

By Senator Bradley

7-00124-14

2014360\_\_

1                   A bill to be entitled  
2           An act relating to sentencing for controlled substance  
3           violations; amending s. 893.135, F.S.; providing that  
4           a person who knowingly sells, purchases, manufactures,  
5           delivers, or brings into this state specified  
6           quantities of oxycodone or hydrocodone, or who is  
7           knowingly in actual or constructive possession of  
8           specified quantities of oxycodone or hydrocodone,  
9           commits the offense of trafficking in illegal  
10          prescription drugs, a felony of the first degree;  
11          providing criminal penalties; amending s. 921.0022,  
12          F.S.; ranking the offenses of trafficking in illegal  
13          prescription drugs for purposes of the criminal  
14          punishment code; reenacting s. 775.087(2)(a) and  
15          (3)(a), F.S., relating to mandatory minimum sentences  
16          for the possession or use of a weapon during the  
17          commission of certain offenses, to incorporate the  
18          amendments made to s. 893.135, F.S., in a reference  
19          thereto; reenacting s. 782.04(1)(a), (3), and (4),  
20          F.S., relating to the classification of a murder  
21          committed during the commission of certain offenses,  
22          to incorporate the amendments made to s. 893.135,  
23          F.S., in a reference thereto; providing an effective  
24          date.

25  
26   Be It Enacted by the Legislature of the State of Florida:

27  
28           Section 1. Paragraph (c) of subsection (1) of section  
29   893.135, Florida Statutes, is amended to read:

7-00124-14

2014360\_\_

30 893.135 Trafficking; mandatory sentences; suspension or  
31 reduction of sentences; conspiracy to engage in trafficking.—

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

34 (c)1. Any person who knowingly sells, purchases,  
35 manufactures, delivers, or brings into this state, or who is  
36 knowingly in actual or constructive possession of, 4 grams or  
37 more of any morphine, opium, ~~oxycodone, hydrocodone,~~  
38 hydromorphone, or any salt, derivative, isomer, or salt of an  
39 isomer thereof, including heroin, as described in s.  
40 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more  
41 of any mixture containing any such substance, but less than 30  
42 kilograms of such substance or mixture, commits a felony of the  
43 first degree, which felony shall be known as "trafficking in  
44 illegal drugs," punishable as provided in s. 775.082, s.  
45 775.083, or s. 775.084. If the quantity involved:

46 a. Is 4 grams or more, but less than 14 grams, such person  
47 shall be sentenced to a mandatory minimum term of imprisonment  
48 of 3 years~~7~~, and ~~the defendant~~ shall be ordered to pay a fine of  
49 \$50,000.

50 b. Is 14 grams or more, but less than 28 grams, such person  
51 shall be sentenced to a mandatory minimum term of imprisonment  
52 of 15 years~~7~~, and ~~the defendant~~ shall be ordered to pay a fine of  
53 \$100,000.

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

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

7-00124-14

2014360\_\_

59 actual or constructive possession of, 30 kilograms or more of  
60 any morphine, opium, ~~oxycodone, hydrocodone,~~ hydromorphone, or  
61 any salt, derivative, isomer, or salt of an isomer thereof,  
62 including heroin, as described in s. 893.03(1)(b), (2)(a),  
63 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture  
64 containing any such substance, commits the first degree felony  
65 of trafficking in illegal drugs. A person who has been convicted  
66 of the first degree felony of trafficking in illegal drugs under  
67 this subparagraph shall be punished by life imprisonment and is  
68 ineligible for any form of discretionary early release except  
69 pardon or executive clemency or conditional medical release  
70 under s. 947.149. However, if the court determines that, in  
71 addition to committing any act specified in this paragraph:

72 a. The person intentionally killed an individual or  
73 counseled, commanded, induced, procured, or caused the  
74 intentional killing of an individual and such killing was the  
75 result; or

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

78  
79 such person commits the capital felony of trafficking in illegal  
80 drugs, punishable as provided in ss. 775.082 and 921.142. Any  
81 person sentenced for a capital felony under this paragraph shall  
82 also be sentenced to pay the maximum fine provided under  
83 subparagraph 1.

84 3. Any person who knowingly sells, purchases, manufactures,  
85 delivers, or brings into this state, or who is knowingly in  
86 actual or constructive possession of, 14 grams or more of any  
87 oxycodone or hydrocodone, or 14 grams or more of any mixture

7-00124-14

2014360\_\_

88 containing any such substance, commits a felony of the first  
89 degree, which felony shall be known as "trafficking in illegal  
90 prescription drugs," punishable as provided in s. 775.082, s.  
91 775.083, or s. 775.084. If the quantity involved:

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

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

98 c. Is 50 grams or more, but less than 200 grams, such  
99 person shall be sentenced to a mandatory minimum term of  
100 imprisonment of 15 years and shall be ordered to pay a fine of  
101 \$500,000.

102 d. Is 200 grams or more, such person shall be sentenced to  
103 a mandatory minimum term of imprisonment of 25 years and shall  
104 be ordered to pay a fine of \$750,000.

105 ~~4.3.~~ Any person who knowingly brings into this state 60  
106 kilograms or more of any morphine, opium, oxycodone,  
107 hydrocodone, hydromorphone, or any salt, derivative, isomer, or  
108 salt of an isomer thereof, including heroin, as described in s.  
109 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or  
110 more of any mixture containing any such substance, and who knows  
111 that the probable result of such importation would be the death  
112 of any person, commits capital importation of illegal drugs, a  
113 capital felony punishable as provided in ss. 775.082 and  
114 921.142. Any person sentenced for a capital felony under this  
115 paragraph shall also be sentenced to pay the maximum fine  
116 provided under subparagraph 1.

7-00124-14

2014360\_\_

117 Section 2. Paragraphs (f) through (i) of subsection (3) of  
 118 section 921.0022, Florida Statutes, are amended to read:

119 921.0022 Criminal Punishment Code; offense severity ranking  
 120 chart.—

121 (3) OFFENSE SEVERITY RANKING CHART

122 (f) LEVEL 6

Florida Statute	Felony Degree	Description
316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
499.0051 (3)	2nd	Knowing forgery of pedigree papers.
499.0051 (4)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051 (5)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875 (1)	3rd	Taking firearm from law enforcement officer.

7-00124-14 2014360\_\_

129 784.021 (1) (a) 3rd Aggravated assault;  
deadly weapon without  
intent to kill.

130 784.021 (1) (b) 3rd Aggravated assault;  
intent to commit  
felony.

131 784.041 3rd Felony battery;  
domestic battery by  
strangulation.

132 784.048 (3) 3rd Aggravated stalking;  
credible threat.

133 784.048 (5) 3rd Aggravated stalking of  
person under 16.

134 784.07 (2) (c) 2nd Aggravated assault on  
law enforcement  
officer.

135 784.074 (1) (b) 2nd Aggravated assault on  
sexually violent  
predators facility  
staff.

784.08 (2) (b) 2nd Aggravated assault on  
a person 65 years of

7-00124-14

2014360\_\_

age or older.

136

784.081 (2)

2nd

Aggravated assault on specified official or employee.

137

784.082 (2)

2nd

Aggravated assault by detained person on visitor or other detainee.

138

784.083 (2)

2nd

Aggravated assault on code inspector.

139

787.02 (2)

3rd

False imprisonment; restraining with purpose other than those in s. 787.01.

140

790.115 (2) (d)

2nd

Discharging firearm or weapon on school property.

141

790.161 (2)

2nd

Make, possess, or throw destructive device with intent to do bodily harm or damage property.

142

	7-00124-14		2014360__
	790.164 (1)	2nd	False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.
143	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
144	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
145	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
146	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.
147	800.04 (6) (b)	2nd	Lewd or lascivious



	7-00124-14		2014360__
148			conduct; offender 18 years of age or older.
	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
149			
	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
150			
	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
151			
	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
152			
	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
153			
	812.015 (9) (a)	2nd	Retail theft; property

7-00124-14

2014360\_\_

154

812.015 (9) (b)

2nd

stolen \$300 or more;  
second or subsequent  
conviction.

Retail theft; property  
stolen \$3,000 or more;  
coordination of  
others.

155

812.13 (2) (c)

2nd

Robbery, no firearm or  
other weapon (strong-  
arm robbery).

156

817.4821 (5)

2nd

Possess cloning  
paraphernalia with  
intent to create  
cloned cellular  
telephones.

157

825.102 (1)

3rd

Abuse of an elderly  
person or disabled  
adult.

158

825.102 (3) (c)

3rd

Neglect of an elderly  
person or disabled  
adult.

159

825.1025 (3)

3rd

Lewd or lascivious  
molestation of an

7-00124-14

2014360\_\_

160

elderly person or  
disabled adult.

825.103 (2) (c)

3rd

Exploiting an elderly  
person or disabled  
adult and property is  
valued at less than  
\$20,000.

161

827.03 (2) (c)

3rd

Abuse of a child.

162

827.03 (2) (d)

3rd

Neglect of a child.

163

827.071 (2) & (3)

2nd

Use or induce a child  
in a sexual  
performance, or  
promote or direct such  
performance.

164

836.05

2nd

Threats; extortion.

165

836.10

2nd

Written threats to  
kill or do bodily  
injury.

166

843.12

3rd

Aids or assists person  
to escape.

167

847.011

3rd

Distributing, offering

7-00124-14

2014360\_\_

to distribute, or  
possessing with intent  
to distribute obscene  
materials depicting  
minors.

168

847.012

3rd

Knowingly using a  
minor in the  
production of  
materials harmful to  
minors.

169

847.0135 (2)

3rd

Facilitates sexual  
conduct of or with a  
minor or the visual  
depiction of such  
conduct.

170

893.135 (1) (c) 3.a.

1st

Trafficking in illegal  
prescription drugs, 14  
grams or more, less  
than 28 grams.

171

914.23

2nd

Retaliation against a  
witness, victim, or  
informant, with bodily  
injury.

172

944.35 (3) (a) 2.

3rd

Committing malicious

7-00124-14

2014360\_\_

173			battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
174	944.40	2nd	Escapes.
175	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
176	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
177	951.22 (1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
178	(g) LEVEL 7		
179	Florida Statute	Felony Degree	Description

7-00124-14 2014360\_\_

180	316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
181	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
182	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.
183	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
183	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

7-00124-14

2014360\_\_

184

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

185

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

186

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

187

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

188

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

189

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

190

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

191

461.012 (1) 3rd Practicing podiatric

7-00124-14

2014360\_\_

medicine without a  
license.

192

462.17

3rd

Practicing naturopathy  
without a license.

193

463.015 (1)

3rd

Practicing optometry  
without a license.

194

464.016 (1)

3rd

Practicing nursing  
without a license.

195

465.015 (2)

3rd

Practicing pharmacy  
without a license.

196

466.026 (1)

3rd

Practicing dentistry or  
dental hygiene without a  
license.

197

467.201

3rd

Practicing midwifery  
without a license.

198

468.366

3rd

Delivering respiratory  
care services without a  
license.

199

483.828 (1)

3rd

Practicing as clinical  
laboratory personnel  
without a license.



	7-00124-14		2014360__
200	483.901 (9)	3rd	Practicing medical physics without a license.
201	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
202	484.053	3rd	Dispensing hearing aids without a license.
203	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.
204	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
205	560.125 (5) (a)	3rd	Money services business

7-00124-14

2014360\_\_

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

206

655.50 (10) (b) 1.

3rd

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

207

775.21 (10) (a)

3rd

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

208

775.21 (10) (b)

3rd

Sexual predator working  
 where children regularly  
 congregate.

209

775.21 (10) (g)

3rd

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

7-00124-14

2014360\_\_

predator.

210

782.051 (3)

2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

211

782.07 (1)

2nd

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

212

782.071

2nd

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

213

782.072

2nd

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

214

784.045 (1) (a) 1.

2nd

Aggravated battery;

7-00124-14

2014360\_\_

intentionally causing  
great bodily harm or  
disfigurement.

215

784.045 (1) (a) 2.

2nd

Aggravated battery;  
using deadly weapon.

216

784.045 (1) (b)

2nd

Aggravated battery;  
perpetrator aware victim  
pregnant.

217

784.048 (4)

3rd

Aggravated stalking;  
violation of injunction  
or court order.

218

784.048 (7)

3rd

Aggravated stalking;  
violation of court  
order.

219

784.07 (2) (d)

1st

Aggravated battery on  
law enforcement officer.

220

784.074 (1) (a)

1st

Aggravated battery on  
sexually violent  
predators facility  
staff.

221

784.08 (2) (a)

1st

Aggravated battery on a  
person 65 years of age

7-00124-14

2014360\_\_

or older.

222

784.081 (1)

1st

Aggravated battery on specified official or employee.

223

784.082 (1)

1st

Aggravated battery by detained person on visitor or other detainee.

224

784.083 (1)

1st

Aggravated battery on code inspector.

225

787.06 (3) (a)

1st

Human trafficking using coercion for labor and services.

226

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.

227

790.07 (4)

1st

Specified weapons violation subsequent to previous conviction of

	7-00124-14		2014360__
228			s. 790.07(1) or (2).
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
229			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
230			
	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
231			
	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
232			
	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
233			
	790.23	1st, PBL	Possession of a firearm

7-00124-14

2014360\_\_

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

234

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.

235

796.03

2nd

Procuring any person  
 under 16 years for  
 prostitution.

236

800.04 (5) (c) 1.

2nd

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

237

800.04 (5) (c) 2.

2nd

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

7-00124-14

2014360\_\_

older.

238

806.01 (2)

2nd

Maliciously damage  
structure by fire or  
explosive.

239

810.02 (3) (a)

2nd

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

240

810.02 (3) (b)

2nd

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

241

810.02 (3) (d)

2nd

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

242

810.02 (3) (e)

2nd

Burglary of authorized  
emergency vehicle.

243

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.



7-00124-14

2014360\_\_

244  
245  
246  
247  
248  
249  
250

812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131 (2) (a)	2nd	Robbery by sudden snatching.

7-00124-14 2014360\_\_

251	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
252	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
253	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
254	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
255	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of

7-00124-14

2014360\_\_

that entity.

256

817.535 (2) (a)

3rd

Filing false lien or other unauthorized document.

257

825.102 (3) (b)

2nd

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

258

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.

259

827.03 (2) (b)

2nd

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

260

827.04 (3)

3rd

Impregnation of a child under 16 years of age by person 21 years of age or older.

261

837.05 (2)

3rd

Giving false information

7-00124-14

2014360\_\_

about alleged capital  
felony to a law  
enforcement officer.

262

838.015

2nd

Bribery.

263

838.016

2nd

Unlawful compensation or  
reward for official  
behavior.

264

838.021 (3) (a)

2nd

Unlawful harm to a  
public servant.

265

838.22

2nd

Bid tampering.

266

843.0855 (2)

3rd

Impersonation of a  
public officer or  
employee.

267

843.0855 (3)

3rd

Unlawful simulation of  
legal process.

268

843.0855 (4)

3rd

Intimidation of a public  
officer or employee.

269

847.0135 (3)

3rd

Solicitation of a child,  
via a computer service,  
to commit an unlawful  
sex act.

7-00124-14

2014360\_\_

270

847.0135 (4)

2nd

Traveling to meet a  
minor to commit an  
unlawful sex act.

271

872.06

2nd

Abuse of a dead human  
body.

272

874.05 (2) (b)

1st

Encouraging or  
recruiting person under  
13 to join a criminal  
gang; second or  
subsequent offense.

273

874.10

1st, PBL

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

274

893.13 (1) (c) 1.

1st

Sell, manufacture, or  
deliver cocaine (or  
other drug prohibited  
under s. 893.03(1) (a),  
(1) (b), (1) (d), (2) (a),  
(2) (b), or (2) (c) 4.)  
within 1,000 feet of a  
child care facility,

7-00124-14

2014360\_\_

school, or state,  
 county, or municipal  
 park or publicly owned  
 recreational facility or  
 community center.

275

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.

276

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).

277

893.135 (1) (a) 1.

1st

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

278

893.135  
 (1) (b) 1.a.

1st

Trafficking in cocaine,  
 more than 28 grams, less

7-00124-14

2014360\_\_

than 200 grams.

279

893.135  
(1) (c) 1.a.

1st

Trafficking in illegal  
drugs, more than 4  
grams, less than 14  
grams.

280

893.135 (1) (c) 3.b.

1st

Trafficking in illegal  
prescription drugs, 28  
grams or more, less than  
50 grams.

281

893.135 (1) (d) 1.

1st

Trafficking in  
phencyclidine, more than  
28 grams, less than 200  
grams.

282

893.135 (1) (e) 1.

1st

Trafficking in  
methaqualone, more than  
200 grams, less than 5  
kilograms.

283

893.135 (1) (f) 1.

1st

Trafficking in  
amphetamine, more than  
14 grams, less than 28  
grams.

284

893.135  
(1) (g) 1.a.

1st

Trafficking in  
flunitrazepam, 4 grams

7-00124-14

2014360\_\_

or more, less than 14  
grams.

285

893.135  
(1) (h) 1.a.

1st

Trafficking in gamma-  
hydroxybutyric acid  
(GHB), 1 kilogram or  
more, less than 5  
kilograms.

286

893.135  
(1) (j) 1.a.

1st

Trafficking in 1,4-  
Butanediol, 1 kilogram  
or more, less than 5  
kilograms.

287

893.135  
(1) (k) 2.a.

1st

Trafficking in  
Phenethylamines, 10  
grams or more, less than  
200 grams.

288

893.1351 (2)

2nd

Possession of place for  
trafficking in or  
manufacturing of  
controlled substance.

289

896.101 (5) (a)

3rd

Money laundering,  
financial transactions  
exceeding \$300 but less  
than \$20,000.

290



7-00124-14 2014360\_\_

291	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
292	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
293	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
294	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
294	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual

7-00124-14

2014360\_\_

offender.

295

943.0435 (14)

3rd

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

296

944.607 (9)

3rd

Sexual offender; failure to comply with reporting requirements.

297

944.607 (10) (a)

3rd

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

298

944.607 (12)

3rd

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

299

944.607 (13)

3rd

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

7-00124-14 2014360\_\_

300

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

301

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

302

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

303

304

(h) LEVEL 8

Florida	Felony	
Statute	Degree	Description

305

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

306

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

7-00124-14

2014360\_\_

death.

307

327.35 (3) (c) 3.

2nd

Vessel BUI manslaughter.

308

499.0051 (7)

1st

Knowing trafficking in  
contraband prescription  
drugs.

309

499.0051 (8)

1st

Knowing forgery of  
prescription labels or  
prescription drug  
labels.

310

560.123 (8) (b) 2.

2nd

Failure to report  
currency or payment  
instruments totaling or  
exceeding \$20,000, but  
less than \$100,000 by  
money transmitter.

311

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.

312

655.50 (10) (b) 2.

2nd

Failure to report

7-00124-14

2014360\_\_

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

313

777.03 (2) (a)

1st

Accessory after the fact, capital felony.

314

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.

315

782.051 (2)

1st

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

316

782.071 (1) (b)

1st

Committing vehicular

7-00124-14

2014360\_\_

homicide and failing to  
render aid or give  
information.

317

782.072 (2)

1st

Committing vessel  
homicide and failing to  
render aid or give  
information.

318

787.06 (3) (b)

1st

Human trafficking using  
coercion for commercial  
sexual activity.

319

787.06 (3) (c)

1st

Human trafficking using  
coercion for labor and  
services of an  
unauthorized alien.

320

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.

321

790.161 (3)

1st

Discharging a  
destructive device which  
results in bodily harm

7-00124-14

2014360\_\_

or property damage.

322

794.011 (5)

2nd

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

323

794.08 (3)

2nd

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

324

800.04 (4)

2nd

Lewd or lascivious  
battery.

325

806.01 (1)

1st

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

326

810.02 (2) (a)

1st, PBL

Burglary with assault or  
battery.

327

810.02 (2) (b)

1st, PBL

Burglary; armed with  
explosives or dangerous  
weapon.

7-00124-14

2014360\_\_

328  
329  
330  
331  
332  
333  
334

810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
812.13 (2) (b)	1st	Robbery with a weapon.
812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.



7-00124-14 2014360\_\_

335 817.535 (4) (a) 1. 2nd Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.

336 817.535 (5) (a) 2nd Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.

337 817.568 (6) 2nd Fraudulent use of personal identification information of an individual under the age of 18.

338 825.102 (2) 1st Aggravated abuse of an elderly person or disabled adult.

339 825.1025 (2) 2nd Lewd or lascivious battery upon an elderly person or disabled adult.

	7-00124-14		2014360__
340	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
341	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
342	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
343	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
344	860.16	1st	Aircraft piracy.
	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).

7-00124-14

2014360\_\_

345  
346  
347  
348  
349  
350  
351

893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 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.
893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
<u>893.135 (1) (c) 3.c.</u>	<u>1st</u>	<u>Trafficking in illegal prescription drugs, 50 grams or more, less than 200 grams.</u>

7-00124-14 2014360\_\_

352 893.135 1st Trafficking in  
 (1) (d) 1.b. phencyclidine, more than  
 200 grams, less than 400  
 grams.

353 893.135 1st Trafficking in  
 (1) (e) 1.b. methaqualone, more than  
 5 kilograms, less than  
 25 kilograms.

354 893.135 1st Trafficking in  
 (1) (f) 1.b. amphetamine, more than  
 28 grams, less than 200  
 grams.

355 893.135 1st Trafficking in  
 (1) (g) 1.b. flunitrazepam, 14 grams  
 or more, less than 28  
 grams.

356 893.135 1st Trafficking in gamma-  
 (1) (h) 1.b. hydroxybutyric acid  
 (GHB), 5 kilograms or  
 more, less than 10  
 kilograms.

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

7-00124-14

2014360\_\_

kilograms.

357

893.135  
(1) (k) 2.b.

1st

Trafficking in  
Phenethylamines, 200  
grams or more, less than  
400 grams.

358

893.1351 (3)

1st

Possession of a place  
used to manufacture  
controlled substance  
when minor is present or  
resides there.

359

895.03 (1)

1st

Use or invest proceeds  
derived from pattern of  
racketeering activity.

360

895.03 (2)

1st

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

361

895.03 (3)

1st

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

362

7-00124-14 2014360\_\_

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

363

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.

364

365

(i) LEVEL 9

Florida	Felony	
Statute	Degree	Description

366

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

367

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

368

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

369

	7-00124-14		2014360__
370	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
371	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
372	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
373	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
374	775.0844	1st	Aggravated white collar crime.
	782.04 (1)	1st	Attempt, conspire, or

7-00124-14

2014360\_\_

solicit to commit  
premeditated murder.

375

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.

376

782.051(1)

1st

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

377

782.07(2)

1st

Aggravated manslaughter  
of an elderly person or  
disabled adult.

378

787.01(1)(a)1.

1st, PBL

Kidnapping; hold for  
ransom or reward or as a  
shield or hostage.

379

787.01(1)(a)2.

1st, PBL

Kidnapping with intent  
to commit or facilitate  
commission of any



7-00124-14

2014360\_\_

felony.

380

787.01 (1) (a) 4.

1st, PBL

Kidnapping with intent to interfere with performance of any governmental or political function.

381

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.

382

787.06 (3) (d)

1st

Human trafficking using coercion for commercial sexual activity of an unauthorized alien.

383

787.06 (3) (g)

1st, PBL

Human trafficking for commercial sexual activity of a child under the age of 18.

384

787.06 (4)

1st

Selling or buying of minors into human

7-00124-14

2014360\_\_

trafficking.

385

790.161

1st

Attempted capital  
destructive device  
offense.

386

790.166 (2)

1st, PBL

Possessing, selling,  
using, or attempting to  
use a weapon of mass  
destruction.

387

794.011 (2)

1st

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

388

794.011 (2)

Life

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

389

794.011 (4)

1st

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

390

794.011 (8) (b)

1st

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

	7-00124-14		2014360__
			custodial authority.
391	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
392	796.035	1st	Selling or buying of minors into prostitution.
393	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
394	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
395	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
396	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
397	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense;

7-00124-14

2014360\_\_

property owner is a  
public officer or  
employee.

398

817.535 (4) (a) 2.

1st

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

399

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.

400

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.

401

827.03 (2) (a)

1st

Aggravated child abuse.

7-00124-14 2014360\_\_

402

847.0145 (1) 1st Selling, or otherwise transferring custody or control, of a minor.

403

847.0145 (2) 1st Purchasing, or otherwise obtaining custody or control, of a minor.

404

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.

405

893.135 1st Attempted capital trafficking offense.

406

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

407

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

408

893.135 1st Trafficking in illegal

	7-00124-14		2014360__
	(1) (c) 1.c.		drugs, more than 28 grams, less than 30 kilograms.
409	<u>893.135 (1) (c) 3.d.</u>	<u>1st</u>	<u>Trafficking in illegal prescription drugs, 200 grams or more.</u>
410	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
411	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
412	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
413	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
414	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
415			

7-00124-14 2014360\_\_

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

416

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

417

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

418

419 Section 3. For the purpose of incorporating the amendment  
 420 made by this act to section 893.135, Florida Statutes, in a  
 421 reference thereto, paragraph (a) of subsection (2) and paragraph  
 422 (a) of subsection (3) of section 775.087, Florida Statutes, are  
 423 reenacted to read:

424 775.087 Possession or use of weapon; aggravated battery;  
 425 felony reclassification; minimum sentence.—

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

- 429 a. Murder;
- 430 b. Sexual battery;
- 431 c. Robbery;

7-00124-14

2014360\_\_

432 d. Burglary;  
433 e. Arson;  
434 f. Aggravated assault;  
435 g. Aggravated battery;  
436 h. Kidnapping;  
437 i. Escape;  
438 j. Aircraft piracy;  
439 k. Aggravated child abuse;  
440 l. Aggravated abuse of an elderly person or disabled adult;  
441 m. Unlawful throwing, placing, or discharging of a  
442 destructive device or bomb;  
443 n. Carjacking;  
444 o. Home-invasion robbery;  
445 p. Aggravated stalking;  
446 q. Trafficking in cannabis, trafficking in cocaine, capital  
447 importation of cocaine, trafficking in illegal drugs, capital  
448 importation of illegal drugs, trafficking in phencyclidine,  
449 capital importation of phencyclidine, trafficking in  
450 methaqualone, capital importation of methaqualone, trafficking  
451 in amphetamine, capital importation of amphetamine, trafficking  
452 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
453 (GHB), trafficking in 1,4-Butanediol, trafficking in  
454 Phenethylamines, or other violation of s. 893.135(1); or  
455 r. Possession of a firearm by a felon  
456  
457 and during the commission of the offense, such person actually  
458 possessed a "firearm" or "destructive device" as those terms are  
459 defined in s. 790.001, shall be sentenced to a minimum term of  
460 imprisonment of 10 years, except that a person who is convicted



7-00124-14

2014360\_\_

461 for aggravated assault, possession of a firearm by a felon, or  
462 burglary of a conveyance shall be sentenced to a minimum term of  
463 imprisonment of 3 years if such person possessed a "firearm" or  
464 "destructive device" during the commission of the offense.  
465 However, if an offender who is convicted of the offense of  
466 possession of a firearm by a felon has a previous conviction of  
467 committing or attempting to commit a felony listed in s.  
468 775.084(1)(b)1. and actually possessed a firearm or destructive  
469 device during the commission of the prior felony, the offender  
470 shall be sentenced to a minimum term of imprisonment of 10  
471 years.

472 2. Any person who is convicted of a felony or an attempt to  
473 commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
474 regardless of whether the use of a weapon is an element of the  
475 felony, and during the course of the commission of the felony  
476 such person discharged a "firearm" or "destructive device" as  
477 defined in s. 790.001 shall be sentenced to a minimum term of  
478 imprisonment of 20 years.

479 3. Any person who is convicted of a felony or an attempt to  
480 commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
481 regardless of whether the use of a weapon is an element of the  
482 felony, and during the course of the commission of the felony  
483 such person discharged a "firearm" or "destructive device" as  
484 defined in s. 790.001 and, as the result of the discharge, death  
485 or great bodily harm was inflicted upon any person, the  
486 convicted person shall be sentenced to a minimum term of  
487 imprisonment of not less than 25 years and not more than a term  
488 of imprisonment of life in prison.

489 (3)(a)1. Any person who is convicted of a felony or an

7-00124-14

2014360\_\_

490 attempt to commit a felony, regardless of whether the use of a  
491 firearm is an element of the felony, and the conviction was for:  
492 a. Murder;  
493 b. Sexual battery;  
494 c. Robbery;  
495 d. Burglary;  
496 e. Arson;  
497 f. Aggravated assault;  
498 g. Aggravated battery;  
499 h. Kidnapping;  
500 i. Escape;  
501 j. Sale, manufacture, delivery, or intent to sell,  
502 manufacture, or deliver any controlled substance;  
503 k. Aircraft piracy;  
504 l. Aggravated child abuse;  
505 m. Aggravated abuse of an elderly person or disabled adult;  
506 n. Unlawful throwing, placing, or discharging of a  
507 destructive device or bomb;  
508 o. Carjacking;  
509 p. Home-invasion robbery;  
510 q. Aggravated stalking; or  
511 r. Trafficking in cannabis, trafficking in cocaine, capital  
512 importation of cocaine, trafficking in illegal drugs, capital  
513 importation of illegal drugs, trafficking in phencyclidine,  
514 capital importation of phencyclidine, trafficking in  
515 methaqualone, capital importation of methaqualone, trafficking  
516 in amphetamine, capital importation of amphetamine, trafficking  
517 in flunitrazepam, trafficking in gamma-hydroxybutyric acid  
518 (GHB), trafficking in 1,4-Butanediol, trafficking in

7-00124-14

2014360\_\_

519 Phenethylamines, or other violation of s. 893.135(1);

520

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

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

532 3. Any person who is convicted of a felony or an attempt to  
533 commit a felony listed in subparagraph (a)1., regardless of  
534 whether the use of a weapon is an element of the felony, and  
535 during the course of the commission of the felony such person  
536 discharged a semiautomatic firearm and its high-capacity box  
537 magazine or a "machine gun" as defined in s. 790.001 and, as the  
538 result of the discharge, death or great bodily harm was  
539 inflicted upon any person, the convicted person shall be  
540 sentenced to a minimum term of imprisonment of not less than 25  
541 years and not more than a term of imprisonment of life in  
542 prison.

543 Section 4. For the purpose of incorporating the amendment  
544 made by this act to section 893.135, Florida Statutes, in a  
545 reference thereto, paragraph (a) of subsection (1) and  
546 subsections (3) and (4) of section 782.04, Florida Statutes, are  
547 reenacted to read:

7-00124-14

2014360\_\_

548           782.04 Murder.—

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

550           1. When perpetrated from a premeditated design to effect

551 the death of the person killed or any human being;

552           2. When committed by a person engaged in the perpetration

553 of, or in the attempt to perpetrate, any:

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

555           b. Arson,

556           c. Sexual battery,

557           d. Robbery,

558           e. Burglary,

559           f. Kidnapping,

560           g. Escape,

561           h. Aggravated child abuse,

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

563           j. Aircraft piracy,

564           k. Unlawful throwing, placing, or discharging of a

565 destructive device or bomb,

566           l. Carjacking,

567           m. Home-invasion robbery,

568           n. Aggravated stalking,

569           o. Murder of another human being,

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

571           q. Aggravated fleeing or eluding with serious bodily injury

572 or death,

573           r. Felony that is an act of terrorism or is in furtherance

574 of an act of terrorism; or

575           3. Which resulted from the unlawful distribution of any

576 substance controlled under s. 893.03(1), cocaine as described in

7-00124-14

2014360\_\_

577 s. 893.03(2)(a)4., opium or any synthetic or natural salt,  
578 compound, derivative, or preparation of opium, or methadone by a  
579 person 18 years of age or older, when such drug is proven to be  
580 the proximate cause of the death of the user,

581

582 is murder in the first degree and constitutes a capital felony,  
583 punishable as provided in s. 775.082.

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

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

587 (b) Arson,

588 (c) Sexual battery,

589 (d) Robbery,

590 (e) Burglary,

591 (f) Kidnapping,

592 (g) Escape,

593 (h) Aggravated child abuse,

594 (i) Aggravated abuse of an elderly person or disabled  
595 adult,

596 (j) Aircraft piracy,

597 (k) Unlawful throwing, placing, or discharging of a  
598 destructive device or bomb,

599 (l) Carjacking,

600 (m) Home-invasion robbery,

601 (n) Aggravated stalking,

602 (o) Murder of another human being,

603 (p) Aggravated fleeing or eluding with serious bodily  
604 injury or death,

605 (q) Resisting an officer with violence to his or her

7-00124-14

2014360\_\_

606 person, or

607 (r) Felony that is an act of terrorism or is in furtherance  
608 of an act of terrorism,

609  
610 by a person other than the person engaged in the perpetration of  
611 or in the attempt to perpetrate such felony, the person  
612 perpetrating or attempting to perpetrate such felony commits  
613 murder in the second degree, which constitutes a felony of the  
614 first degree, punishable by imprisonment for a term of years not  
615 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
616 775.084.

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

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

622 (b) Arson,

623 (c) Sexual battery,

624 (d) Robbery,

625 (e) Burglary,

626 (f) Kidnapping,

627 (g) Escape,

628 (h) Aggravated child abuse,

629 (i) Aggravated abuse of an elderly person or disabled  
630 adult,

631 (j) Aircraft piracy,

632 (k) Unlawful throwing, placing, or discharging of a  
633 destructive device or bomb,

634 (l) Unlawful distribution of any substance controlled under

7-00124-14

2014360\_\_

635 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or  
636 opium or any synthetic or natural salt, compound, derivative, or  
637 preparation of opium by a person 18 years of age or older, when  
638 such drug is proven to be the proximate cause of the death of  
639 the user,

640 (m) Carjacking,

641 (n) Home-invasion robbery,

642 (o) Aggravated stalking,

643 (p) Murder of another human being,

644 (q) Aggravated fleeing or eluding with serious bodily  
645 injury or death,

646 (r) Resisting an officer with violence to his or her  
647 person, or

648 (s) Felony that is an act of terrorism or is in furtherance  
649 of an act of terrorism,

650  
651 is murder in the third degree and constitutes a felony of the  
652 second degree, punishable as provided in s. 775.082, s. 775.083,  
653 or s. 775.084.

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