

By the Committees on Judiciary; and Criminal Justice; and
Senators Bogdanoff and Joyner

590-03541-12

2012732c2

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

590-03541-12

2012732c2

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

590-03541-12

2012732c2

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 sell, purchase, manufacture, or deliver ~~of~~, 28 grams or more of
67 cocaine, as described in s. 893.03(2)(a)4., or of any mixture
68 containing cocaine, but less than 150 kilograms of cocaine or
69 any such mixture, commits a felony of the first degree, which
70 felony shall be known as "trafficking in cocaine," punishable as
71 provided in s. 775.082, s. 775.083, or s. 775.084. If the
72 quantity involved:

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

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

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

85 2. Any person who knowingly sells, purchases, manufactures,
86 delivers, or brings into this state, or who ~~is~~ knowingly is in
87 actual or constructive possession with intent to sell, purchase,

590-03541-12

2012732c2

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

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

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

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

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

590-03541-12

2012732c2

117 (c)1. Any person who knowingly sells, purchases,
118 manufactures, delivers, or brings into this state, or who ~~is~~
119 knowingly is in actual or constructive possession with intent to
120 sell, purchase, manufacture, or deliver ~~of~~, 28 4 grams or more
121 of any morphine, opium, oxycodone, hydrocodone, hydromorphone,
122 or any salt, derivative, isomer, or salt of an isomer thereof,
123 including heroin, as described in s. 893.03(1)(b), (2)(a),
124 (3)(c)3., or (3)(c)4., or 28 4 grams or more of any mixture
125 containing any such substance, but less than 30 kilograms of
126 such substance or mixture, commits a felony of the first degree,
127 which felony shall be known as "trafficking in illegal drugs,"
128 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
129 If the quantity involved:

130 a. Is 28 4 grams or more, but less than 50 ~~14~~ grams, such
131 person shall be sentenced to a mandatory minimum term of
132 imprisonment of 3 years, and the defendant shall be ordered to
133 pay a fine of \$50,000.

134 b. Is 50 ~~14~~ grams or more, but less than 200 ~~28~~ grams, such
135 person shall be sentenced to a mandatory minimum term of
136 imprisonment of 7 ~~15~~ years, and the defendant shall be ordered
137 to pay a fine of \$100,000.

138 c. Is 200 ~~28~~ grams or more, but less than 30 kilograms,
139 such person shall be sentenced to a mandatory minimum term of
140 imprisonment of 15 ~~25~~ calendar years, and the defendant shall be
141 ordered to pay a fine of \$500,000.

142 2. Any person who knowingly sells, purchases, manufactures,
143 delivers, or brings into this state, or who ~~is~~ knowingly is in
144 actual or constructive possession with intent to sell, purchase,
145 manufacture, or deliver ~~of~~, 30 kilograms or more of any

590-03541-12

2012732c2

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

590-03541-12

2012732c2

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 sell, purchase, manufacture, or deliver ~~of~~, 28 grams or more of
187 phencyclidine or of any mixture containing phencyclidine, as
188 described in s. 893.03(2)(b), commits a felony of the first
189 degree, which felony shall be known as "trafficking in
190 phencyclidine," punishable as provided in s. 775.082, s.
191 775.083, or s. 775.084. If the quantity involved:

192 a. Is 28 grams or more, but less than 200 grams, such
193 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 200 grams or more, but less than 400 grams, such
197 person shall be sentenced to a mandatory minimum term of
198 imprisonment of 7 years, and the defendant shall be ordered to
199 pay a fine of \$100,000.

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

203 2. Any person who knowingly brings into this state 800

590-03541-12

2012732c2

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

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

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

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

229 c. Is 25 kilograms or more, such person shall be sentenced
230 to a mandatory minimum term of imprisonment of 15 calendar
231 years, and the defendant shall be ordered to pay a fine of
232 \$250,000.

590-03541-12

2012732c2

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

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

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

259 b. Is 28 grams or more, but less than 200 grams, such
260 person shall be sentenced to a mandatory minimum term of
261 imprisonment of 7 years, and the defendant shall be ordered to

590-03541-12

2012732c2

262 pay a fine of \$100,000.

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

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

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

289 a. Is 4 grams or more but less than 14 grams, such person
290 shall be sentenced to a mandatory minimum term of imprisonment

590-03541-12

2012732c2

291 of 3 years, and the defendant shall be ordered to pay a fine of
292 \$50,000.

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

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

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

590-03541-12

2012732c2

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 sell, purchase, manufacture, or deliver ~~of~~, 1 kilogram or more
331 of gamma-hydroxybutyric acid (GHB), as described in s.
332 893.03(1)(d), or any mixture containing gamma-hydroxybutyric
333 acid (GHB), commits a felony of the first degree, which felony
334 shall be known as "trafficking in gamma-hydroxybutyric acid
335 (GHB)," punishable as provided in s. 775.082, s. 775.083, or s.
336 775.084. If the quantity involved:

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

341 b. Is 5 kilograms or more but less than 10 kilograms, such
342 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 10 kilograms or more, such person shall be sentenced
346 to a mandatory minimum term of imprisonment of 15 calendar
347 years, and the defendant shall be ordered to pay a fine of
348 \$250,000.

590-03541-12

2012732c2

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 sell, purchase, manufacture, or deliver ~~of~~, 1 kilogram or more
364 of gamma-butyrolactone (GBL), as described in s. 893.03(1)(d),
365 or any mixture containing gamma-butyrolactone (GBL), commits a
366 felony of the first degree, which felony shall be known as
367 "trafficking in gamma-butyrolactone (GBL)," punishable as
368 provided in s. 775.082, s. 775.083, or s. 775.084. If the
369 quantity involved:

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

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

590-03541-12

2012732c2

378 c. Is 10 kilograms or more, such person shall be sentenced
379 to a mandatory minimum term of imprisonment of 15 calendar
380 years, and the defendant shall be ordered to pay a fine of
381 \$250,000.

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

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

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

405 b. Is 5 kilograms or more, but less than 10 kilograms, such
406 person shall be sentenced to a mandatory minimum term of

590-03541-12

2012732c2

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

409 c. Is 10 kilograms or more, such person shall be sentenced
410 to a mandatory minimum term of imprisonment of 15 calendar
411 years, and the defendant shall be ordered to pay a fine of
412 \$500,000.

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

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

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

590-03541-12

2012732c2

- 436 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
437 i. 4-methoxyamphetamine;
438 j. 4-methoxymethamphetamine;
439 k. 4-Methyl-2,5-dimethoxyamphetamine;
440 l. 3,4-Methylenedioxy-N-ethylamphetamine;
441 m. 3,4-Methylenedioxyamphetamine;
442 n. N,N-dimethylamphetamine; or
443 o. 3,4,5-Trimethoxyamphetamine,
444

445 individually or in any combination of or any mixture containing
446 any substance listed in sub-subparagraphs a.-o., commits a
447 felony of the first degree, which felony shall be known as
448 "trafficking in Phenethylamines," punishable as provided in s.
449 775.082, s. 775.083, or s. 775.084.

450 2. If the quantity involved:

451 a. Is 10 grams or more but less than 200 grams, such person
452 shall be sentenced to a mandatory minimum term of imprisonment
453 of 3 years, and the defendant shall be ordered to pay a fine of
454 \$50,000.

455 b. Is 200 grams or more, but less than 400 grams, such
456 person shall be sentenced to a mandatory minimum term of
457 imprisonment of 7 years, and the defendant shall be ordered to
458 pay a fine of \$100,000.

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

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

590-03541-12

2012732c2

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

480

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

489 (1)1. Any person who knowingly sells, purchases,
 490 manufactures, delivers, or brings into this state, or who ~~is~~
 491 knowingly is in actual or constructive possession with intent to
 492 sell, purchase, manufacture, or deliver ~~of~~, 1 gram or more of
 493 lysergic acid diethylamide (LSD) as described in s.

590-03541-12

2012732c2

494 893.03(1)(c), or of any mixture containing lysergic acid
495 diethylamide (LSD), commits a felony of the first degree, which
496 felony shall be known as "trafficking in lysergic acid
497 diethylamide (LSD)," punishable as provided in s. 775.082, s.
498 775.083, or s. 775.084. If the quantity involved:

499 a. Is 1 gram or more, but less than 5 grams, such person
500 shall be sentenced to a mandatory minimum term of imprisonment
501 of 3 years, and the defendant shall be ordered to pay a fine of
502 \$50,000.

503 b. Is 5 grams or more, but less than 7 grams, such person
504 shall be sentenced to a mandatory minimum term of imprisonment
505 of 7 years, and the defendant shall be ordered to pay a fine of
506 \$100,000.

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

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

520 (2) A person acts knowingly under subsection (1) if that
521 person intends to sell, purchase, manufacture, deliver, or bring
522 into this state, or to actually or constructively possess, any

590-03541-12

2012732c2

523 of the controlled substances listed in subsection (1),
524 regardless of which controlled substance listed in subsection
525 (1) is in fact sold, purchased, manufactured, delivered, or
526 brought into this state, or actually or constructively
527 possessed.

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

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

590-03541-12

2012732c2

552 (5) Any person who agrees, conspires, combines, or
553 confederates with another person to commit any act prohibited by
554 subsection (1) commits a felony of the first degree and is
555 punishable as if he or she had actually committed such
556 prohibited act. ~~Nothing in This subsection does not shall be~~
557 ~~construed to~~ prohibit separate convictions and sentences for a
558 violation of this subsection and any violation of subsection
559 (1).

560 (6) (a) A mixture, as defined in s. 893.02, containing any
561 controlled substance described in this section includes, but is
562 not limited to, a solution or a dosage unit, including, but not
563 limited to, a pill or tablet, containing a controlled substance.

564 (b) Except as provided in paragraph (c) ~~For the purpose of~~
565 ~~clarifying legislative intent regarding the weighing of a~~
566 ~~mixture containing a controlled substance described in this~~
567 ~~section,~~ the weight of the controlled substance is the total
568 weight of the mixture, including the controlled substance and
569 any other substance in the mixture. If there is more than one
570 mixture containing the same controlled substance, the weight of
571 the controlled substance is calculated by aggregating the total
572 weight of each mixture.

573 (c) If the mixture is a prescription drug as defined in s.
574 499.003 and the weight of the controlled substance in the
575 mixture can be identified using the National Drug Code
576 Directory, as published by the United States Department of
577 Health and Human Services, the weight of the controlled
578 substance is the weight of the controlled substance identified
579 in the National Drug Code Directory, exclusive of other tablet
580 components. If there is more than one mixture that is a

590-03541-12

2012732c2

581 prescription drug and all of the mixtures contain the same
 582 controlled substance, and the weight of the controlled substance
 583 in each mixture can be identified using the National Drug Code
 584 Directory, the weight of the controlled substance is calculated
 585 by aggregating the weight of the controlled substance in each
 586 mixture.

587 ~~(7) For the purpose of further clarifying legislative~~
 588 ~~intent, the Legislature finds that the opinion in Hayes v.~~
 589 ~~State, 750 So. 2d 1 (Fla. 1999) does not correctly construe~~
 590 ~~legislative intent. The Legislature finds that the opinions in~~
 591 ~~State v. Hayes, 720 So. 2d 1095 (Fla. 4th DCA 1998) and State v.~~
 592 ~~Baxley, 684 So. 2d 831 (Fla. 5th DCA 1996) correctly construe~~
 593 ~~legislative intent.~~

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

596 921.0022 Criminal Punishment Code; offense severity ranking
 597 chart.—

598 (3) OFFENSE SEVERITY RANKING CHART

599 (g) LEVEL 7

600

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

601

602

603

590-03541-12

2012732c2

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.

604

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

605

402.319 (2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.

606

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

607

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

608

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

609

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

610

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

590-03541-12

2012732c2

611
612
613
614
615
616
617
618
619
620
621

459.013 (1)	3rd	Practicing osteopathic medicine without a license.
460.411 (1)	3rd	Practicing chiropractic medicine without a license.
461.012 (1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015 (1)	3rd	Practicing optometry without a license.
464.016 (1)	3rd	Practicing nursing without a license.
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.

590-03541-12

2012732c2

622

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

623

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

624

484.053 3rd Dispensing hearing aids without a license.

625

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.

626

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.

627

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

628

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

629

590-03541-12

2012732c2

630

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

631

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

632

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

633

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

634

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

635

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

636

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

590-03541-12

2012732c2

637

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

638

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

639

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

640

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

641

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

642

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

643

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

644

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

645

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

784.082 (1) 1st Aggravated battery by detained person

590-03541-12

2012732c2

on visitor or other detainee.

646

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

647

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

648

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

649

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

650

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

651

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

652

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

653

790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements

590-03541-12

2012732c2

provided for in s. 874.04.

654

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.

655

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

656

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

657

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.

658

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

659

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

660

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

661

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

590-03541-12

2012732c2

662

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

663

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.

664

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

665

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

666

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

667

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

668

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

669

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

590-03541-12

2012732c2

670
671
672
673
674
675
676
677

- 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 (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.

590-03541-12 2012732c2

678 827.03(3)(b) 2nd Neglect of a child causing great bodily
harm, disability, or disfigurement.

679 827.04(3) 3rd Impregnation of a child under 16 years
of age by person 21 years of age or
older.

680 837.05(2) 3rd Giving false information about alleged
capital felony to a law enforcement
officer.

681 838.015 2nd Bribery.

682 838.016 2nd Unlawful compensation or reward for
official behavior.

683 838.021(3)(a) 2nd Unlawful harm to a public servant.

684 838.22 2nd Bid tampering.

685 847.0135(3) 3rd Solicitation of a child, via a computer
service, to commit an unlawful sex act.

686 847.0135(4) 2nd Traveling to meet a minor to commit an
unlawful sex act.

687 872.06 2nd Abuse of a dead human body.

874.10 1st,PBL Knowingly initiates, organizes, plans,

590-03541-12

2012732c2

finances, directs, manages, or supervises criminal gang-related activity.

688

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.

689

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.

690

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).

691

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

692

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

590-03541-12

2012732c2

693
694
695
696
697
698
699
700
701

893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than <u>50</u> 28 grams, less than <u>400</u> 200 grams.
893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than <u>30</u> 14 grams, less than <u>200</u> 28 grams.
893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), <u>5 kilograms</u> 1 kilogram or more, less than <u>15</u> 5 kilograms.
893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, <u>5</u> <u>kilograms</u> 1 kilogram or more, less than <u>15</u> 5 kilograms.
893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, <u>30</u> 10 grams or more, less than 200 grams.
893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled

590-03541-12

2012732c2

substance.

702

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

703

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

704

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

705

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

706

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

707

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

708

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

590-03541-12

2012732c2

709
710
711
712
713
714
715
716
717
718

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

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

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

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

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

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

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

(h) LEVEL 8

590-03541-12

2012732c2

	Florida Statute	Felony Degree	Description
719	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
720	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
721	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
722	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
723	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
724	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.
725	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.
726	655.50 (10) (b) 2.	2nd	Failure to report financial

590-03541-12

2012732c2

transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

727

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

728

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.

729

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

730

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

731

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

732

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

733

590-03541-12

2012732c2

734

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

735

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

736

800.04(4) 2nd Lewd or lascivious battery.

737

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

738

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

739

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

740

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

741

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

742

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

590-03541-12 2012732c2

743	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
744	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
745	825.102(2)	1st	Aggravated abuse of an elderly person or disabled adult.
746	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
747	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
748	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
749	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
750	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

590-03541-12

2012732c2

751

860.16 1st Aircraft piracy.

752

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).

753

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

754

893.13(6)(c) 1st Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

755

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

756

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

757

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

758

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

893.135 1st Trafficking in methaqualone, more than

590-03541-12

2012732c2

(1) (e) 1.b. 5 kilograms, less than 25 kilograms.

759

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

760

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

761

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

762

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

763

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

764

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

765

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

766

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

590-03541-12

2012732c2

property.

767

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

768

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

769

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.

770

771 (i) LEVEL 9

772

Florida	Felony	
Statute	Degree	Description

773

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

774

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

775

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

590-03541-12

2012732c2

776

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

777

560.123(8)(b)3. 1st Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

778

560.125(5)(c) 1st Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

779

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

780

775.0844 1st Aggravated white collar crime.

781

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

782

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

783

782.051(1) 1st Attempted felony murder while

590-03541-12

2012732c2

destruction.

791

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

792

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

793

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

794

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

795

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

796

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

797

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

798

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

590-03541-12

2012732c2

799
800
801
802
803
804
805
806
807

- 812.135 (2) (b) 1st Home-invasion robbery with weapon.
- 817.568 (7) 2nd, Fraudulent use of personal
 PBL identification information of an
 individual under the age of 18 by his
 or her parent, legal guardian, or
 person exercising custodial authority.
- 827.03 (2) 1st Aggravated child abuse.
- 847.0145 (1) 1st Selling, or otherwise transferring
 custody or control, of a minor.
- 847.0145 (2) 1st Purchasing, or otherwise obtaining
 custody or control, of a minor.
- 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.
- 893.135 1st Attempted capital trafficking offense.
- 893.135 (1) (a) 3. 1st Trafficking in cannabis, more than
 10,000 lbs.
- 893.135 1st Trafficking in cocaine, more than 4

590-03541-12

2012732c2

(1) (b) 1.c. kilograms ~~400 grams~~, less than 150 kilograms.

808

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

809

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

810

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

811

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

812

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

813

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

814

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

815

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

816

896.104 (4) (a) 3. 1st Structuring transactions to evade

590-03541-12

2012732c2

reporting or registration
requirements, financial transactions
totaling or exceeding \$100,000.

817

818 Section 3. For the purpose of incorporating the amendments
819 made by this act to section 893.135, Florida Statutes, in a
820 reference thereto, paragraph (a) of subsection (2) of section
821 775.087, Florida Statutes, is reenacted to read:

822 775.087 Possession or use of weapon; aggravated battery;
823 felony reclassification; minimum sentence.-

824 (2)(a)1. Any person who is convicted of a felony or an
825 attempt to commit a felony, regardless of whether the use of a
826 weapon is an element of the felony, and the conviction was for:

827 a. Murder;

828 b. Sexual battery;

829 c. Robbery;

830 d. Burglary;

831 e. Arson;

832 f. Aggravated assault;

833 g. Aggravated battery;

834 h. Kidnapping;

835 i. Escape;

836 j. Aircraft piracy;

837 k. Aggravated child abuse;

838 l. Aggravated abuse of an elderly person or disabled adult;

839 m. Unlawful throwing, placing, or discharging of a
840 destructive device or bomb;

841 n. Carjacking;

842 o. Home-invasion robbery;

590-03541-12

2012732c2

- 843 p. Aggravated stalking;
- 844 q. Trafficking in cannabis, trafficking in cocaine, capital
845 importation of cocaine, trafficking in illegal drugs, capital
846 importation of illegal drugs, trafficking in phencyclidine,
847 capital importation of phencyclidine, trafficking in
848 methaqualone, capital importation of methaqualone, trafficking
849 in amphetamine, capital importation of amphetamine, trafficking
850 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
851 (GHB), trafficking in 1,4-Butanediol, trafficking in
852 Phenethylamines, or other violation of s. 893.135(1); or
- 853 r. Possession of a firearm by a felon

854

855 and during the commission of the offense, such person actually
856 possessed a "firearm" or "destructive device" as those terms are
857 defined in s. 790.001, shall be sentenced to a minimum term of
858 imprisonment of 10 years, except that a person who is convicted
859 for aggravated assault, possession of a firearm by a felon, or
860 burglary of a conveyance shall be sentenced to a minimum term of
861 imprisonment of 3 years if such person possessed a "firearm" or
862 "destructive device" during the commission of the offense.

863 2. Any person who is convicted of a felony or an attempt to
864 commit a felony listed in sub-subparagraphs (a)1.a.-q.,
865 regardless of whether the use of a weapon is an element of the
866 felony, and during the course of the commission of the felony
867 such person discharged a "firearm" or "destructive device" as
868 defined in s. 790.001 shall be sentenced to a minimum term of
869 imprisonment of 20 years.

870 3. Any person who is convicted of a felony or an attempt to
871 commit a felony listed in sub-subparagraphs (a)1.a.-q.,

590-03541-12

2012732c2

872 regardless of whether the use of a weapon is an element of the
873 felony, and during the course of the commission of the felony
874 such person discharged a "firearm" or "destructive device" as
875 defined in s. 790.001 and, as the result of the discharge, death
876 or great bodily harm was inflicted upon any person, the
877 convicted person shall be sentenced to a minimum term of
878 imprisonment of not less than 25 years and not more than a term
879 of imprisonment of life in prison.

880 Section 4. For the purpose of incorporating the amendments
881 made by this act to section 893.135, Florida Statutes, in
882 references thereto, paragraph (a) of subsection (1) and
883 subsections (3) and (4) of section 782.04, Florida Statutes, are
884 reenacted to read:

885 782.04 Murder.—

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

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

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

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

892 b. Arson,

893 c. Sexual battery,

894 d. Robbery,

895 e. Burglary,

896 f. Kidnapping,

897 g. Escape,

898 h. Aggravated child abuse,

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

900 j. Aircraft piracy,

590-03541-12

2012732c2

901 k. Unlawful throwing, placing, or discharging of a
902 destructive device or bomb,
903 l. Carjacking,
904 m. Home-invasion robbery,
905 n. Aggravated stalking,
906 o. Murder of another human being,
907 p. Resisting an officer with violence to his or her person,
908 q. Felony that is an act of terrorism or is in furtherance
909 of an act of terrorism; or

910 3. Which resulted from the unlawful distribution of any
911 substance controlled under s. 893.03(1), cocaine as described in
912 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
913 compound, derivative, or preparation of opium, or methadone by a
914 person 18 years of age or older, when such drug is proven to be
915 the proximate cause of the death of the user,

916
917 is murder in the first degree and constitutes a capital felony,
918 punishable as provided in s. 775.082.

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

921 (a) Trafficking offense prohibited by s. 893.135(1),
922 (b) Arson,
923 (c) Sexual battery,
924 (d) Robbery,
925 (e) Burglary,
926 (f) Kidnapping,
927 (g) Escape,
928 (h) Aggravated child abuse,
929 (i) Aggravated abuse of an elderly person or disabled

590-03541-12

2012732c2

930 adult,
931 (j) Aircraft piracy,
932 (k) Unlawful throwing, placing, or discharging of a
933 destructive device or bomb,
934 (l) Carjacking,
935 (m) Home-invasion robbery,
936 (n) Aggravated stalking,
937 (o) Murder of another human being,
938 (p) Resisting an officer with violence to his or her
939 person, or
940 (q) Felony that is an act of terrorism or is in furtherance
941 of an act of terrorism,
942
943 by a person other than the person engaged in the perpetration of
944 or in the attempt to perpetrate such felony, the person
945 perpetrating or attempting to perpetrate such felony is guilty
946 of murder in the second degree, which constitutes a felony of
947 the first degree, punishable by imprisonment for a term of years
948 not exceeding life or as provided in s. 775.082, s. 775.083, or
949 s. 775.084.

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

954 (a) Trafficking offense prohibited by s. 893.135(1),
955 (b) Arson,
956 (c) Sexual battery,
957 (d) Robbery,
958 (e) Burglary,

590-03541-12

2012732c2

959 (f) Kidnapping,
960 (g) Escape,
961 (h) Aggravated child abuse,
962 (i) Aggravated abuse of an elderly person or disabled
963 adult,
964 (j) Aircraft piracy,
965 (k) Unlawful throwing, placing, or discharging of a
966 destructive device or bomb,
967 (l) Unlawful distribution of any substance controlled under
968 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
969 opium or any synthetic or natural salt, compound, derivative, or
970 preparation of opium by a person 18 years of age or older, when
971 such drug is proven to be the proximate cause of the death of
972 the user,
973 (m) Carjacking,
974 (n) Home-invasion robbery,
975 (o) Aggravated stalking,
976 (p) Murder of another human being,
977 (q) Resisting an officer with violence to his or her
978 person, or
979 (r) Felony that is an act of terrorism or is in furtherance
980 of an act of terrorism,
981
982 is murder in the third degree and constitutes a felony of the
983 second degree, punishable as provided in s. 775.082, s. 775.083,
984 or s. 775.084.
985 Section 5. This act shall take effect July 1, 2012.