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576-01691-14

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to sentencing for controlled substance violations; amending s. 893.135, F.S.; providing that a person who knowingly sells, purchases, manufactures, delivers, or brings into this state specified quantities of hydrocodone or a mixture containing hydrocodone or who is knowingly in actual or constructive possession of specified quantities of hydrocodone or a mixture containing hydrocodone commits the offense of trafficking in hydrocodone; providing criminal penalties; providing that a person who knowingly sells, purchases, manufactures, delivers, or brings into this state specified quantities of oxycodone or a mixture containing oxycodone or who is knowingly in actual or constructive possession of specified quantities of oxycodone or a mixture containing oxycodone commits the offense of trafficking in oxycodone; providing criminal penalties; amending s. 921.0022, F.S.; ranking the offenses of trafficking in hydrocodone and trafficking in oxycodone for purposes of the criminal punishment code; reenacting s. 775.087(2)(a) and (3)(a), F.S., relating to mandatory minimum sentences for the possession or use of a weapon during the commission of certain offenses, to incorporate the amendments made to s. 893.135, F.S., in a reference thereto; reenacting s. 782.04(1)(a), (3), and (4),



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28 F.S., relating to the classification of a murder  
29 committed during the commission of certain offenses,  
30 to incorporate the amendments made to s. 893.135,  
31 F.S., in a reference thereto; providing an effective  
32 date.

33  
34 Be It Enacted by the Legislature of the State of Florida:

35  
36 Section 1. Paragraph (c) of subsection (1) of section  
37 893.135, Florida Statutes, is amended to read:

38 893.135 Trafficking; mandatory sentences; suspension or  
39 reduction of sentences; conspiracy to engage in trafficking.—

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

42 (c)1. A ~~Any~~ person who knowingly sells, purchases,  
43 manufactures, delivers, or brings into this state, or who is  
44 knowingly in actual or constructive possession of, 4 grams or  
45 more of any morphine, opium, ~~oxycodone, hydrocodone,~~  
46 hydromorphone, or any salt, derivative, isomer, or salt of an  
47 isomer thereof, including heroin, as described in s.  
48 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more  
49 of any mixture containing any such substance, but less than 30  
50 kilograms of such substance or mixture, commits a felony of the  
51 first degree, which felony shall be known as "trafficking in  
52 illegal drugs," punishable as provided in s. 775.082, s.  
53 775.083, or s. 775.084. If the quantity involved:

54 a. Is 4 grams or more, but less than 14 grams, such person  
55 shall be sentenced to a mandatory minimum term of imprisonment  
56 of 3 years, ~~and the defendant~~ shall be ordered to pay a fine of



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57 \$50,000.

58 b. Is 14 grams or more, but less than 28 grams, such person  
59 shall be sentenced to a mandatory minimum term of imprisonment  
60 of 15 years, and ~~the defendant~~ shall be ordered to pay a fine of  
61 \$100,000.

62 c. Is 28 grams or more, but less than 30 kilograms, such  
63 person shall be sentenced to a mandatory minimum term of  
64 imprisonment of 25 ~~calendar~~ years and shall be ordered to pay a  
65 fine of \$500,000.

66 2. A person who knowingly sells, purchases, manufactures,  
67 delivers, or brings into this state, or who is knowingly in  
68 actual or constructive possession of, 14 grams or more of  
69 hydrocodone, or 14 grams or more of any mixture containing any  
70 such substance, commits a felony of the first degree, which  
71 felony shall be known as "trafficking in hydrocodone,"  
72 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
73 If the quantity involved:

74 a. Is 14 grams or more, but less than 28 grams, such person  
75 shall be sentenced to a mandatory minimum term of imprisonment  
76 of 3 years and shall be ordered to pay a fine of \$50,000.

77 b. Is 28 grams or more, but less than 50 grams, such person  
78 shall be sentenced to a mandatory minimum term of imprisonment  
79 of 7 years and shall be ordered to pay a fine of \$100,000.

80 c. Is 50 grams or more, but less than 200 grams, such  
81 person shall be sentenced to a mandatory minimum term of  
82 imprisonment of 15 years and shall be ordered to pay a fine of  
83 \$500,000.

84 d. Is 200 grams or more, but less than 30 kilograms, such  
85 person shall be sentenced to a mandatory minimum term of



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86 imprisonment of 25 years and shall be ordered to pay a fine of  
87 \$750,000.

88 3. A person who knowingly sells, purchases, manufactures,  
89 delivers, or brings into this state, or who is knowingly in  
90 actual or constructive possession of, 7 grams or more of  
91 oxycodone, or 7 grams or more of any mixture containing any such  
92 substance, commits a felony of the first degree, which felony  
93 shall be known as "trafficking in oxycodone," punishable as  
94 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
95 quantity involved:

96 a. Is 7 grams or more, but less than 14 grams, such person  
97 shall be sentenced to a mandatory minimum term of imprisonment  
98 of 3 years and shall be ordered to pay a fine of \$50,000.

99 b. Is 14 grams or more, but less than 25 grams, such person  
100 shall be sentenced to a mandatory minimum term of imprisonment  
101 of 7 years and shall be ordered to pay a fine of \$100,000.

102 c. Is 25 grams or more, but less than 100 grams, such  
103 person shall be sentenced to a mandatory minimum term of  
104 imprisonment of 15 years and shall be ordered to pay a fine of  
105 \$500,000.

106 d. Is 100 grams or more, but less than 30 kilograms, such  
107 person shall be sentenced to a mandatory minimum term of  
108 imprisonment of 25 years and shall be ordered to pay a fine of  
109 \$750,000.

110 4.2. A Any person who knowingly sells, purchases,  
111 manufactures, delivers, or brings into this state, or who is  
112 knowingly in actual or constructive possession of, 30 kilograms  
113 or more of any morphine, opium, oxycodone, hydrocodone,  
114 hydromorphone, or any salt, derivative, isomer, or salt of an



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115 isomer thereof, including heroin, as described in s.  
116 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
117 more of any mixture containing any such substance, commits the  
118 first degree felony of trafficking in illegal drugs. A person  
119 who has been convicted of the first degree felony of trafficking  
120 in illegal drugs under this subparagraph shall be punished by  
121 life imprisonment and is ineligible for any form of  
122 discretionary early release except pardon or executive clemency  
123 or conditional medical release under s. 947.149. However, if the  
124 court determines that, in addition to committing any act  
125 specified in this paragraph:

126 a. The person intentionally killed an individual or  
127 counseled, commanded, induced, procured, or caused the  
128 intentional killing of an individual and such killing was the  
129 result; or

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

132  
133 such person commits the capital felony of trafficking in illegal  
134 drugs, punishable as provided in ss. 775.082 and 921.142. A ~~Any~~  
135 person sentenced for a capital felony under this paragraph shall  
136 also be sentenced to pay the maximum fine provided under  
137 subparagraph 1.

138 ~~5.3.~~ A ~~Any~~ person who knowingly brings into this state 60  
139 kilograms or more of any morphine, opium, oxycodone,  
140 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
141 salt of an isomer thereof, including heroin, as described in s.  
142 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
143 more of any mixture containing any such substance, and who knows



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144 that the probable result of such importation would be the death  
145 of a ~~any~~ person, commits capital importation of illegal drugs, a  
146 capital felony punishable as provided in ss. 775.082 and  
147 921.142. A ~~Any~~ person sentenced for a capital felony under this  
148 paragraph shall also be sentenced to pay the maximum fine  
149 provided under subparagraph 1.

150 Section 2. Paragraphs (g) through (i) of subsection (3) of  
151 section 921.0022, Florida Statutes, are amended to read:

152 921.0022 Criminal Punishment Code; offense severity ranking  
153 chart.—

154 (3) OFFENSE SEVERITY RANKING CHART

155 (g) LEVEL 7

156

Florida Statute	Felony Degree	Description
157 316.027 (1) (b)	1st	Accident involving death, failure to stop; leaving scene.
158 316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
159 316.1935 (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



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attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

160

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in serious bodily injury.

161

402.319 (2)

2nd

Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death.

162

409.920  
(2) (b) 1.a.

3rd

Medicaid provider fraud; \$10,000 or less.

163

409.920  
(2) (b) 1.b.

2nd

Medicaid provider fraud; more than \$10,000, but less than \$50,000.

164

456.065 (2)

3rd

Practicing a health care profession without a license.

165

456.065 (2)

2nd

Practicing a health care profession without a



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166

458.327(1)

3rd

license which results in  
serious bodily injury.

Practicing medicine  
without a license.

167

459.013(1)

3rd

Practicing osteopathic  
medicine without a  
license.

168

460.411(1)

3rd

Practicing chiropractic  
medicine without a  
license.

169

461.012(1)

3rd

Practicing podiatric  
medicine without a  
license.

170

462.17

3rd

Practicing naturopathy  
without a license.

171

463.015(1)

3rd

Practicing optometry  
without a license.

172

464.016(1)

3rd

Practicing nursing  
without a license.

173

465.015(2)

3rd

Practicing pharmacy  
without a license.





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174

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

175

467.201 3rd Practicing midwifery without a license.

176

468.366 3rd Delivering respiratory care services without a license.

177

483.828 (1) 3rd Practicing as clinical laboratory personnel without a license.

178

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

179

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

180

484.053 3rd Dispensing hearing aids without a license.

181

494.0018 (2) 1st Conviction of any violation of ss. 494.001-



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182

560.123 (8) (b) 1.

3rd

494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.

Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.

183

560.125 (5) (a)

3rd

Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

184

655.50 (10) (b) 1.

3rd

Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

185

775.21 (10) (a)

3rd

Sexual predator; failure to register; failure to



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			renew <u>driver</u> <del>driver's</del> license or identification card; other registration violations.
186	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
187	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
188	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
189	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
190	782.071	2nd	Killing of a human being



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or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

191  
192  
193  
194  
195  
196

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.



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197

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

198

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

199

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

200

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

201

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

202

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

203

787.06(3)(a) 1st Human trafficking using coercion for labor and services.

204

787.06(3)(e) 1st Human trafficking using



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205			coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
206	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
207	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
208	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
209	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass



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210

790.166(4)

2nd

destruction.  
Possessing, displaying,  
or threatening to use a  
hoax weapon of mass  
destruction while  
committing or attempting  
to commit a felony.

211

790.23

1st, PBL

Possession of a firearm  
by a person who qualifies  
for the penalty  
enhancements provided for  
in s. 874.04.

212

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.

213

796.03

2nd

Procuring any person  
under 16 years for  
prostitution.

214

800.04(5)(c)1.

2nd

Lewd or lascivious  
molestation; victim less



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215

800.04 (5) (c) 2.

2nd

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

Lewd or lascivious  
molestation; victim 12  
years of age or older but  
less than 16 years;  
offender 18 years or  
older.

216

806.01 (2)

2nd

Maliciously damage  
structure by fire or  
explosive.

217

810.02 (3) (a)

2nd

Burglary of occupied  
dwelling; unarmed; no  
assault or battery.

218

810.02 (3) (b)

2nd

Burglary of unoccupied  
dwelling; unarmed; no  
assault or battery.

219

810.02 (3) (d)

2nd

Burglary of occupied  
conveyance; unarmed; no  
assault or battery.

220

810.02 (3) (e)

2nd

Burglary of authorized  
emergency vehicle.





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221

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.

222

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

223

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

224

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

225

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

226



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

227

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

228

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

229

817.034 (4) (a) 1. 1st Communications fraud,  
value greater than  
\$50,000.

230

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

231

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

232

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

233



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817.2341

(2) (b) & (3) (b)

1st

Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

234

817.535 (2) (a)

3rd

Filing false lien or other unauthorized document.

235

825.102 (3) (b)

2nd

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

236

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.

237

827.03 (2) (b)

2nd

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



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			disfigurement.
827.04 (3)	3rd		Impregnation of a child under 16 years of age by person 21 years of age or older.
837.05 (2)	3rd		Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd		Bribery.
838.016	2nd		Unlawful compensation or reward for official behavior.
838.021 (3) (a)	2nd		Unlawful harm to a public servant.
838.22	2nd		Bid tampering.
843.0855 (2)	3rd		Impersonation of a public officer or employee.
843.0855 (3)	3rd		Unlawful simulation of legal process.



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247

843.0855(4) 3rd Intimidation of a public officer or employee.

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

248

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

249

872.06 2nd Abuse of a dead human body.

250

874.05(2)(b) 1st Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

251

874.10 1st,PBL Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

252

893.13(1)(c)1. 1st Sell, manufacture, or deliver cocaine (or other



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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.

253

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.

254

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).

255

893.135(1)(a)1.

1st

Trafficking in cannabis,



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262

			more than 25 lbs., less than 2,000 lbs.
893.135	1st		Trafficking in cocaine,
(1) (b) 1.a.			more than 28 grams, less than 200 grams.
893.135	1st		Trafficking in illegal
(1) (c) 1.a.			drugs, more than 4 grams, less than 14 grams.
<u>893.135 (1) (c) 2.a.</u>	<u>1st</u>		<u>Trafficking in hydrocodone, 14 grams or more, less than 28 grams.</u>
<u>893.135 (1) (c) 2.b.</u>	<u>1st</u>		<u>Trafficking in hydrocodone, 28 grams or more, less than 50 grams.</u>
<u>893.135 (1) (c) 3.a.</u>	<u>1st</u>		<u>Trafficking in oxycodone, 7 grams or more, less than 14 grams.</u>
<u>893.135 (1) (c) 3.b.</u>	<u>1st</u>		<u>Trafficking in oxycodone, 14 grams or more, less than 25 grams.</u>



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263	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
264	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
265	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
266	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
267	893.135 (1) (h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.





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268

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

269

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

270

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

271

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

272

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

273



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943.0435 (8)

2nd

Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

274

943.0435 (9) (a)

3rd

Sexual offender; failure to comply with reporting requirements.

275

943.0435 (13)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

276

943.0435 (14)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification.

277

944.607 (9)

3rd

Sexual offender; failure to comply with reporting requirements.

278

944.607 (10) (a)

3rd

Sexual offender; failure to submit to the taking of a digitized



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photograph.

279

944.607(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

280

944.607(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification.

281

985.4815(10)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

282

985.4815(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

283

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to



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address verification.

284

285

286

(h) LEVEL 8

287

Florida

Felony

Statute

Degree

Description

288

316.193

2nd

DUI manslaughter.

(3) (c) 3.a.

289

316.1935 (4) (b)

1st

Aggravated fleeing or attempted eluding with serious bodily injury or death.

290

327.35 (3) (c) 3.

2nd

Vessel BUI manslaughter.

291

499.0051 (7)

1st

Knowing trafficking in contraband prescription drugs.

292

499.0051 (8)

1st

Knowing forgery of prescription labels or prescription drug labels.

293

560.123 (8) (b) 2.

2nd

Failure to report currency or payment



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instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.

294

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.

295

655.50 (10) (b) 2.

2nd

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

296

777.03 (2) (a)

1st

Accessory after the fact, capital felony.

297

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,



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			aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
298	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
299	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
300	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
301	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity.
302	787.06 (3) (c)	1st	Human trafficking using coercion for labor and



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303

services of an  
unauthorized alien.

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.

304

790.161(3)

1st

Discharging a  
destructive device which  
results in bodily harm  
or property damage.

305

794.011(5)

2nd

Sexual battery, victim  
12 years or over,  
offender does not use  
physical force likely to  
cause serious injury.

306

794.08(3)

2nd

Female genital  
mutilation, removal of a  
victim younger than 18  
years of age from this  
state.

307

800.04(4)

2nd

Lewd or lascivious



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308

battery.

806.01 (1)

1st

Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

309

810.02 (2) (a)

1st, PBL

Burglary with assault or battery.

310

810.02 (2) (b)

1st, PBL

Burglary; armed with explosives or dangerous weapon.

311

810.02 (2) (c)

1st

Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

312

812.014 (2) (a) 2.

1st

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

313

812.13 (2) (b)

1st

Robbery with a weapon.

314

812.135 (2) (c)

1st

Home-invasion robbery,





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no firearm, deadly  
weapon, or other weapon.

315

817.535 (2) (b)

2nd

Filing false lien or  
other unauthorized  
document; second or  
subsequent offense.

316

817.535 (3) (a)

2nd

Filing false lien or  
other unauthorized  
document; property owner  
is a public officer or  
employee.

317

817.535 (4) (a) 1.

2nd

Filing false lien or  
other unauthorized  
document; defendant is  
incarcerated or under  
supervision.

318

817.535 (5) (a)

2nd

Filing false lien or  
other unauthorized  
document; owner of the  
property incurs  
financial loss as a  
result of the false  
instrument.

319

817.568 (6)

2nd

Fraudulent use of



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personal identification  
information of an  
individual under the age  
of 18.

320

825.102 (2)

1st

Aggravated abuse of an  
elderly person or  
disabled adult.

321

825.1025 (2)

2nd

Lewd or lascivious  
battery upon an elderly  
person or disabled  
adult.

322

825.103 (2) (a)

1st

Exploiting an elderly  
person or disabled adult  
and property is valued  
at \$100,000 or more.

323

837.02 (2)

2nd

Perjury in official  
proceedings relating to  
prosecution of a capital  
felony.

324

837.021 (2)

2nd

Making contradictory  
statements in official  
proceedings relating to  
prosecution of a capital  
felony.



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325

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

326

860.16 1st Aircraft piracy.

327

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).

328

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

329

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

330

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

331



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

332

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

333

893.135 (1) (c) 2.c. 1st Trafficking in  
hydrocodone, 50 grams or  
more, less than 200  
grams.

334

893.135 (1) (c) 3.c. 1st Trafficking in  
oxycodone, 25 grams or  
more, less than 100  
grams.

335

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

336

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

337



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

338

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

339

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

340

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

341

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

342

893.1351(3) 1st Possession of a place  
used to manufacture  
controlled substance



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343

895.03 (1)

1st

when minor is present or  
resides there.

Use or invest proceeds  
derived from pattern of  
racketeering activity.

344

895.03 (2)

1st

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

345

895.03 (3)

1st

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

346

896.101 (5) (b)

2nd

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

347

896.104 (4) (a) 2.

2nd

Structuring transactions  
to evade reporting or  
registration  
requirements, financial



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

348

349

350 (i) LEVEL 9

351

Florida  
Statute

Felony  
Degree

Description

352

316.193  
(3) (c) 3.b.

1st

DUI manslaughter;  
failing to render aid or  
give information.

353

327.35 (3) (c) 3.b.

1st

BUI manslaughter;  
failing to render aid or  
give information.

354

409.920  
(2) (b) 1.c.

1st

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

355

499.0051 (9)

1st

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

356

560.123 (8) (b) 3.

1st

Failure to report  
currency or payment



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instruments totaling or  
exceeding \$100,000 by  
money transmitter.

357

560.125 (5) (c)

1st

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

358

655.50 (10) (b) 3.

1st

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

359

775.0844

1st

Aggravated white collar  
crime.

360

782.04 (1)

1st

Attempt, conspire, or  
solicit to commit  
premeditated murder.

361

782.04 (3)

1st, PBL

Accomplice to murder in  
connection with arson,  
sexual battery, robbery,  
burglary, aggravated  
fleeing or eluding with





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362

782.051 (1) 1st serious bodily injury or death, and other specified felonies.

363

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

364

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

365

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

366

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

367



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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.

368

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

369

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

370

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

371

790.161 1st Attempted capital  
destructive device  
offense.

372

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



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use a weapon of mass  
destruction.

373

794.011 (2)

1st

Attempted sexual  
battery; victim less  
than 12 years of age.

374

794.011 (2)

Life

Sexual battery; offender  
younger than 18 years  
and commits sexual  
battery on a person less  
than 12 years.

375

794.011 (4)

1st

Sexual battery; victim  
12 years or older,  
certain circumstances.

376

794.011 (8) (b)

1st

Sexual battery; engage  
in sexual conduct with  
minor 12 to 18 years by  
person in familial or  
custodial authority.

377

794.08 (2)

1st

Female genital  
mutilation; victim  
younger than 18 years of  
age.

378

796.035

1st

Selling or buying of



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379

minors into  
prostitution.

800.04 (5) (b)

Life

Lewd or lascivious  
molestation; victim less  
than 12 years; offender  
18 years or older.

380

812.13 (2) (a)

1st, PBL

Robbery with firearm or  
other deadly weapon.

381

812.133 (2) (a)

1st, PBL

Carjacking; firearm or  
other deadly weapon.

382

812.135 (2) (b)

1st

Home-invasion robbery  
with weapon.

383

817.535 (3) (b)

1st

Filing false lien or  
other unauthorized  
document; second or  
subsequent offense;  
property owner is a  
public officer or  
employee.

384

817.535 (4) (a) 2.

1st

Filing false claim or  
other unauthorized  
document; defendant is  
incarcerated or under



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supervision.

385

817.535 (5) (b)

1st

Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.

386

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.

387

827.03 (2) (a)

1st

Aggravated child abuse.

388

847.0145 (1)

1st

Selling, or otherwise transferring custody or control, of a minor.

389

847.0145 (2)

1st

Purchasing, or otherwise obtaining custody or control, of a minor.



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390

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.

391

893.135 1st Attempted capital trafficking offense.

392

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

393

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

394

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

395

893.135 (1) (c) 2.d. 1st Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.



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396

893.135 (1) (c) 3.d.                      1st                      Trafficking in  
oxycodone, 100 grams or  
more, less than 30  
kilograms.

397

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

398

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

399

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

400

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

401

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

402

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



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grams or more.

403

896.101(5)(c)

1st

Money laundering,  
financial instruments  
totaling or exceeding  
\$100,000.

404

896.104(4)(a)3.

1st

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

405

406

407 Section 3. For the purpose of incorporating the amendment  
408 made by this act to section 893.135, Florida Statutes, in a  
409 reference thereto, paragraph (a) of subsection (2) and paragraph  
410 (a) of subsection (3) of section 775.087, Florida Statutes, are  
411 reenacted to read:

412 775.087 Possession or use of weapon; aggravated battery;  
413 felony reclassification; minimum sentence.—

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

- 417 a. Murder;
- 418 b. Sexual battery;
- 419 c. Robbery;
- 420 d. Burglary;





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- 421 e. Arson;
- 422 f. Aggravated assault;
- 423 g. Aggravated battery;
- 424 h. Kidnapping;
- 425 i. Escape;
- 426 j. Aircraft piracy;
- 427 k. Aggravated child abuse;
- 428 l. Aggravated abuse of an elderly person or disabled adult;
- 429 m. Unlawful throwing, placing, or discharging of a
- 430 destructive device or bomb;
- 431 n. Carjacking;
- 432 o. Home-invasion robbery;
- 433 p. Aggravated stalking;
- 434 q. Trafficking in cannabis, trafficking in cocaine, capital
- 435 importation of cocaine, trafficking in illegal drugs, capital
- 436 importation of illegal drugs, trafficking in phencyclidine,
- 437 capital importation of phencyclidine, trafficking in
- 438 methaqualone, capital importation of methaqualone, trafficking
- 439 in amphetamine, capital importation of amphetamine, trafficking
- 440 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
- 441 (GHB), trafficking in 1,4-Butanediol, trafficking in
- 442 Phenethylamines, or other violation of s. 893.135(1); or
- 443 r. Possession of a firearm by a felon

444  
445 and during the commission of the offense, such person actually  
446 possessed a "firearm" or "destructive device" as those terms are  
447 defined in s. 790.001, shall be sentenced to a minimum term of  
448 imprisonment of 10 years, except that a person who is convicted  
449 for aggravated assault, possession of a firearm by a felon, or



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450 burglary of a conveyance shall be sentenced to a minimum term of  
451 imprisonment of 3 years if such person possessed a "firearm" or  
452 "destructive device" during the commission of the offense.  
453 However, if an offender who is convicted of the offense of  
454 possession of a firearm by a felon has a previous conviction of  
455 committing or attempting to commit a felony listed in s.  
456 775.084(1)(b)1. and actually possessed a firearm or destructive  
457 device during the commission of the prior felony, the offender  
458 shall be sentenced to a minimum term of imprisonment of 10  
459 years.

460 2. Any person who is convicted of a felony or an attempt to  
461 commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
462 regardless of whether the use of a weapon is an element of the  
463 felony, and during the course of the commission of the felony  
464 such person discharged a "firearm" or "destructive device" as  
465 defined in s. 790.001 shall be sentenced to a minimum term of  
466 imprisonment of 20 years.

467 3. Any person who is convicted of a felony or an attempt to  
468 commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
469 regardless of whether the use of a weapon is an element of the  
470 felony, and during the course of the commission of the felony  
471 such person discharged a "firearm" or "destructive device" as  
472 defined in s. 790.001 and, as the result of the discharge, death  
473 or great bodily harm was inflicted upon any person, the  
474 convicted person shall be sentenced to a minimum term of  
475 imprisonment of not less than 25 years and not more than a term  
476 of imprisonment of life in prison.

477 (3)(a)1. Any person who is convicted of a felony or an  
478 attempt to commit a felony, regardless of whether the use of a



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479 firearm is an element of the felony, and the conviction was for:  
480       a. Murder;  
481       b. Sexual battery;  
482       c. Robbery;  
483       d. Burglary;  
484       e. Arson;  
485       f. Aggravated assault;  
486       g. Aggravated battery;  
487       h. Kidnapping;  
488       i. Escape;  
489       j. Sale, manufacture, delivery, or intent to sell,  
490 manufacture, or deliver any controlled substance;  
491       k. Aircraft piracy;  
492       l. Aggravated child abuse;  
493       m. Aggravated abuse of an elderly person or disabled adult;  
494       n. Unlawful throwing, placing, or discharging of a  
495 destructive device or bomb;  
496       o. Carjacking;  
497       p. Home-invasion robbery;  
498       q. Aggravated stalking; or  
499       r. Trafficking in cannabis, trafficking in cocaine, capital  
500 importation of cocaine, trafficking in illegal drugs, capital  
501 importation of illegal drugs, trafficking in phencyclidine,  
502 capital importation of phencyclidine, trafficking in  
503 methaqualone, capital importation of methaqualone, trafficking  
504 in amphetamine, capital importation of amphetamine, trafficking  
505 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
506 (GHB), trafficking in 1,4-Butanediol, trafficking in  
507 Phenethylamines, or other violation of s. 893.135(1);



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508  
509 and during the commission of the offense, such person possessed  
510 a semiautomatic firearm and its high-capacity detachable box  
511 magazine or a machine gun as defined in s. 790.001, shall be  
512 sentenced to a minimum term of imprisonment of 15 years.

513         2. Any person who is convicted of a felony or an attempt to  
514 commit a felony listed in subparagraph (a)1., regardless of  
515 whether the use of a weapon is an element of the felony, and  
516 during the course of the commission of the felony such person  
517 discharged a semiautomatic firearm and its high-capacity box  
518 magazine or a "machine gun" as defined in s. 790.001 shall be  
519 sentenced to a minimum term of imprisonment of 20 years.

520         3. Any person who is convicted of a felony or an attempt to  
521 commit a felony listed in subparagraph (a)1., regardless of  
522 whether the use of a weapon is an element of the felony, and  
523 during the course of the commission of the felony such person  
524 discharged a semiautomatic firearm and its high-capacity box  
525 magazine or a "machine gun" as defined in s. 790.001 and, as the  
526 result of the discharge, death or great bodily harm was  
527 inflicted upon any person, the convicted person shall be  
528 sentenced to a minimum term of imprisonment of not less than 25  
529 years and not more than a term of imprisonment of life in  
530 prison.

531         Section 4. For the purpose of incorporating the amendment  
532 made by this act to section 893.135, Florida Statutes, in a  
533 reference thereto, paragraph (a) of subsection (1) and  
534 subsections (3) and (4) of section 782.04, Florida Statutes, are  
535 reenacted to read:

536                 782.04 Murder.—



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- 537 (1) (a) The unlawful killing of a human being:  
538 1. When perpetrated from a premeditated design to effect  
539 the death of the person killed or any human being;  
540 2. When committed by a person engaged in the perpetration  
541 of, or in the attempt to perpetrate, any:  
542 a. Trafficking offense prohibited by s. 893.135(1),  
543 b. Arson,  
544 c. Sexual battery,  
545 d. Robbery,  
546 e. Burglary,  
547 f. Kidnapping,  
548 g. Escape,  
549 h. Aggravated child abuse,  
550 i. Aggravated abuse of an elderly person or disabled adult,  
551 j. Aircraft piracy,  
552 k. Unlawful throwing, placing, or discharging of a  
553 destructive device or bomb,  
554 l. Carjacking,  
555 m. Home-invasion robbery,  
556 n. Aggravated stalking,  
557 o. Murder of another human being,  
558 p. Resisting an officer with violence to his or her person,  
559 q. Aggravated fleeing or eluding with serious bodily injury  
560 or death,  
561 r. Felony that is an act of terrorism or is in furtherance  
562 of an act of terrorism; or  
563 3. Which resulted from the unlawful distribution of any  
564 substance controlled under s. 893.03(1), cocaine as described in  
565 s. 893.03(2)(a)4., opium or any synthetic or natural salt,



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566 compound, derivative, or preparation of opium, or methadone by a  
567 person 18 years of age or older, when such drug is proven to be  
568 the proximate cause of the death of the user,

569  
570 is murder in the first degree and constitutes a capital felony,  
571 punishable as provided in s. 775.082.

572 (3) When a human being is killed during the perpetration  
573 of, or during the attempt to perpetrate, any:

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

575 (b) Arson,

576 (c) Sexual battery,

577 (d) Robbery,

578 (e) Burglary,

579 (f) Kidnapping,

580 (g) Escape,

581 (h) Aggravated child abuse,

582 (i) Aggravated abuse of an elderly person or disabled  
583 adult,

584 (j) Aircraft piracy,

585 (k) Unlawful throwing, placing, or discharging of a  
586 destructive device or bomb,

587 (l) Carjacking,

588 (m) Home-invasion robbery,

589 (n) Aggravated stalking,

590 (o) Murder of another human being,

591 (p) Aggravated fleeing or eluding with serious bodily  
592 injury or death,

593 (q) Resisting an officer with violence to his or her  
594 person, or



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595 (r) Felony that is an act of terrorism or is in furtherance  
596 of an act of terrorism,

597  
598 by a person other than the person engaged in the perpetration of  
599 or in the attempt to perpetrate such felony, the person  
600 perpetrating or attempting to perpetrate such felony commits  
601 murder in the second degree, which constitutes a felony of the  
602 first degree, punishable by imprisonment for a term of years not  
603 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
604 775.084.

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

- 609 (a) Trafficking offense prohibited by s. 893.135(1),
- 610 (b) Arson,
- 611 (c) Sexual battery,
- 612 (d) Robbery,
- 613 (e) Burglary,
- 614 (f) Kidnapping,
- 615 (g) Escape,
- 616 (h) Aggravated child abuse,
- 617 (i) Aggravated abuse of an elderly person or disabled  
618 adult,
- 619 (j) Aircraft piracy,
- 620 (k) Unlawful throwing, placing, or discharging of a  
621 destructive device or bomb,

622 (l) Unlawful distribution of any substance controlled under  
623 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or



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624 opium or any synthetic or natural salt, compound, derivative, or  
625 preparation of opium by a person 18 years of age or older, when  
626 such drug is proven to be the proximate cause of the death of  
627 the user,

628 (m) Carjacking,

629 (n) Home-invasion robbery,

630 (o) Aggravated stalking,

631 (p) Murder of another human being,

632 (q) Aggravated fleeing or eluding with serious bodily  
633 injury or death,

634 (r) Resisting an officer with violence to his or her  
635 person, or

636 (s) Felony that is an act of terrorism or is in furtherance  
637 of an act of terrorism,

638

639 is murder in the third degree and constitutes a felony of the  
640 second degree, punishable as provided in s. 775.082, s. 775.083,  
641 or s. 775.084.

642 Section 5. This act shall take effect July 1, 2014.