

By the Committee on Criminal Justice; and Senators Bogdanoff and Joyner

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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; providing an effective date.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 893.135, Florida Statutes, is amended to
22 read:

23 893.135 Trafficking; mandatory sentences; suspension or
24 reduction of sentences; conspiracy to engage in trafficking.—

25 (1) Except as authorized in this chapter or in chapter 499
26 and notwithstanding the provisions of s. 893.13:

27 (a) A ~~Any~~ person who knowingly sells, purchases,
28 manufactures, delivers, or brings into this state, or who ~~is~~
29 knowingly is in actual or constructive possession with intent to

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30 distribute ~~of~~, in excess of 25 pounds of cannabis, or 300 or
31 more cannabis plants, commits a felony of the first degree,
32 which felony shall be known as "trafficking in cannabis,"
33 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
34 If the quantity of cannabis involved:

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

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

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

49
50 For the purpose of this paragraph, a plant, including, but not
51 limited to, a seedling or cutting, is a "cannabis plant" if it
52 has some readily observable evidence of root formation, such as
53 root hairs. To determine if a piece or part of a cannabis plant
54 severed from the cannabis plant is itself a cannabis plant, the
55 severed piece or part must have some readily observable evidence
56 of root formation, such as root hairs. Callous tissue is not
57 readily observable evidence of root formation. The viability and
58 sex of a plant and the fact that the plant may or may not be a

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59 dead harvested plant are not relevant in determining if the
60 plant is a "cannabis plant" or in the charging of an offense
61 under this paragraph. Upon conviction, the court shall impose
62 the longest term of imprisonment provided for in this paragraph.

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

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

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

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

84 2. Any person who knowingly sells, purchases, manufactures,
85 delivers, or brings into this state, or who ~~is~~ knowingly is in
86 actual or constructive possession with intent to distribute ~~of~~,
87 150 kilograms or more of cocaine, as described in s.

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88 893.03(2)(a)4., commits the first degree felony of trafficking
89 in cocaine. A person who has been convicted of the first-degree
90 ~~first degree~~ felony of trafficking in cocaine under this
91 subparagraph shall be punished by life imprisonment and is
92 ineligible for any form of discretionary early release except
93 pardon or executive clemency or conditional medical release
94 under s. 947.149. However, if the court determines that, in
95 addition to committing any act specified in this paragraph:

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

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

102

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

108 3. Any person who knowingly brings into this state 300
109 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
110 and who knows that the probable result of such importation would
111 be the death of any person, commits capital importation of
112 cocaine, a capital felony punishable as provided in ss. 775.082
113 and 921.142. Any person sentenced for a capital felony under
114 this paragraph shall also be ordered ~~sentenced~~ to pay the
115 maximum fine provided under subparagraph 1.

116 (c)1. Any person who knowingly sells, purchases,

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

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

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

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

140 2. Any person who knowingly sells, purchases, manufactures,
141 delivers, or brings into this state, or who ~~is~~ knowingly is in
142 actual or constructive possession with intent to distribute ~~of~~,
143 30 kilograms or more of any morphine, opium, oxycodone,
144 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
145 salt of an isomer thereof, including heroin, as described in s.

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

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

160 b. The person's conduct in committing that act led to a
161 natural, though not inevitable, lethal result,
162
163 such person commits the capital felony of trafficking in illegal
164 drugs, punishable as provided in ss. 775.082 and 921.142. Any
165 person sentenced for a capital felony under this paragraph shall
166 also be ordered ~~sentenced~~ to pay the maximum fine provided under
167 subparagraph 1.

168 3. Any person who knowingly brings into this state 60
169 kilograms or more of any morphine, opium, oxycodone,
170 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
171 salt of an isomer thereof, including heroin, as described in s.
172 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
173 more of any mixture containing any such substance, and who knows
174 that the probable result of such importation would be the death

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175 of any person, commits capital importation of illegal drugs, a
176 capital felony punishable as provided in ss. 775.082 and
177 921.142. Any person sentenced for a capital felony under this
178 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
179 fine provided under subparagraph 1.

180 (d)1. Any person who knowingly sells, purchases,
181 manufactures, delivers, or brings into this state, or who ~~is~~
182 knowingly is in actual or constructive possession with intent to
183 distribute ~~of~~, 50 ~~28~~ grams or more of phencyclidine or of any
184 mixture containing phencyclidine, as described in s.
185 893.03(2)(b), commits a felony of the first degree, which felony
186 shall be known as "trafficking in phencyclidine," punishable as
187 provided in s. 775.082, s. 775.083, or s. 775.084. If the
188 quantity involved:

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

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

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

201 2. Any person who knowingly brings into this state 8
202 kilograms ~~800 grams~~ or more of phencyclidine or of any mixture
203 containing phencyclidine, as described in s. 893.03(2)(b), and

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204 who knows that the probable result of such importation would be
205 the death of any person commits capital importation of
206 phencyclidine, a capital felony punishable as provided in ss.
207 775.082 and 921.142. Any person sentenced for a capital felony
208 under this paragraph shall also be ordered ~~sentenced~~ to pay the
209 maximum fine provided under subparagraph 1.

210 (e)1. Any person who knowingly sells, purchases,
211 manufactures, delivers, or brings into this state, or who ~~is~~
212 knowingly is in actual or constructive possession with intent to
213 distribute ~~of~~, 200 grams or more of methaqualone or of any
214 mixture containing methaqualone, as described in s.
215 893.03(1)(d), commits a felony of the first degree, which felony
216 shall be known as "trafficking in methaqualone," punishable as
217 provided in s. 775.082, s. 775.083, or s. 775.084. If the
218 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, such
224 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

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

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

257 b. Is 200 ~~28~~ grams or more, but less than 400 ~~200~~ grams,
258 such person shall be sentenced to a mandatory minimum term of
259 imprisonment of 7 years, and the defendant shall be ordered to
260 pay a fine of \$100,000.

261 c. Is 400 ~~200~~ grams or more, such person shall be sentenced

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262 to a mandatory minimum term of imprisonment of 15 calendar
263 years, and the defendant shall be ordered to pay a fine of
264 \$250,000.

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

279 (g)1. Any person who knowingly sells, purchases,
280 manufactures, delivers, or brings into this state, or who ~~is~~
281 knowingly is in actual or constructive possession with intent to
282 distribute ~~of~~, 4 grams or more of flunitrazepam or any mixture
283 containing flunitrazepam as described in s. 893.03(1)(a) commits
284 a felony of the first degree, which felony shall be known as
285 "trafficking in flunitrazepam," punishable as provided in s.
286 775.082, s. 775.083, or s. 775.084. If the quantity involved:
287 a. Is 4 grams or more but less than 14 grams, such person
288 shall be sentenced to a mandatory minimum term of imprisonment
289 of 3 years, and the defendant shall be ordered to pay a fine of
290 \$50,000.

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

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

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

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

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

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319 such person commits the capital felony of trafficking in

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

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

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

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

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

346 2. Any person who knowingly manufactures or brings into
347 this state 150 kilograms or more of gamma-hydroxybutyric acid
348 (GHB), as described in s. 893.03(1)(d), or any mixture

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349 containing gamma-hydroxybutyric acid (GHB), and who knows that
350 the probable result of such manufacture or importation would be
351 the death of any person commits capital manufacture or
352 importation of gamma-hydroxybutyric acid (GHB), a capital felony
353 punishable as provided in ss. 775.082 and 921.142. Any person
354 sentenced for a capital felony under this paragraph shall also
355 be ordered ~~sentenced~~ to pay the maximum fine provided under
356 subparagraph 1.

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

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

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

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

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

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

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

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

405 c. Is 30 ~~10~~ kilograms or more, such person shall be
406 sentenced to a mandatory minimum term of imprisonment of 15

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407 calendar years, and the defendant shall be ordered to pay a fine
408 of \$500,000.

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

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

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

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

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- 465 f. N-ethylamphetamine;
- 466 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 467 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 468 i. 4-methoxyamphetamine;
- 469 j. 4-methoxymethamphetamine;
- 470 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 471 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 472 m. 3,4-Methylenedioxyamphetamine;
- 473 n. N,N-dimethylamphetamine; or
- 474 o. 3,4,5-Trimethoxyamphetamine,

475

476 individually or in any combination of or any mixture containing

477 any substance listed in sub-subparagraphs a.-o., and who knows

478 that the probable result of such manufacture or importation

479 would be the death of any person commits capital manufacture or

480 importation of Phenethylamines, a capital felony punishable as

481 provided in ss. 775.082 and 921.142. Any person sentenced for a

482 capital felony under this paragraph shall also be ordered

483 ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

484 (1)1. Any person who knowingly sells, purchases,

485 manufactures, delivers, or brings into this state, or who ~~is~~

486 knowingly is in actual or constructive possession with intent to

487 distribute ~~of~~, 1 gram or more of lysergic acid diethylamide

488 (LSD) as described in s. 893.03(1)(c), or of any mixture

489 containing lysergic acid diethylamide (LSD), commits a felony of

490 the first degree, which felony shall be known as "trafficking in

491 lysergic acid diethylamide (LSD)," punishable as provided in s.

492 775.082, s. 775.083, or s. 775.084. If the quantity involved:

493 a. Is 1 gram or more, but less than 5 grams, such person

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494 shall be sentenced to a mandatory minimum term of imprisonment
495 of 3 years, and the defendant shall be ordered to pay a fine of
496 \$50,000.

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

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

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

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

522 (3) Notwithstanding the provisions of s. 948.01, with

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

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

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

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552 violation of this subsection and any violation of subsection
553 (1).

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

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

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

580 921.0022 Criminal Punishment Code; offense severity ranking

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chart.—

(3) OFFENSE SEVERITY RANKING CHART

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
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.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920	3rd	Medicaid provider fraud; \$10,000 or

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(2) (b) 1.a. less.

591

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

592

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

593

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

594

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

595

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

596

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

597

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

598

462.17 3rd Practicing naturopathy without a
license.

599

463.015 (1) 3rd Practicing optometry without a license.

600

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

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465.015 (2)	3rd	Practicing pharmacy without a license.
466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901 (9)	3rd	Practicing medical physics without a license.
484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
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 exceeded \$50,000 and there were five or more victims.

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611

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.

612

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

613

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

614

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

615

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

616

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

617

782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

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618	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
619	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
620	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
621	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
622	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
623	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
624	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
625	784.048(7)	3rd	Aggravated stalking; violation of court order.

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626	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
627	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
628	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
629	784.081(1)	1st	Aggravated battery on specified official or employee.
630	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
631	784.083(1)	1st	Aggravated battery on code inspector.
632	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
633	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
634	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing

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or attempting to commit a felony.

635

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

636

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

637

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

638

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.

639

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

640

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

641

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.

642

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

643

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

644

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

645

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

646

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

647

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.

648

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

649

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

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- 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.
- 817.2341 1st Making false entries of material fact (2) (b) & or false statements regarding property

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(3) (b)

values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

659

825.102 (3) (b)

2nd

Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

660

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.

661

827.03 (3) (b)

2nd

Neglect of a child causing great bodily harm, disability, or disfigurement.

662

827.04 (3)

3rd

Impregnation of a child under 16 years of age by person 21 years of age or older.

663

837.05 (2)

3rd

Giving false information about alleged capital felony to a law enforcement officer.

664

838.015

2nd

Bribery.

665

838.016

2nd

Unlawful compensation or reward for official behavior.

666

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667	838.021(3)(a)	2nd	Unlawful harm to a public servant.
668	838.22	2nd	Bid tampering.
669	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
670	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
671	872.06	2nd	Abuse of a dead human body.
672	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
673	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.
	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),

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(2) (b), or (2) (c) 4., within 1,000 feet of property used for religious services or a specified business site.

674

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).

675

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

676

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

677

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

678

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

679

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

680

893.135 (1) (f) 1. 1st Trafficking in amphetamine, more than 30 ~~14~~ grams, less than 200 ~~28~~ grams.

681

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

682

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683 893.135 1st Trafficking in gamma-hydroxybutyric
 (1) (h) 1.a. acid (GHB), 5 kilograms ~~1 kilogram~~ or
 more, less than 15 ~~5~~ kilograms.

684 893.135 1st Trafficking in 1,4-Butanediol, 5
 (1) (j) 1.a. kilograms ~~1 kilogram~~ or more, less than
15 ~~5~~ kilograms.

685 893.135 1st Trafficking in Phenethylamines, 30 ~~10~~
 (1) (k) 2.a. grams or more, less than 200 grams.

686 893.1351(2) 2nd Possession of place for trafficking in
 or manufacturing of controlled
 substance.

687 896.101(5)(a) 3rd Money laundering, financial
 transactions exceeding \$300 but less
 than \$20,000.

688 896.104(4)(a) 1. 3rd Structuring transactions to evade
 reporting or registration requirements,
 financial transactions exceeding \$300
 but less than \$20,000.

689 943.0435(4)(c) 2nd Sexual offender vacating permanent
 residence; failure to comply with
 reporting requirements.

943.0435(8) 2nd Sexual offender; remains in state after

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indicating intent to leave; failure to
comply with reporting requirements.

690

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

691

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

692

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

693

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

694

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

695

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

696

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

697

985.4815(10) 3rd Sexual offender; failure to submit to

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the taking of a digitized photograph.

698

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

699

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

700

701 (h) LEVEL 8

702

Florida	Felony	
Statute	Degree	Description

703

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

704

316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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705

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

706

499.0051(7)	1st	Knowing trafficking in contraband prescription drugs.
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707

499.0051(8)	1st	Knowing forgery of prescription labels or prescription drug labels.
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708

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709

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.

710

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.

711

655.50(10)(b)2. 2nd Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

712

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

713

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

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714

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

715

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

716

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

717

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

718

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

719

800.04 (4) 2nd Lewd or lascivious battery.

720

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

721

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

722

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

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dangerous weapon.

723

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

724

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

725

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

726

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

727

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

728

825.102 (2) 1st Aggravated abuse of an elderly person or disabled adult.

729

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

730

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

731

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732	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
733	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
734	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
735	860.16	1st	Aircraft piracy.
736	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).
737	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
738	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
739	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

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- 740
893.135
1st
Trafficking in cocaine, more than 400
 (1) (b) 1.b. ~~200~~ grams, less than 4 kilograms ~~400~~
~~grams~~.
- 741
893.135
1st
Trafficking in illegal drugs, more than
 (1) (c) 1.b. 14 grams, less than 28 grams.
- 742
893.135
1st
Trafficking in phencyclidine, more than
 (1) (d) 1.b. 400 ~~200~~ grams, less than 4 kilograms
~~400 grams~~.
- 743
893.135
1st
Trafficking in methaqualone, more than
 (1) (e) 1.b. 5 kilograms, less than 25 kilograms.
- 744
893.135
1st
Trafficking in amphetamine, more than
 (1) (f) 1.b. 200 ~~28~~ grams, less than 400 ~~200~~ grams.
- 745
893.135
1st
Trafficking in flunitrazepam, 14 grams
 (1) (g) 1.b. or more, less than 28 grams.
- 746
893.135
1st
Trafficking in gamma-hydroxybutyric
 (1) (h) 1.b. acid (GHB), 15 ~~5~~ kilograms or more,
 less than 30 ~~10~~ kilograms.
- 747
893.135
1st
Trafficking in 1,4-Butanediol, 15 ~~5~~
 (1) (j) 1.b. kilograms or more, less than 30 ~~10~~
 kilograms.
- 747
893.135
1st
Trafficking in Phenethylamines, 200

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(1) (k) 2.b.

grams or more, less than 400 grams.

748

893.1351(3)

1st

Possession of a place used to manufacture controlled substance when minor is present or resides there.

749

895.03(1)

1st

Use or invest proceeds derived from pattern of racketeering activity.

750

895.03(2)

1st

Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

751

895.03(3)

1st

Conduct or participate in any enterprise through pattern of racketeering activity.

752

896.101(5)(b)

2nd

Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

753

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.

754

755

(i) LEVEL 9

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756

Florida	Felony	
Statute	Degree	Description

757

316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
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758

327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
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759

409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
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760

499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
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761

560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
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560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
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763

655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
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775.0844 1st Aggravated white collar crime.

765

782.04(1) 1st Attempt, conspire, or solicit to
commit premeditated murder.

766

782.04(3) 1st,PBL Accomplice to murder in connection
with arson, sexual battery, robbery,
burglary, and other specified
felonies.

767

782.051(1) 1st Attempted felony murder while
perpetrating or attempting to
perpetrate a felony enumerated in s.
782.04(3).

768

782.07(2) 1st Aggravated manslaughter of an elderly
person or disabled adult.

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787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward
or as a shield or hostage.

770

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or
facilitate commission of any felony.

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787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere
with performance of any governmental
or political function.

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773	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.
774	790.161	1st	Attempted capital destructive device offense.
775	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
776	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
777	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
778	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
779	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

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780	794.08(2)	1st	Female genital mutilation; victim younger than 18 years of age.
781	800.04(5)(b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
782	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
783	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
784	812.135(2)(b)	1st	Home-invasion robbery with weapon.
785	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.
786	827.03(2)	1st	Aggravated child abuse.
787	847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
788	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.

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- 789 859.01 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.
- 790 893.135 1st Attempted capital trafficking offense.
- 791 893.135 (1) (a) 3. 1st Trafficking in cannabis, more than
10,000 lbs.
- 792 893.135 (1) (b) 1.c. 1st Trafficking in cocaine, more than 4
kilograms ~~400 grams~~, less than 150
kilograms.
- 793 893.135 (1) (c) 1.c. 1st Trafficking in illegal drugs, more
than 28 grams, less than 30 kilograms.
- 794 893.135 (1) (d) 1.c. 1st Trafficking in phencyclidine, more
than 4 kilograms ~~400 grams~~.
- 795 893.135 (1) (e) 1.c. 1st Trafficking in methaqualone, more than
25 kilograms.
- 796 893.135 (1) (f) 1.c. 1st Trafficking in amphetamine, more than
400 ~~200~~ grams.
- 893.135 (1) (h) 1.c. 1st Trafficking in gamma-hydroxybutyric
acid (GHB), 30 ~~10~~ kilograms or more.

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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;
- b. Sexual battery;
- c. Robbery;
- d. Burglary;

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- 815 e. Arson;
- 816 f. Aggravated assault;
- 817 g. Aggravated battery;
- 818 h. Kidnapping;
- 819 i. Escape;
- 820 j. Aircraft piracy;
- 821 k. Aggravated child abuse;
- 822 l. Aggravated abuse of an elderly person or disabled adult;
- 823 m. Unlawful throwing, placing, or discharging of a
- 824 destructive device or bomb;
- 825 n. Carjacking;
- 826 o. Home-invasion robbery;
- 827 p. Aggravated stalking;
- 828 q. Trafficking in cannabis, trafficking in cocaine, capital
- 829 importation of cocaine, trafficking in illegal drugs, capital
- 830 importation of illegal drugs, trafficking in phencyclidine,
- 831 capital importation of phencyclidine, trafficking in
- 832 methaqualone, capital importation of methaqualone, trafficking
- 833 in amphetamine, capital importation of amphetamine, trafficking
- 834 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
- 835 (GHB), trafficking in 1,4-Butanediol, trafficking in
- 836 Phenethylamines, or other violation of s. 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

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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 to
848 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 to
855 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;

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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 adult,
- 884 j. Aircraft piracy,
- 885 k. Unlawful throwing, placing, or discharging of a
886 destructive device or bomb,
- 887 l. Carjacking,
- 888 m. Home-invasion robbery,
- 889 n. Aggravated stalking,
- 890 o. Murder of another human being,
- 891 p. Resisting an officer with violence to his or her person,
- 892 q. Felony that is an act of terrorism or is in furtherance
893 of an act of terrorism; or

894 3. Which resulted from the unlawful distribution of any
895 substance controlled under s. 893.03(1), cocaine as described in
896 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
897 compound, derivative, or preparation of opium, or methadone by a
898 person 18 years of age or older, when such drug is proven to be
899 the proximate cause of the death of the user,
900
901 is murder in the first degree and constitutes a capital felony,

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902 punishable as provided in s. 775.082.

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

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

906 (b) Arson,

907 (c) Sexual battery,

908 (d) Robbery,

909 (e) Burglary,

910 (f) Kidnapping,

911 (g) Escape,

912 (h) Aggravated child abuse,

913 (i) Aggravated abuse of an elderly person or disabled
914 adult,

915 (j) Aircraft piracy,

916 (k) Unlawful throwing, placing, or discharging of a
917 destructive device or bomb,

918 (l) Carjacking,

919 (m) Home-invasion robbery,

920 (n) Aggravated stalking,

921 (o) Murder of another human being,

922 (p) Resisting an officer with violence to his or her
923 person, or

924 (q) Felony that is an act of terrorism or is in furtherance
925 of an act of terrorism,

926

927 by a person other than the person engaged in the perpetration of
928 or in the attempt to perpetrate such felony, the person
929 perpetrating or attempting to perpetrate such felony is guilty
930 of murder in the second degree, which constitutes a felony of

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931 the first degree, punishable by imprisonment for a term of years
932 not exceeding life or as provided in s. 775.082, s. 775.083, or
933 s. 775.084.

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

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

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960 (p) Murder of another human being,
961 (q) Resisting an officer with violence to his or her
962 person, or
963 (r) Felony that is an act of terrorism or is in furtherance
964 of an act of terrorism,
965
966 is murder in the third degree and constitutes a felony of the
967 second degree, punishable as provided in s. 775.082, s. 775.083,
968 or s. 775.084.
969 Section 5. This act shall take effect July 1, 2012.