

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

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

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

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

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

29 and notwithstanding the provisions of s. 893.13:

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

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

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

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

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

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

64 (b)1. Any person who knowingly sells, purchases,
65 manufactures, delivers, or brings into this state, or who is
66 knowingly in actual or constructive possession of, 50 ~~20~~ grams
67 or more of cocaine, as described in s. 893.03(2)(a)4., or of any
68 mixture containing cocaine, but less than 150 kilograms of
69 cocaine or any such mixture, commits a felony of the first
70 degree, which felony shall be known as "trafficking in cocaine,"
71 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
72 If the quantity involved:

73 a. Is 50 ~~20~~ grams or more, but less than 400 ~~200~~ grams,
74 such 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 400 ~~200~~ grams or more, but less than 4 kilograms ~~400~~
78 ~~grams~~, such person shall be sentenced to a mandatory minimum
79 term of imprisonment of 7 years, and the defendant shall be
80 ordered to pay a fine of \$100,000.

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

85 | 2. Any person who knowingly sells, purchases,
86 | manufactures, delivers, or brings into this state, or who is
87 | knowingly in actual or constructive possession of, 150 kilograms
88 | or more of cocaine, as described in s. 893.03(2)(a)4., commits
89 | the first degree felony of trafficking in cocaine. A person who
90 | has been convicted of the first-degree ~~first-degree~~ felony of
91 | trafficking in cocaine under this subparagraph shall be punished
92 | by life imprisonment and is ineligible for any form of
93 | discretionary early release except pardon or executive clemency
94 | or conditional medical release under s. 947.149. However, if the
95 | court determines that, in addition to committing any act
96 | 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 | such person commits the capital felony of trafficking in
104 | cocaine, punishable as provided in ss. 775.082 and 921.142. Any
105 | person sentenced for a capital felony under this paragraph shall
106 | also be ordered ~~sentenced~~ to pay the maximum fine provided under
107 | subparagraph 1.

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

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113 and 921.142. Any person sentenced for a capital felony under
114 this paragraph shall also be ordered ~~sentenced~~ to pay the
115 maximum fine provided under subparagraph 1.

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

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

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

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

140 2. Any person who knowingly sells, purchases,

141 manufactures, delivers, or brings into this state, or who is
 142 knowingly in actual or constructive possession of, 30 kilograms
 143 or more of any morphine, opium, oxycodone, hydrocodone,
 144 hydromorphone, or any salt, derivative, isomer, or salt of an
 145 isomer thereof, including heroin, as described in s.
 146 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 147 more of any mixture containing any such substance, commits the
 148 first-degree ~~first-degree~~ felony of trafficking in illegal
 149 drugs. A person who has been convicted of the first-degree ~~first~~
 150 ~~degree~~ felony of trafficking in illegal drugs under this
 151 subparagraph shall be punished by life imprisonment and is
 152 ineligible for any form of discretionary early release except
 153 pardon or executive clemency or conditional medical release
 154 under s. 947.149. However, if the court determines that, in
 155 addition to committing any act specified in this paragraph:
 156 a. The person intentionally killed an individual or
 157 counseled, commanded, induced, procured, or caused the
 158 intentional killing of an individual and such killing was the
 159 result; or
 160 b. The person's conduct in committing that act led to a
 161 natural, though not inevitable, lethal result,
 162 such person commits the capital felony of trafficking in illegal
 163 drugs, punishable as provided in ss. 775.082 and 921.142. Any
 164 person sentenced for a capital felony under this paragraph shall
 165 also be ordered ~~sentenced~~ to pay the maximum fine provided under
 166 subparagraph 1.
 167 3. Any person who knowingly brings into this state 60
 168 kilograms or more of any morphine, opium, oxycodone,

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

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

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

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

195 c. Is 4 kilograms ~~400 grams~~ or more, such person shall be
 196 sentenced to a mandatory minimum term of imprisonment of 15

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197 | calendar years, and the defendant shall be ordered to pay a fine
198 | of \$250,000.

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

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

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

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

224 | c. Is 25 kilograms or more, such person shall be sentenced

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225 to a mandatory minimum term of imprisonment of 15 calendar
226 years, and the defendant shall be ordered to pay a fine of
227 \$250,000.

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

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

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

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

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

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

275 (g)1. Any person who knowingly sells, purchases,
 276 manufactures, delivers, or brings into this state, or who is
 277 knowingly in actual or constructive possession of, 4 grams or
 278 more of flunitrazepam or any mixture containing flunitrazepam as
 279 described in s. 893.03(1)(a) commits a felony of the first
 280 degree, which felony shall be known as "trafficking in

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281 flunitrazepam," punishable as provided in s. 775.082, s.

282 775.083, or s. 775.084. If the quantity involved:

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

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

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

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

308 a. The person intentionally killed an individual or

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309 counseled, commanded, induced, procured, or caused the
310 intentional killing of an individual and such killing was the
311 result; or

312 b. The person's conduct in committing that act led to a
313 natural, though not inevitable, lethal result,
314 such person commits the capital felony of trafficking in
315 flunitrazepam, punishable as provided in ss. 775.082 and
316 921.142. Any person sentenced for a capital felony under this
317 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
318 fine provided under subparagraph 1.

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

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

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

336 c. Is 30 ~~±0~~ kilograms or more, such person shall be

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

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

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

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

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

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

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

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

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

391 a. Is 5 kilograms ~~1 kilogram~~ or more, but less than 15 ~~5~~
 392 kilograms, such person shall be sentenced to a mandatory minimum

393 term of imprisonment of 3 years, and the defendant shall be
 394 ordered to pay a fine of \$50,000.

395 b. Is 15 ~~5~~ kilograms or more, but less than 30 ~~40~~
 396 kilograms, such person shall be sentenced to a mandatory minimum
 397 term of imprisonment of 7 years, and the defendant shall be
 398 ordered to pay a fine of \$100,000.

399 c. Is 30 ~~40~~ kilograms or more, such person shall be
 400 sentenced to a mandatory minimum term of imprisonment of 15
 401 calendar years, and the defendant shall be ordered to pay a fine
 402 of \$500,000.

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

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

- 418 a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 419 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 420 c. 4-Bromo-2,5-dimethoxyphenethylamine;

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

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

438 2. If the quantity involved:
 439 a. Is 30 ~~10~~ grams or more but less than 200 grams, such
 440 person shall be sentenced to a mandatory minimum term of
 441 imprisonment of 3 years, and the defendant shall be ordered to
 442 pay a fine of \$50,000.

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

447 c. Is 400 grams or more, such person shall be sentenced to
 448 a mandatory minimum term of imprisonment of 15 calendar years,

449 | and the defendant shall be ordered to pay a fine of \$250,000.

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

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

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

476 | (1)1. Any person who knowingly sells, purchases,

477 manufactures, delivers, or brings into this state, or who is
478 knowingly in actual or constructive possession of, 1 gram or
479 more of lysergic acid diethylamide (LSD) as described in s.
480 893.03(1)(c), or of any mixture containing lysergic acid
481 diethylamide (LSD), commits a felony of the first degree, which
482 felony shall be known as "trafficking in lysergic acid
483 diethylamide (LSD)," punishable as provided in s. 775.082, s.
484 775.083, or s. 775.084. If the quantity involved:

485 a. Is 1 gram or more, but less than 5 grams, such person
486 shall be sentenced to a mandatory minimum term of imprisonment
487 of 3 years, and the defendant shall be ordered to pay a fine of
488 \$50,000.

489 b. Is 5 grams or more, but less than 7 grams, such person
490 shall be sentenced to a mandatory minimum term of imprisonment
491 of 7 years, and the defendant shall be ordered to pay a fine of
492 \$100,000.

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

496 2. Any person who knowingly manufactures or brings into
497 this state 7 grams or more of lysergic acid diethylamide (LSD)
498 as described in s. 893.03(1)(c), or any mixture containing
499 lysergic acid diethylamide (LSD), and who knows that the
500 probable result of such manufacture or importation would be the
501 death of any person commits capital manufacture or importation
502 of lysergic acid diethylamide (LSD), a capital felony punishable
503 as provided in ss. 775.082 and 921.142. Any person sentenced for
504 a capital felony under this paragraph shall also be ordered

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

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

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

525 | (4) The state attorney may move the sentencing court to
526 | reduce or suspend the sentence of any person who is convicted of
527 | a violation of this section and who provides substantial
528 | assistance in the identification, arrest, or conviction of any
529 | of that person's accomplices, accessories, coconspirators, or
530 | principals or of any other person engaged in trafficking in
531 | controlled substances. The arresting agency shall be given an
532 | opportunity to be heard in aggravation or mitigation in

533 reference to any such motion. Upon good cause shown, the motion
534 may be filed and heard in camera. The judge hearing the motion
535 may reduce or suspend, defer, or withhold the sentence or
536 adjudication of guilt if the judge finds that the defendant
537 rendered such substantial assistance.

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

546 (6) A mixture, as defined in s. 893.02, containing any
547 controlled substance described in this section includes, but is
548 not limited to, a solution or a dosage unit, including, but not
549 limited to, a pill or tablet, containing a controlled substance.
550 For the purpose of clarifying legislative intent regarding the
551 weighing of a mixture containing a controlled substance
552 described in this section, the weight of the controlled
553 substance is the total weight of the mixture, including the
554 controlled substance and any other substance in the mixture.
555 However, if the mixture is a prescription drug as defined in s.
556 499.003 and the weight of the controlled substance in the
557 mixture can be identified using the national drug code, the
558 weight of the controlled substance is the weight identified in
559 the national drug code. If there is more than one mixture
560 containing the same controlled substance, the weight of the

561 controlled substance is calculated by aggregating the total
 562 weight of each mixture.

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

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

572 921.0022 Criminal Punishment Code; offense severity
 573 ranking chart.—

574 (3) OFFENSE SEVERITY RANKING CHART

575 (g) LEVEL 7

576

Florida	Felony	Description
Statute	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

577

578

579

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wanton disregard for safety
 while fleeing or attempting to
 elude law enforcement officer
 who is in a patrol vehicle with
 siren and lights activated.

580

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

581

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

582

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

583

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

584

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

585

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

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injury.

586

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

587

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

588

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

589

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

590

462.17 3rd Practicing naturopathy without a license.

591

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

592

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

593

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

594

466.026 (1) 3rd Practicing dentistry or dental hygiene without a license.

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595	467.201	3rd	Practicing midwifery without a license.
596	468.366	3rd	Delivering respiratory care services without a license.
597	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
598	483.901 (9)	3rd	Practicing medical physics without a license.
599	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
600	484.053	3rd	Dispensing hearing aids without a license.
601	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.
602	560.123 (8) (b) 1.	3rd	Failure to report currency or

603	560.125 (5) (a)	3rd	<p>payment instruments exceeding \$300 but less than \$20,000 by a money services business.</p> <p>Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.</p>
604	655.50 (10) (b) 1.	3rd	<p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
605	775.21 (10) (a)	3rd	<p>Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.</p>
606	775.21 (10) (b)	3rd	<p>Sexual predator working where children regularly congregate.</p>
607	775.21 (10) (g)	3rd	<p>Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.</p>

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608	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
609	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
610	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
611	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
612	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
613	784.045(1)(a)2.	2nd	Aggravated battery; using

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deadly weapon.

614 784.045 (1) (b) 2nd Aggravated battery; perpetrator
aware victim pregnant.

615 784.048 (4) 3rd Aggravated stalking; violation
of injunction or court order.

616 784.048 (7) 3rd Aggravated stalking; violation
of court order.

617 784.07 (2) (d) 1st Aggravated battery on law
enforcement officer.

618 784.074 (1) (a) 1st Aggravated battery on sexually
violent predators facility
staff.

619 784.08 (2) (a) 1st Aggravated battery on a person
65 years of age or older.

620 784.081 (1) 1st Aggravated battery on specified
official or employee.

621 784.082 (1) 1st Aggravated battery by detained
person on visitor or other
detainee.

622

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623	784.083 (1)	1st	Aggravated battery on code inspector.
624	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
625	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.
626	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
627	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
628	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

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629	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
630	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
631	790.23	1st, PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
632	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.
633	796.03	2nd	Procuring any person under 16 years for prostitution.
634	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18

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years.

635

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.

636

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

637

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

638

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

639

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

640

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

641

812.014 (2) (a) 1. 1st Property stolen, valued at
\$100,000 or more or a
semitrailer deployed by a law
enforcement officer; property

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stolen while causing other
property damage; 1st degree
grand theft.

642

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

643

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

644

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

645

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

646

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

647

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

648

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

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649	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
650	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
651	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
652	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.
653	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
654	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but

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655	less than \$100,000.		
656	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
657	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
658	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
659	838.015	2nd	Bribery.
660	838.016	2nd	Unlawful compensation or reward for official behavior.
661	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
662	838.22	2nd	Bid tampering.
663	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.

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664	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
665	872.06	2nd	Abuse of a dead human body.
666	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
667	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property

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used for religious services or
a specified business site.

668

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).

669

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

670

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

671

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

672

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

673

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

674

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675	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than <u>30</u> 14 grams, less than <u>200</u> 28 grams.
676	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
677	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), <u>5</u> <u>kilograms</u> 1 kilogram or more, less than <u>15</u> 5 kilograms.
678	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, <u>5 kilograms</u> 1 kilogram or more, less than <u>15</u> 5 kilograms.
679	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, <u>30</u> 10 grams or more, less than 200 grams.
680	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.

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681	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
682	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
683	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
684	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
685	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
686	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure

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			to respond to address verification.
687	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
688	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
689	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
690	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
691	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
692	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or

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conceal a sexual offender.

693

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

694

695 (h) LEVEL 8

696

Florida	Felony	
Statute	Degree	Description

697

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

698

316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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699

327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
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700

499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
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701

499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
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702

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703 560.123 (8) (b) 2. 2nd Failure to report currency or
payment instruments totaling or
exceeding \$20,000, but less
than \$100,000 by money
transmitter.

704 560.125 (5) (b) 2nd Money transmitter business by
unauthorized person, currency
or payment instruments totaling
or exceeding \$20,000, but less
than \$100,000.

705 655.50 (10) (b) 2. 2nd Failure to report financial
transactions totaling or
exceeding \$20,000, but less
than \$100,000 by financial
institutions.

706 777.03 (2) (a) 1st Accessory after the fact,
capital felony.

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 serious bodily injury or

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death, aircraft piracy, or
unlawfully discharging bomb.

707

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

708

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

709

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

710

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

711

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

712

787.06(3)(f) 1st Human trafficking using
coercion for commercial sexual
activity by the transfer or
transport of any individual

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from outside Florida to within
the state.

713

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

714

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

715

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

716

800.04 (4) 2nd Lewd or lascivious battery.

717

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

718

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

719

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

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720	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
721	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
722	812.13 (2) (b)	1st	Robbery with a weapon.
723	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
724	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
725	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
726	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
727			

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728	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
729	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
730	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
731	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
732	860.16	1st	Aircraft piracy.
733	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) .
	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b) .

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734	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
735	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
736	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 .
737	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
738	893.135 (1)(d)1.b.	1st	Trafficking in phencyclidine, more than <u>400</u> 200 grams, less than <u>4 kilograms</u> 400 grams .
739	893.135 (1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
740	893.135 (1)(f)1.b.	1st	Trafficking in amphetamine, more than <u>200</u> 28 grams, less than <u>400</u> 200 grams.

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741	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
742	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), <u>15</u> 5 kilograms or more, less than <u>30</u> 10 kilograms.
743	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, <u>15</u> 5 kilograms or more, less than <u>30</u> 10 kilograms.
744	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
745	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
746	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
747	895.03 (2)	1st	Acquire or maintain through

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

748

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

749

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

750

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.

751

752 (i) LEVEL 9

753

Florida	Felony	
Statute	Degree	Description

754

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

755

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756	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
757	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
758	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
759	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
760	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
761	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
762	775.0844	1st	Aggravated white collar crime.
	782.04 (1)	1st	Attempt, conspire, or solicit

to commit premeditated murder.

763

782.04(3) 1st,PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.

764

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

765

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

766

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

767

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

768

787.01(1)(a)4. 1st,PBL Kidnapping with intent to

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interfere with performance of
any governmental or political
function.

769

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.

770

787.06(3)(d) 1st Human trafficking using
coercion for commercial sexual
activity of an unauthorized
alien.

771

787.06(3)(g) 1st,PBL Human trafficking for
commercial sexual activity of a
child under the age of 18.

772

787.06(4) 1st Selling or buying of minors
into human trafficking.

773

790.161 1st Attempted capital destructive
device offense.

774

790.166(2) 1st,PBL Possessing, selling, using, or

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attempting to use a weapon of mass destruction.

775

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

776

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

777

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

778

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

779

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

780

796.035 1st Selling or buying of minors into prostitution.

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782	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
783	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
784	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
785	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
786	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.
787	827.03 (2) (a)	1st	Aggravated child abuse.
788	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,

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of a minor.

789

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

790

893.135 1st Attempted capital trafficking
offense.

791

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

792

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

793

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

794

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

795

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796	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
797	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than <u>400</u> 200 grams.
798	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), <u>30</u> 10 kilograms or more.
799	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, <u>30</u> 10 kilograms or more.
800	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
801	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
802	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.
803	Section 3. For the purpose of incorporating the amendments		
804	made by this act to section 893.135, Florida Statutes, in a		

805 reference thereto, paragraph (a) of subsection (2) of section
 806 775.087, Florida Statutes, is reenacted to read:

807 775.087 Possession or use of weapon; aggravated battery;
 808 felony reclassification; minimum sentence.—

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

- 812 a. Murder;
- 813 b. Sexual battery;
- 814 c. Robbery;
- 815 d. Burglary;
- 816 e. Arson;
- 817 f. Aggravated assault;
- 818 g. Aggravated battery;
- 819 h. Kidnapping;
- 820 i. Escape;
- 821 j. Aircraft piracy;
- 822 k. Aggravated child abuse;
- 823 l. Aggravated abuse of an elderly person or disabled
 824 adult;
- 825 m. Unlawful throwing, placing, or discharging of a
 826 destructive device or bomb;
- 827 n. Carjacking;
- 828 o. Home-invasion robbery;
- 829 p. Aggravated stalking;
- 830 q. Trafficking in cannabis, trafficking in cocaine,
 831 capital importation of cocaine, trafficking in illegal drugs,
 832 capital importation of illegal drugs, trafficking in

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833 | phencyclidine, capital importation of phencyclidine, trafficking
834 | in methaqualone, capital importation of methaqualone,
835 | trafficking in amphetamine, capital importation of amphetamine,
836 | trafficking in flunitrazepam, trafficking in gamma-
837 | hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
838 | trafficking in Phenethylamines, or other violation of s.
839 | 893.135(1); or

840 | r. Possession of a firearm by a felon
841 | and during the commission of the offense, such person actually
842 | possessed a "firearm" or "destructive device" as those terms are
843 | defined in s. 790.001, shall be sentenced to a minimum term of
844 | imprisonment of 10 years, except that a person who is convicted
845 | for aggravated assault, possession of a firearm by a felon, or
846 | burglary of a conveyance shall be sentenced to a minimum term of
847 | imprisonment of 3 years if such person possessed a "firearm" or
848 | "destructive device" during the commission of the offense.
849 | However, if an offender who is convicted of the offense of
850 | possession of a firearm by a felon has a previous conviction of
851 | committing or attempting to commit a felony listed in s.
852 | 775.084(1)(b)1. and actually possessed a firearm or destructive
853 | device during the commission of the prior felony, the offender
854 | shall be sentenced to a minimum term of imprisonment of 10
855 | years.

856 | 2. Any person who is convicted of a felony or an attempt
857 | to commit a felony listed in sub-subparagraphs (a)1.a.-q.,
858 | regardless of whether the use of a weapon is an element of the
859 | felony, and during the course of the commission of the felony
860 | such person discharged a "firearm" or "destructive device" as

861 defined in s. 790.001 shall be sentenced to a minimum term of
 862 imprisonment of 20 years.

863 3. Any person who is convicted of a felony or an attempt
 864 to 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 and, as the result of the discharge, death
 869 or great bodily harm was inflicted upon any person, the
 870 convicted person shall be sentenced to a minimum term of
 871 imprisonment of not less than 25 years and not more than a term
 872 of imprisonment of life in prison.

873 Section 4. For the purpose of incorporating the amendments
 874 made by this act to section 893.135, Florida Statutes, in a
 875 reference thereto, paragraph (a) of subsection (1) and
 876 subsections (3) and (4) of section 782.04, Florida Statutes, are
 877 reenacted to read:

878 782.04 Murder.—

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

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

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

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

885 b. Arson,

886 c. Sexual battery,

887 d. Robbery,

888 e. Burglary,

- 889 f. Kidnapping,
- 890 g. Escape,
- 891 h. Aggravated child abuse,
- 892 i. Aggravated abuse of an elderly person or disabled
- 893 adult,
- 894 j. Aircraft piracy,
- 895 k. Unlawful throwing, placing, or discharging of a
- 896 destructive device or bomb,
- 897 l. Carjacking,
- 898 m. Home-invasion robbery,
- 899 n. Aggravated stalking,
- 900 o. Murder of another human being,
- 901 p. Resisting an officer with violence to his or her
- 902 person,
- 903 q. Aggravated fleeing or eluding with serious bodily
- 904 injury or death,
- 905 r. Felony that is an act of terrorism or is in furtherance
- 906 of an act of terrorism; or
- 907 3. Which resulted from the unlawful distribution of any
- 908 substance controlled under s. 893.03(1), cocaine as described in
- 909 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
- 910 compound, derivative, or preparation of opium, or methadone by a
- 911 person 18 years of age or older, when such drug is proven to be
- 912 the proximate cause of the death of the user,
- 913
- 914 is murder in the first degree and constitutes a capital felony,
- 915 punishable as provided in s. 775.082.
- 916 (3) When a human being is killed during the perpetration

917 | of, or during the attempt to perpetrate, any:
 918 | (a) Trafficking offense prohibited by s. 893.135(1),
 919 | (b) Arson,
 920 | (c) Sexual battery,
 921 | (d) Robbery,
 922 | (e) Burglary,
 923 | (f) Kidnapping,
 924 | (g) Escape,
 925 | (h) Aggravated child abuse,
 926 | (i) Aggravated abuse of an elderly person or disabled
 927 | adult,
 928 | (j) Aircraft piracy,
 929 | (k) Unlawful throwing, placing, or discharging of a
 930 | destructive device or bomb,
 931 | (l) Carjacking,
 932 | (m) Home-invasion robbery,
 933 | (n) Aggravated stalking,
 934 | (o) Murder of another human being,
 935 | (p) Aggravated fleeing or eluding with serious bodily
 936 | injury or death,
 937 | (q) Resisting an officer with violence to his or her
 938 | person, or
 939 | (r) Felony that is an act of terrorism or is in
 940 | furtherance of an act of terrorism,
 941 |
 942 | by a person other than the person engaged in the perpetration of
 943 | or in the attempt to perpetrate such felony, the person
 944 | perpetrating or attempting to perpetrate such felony commits

945 murder in the second degree, which constitutes a felony of the
 946 first degree, punishable by imprisonment for a term of years not
 947 exceeding life or as provided in s. 775.082, s. 775.083, or s.
 948 775.084.

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

- 953 (a) Trafficking offense prohibited by s. 893.135(1),
- 954 (b) Arson,
- 955 (c) Sexual battery,
- 956 (d) Robbery,
- 957 (e) Burglary,
- 958 (f) Kidnapping,
- 959 (g) Escape,
- 960 (h) Aggravated child abuse,
- 961 (i) Aggravated abuse of an elderly person or disabled
 962 adult,
- 963 (j) Aircraft piracy,
- 964 (k) Unlawful throwing, placing, or discharging of a
 965 destructive device or bomb,
- 966 (l) Unlawful distribution of any substance controlled
 967 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
 968 or opium or any synthetic or natural salt, compound, derivative,
 969 or preparation of opium by a person 18 years of age or older,
 970 when such drug is proven to be the proximate cause of the death
 971 of the user,
- 972 (m) Carjacking,

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973 (n) Home-invasion robbery,
 974 (o) Aggravated stalking,
 975 (p) Murder of another human being,
 976 (q) Aggravated fleeing or eluding with serious bodily
 977 injury or death,
 978 (r) Resisting an officer with violence to his or her
 979 person, or
 980 (s) Felony that is an act of terrorism or is in
 981 furtherance of an act of terrorism,
 982
 983 is murder in the third degree and constitutes a felony of the
 984 second degree, punishable as provided in s. 775.082, s. 775.083,
 985 or s. 775.084.
 986 Section 5. Section 893.101, Florida Statutes, is repealed.
 987 Section 6. This act shall take effect July 1, 2013.