



879190

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/06/2014	.	
	.	
	.	
	.	

Appropriations Subcommittee on Criminal and Civil Justice
(Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



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11 (c)1. A ~~Any~~ person who knowingly sells, purchases,
12 manufactures, delivers, or brings into this state, or who is
13 knowingly in actual or constructive possession of, 4 grams or
14 more of any morphine, opium, ~~oxycodone, hydrocodone,~~
15 hydromorphone, or any salt, derivative, isomer, or salt of an
16 isomer thereof, including heroin, as described in s.
17 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more
18 of any mixture containing any such substance, but less than 30
19 kilograms of such substance or mixture, commits a felony of the
20 first degree, which felony shall be known as "trafficking in
21 illegal drugs," punishable as provided in s. 775.082, s.
22 775.083, or s. 775.084. If the quantity involved:

23 a. Is 4 grams or more, but less than 14 grams, such person
24 shall be sentenced to a mandatory minimum term of imprisonment
25 of 3 years~~7~~, and ~~the defendant~~ shall be ordered to pay a fine of
26 \$50,000.

27 b. Is 14 grams or more, but less than 28 grams, such person
28 shall be sentenced to a mandatory minimum term of imprisonment
29 of 15 years~~7~~, and ~~the defendant~~ shall be ordered to pay a fine of
30 \$100,000.

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

35 2. A person who knowingly sells, purchases, manufactures,
36 delivers, or brings into this state, or who is knowingly in
37 actual or constructive possession of, 14 grams or more of
38 hydrocodone, or 14 grams or more of any mixture containing any
39 such substance, commits a felony of the first degree, which



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40 felony shall be known as "trafficking in hydrocodone,"
41 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

42 If the quantity involved:

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

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

49 c. Is 50 grams or more, but less than 200 grams, such
50 person shall be sentenced to a mandatory minimum term of
51 imprisonment of 15 years and shall be ordered to pay a fine of
52 \$500,000.

53 d. Is 200 grams or more, but less than 30 kilograms, such
54 person shall be sentenced to a mandatory minimum term of
55 imprisonment of 25 years and shall be ordered to pay a fine of
56 \$750,000.

57 3. A person who knowingly sells, purchases, manufactures,
58 delivers, or brings into this state, or who is knowingly in
59 actual or constructive possession of, 7 grams or more of
60 oxycodone, or 7 grams or more of any mixture containing any such
61 substance, commits a felony of the first degree, which felony
62 shall be known as "trafficking in oxycodone," punishable as
63 provided in s. 775.082, s. 775.083, or s. 775.084. If the
64 quantity involved:

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

68 b. Is 14 grams or more, but less than 25 grams, such person



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69 shall be sentenced to a mandatory minimum term of imprisonment
70 of 7 years and shall be ordered to pay a fine of \$100,000.

71 c. Is 25 grams or more, but less than 100 grams, such
72 person shall be sentenced to a mandatory minimum term of
73 imprisonment of 15 years and shall be ordered to pay a fine of
74 \$500,000.

75 d. Is 100 grams or more, but less than 30 kilograms, such
76 person shall be sentenced to a mandatory minimum term of
77 imprisonment of 25 years and shall be ordered to pay a fine of
78 \$750,000.

79 4.2. A ~~Any~~ person who knowingly sells, purchases,
80 manufactures, delivers, or brings into this state, or who is
81 knowingly in actual or constructive possession of, 30 kilograms
82 or more of any morphine, opium, oxycodone, hydrocodone,
83 hydromorphone, or any salt, derivative, isomer, or salt of an
84 isomer thereof, including heroin, as described in s.
85 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
86 more of any mixture containing any such substance, commits the
87 first degree felony of trafficking in illegal drugs. A person
88 who has been convicted of the first degree felony of trafficking
89 in illegal drugs under this subparagraph shall be punished by
90 life imprisonment and is ineligible for any form of
91 discretionary early release except pardon or executive clemency
92 or conditional medical release under s. 947.149. However, if the
93 court determines that, in addition to committing any act
94 specified in this paragraph:

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



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98 result; or

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

101
102 such person commits the capital felony of trafficking in illegal
103 drugs, punishable as provided in ss. 775.082 and 921.142. A ~~Any~~
104 person sentenced for a capital felony under this paragraph shall
105 also be sentenced to pay the maximum fine provided under
106 subparagraph 1.

107 ~~5.3.~~ A ~~Any~~ person who knowingly brings into this state 60
108 kilograms or more of any morphine, opium, oxycodone,
109 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
110 salt of an isomer thereof, including heroin, as described in s.
111 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
112 more of any mixture containing any such substance, and who knows
113 that the probable result of such importation would be the death
114 of a ~~any~~ person, commits capital importation of illegal drugs, a
115 capital felony punishable as provided in ss. 775.082 and
116 921.142. A ~~Any~~ person sentenced for a capital felony under this
117 paragraph shall also be sentenced to pay the maximum fine
118 provided under subparagraph 1.

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

121 921.0022 Criminal Punishment Code; offense severity ranking
122 chart.-

123 (3) OFFENSE SEVERITY RANKING CHART

124 (g) LEVEL 7

125



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	Florida Statute	Felony Degree	Description
126	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
127	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
128	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
129	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
130	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great



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			bodily harm, permanent disfiguration, permanent disability, or death.
131	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
132	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
133	456.065 (2)	3rd	Practicing a health care profession without a license.
134	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
135	458.327 (1)	3rd	Practicing medicine without a license.
136	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
137	460.411 (1)	3rd	Practicing chiropractic medicine without a



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138			license.
	461.012 (1)	3rd	Practicing podiatric medicine without a license.
139			
	462.17	3rd	Practicing naturopathy without a license.
140			
	463.015 (1)	3rd	Practicing optometry without a license.
141			
	464.016 (1)	3rd	Practicing nursing without a license.
142			
	465.015 (2)	3rd	Practicing pharmacy without a license.
143			
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
144			
	467.201	3rd	Practicing midwifery without a license.
145			
	468.366	3rd	Delivering respiratory care services without a license.
146			



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147	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
148	483.901 (9)	3rd	Practicing medical physics without a license.
149	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
150	484.053	3rd	Dispensing hearing aids without a license.
151	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money



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152

560.125(5)(a)

3rd

services business.

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

153

655.50(10)(b)1.

3rd

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

154

775.21(10)(a)

3rd

Sexual predator; failure to register; failure to renew driver ~~driver's~~ license or identification card; other registration violations.

155

775.21(10)(b)

3rd

Sexual predator working where children regularly congregate.

156

775.21(10)(g)

3rd

Failure to report or providing false



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157	782.051 (3)	2nd	information about a sexual predator; harbor or conceal a sexual predator.
158	782.07 (1)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
159	782.071	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
160	782.072	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
		2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel



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homicide).

161

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

162

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

163

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

164

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

165

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

166

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

167

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



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168 784.08 (2) (a) 1st Aggravated battery on a
person 65 years of age
or older.

169 784.081 (1) 1st Aggravated battery on
specified official or
employee.

170 784.082 (1) 1st Aggravated battery by
detained person on
visitor or other
detainee.

171 784.083 (1) 1st Aggravated battery on
code inspector.

172 787.06 (3) (a) 1st Human trafficking using
coercion for labor and
services.

173 787.06 (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.

174



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175	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
176	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
177	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
178	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
179	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting



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180	790.23	1st,PBL	to commit a felony. Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
181	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.
182	796.03	2nd	Procuring any person under 16 years for prostitution.
183	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
184	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12



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185			years of age or older but less than 16 years; offender 18 years or older.
186	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
187	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
188	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
189	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
190	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
	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



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191			while causing other property damage; 1st degree grand theft.
	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
192			
	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
193			
	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
194			
	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
195			
	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
196			



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197	812.131 (2) (a)	2nd	Robbery by sudden snatching.
198	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
199	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
200	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
201	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
202	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an



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203			insuring entity which are a significant cause of the insolvency of that entity.
204	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
205	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
206	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.
207	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age



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208			or older.
	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
209			
	838.015	2nd	Bribery.
210			
	838.016	2nd	Unlawful compensation or reward for official behavior.
211			
	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
212			
	838.22	2nd	Bid tampering.
213			
	843.0855 (2)	3rd	Impersonation of a public officer or employee.
214			
	843.0855 (3)	3rd	Unlawful simulation of legal process.
215			
	843.0855 (4)	3rd	Intimidation of a public officer or employee.
216			
	847.0135 (3)	3rd	Solicitation of a child,



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217			via a computer service, to commit an unlawful sex act.
218	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
219	872.06	2nd	Abuse of a dead human body.
220	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
221	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a),



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(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.

222

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.

223

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).

224

893.135(1) (a) 1.

1st

Trafficking in cannabis,
more than 25 lbs., less
than 2,000 lbs.



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225	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
226	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
227	<u>893.135 (1) (c) 2.a.</u>	<u>1st</u>	<u>Trafficking in</u> <u>hydrocodone, 14 grams or</u> <u>more, less than 28</u> <u>grams.</u>
228	<u>893.135 (1) (c) 2.b.</u>	<u>1st</u>	<u>Trafficking in</u> <u>hydrocodone, 28 grams or</u> <u>more, less than 50</u> <u>grams.</u>
229	<u>893.135 (1) (c) 3.a.</u>	<u>1st</u>	<u>Trafficking in</u> <u>oxycodone, 7 grams or</u> <u>more, less than 14</u> <u>grams.</u>
230	<u>893.135 (1) (c) 3.b.</u>	<u>1st</u>	<u>Trafficking in</u> <u>oxycodone, 14 grams or</u> <u>more, less than 25</u> <u>grams.</u>



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231	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
232	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
233	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
234	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
235	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
236	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram



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237	893.135 (1) (k) 2.a.	1st	or more, less than 5 kilograms. Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
238	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
239	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
240	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
241	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with



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242			reporting requirements.
	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
243			
	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
244			
	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
245			
	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
246			
	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.



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247	944.607(10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
248	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
249	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
250	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
251	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual



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offender.

252

985.4815(13)

3rd

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

253

254

255

(h) LEVEL 8

256

Florida
Statute

Felony
Degree

Description

257

316.193

2nd

DUI manslaughter.

(3) (c) 3.a.

258

316.1935(4) (b)

1st

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

259

327.35(3) (c) 3.

2nd

Vessel BUI manslaughter.

260

499.0051(7)

1st

Knowing trafficking in contraband prescription drugs.

261

499.0051(8)

1st

Knowing forgery of



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262	560.123 (8) (b) 2.	2nd	prescription labels or prescription drug labels.
263	560.125 (5) (b)	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
264	655.50 (10) (b) 2.	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.
265	777.03 (2) (a)	1st	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
266			Accessory after the fact, capital felony.



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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 death, aircraft piracy, or unlawfully discharging bomb.

267

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

268

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

269

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

270



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271	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity.
272	787.06(3)(c)	1st	Human trafficking using coercion for labor and services of an unauthorized alien.
273	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.
274	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
275	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
	794.08(3)	2nd	Female genital



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			mutilation, removal of a victim younger than 18 years of age from this state.
276	800.04 (4)	2nd	Lewd or lascivious battery.
277	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
278	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
279	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
280	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
281	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or



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282			more, grand theft in 1st degree.
283	812.13 (2) (b)	1st	Robbery with a weapon.
284	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
285	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
286	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
287	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the



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288	817.568 (6)	2nd	property incurs financial loss as a result of the false instrument.
289	825.102 (2)	1st	Fraudulent use of personal identification information of an individual under the age of 18.
290	825.1025 (2)	2nd	Aggravated abuse of an elderly person or disabled adult.
291	825.103 (2) (a)	1st	Lewd or lascivious battery upon an elderly person or disabled adult.
292	837.02 (2)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
			Perjury in official proceedings relating to prosecution of a capital felony.



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293	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
294	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
295	860.16	1st	Aircraft piracy.
296	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).
297	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
298	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s.



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299			893.03(1) (a) or (b) .
	893.135(1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
300			
	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
301			
	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
302			
	<u>893.135(1) (c) 2.c.</u>	<u>1st</u>	<u>Trafficking in</u> <u>hydrocodone, 50 grams or</u> <u>more, less than 200</u> <u>grams.</u>
303			
	<u>893.135(1) (c) 3.c.</u>	<u>1st</u>	<u>Trafficking in</u> <u>oxycodone, 25 grams or</u> <u>more, less than 100</u> <u>grams.</u>
304			
	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.



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305	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
306	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
307	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
308	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
309	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4- Butanediol, 5 kilograms or more, less than 10 kilograms.
310	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200



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311	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
312	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
313	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
314	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
315	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than



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\$100,000.

316

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.

317

318

319

(i) LEVEL 9

320

Florida
Statute

Felony
Degree

Description

321

316.193
(3) (c) 3.b.

1st

DUI manslaughter;
failing to render aid or give information.

322

327.35 (3) (c) 3.b.

1st

BUI manslaughter;
failing to render aid or give information.

323

409.920
(2) (b) 1.c.

1st

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

324

499.0051 (9)

1st

Knowing sale or purchase
of contraband



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325			prescription drugs resulting in great bodily harm.
	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
326			
	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
327			
	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
328			
	775.0844	1st	Aggravated white collar crime.
329			
	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.



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330	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.
331	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
332	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
333	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
334	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
335			



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336	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
337	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.
338	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
339	787.06(3)(g)	1st,PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
340	787.06(4)	1st	Selling or buying of minors into human trafficking.



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341	790.161	1st	Attempted capital destructive device offense.
342	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
343	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
344	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
345	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
346	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.



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347	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
348	796.035	1st	Selling or buying of minors into prostitution.
349	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
350	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
351	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
352	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or



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employee.

353

817.535 (4) (a) 2.

1st

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

354

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.

355

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.

356

827.03 (2) (a)

1st

Aggravated child abuse.

357

847.0145 (1)

1st

Selling, or otherwise



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358

847.0145(2)

1st

transferring custody or
control, of a minor.

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

359

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.

360

893.135

1st

Attempted capital
trafficking offense.

361

893.135(1)(a)3.

1st

Trafficking in cannabis,
more than 10,000 lbs.

362

893.135
(1)(b)1.c.

1st

Trafficking in cocaine,
more than 400 grams,
less than 150 kilograms.

363

893.135
(1)(c)1.c.

1st

Trafficking in illegal
drugs, more than 28
grams, less than 30



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kilograms.

364

893.135 (1) (c) 2.d.

1st

Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.

365

893.135 (1) (c) 3.d.

1st

Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.

366

893.135
(1) (d) 1.c.

1st

Trafficking in phencyclidine, more than 400 grams.

367

893.135
(1) (e) 1.c.

1st

Trafficking in methaqualone, more than 25 kilograms.

368

893.135
(1) (f) 1.c.

1st

Trafficking in amphetamine, more than 200 grams.

369

893.135
(1) (h) 1.c.

1st

Trafficking in gamma-hydroxybutyric acid (GHB), 10 kilograms or more.

370



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

371

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

372

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

373

896.104 (4) (a) 3. 1st Structuring transactions
to evade reporting or
registration
requirements, financial
transactions totaling or
exceeding \$100,000.

374

375

376 Section 3. For the purpose of incorporating the amendment
377 made by this act to section 893.135, Florida Statutes, in a
378 reference thereto, paragraph (a) of subsection (2) and paragraph
379 (a) of subsection (3) of section 775.087, Florida Statutes, are
380 reenacted to read:

381 775.087 Possession or use of weapon; aggravated battery;
382 felony reclassification; minimum sentence.-

383 (2) (a) 1. Any person who is convicted of a felony or an



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384 attempt to commit a felony, regardless of whether the use of a
385 weapon is an element of the felony, and the conviction was for:
386 a. Murder;
387 b. Sexual battery;
388 c. Robbery;
389 d. Burglary;
390 e. Arson;
391 f. Aggravated assault;
392 g. Aggravated battery;
393 h. Kidnapping;
394 i. Escape;
395 j. Aircraft piracy;
396 k. Aggravated child abuse;
397 l. Aggravated abuse of an elderly person or disabled adult;
398 m. Unlawful throwing, placing, or discharging of a
399 destructive device or bomb;
400 n. Carjacking;
401 o. Home-invasion robbery;
402 p. Aggravated stalking;
403 q. Trafficking in cannabis, trafficking in cocaine, capital
404 importation of cocaine, trafficking in illegal drugs, capital
405 importation of illegal drugs, trafficking in phencyclidine,
406 capital importation of phencyclidine, trafficking in
407 methaqualone, capital importation of methaqualone, trafficking
408 in amphetamine, capital importation of amphetamine, trafficking
409 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
410 (GHB), trafficking in 1,4-Butanediol, trafficking in
411 Phenethylamines, or other violation of s. 893.135(1); or
412 r. Possession of a firearm by a felon



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413
414 and during the commission of the offense, such person actually
415 possessed a "firearm" or "destructive device" as those terms are
416 defined in s. 790.001, shall be sentenced to a minimum term of
417 imprisonment of 10 years, except that a person who is convicted
418 for aggravated assault, possession of a firearm by a felon, or
419 burglary of a conveyance shall be sentenced to a minimum term of
420 imprisonment of 3 years if such person possessed a "firearm" or
421 "destructive device" during the commission of the offense.

422 However, if an offender who is convicted of the offense of
423 possession of a firearm by a felon has a previous conviction of
424 committing or attempting to commit a felony listed in s.
425 775.084(1)(b)1. and actually possessed a firearm or destructive
426 device during the commission of the prior felony, the offender
427 shall be sentenced to a minimum term of imprisonment of 10
428 years.

429 2. Any person who is convicted of a felony or an attempt to
430 commit a felony listed in sub-subparagraphs (a)1.a.-q.,
431 regardless of whether the use of a weapon is an element of the
432 felony, and during the course of the commission of the felony
433 such person discharged a "firearm" or "destructive device" as
434 defined in s. 790.001 shall be sentenced to a minimum term of
435 imprisonment of 20 years.

436 3. Any person who is convicted of a felony or an attempt to
437 commit a felony listed in sub-subparagraphs (a)1.a.-q.,
438 regardless of whether the use of a weapon is an element of the
439 felony, and during the course of the commission of the felony
440 such person discharged a "firearm" or "destructive device" as
441 defined in s. 790.001 and, as the result of the discharge, death



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442 or great bodily harm was inflicted upon any person, the
443 convicted person shall be sentenced to a minimum term of
444 imprisonment of not less than 25 years and not more than a term
445 of imprisonment of life in prison.

446 (3) (a) 1. Any person who is convicted of a felony or an
447 attempt to commit a felony, regardless of whether the use of a
448 firearm is an element of the felony, and the conviction was for:

- 449 a. Murder;
- 450 b. Sexual battery;
- 451 c. Robbery;
- 452 d. Burglary;
- 453 e. Arson;
- 454 f. Aggravated assault;
- 455 g. Aggravated battery;
- 456 h. Kidnapping;
- 457 i. Escape;
- 458 j. Sale, manufacture, delivery, or intent to sell,
459 manufacture, or deliver any controlled substance;
- 460 k. Aircraft piracy;
- 461 l. Aggravated child abuse;
- 462 m. Aggravated abuse of an elderly person or disabled adult;
- 463 n. Unlawful throwing, placing, or discharging of a
464 destructive device or bomb;
- 465 o. Carjacking;
- 466 p. Home-invasion robbery;
- 467 q. Aggravated stalking; or
- 468 r. Trafficking in cannabis, trafficking in cocaine, capital
469 importation of cocaine, trafficking in illegal drugs, capital
470 importation of illegal drugs, trafficking in phencyclidine,



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471 capital importation of phencyclidine, trafficking in
472 methaqualone, capital importation of methaqualone, trafficking
473 in amphetamine, capital importation of amphetamine, trafficking
474 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
475 (GHB), trafficking in 1,4-Butanediol, trafficking in
476 Phenethylamines, or other violation of s. 893.135(1);

477

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

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

489 3. Any person who is convicted of a felony or an attempt to
490 commit a felony listed in subparagraph (a)1., regardless of
491 whether the use of a weapon is an element of the felony, and
492 during the course of the commission of the felony such person
493 discharged a semiautomatic firearm and its high-capacity box
494 magazine or a "machine gun" as defined in s. 790.001 and, as the
495 result of the discharge, death or great bodily harm was
496 inflicted upon any person, the convicted person shall be
497 sentenced to a minimum term of imprisonment of not less than 25
498 years and not more than a term of imprisonment of life in
499 prison.



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500 Section 4. For the purpose of incorporating the amendment
501 made by this act to section 893.135, Florida Statutes, in a
502 reference thereto, paragraph (a) of subsection (1) and
503 subsections (3) and (4) of section 782.04, Florida Statutes, are
504 reenacted to read:

505 782.04 Murder.—

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

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

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

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

512 b. Arson,

513 c. Sexual battery,

514 d. Robbery,

515 e. Burglary,

516 f. Kidnapping,

517 g. Escape,

518 h. Aggravated child abuse,

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

520 j. Aircraft piracy,

521 k. Unlawful throwing, placing, or discharging of a
522 destructive device or bomb,

523 l. Carjacking,

524 m. Home-invasion robbery,

525 n. Aggravated stalking,

526 o. Murder of another human being,

527 p. Resisting an officer with violence to his or her person,

528 q. Aggravated fleeing or eluding with serious bodily injury



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529 or death,
530 r. Felony that is an act of terrorism or is in furtherance
531 of an act of terrorism; or
532 3. Which resulted from the unlawful distribution of any
533 substance controlled under s. 893.03(1), cocaine as described in
534 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
535 compound, derivative, or preparation of opium, or methadone by a
536 person 18 years of age or older, when such drug is proven to be
537 the proximate cause of the death of the user,
538
539 is murder in the first degree and constitutes a capital felony,
540 punishable as provided in s. 775.082.
541 (3) When a human being is killed during the perpetration
542 of, or during the attempt to perpetrate, any:
543 (a) Trafficking offense prohibited by s. 893.135(1),
544 (b) Arson,
545 (c) Sexual battery,
546 (d) Robbery,
547 (e) Burglary,
548 (f) Kidnapping,
549 (g) Escape,
550 (h) Aggravated child abuse,
551 (i) Aggravated abuse of an elderly person or disabled
552 adult,
553 (j) Aircraft piracy,
554 (k) Unlawful throwing, placing, or discharging of a
555 destructive device or bomb,
556 (l) Carjacking,
557 (m) Home-invasion robbery,



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- 558 (n) Aggravated stalking,
559 (o) Murder of another human being,
560 (p) Aggravated fleeing or eluding with serious bodily
561 injury or death,
562 (q) Resisting an officer with violence to his or her
563 person, or
564 (r) Felony that is an act of terrorism or is in furtherance
565 of an act of terrorism,
566
567 by a person other than the person engaged in the perpetration of
568 or in the attempt to perpetrate such felony, the person
569 perpetrating or attempting to perpetrate such felony commits
570 murder in the second degree, which constitutes a felony of the
571 first degree, punishable by imprisonment for a term of years not
572 exceeding life or as provided in s. 775.082, s. 775.083, or s.
573 775.084.
- 574 (4) The unlawful killing of a human being, when perpetrated
575 without any design to effect death, by a person engaged in the
576 perpetration of, or in the attempt to perpetrate, any felony
577 other than any:
- 578 (a) Trafficking offense prohibited by s. 893.135(1),
579 (b) Arson,
580 (c) Sexual battery,
581 (d) Robbery,
582 (e) Burglary,
583 (f) Kidnapping,
584 (g) Escape,
585 (h) Aggravated child abuse,
586 (i) Aggravated abuse of an elderly person or disabled



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587 adult,
588 (j) Aircraft piracy,
589 (k) Unlawful throwing, placing, or discharging of a
590 destructive device or bomb,
591 (l) Unlawful distribution of any substance controlled under
592 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
593 opium or any synthetic or natural salt, compound, derivative, or
594 preparation of opium by a person 18 years of age or older, when
595 such drug is proven to be the proximate cause of the death of
596 the user,
597 (m) Carjacking,
598 (n) Home-invasion robbery,
599 (o) Aggravated stalking,
600 (p) Murder of another human being,
601 (q) Aggravated fleeing or eluding with serious bodily
602 injury or death,
603 (r) Resisting an officer with violence to his or her
604 person, or
605 (s) Felony that is an act of terrorism or is in furtherance
606 of an act of terrorism,
607
608 is murder in the third degree and constitutes a felony of the
609 second degree, punishable as provided in s. 775.082, s. 775.083,
610 or s. 775.084.

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

612
613 ===== T I T L E A M E N D M E N T =====

614 And the title is amended as follows:

615 Delete everything before the enacting clause



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616 and insert:

617 A bill to be entitled
618 An act relating to sentencing for controlled substance
619 violations; amending s. 893.135, F.S.; providing that
620 a person who knowingly sells, purchases, manufactures,
621 delivers, or brings into this state specified
622 quantities of hydrocodone or a mixture containing
623 hydrocodone or who is knowingly in actual or
624 constructive possession of specified quantities of
625 hydrocodone or a mixture containing hydrocodone
626 commits the offense of trafficking in hydrocodone;
627 providing criminal penalties; providing that a person
628 who knowingly sells, purchases, manufactures,
629 delivers, or brings into this state specified
630 quantities of oxycodone or a mixture containing
631 oxycodone or who is knowingly in actual or
632 constructive possession of specified quantities of
633 oxycodone or a mixture containing oxycodone commits
634 the offense of trafficking in oxycodone; providing
635 criminal penalties; amending s. 921.0022, F.S.;
636 ranking the offenses of trafficking in hydrocodone and
637 trafficking in oxycodone for purposes of the criminal
638 punishment code; reenacting s. 775.087(2)(a) and
639 (3)(a), F.S., relating to mandatory minimum sentences
640 for the possession or use of a weapon during the
641 commission of certain offenses, to incorporate the
642 amendments made to s. 893.135, F.S., in a reference
643 thereto; reenacting s. 782.04(1)(a), (3), and (4),
644 F.S., relating to the classification of a murder



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645 committed during the commission of certain offenses,
646 to incorporate the amendments made to s. 893.135,
647 F.S., in a reference thereto; providing an effective
648 date.