escape,
- 885 h. Aggravated child abuse,
- 886 i. Aggravated abuse of an elderly person or disabled adult,
- 887 j. Aircraft piracy,
- 888 k. Unlawful throwing, placing, or discharging of a
- 889 destructive device or bomb,
- 890 l. Carjacking,
- 891 m. Home-invasion robbery,
- 892 n. Aggravated stalking,
- 893 o. Murder of another human being,
- 894 p. Resisting an officer with violence to his or her person,
- 895 q. Felony that is an act of terrorism or is in furtherance
- 896 of an act of terrorism; or
- 897 3. Which resulted from the unlawful distribution of any
- 898 substance controlled under s. 893.03(1), cocaine as described in
- 899 s. 893.03(2) (a)4., opium or any synthetic or natural salt,
- 900 compound, derivative, or preparation of opium, or methadone by a
- 901 person 18 years of age or older, when such drug is proven to be

25-00224C-12

2012732__

902 the proximate cause of the death of the user,
903
904 is murder in the first degree and constitutes a capital felony,
905 punishable as provided in s. 775.082.

906 (3) When a person is killed in the perpetration of, or in
907 the attempt to perpetrate, any:

- 908 (a) Trafficking offense prohibited by s. 893.135(1),
- 909 (b) Arson,
- 910 (c) Sexual battery,
- 911 (d) Robbery,
- 912 (e) Burglary,
- 913 (f) Kidnapping,
- 914 (g) Escape,
- 915 (h) Aggravated child abuse,
- 916 (i) Aggravated abuse of an elderly person or disabled
917 adult,
- 918 (j) Aircraft piracy,
- 919 (k) Unlawful throwing, placing, or discharging of a
920 destructive device or bomb,
- 921 (l) Carjacking,
- 922 (m) Home-invasion robbery,
- 923 (n) Aggravated stalking,
- 924 (o) Murder of another human being,
- 925 (p) Resisting an officer with violence to his or her
926 person, or
- 927 (q) Felony that is an act of terrorism or is in furtherance
928 of an act of terrorism,
929
930 by a person other than the person engaged in the perpetration of

25-00224C-12

2012732

931 or in the attempt to perpetrate such felony, the person
932 perpetrating or attempting to perpetrate such felony is guilty
933 of murder in the second degree, which constitutes a felony of
934 the first degree, punishable by imprisonment for a term of years
935 not exceeding life or as provided in s. 775.082, s. 775.083, or
936 s. 775.084.

937 (4) The unlawful killing of a human being, when perpetrated
938 without any design to effect death, by a person engaged in the
939 perpetration of, or in the attempt to perpetrate, any felony
940 other than any:

- 941 (a) Trafficking offense prohibited by s. 893.135(1),
- 942 (b) Arson,
- 943 (c) Sexual battery,
- 944 (d) Robbery,
- 945 (e) Burglary,
- 946 (f) Kidnapping,
- 947 (g) Escape,
- 948 (h) Aggravated child abuse,
- 949 (i) Aggravated abuse of an elderly person or disabled
950 adult,
- 951 (j) Aircraft piracy,
- 952 (k) Unlawful throwing, placing, or discharging of a
953 destructive device or bomb,
- 954 (l) Unlawful distribution of any substance controlled under
955 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
956 opium or any synthetic or natural salt, compound, derivative, or
957 preparation of opium by a person 18 years of age or older, when
958 such drug is proven to be the proximate cause of the death of
959 the user,

25-00224C-12

2012732__

960 (m) Carjacking,
961 (n) Home-invasion robbery,
962 (o) Aggravated stalking,
963 (p) Murder of another human being,
964 (q) Resisting an officer with violence to his or her
965 person, or
966 (r) Felony that is an act of terrorism or is in furtherance
967 of an act of terrorism,
968
969 is murder in the third degree and constitutes a felony of the
970 second degree, punishable as provided in s. 775.082, s. 775.083,
971 or s. 775.084.
972 Section 5. Section 893.101, Florida Statutes, is repealed.
973 Section 6. This act shall take effect July 1, 2012.