

By Senator Braynon

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

86 2. Any person who knowingly sells, purchases, manufactures,
87 delivers, or brings into this state, or who is knowingly in

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

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

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

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

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

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

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

141 2. Any person who knowingly sells, purchases, manufactures,
142 delivers, or brings into this state, or who is knowingly in
143 actual or constructive possession of, 30 kilograms or more of
144 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or
145 any salt, derivative, isomer, or salt of an isomer thereof,

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

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

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

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

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

181 (d)1. Any person who knowingly sells, purchases,
182 manufactures, delivers, or brings into this state, or who is
183 knowingly in actual or constructive possession of, 50 ~~28~~ grams
184 or more of phencyclidine or of any mixture containing
185 phencyclidine, as described in s. 893.03(2)(b), commits a felony
186 of the first degree, which felony shall be known as "trafficking
187 in phencyclidine," punishable as provided in s. 775.082, s.
188 775.083, or s. 775.084. If the 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 in actual or constructive possession of, 200 grams or
213 more of methaqualone or of any mixture containing methaqualone,
214 as described in s. 893.03(1)(d), commits a felony of the first
215 degree, which felony shall be known as "trafficking in
216 methaqualone," punishable as provided in s. 775.082, s. 775.083,
217 or s. 775.084. If the quantity involved:

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

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

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

230 2. Any person who knowingly brings into this state 50
231 kilograms or more of methaqualone or of any mixture containing
232 methaqualone, as described in s. 893.03(1)(d), and who knows

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233 that the probable result of such importation would be the death
234 of any person commits capital importation of methaqualone, a
235 capital felony punishable as provided in ss. 775.082 and
236 921.142. Any person sentenced for a capital felony under this
237 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
238 fine provided under subparagraph 1.

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

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

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

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

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262 \$250,000.

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

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

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

289 b. Is 14 grams or more but less than 28 grams, such person
290 shall be sentenced to a mandatory minimum term of imprisonment

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291 of 7 years, and the defendant shall be ordered to pay a fine of
292 \$100,000.

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

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

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

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

316
317 such person commits the capital felony of trafficking in
318 flunitrazepam, punishable as provided in ss. 775.082 and
319 921.142. Any person sentenced for a capital felony under this

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320 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
321 fine provided under subparagraph 1.

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

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

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

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

343 2. Any person who knowingly manufactures or brings into
344 this state 150 kilograms or more of gamma-hydroxybutyric acid
345 (GHB), as described in s. 893.03(1)(d), or any mixture
346 containing gamma-hydroxybutyric acid (GHB), and who knows that
347 the probable result of such manufacture or importation would be
348 the death of any person commits capital manufacture or

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349 importation of gamma-hydroxybutyric acid (GHB), a capital felony
350 punishable as provided in ss. 775.082 and 921.142. Any person
351 sentenced for a capital felony under this paragraph shall also
352 be ordered ~~sentenced~~ to pay the maximum fine provided under
353 subparagraph 1.

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

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

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

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

375 2. Any person who knowingly manufactures or brings into the
376 state 150 kilograms or more of gamma-butyrolactone (GBL), as
377 described in s. 893.03(1)(d), or any mixture containing gamma-

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378 butyrolactone (GBL), and who knows that the probable result of
379 such manufacture or importation would be the death of any person
380 commits capital manufacture or importation of gamma-
381 butyrolactone (GBL), a capital felony punishable as provided in
382 ss. 775.082 and 921.142. Any person sentenced for a capital
383 felony under this paragraph shall also be ordered ~~sentenced~~ to
384 pay the maximum fine provided under subparagraph 1.

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

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

398 b. Is 15 ~~5~~ kilograms or more, but less than 30 ~~±0~~
399 kilograms, such person shall be sentenced to a mandatory minimum
400 term of imprisonment of 7 years, and the defendant shall be
401 ordered to pay a fine of \$100,000.

402 c. Is 30 ~~±0~~ kilograms or more, such person shall be
403 sentenced to a mandatory minimum term of imprisonment of 15
404 calendar years, and the defendant shall be ordered to pay a fine
405 of \$500,000.

406 2. Any person who knowingly manufactures or brings into

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

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

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

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436
437 individually or in any combination of or any mixture containing
438 any substance listed in sub-subparagraphs a.-o., commits a
439 felony of the first degree, which felony shall be known as
440 "trafficking in Phenethylamines," punishable as provided in s.
441 775.082, s. 775.083, or s. 775.084.

442 2. If the quantity involved:

443 a. Is 30 ~~10~~ grams or more but less than 200 grams, such
444 person shall be sentenced to a mandatory minimum term of
445 imprisonment of 3 years, and the defendant shall be ordered to
446 pay a fine of \$50,000.

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

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

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

- 457 a. 3,4-Methylenedioxymethamphetamine (MDMA);
458 b. 4-Bromo-2,5-dimethoxyamphetamine;
459 c. 4-Bromo-2,5-dimethoxyphenethylamine;
460 d. 2,5-Dimethoxyamphetamine;
461 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
462 f. N-ethylamphetamine;
463 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
464 h. 5-Methoxy-3,4-methylenedioxyamphetamine;

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

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

481 (1)1. Any person who knowingly sells, purchases,
482 manufactures, delivers, or brings into this state, or who is
483 knowingly in actual or constructive possession of, 1 gram or
484 more of lysergic acid diethylamide (LSD) as described in s.
485 893.03(1)(c), or of any mixture containing lysergic acid
486 diethylamide (LSD), commits a felony of the first degree, which
487 felony shall be known as "trafficking in lysergic acid
488 diethylamide (LSD)," punishable as provided in s. 775.082, s.
489 775.083, or s. 775.084. If the quantity involved:

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

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

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

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

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

519 (3) Notwithstanding the provisions of s. 948.01, with
520 respect to any person who is found to have violated this
521 section, adjudication of guilt or imposition of sentence may
522 ~~shall~~ not be suspended, deferred, or withheld, and nor shall

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523 such person is not ~~be~~ eligible for parole before ~~prior to~~
524 serving the mandatory minimum term of imprisonment prescribed by
525 this section. A person sentenced to a mandatory minimum term of
526 imprisonment under this section is not eligible for any form of
527 discretionary early release, except pardon or executive clemency
528 or conditional medical release under s. 947.149, before ~~prior to~~
529 serving the mandatory minimum term of imprisonment.

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

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

551 (6) A mixture, as defined in s. 893.02, containing any

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

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

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

577 921.0022 Criminal Punishment Code; offense severity ranking
578 chart.—

579 (3) OFFENSE SEVERITY RANKING CHART

580 (g) LEVEL 7

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

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(2) (b) 1.b. \$10,000, but less than \$50,000.

589

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

590

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

591

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

592

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

593

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

594

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

595

462.17 3rd Practicing naturopathy without a license.

596

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

597

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

598

465.015 (2) 3rd Practicing pharmacy without a license.

599

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600	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
601	467.201	3rd	Practicing midwifery without a license.
602	468.366	3rd	Delivering respiratory care services without a license.
603	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
604	483.901(9)	3rd	Practicing medical physics without a license.
605	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
606	484.053	3rd	Dispensing hearing aids without a license.
607	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services

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business.

608

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

609

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

610

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

611

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

612

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

613

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

614

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

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

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624	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
625	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
626	784.081(1)	1st	Aggravated battery on specified official or employee.
627	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
628	784.083(1)	1st	Aggravated battery on code inspector.
629	787.06(3)(a)	1st	Human trafficking using coercion for labor and services.
630	787.06(3)(e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
631	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
632	790.16(1)	1st	Discharge of a machine gun under specified circumstances.

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633	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
634	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing 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.
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim

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

640

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.

641

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

642

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

643

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

644

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

645

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

646

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.

647

812.014 (2) (b) 2. 2nd Property stolen, cargo valued at less

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than \$50,000, grand theft in 2nd degree.

648

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

649

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

650

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

651

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

652

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

653

812.133 (2) (b) 1st Carjacking; no firearm, deadly weapon, or other weapon.

654

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

655

817.234 (9) 2nd Organizing, planning, or participating in an intentional motor vehicle collision.

656

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657	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
658	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.
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(2)(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.

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664	838.015	2nd	Bribery.
665	838.016	2nd	Unlawful compensation or reward for official behavior.
666	838.021(3)(a)	2nd	Unlawful harm to a public servant.
667	838.22	2nd	Bid tampering.
668	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
669	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
670	872.06	2nd	Abuse of a dead human body.
671	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or

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community center.

672

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.

673

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).

674

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

675

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

676

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

677

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

678

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

679

893.135(1)(f)1. 1st Trafficking in amphetamine, more than

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30 ~~14~~ grams, less than 200 ~~28~~ grams.

680

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

681

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

682

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

683

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

684

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

685

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

686

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

687

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688	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
689	943.0435(8)	2nd	Sexual offender; remains in state after 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.

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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 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 (h) LEVEL 8

701	Florida Statute	Felony Degree	Description
702	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
703	316.1935(4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
704	327.35(3) (c) 3.	2nd	Vessel BUI manslaughter.
705	499.0051(7)	1st	Knowing trafficking in contraband

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prescription drugs.

706

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

707

560.123(8)(b)2. 2nd Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.

708

560.125(5)(b) 2nd Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.

709

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

710

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

711

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, aggravated fleeing or eluding with

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serious bodily injury or death,
 aircraft piracy, or unlawfully
 discharging bomb.

712

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

713

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

714

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

715

787.06 (3) (b) 1st Human trafficking using coercion for
 commercial sexual activity.

716

787.06 (3) (c) 1st Human trafficking using coercion for
 labor and services of an unauthorized
 alien.

717

787.06 (3) (f) 1st Human trafficking using coercion for
 commercial sexual activity by the
 transfer or transport of any individual
 from outside Florida to within the
 state.

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

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

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

800.04 (4) 2nd Lewd or lascivious battery.

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

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

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

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

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

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degree.

727

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

728

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

729

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

730

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

731

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

732

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

733

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

734

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

735

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736	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
737	860.16	1st	Aircraft piracy.
738	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
739	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
740	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
741	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
742	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than <u>400</u> 200 grams, less than <u>4 kilograms</u> 400 grams.
743	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
	893.135	1st	Trafficking in phencyclidine, more than

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(1) (d) 1.b. 400 ~~200~~ grams, less than 4 kilograms
~~400 grams.~~

744

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

745

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

746

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

747

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

748

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

749

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

750

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

751

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

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752

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

753

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

754

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

755

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.

756

757 (i) LEVEL 9

758

Florida	Felony	
Statute	Degree	Description

759

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

760

327.35 (3) (c) 3.b. 1st BUI manslaughter; failing to render

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aid or give information.

761

409.920
(2) (b) 1.c.

1st

Medicaid provider fraud; \$50,000 or more.

762

499.0051(9)

1st

Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.

763

560.123(8) (b) 3.

1st

Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.

764

560.125(5) (c)

1st

Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

765

655.50(10) (b) 3.

1st

Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

766

775.0844

1st

Aggravated white collar crime.

767

782.04(1)

1st

Attempt, conspire, or solicit to commit premeditated murder.

768

782.04(3)

1st, PBL

Accomplice to murder in connection with arson, sexual battery, robbery,

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burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.

769

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

770

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

771

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

772

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

773

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

774

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.

775

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776	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
777	787.06(3)(g)	1st,PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
778	787.06(4)	1st	Selling or buying of minors into human trafficking.
779	790.161	1st	Attempted capital destructive device offense.
780	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
781	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
782	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
783	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
783	794.011(8)(b)	1st	Sexual battery; engage in sexual

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conduct with minor 12 to 18 years by
 person in familial or custodial
 authority.

784

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

785

796.035 1st Selling or buying of minors into
 prostitution.

786

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

787

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

788

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

789

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

790

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.

791

827.03 (2) (a) 1st Aggravated child abuse.

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792	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
793	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
794	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.
795	893.135	1st	Attempted capital trafficking offense.
796	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
797	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than <u>4 kilograms</u> 400 grams , less than 150 kilograms.
798	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
799	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than <u>4 kilograms</u> 400 grams .
800	893.135	1st	Trafficking in methaqualone, more than

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- 801 (1) (e) 1.c. 25 kilograms.
- 802 893.135 1st Trafficking in amphetamine, more than
(1) (f) 1.c. 400 ~~200~~ grams.
- 803 893.135 1st Trafficking in gamma-hydroxybutyric
(1) (h) 1.c. acid (GHB), 30 ~~10~~ kilograms or more.
- 804 893.135 1st Trafficking in 1,4-Butanediol, 30 ~~10~~
(1) (j) 1.c. kilograms or more.
- 805 893.135 1st Trafficking in Phenethylamines, 400
(1) (k) 2.c. grams or more.
- 806 896.101 (5) (c) 1st Money laundering, financial
instruments totaling or exceeding
\$100,000.
- 807 896.104 (4) (a) 3. 1st Structuring transactions to evade
reporting or registration
requirements, financial transactions
totaling or exceeding \$100,000.

808 Section 3. For the purpose of incorporating the amendments
809 made by this act to section 893.135, Florida Statutes, in a
810 reference thereto, paragraph (a) of subsection (2) of section
811 775.087, Florida Statutes, is reenacted to read:

812 775.087 Possession or use of weapon; aggravated battery;
813 felony reclassification; minimum sentence.—

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

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

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843 r. Possession of a firearm by a felon

844

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

853 However, if an offender who is convicted of the offense of
854 possession of a firearm by a felon has a previous conviction of
855 committing or attempting to commit a felony listed in s.

856 775.084(1)(b)1. and actually possessed a firearm or destructive
857 device during the commission of the prior felony, the offender
858 shall be sentenced to a minimum term of imprisonment of 10
859 years.

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

867 3. Any person who is convicted of a felony or an attempt to
868 commit a felony listed in sub-subparagraphs (a)1.a.-q.,
869 regardless of whether the use of a weapon is an element of the
870 felony, and during the course of the commission of the felony
871 such person discharged a "firearm" or "destructive device" as

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872 defined in s. 790.001 and, as the result of the discharge, death
873 or great bodily harm was inflicted upon any person, the
874 convicted person shall be sentenced to a minimum term of
875 imprisonment of not less than 25 years and not more than a term
876 of imprisonment of life in prison.

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

882 782.04 Murder.—

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

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

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

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

889 b. Arson,

890 c. Sexual battery,

891 d. Robbery,

892 e. Burglary,

893 f. Kidnapping,

894 g. Escape,

895 h. Aggravated child abuse,

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

897 j. Aircraft piracy,

898 k. Unlawful throwing, placing, or discharging of a
899 destructive device or bomb,

900 l. Carjacking,

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901 m. Home-invasion robbery,
902 n. Aggravated stalking,
903 o. Murder of another human being,
904 p. Resisting an officer with violence to his or her person,
905 q. Aggravated fleeing or eluding with serious bodily injury
906 or death,
907 r. Felony that is an act of terrorism or is in furtherance
908 of an act of terrorism; or
909 3. Which resulted from the unlawful distribution of any
910 substance controlled under s. 893.03(1), cocaine as described in
911 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
912 compound, derivative, or preparation of opium, or methadone by a
913 person 18 years of age or older, when such drug is proven to be
914 the proximate cause of the death of the user,
915
916 is murder in the first degree and constitutes a capital felony,
917 punishable as provided in s. 775.082.
918 (3) When a human being is killed during the perpetration
919 of, or during the attempt to perpetrate, any:
920 (a) Trafficking offense prohibited by s. 893.135(1),
921 (b) Arson,
922 (c) Sexual battery,
923 (d) Robbery,
924 (e) Burglary,
925 (f) Kidnapping,
926 (g) Escape,
927 (h) Aggravated child abuse,
928 (i) Aggravated abuse of an elderly person or disabled
929 adult,

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- 930 (j) Aircraft piracy,
931 (k) Unlawful throwing, placing, or discharging of a
932 destructive device or bomb,
933 (l) Carjacking,
934 (m) Home-invasion robbery,
935 (n) Aggravated stalking,
936 (o) Murder of another human being,
937 (p) Aggravated fleeing or eluding with serious bodily
938 injury or death,
939 (q) Resisting an officer with violence to his or her
940 person, or
941 (r) Felony that is an act of terrorism or is in furtherance
942 of an act of terrorism,
943
944 by a person other than the person engaged in the perpetration of
945 or in the attempt to perpetrate such felony, the person
946 perpetrating or attempting to perpetrate such felony commits
947 murder in the second degree, which constitutes a felony of the
948 first degree, punishable by imprisonment for a term of years not
949 exceeding life or as provided in s. 775.082, s. 775.083, or s.
950 775.084.
- 951 (4) The unlawful killing of a human being, when perpetrated
952 without any design to effect death, by a person engaged in the
953 perpetration of, or in the attempt to perpetrate, any felony
954 other than any:
- 955 (a) Trafficking offense prohibited by s. 893.135(1),
956 (b) Arson,
957 (c) Sexual battery,
958 (d) Robbery,

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

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988 Section 5. Section 893.101, Florida Statutes, is repealed.

989 Section 6. This act shall take effect July 1, 2013.