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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, or who is
6 knowingly in actual or constructive possession of,
7 specified quantities of hydrocodone, or any salt,
8 derivative, isomer, or salt of an isomer thereof, or
9 any mixture containing any such substance, commits the
10 offense of trafficking in hydrocodone; providing
11 criminal penalties; providing that a person who
12 knowingly sells, purchases, manufactures, delivers, or
13 brings into this state, or who is knowingly in actual
14 or constructive possession of, specified quantities of
15 oxycodone, or any salt, derivative, isomer, or salt of
16 an isomer thereof, or any mixture containing any such
17 substance, commits the offense of trafficking in
18 oxycodone; providing criminal penalties; amending s.
19 921.0022, F.S.; ranking the offenses of trafficking in
20 hydrocodone and trafficking in oxycodone for purposes
21 of the criminal punishment code; reenacting s.
22 775.087(2)(a) and (3)(a), F.S., relating to mandatory
23 minimum sentences for the possession or use of a
24 weapon during the commission of certain offenses, to
25 incorporate the amendments made to s. 893.135, F.S.,
26 in a reference thereto; reenacting s. 782.04(1)(a),
27 (3), and (4), F.S., relating to the classification of
28 a murder committed during the commission of certain
29 offenses, to incorporate the amendments made to s.

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30 893.135, F.S., in a reference thereto; providing an
31 effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Paragraph (c) of subsection (1) of section
36 893.135, Florida Statutes, is amended to read:

37 893.135 Trafficking; mandatory sentences; suspension or
38 reduction of sentences; conspiracy to engage in trafficking.—

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

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

53 a. Is 4 grams or more, but less than 14 grams, such person
54 shall be sentenced to a mandatory minimum term of imprisonment
55 of 3 years, ~~and the defendant~~ shall be ordered to pay a fine of
56 \$50,000.

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

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59 of 15 years, and ~~the defendant~~ shall be ordered to pay a fine of
60 \$100,000.

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

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

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

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

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

84 d. Is 200 grams or more, but less than 30 kilograms, such
85 person shall be sentenced to a mandatory minimum term of
86 imprisonment of 25 years and shall be ordered to pay a fine of
87 \$750,000.

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

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

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

103 c. Is 25 grams or more, but less than 100 grams, such
104 person shall be sentenced to a mandatory minimum term of
105 imprisonment of 15 years and shall be ordered to pay a fine of
106 \$500,000.

107 d. Is 100 grams or more, but less than 30 kilograms, such
108 person shall be sentenced to a mandatory minimum term of
109 imprisonment of 25 years and shall be ordered to pay a fine of
110 \$750,000.

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

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

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

131 b. The person's conduct in committing that act led to a
132 natural, though not inevitable, lethal result,
133
134 such person commits the capital felony of trafficking in illegal
135 drugs, punishable as provided in ss. 775.082 and 921.142. A ~~Any~~
136 person sentenced for a capital felony under this paragraph shall
137 also be sentenced to pay the maximum fine provided under
138 subparagraph 1.

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

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

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

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

155 (3) OFFENSE SEVERITY RANKING CHART

156 (g) LEVEL 7

157

Florida Statute	Felony Degree	Description
316.027(1) (b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3) (c) 2.	3rd	DUI resulting in serious bodily injury.
316.1935(3) (b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law

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			enforcement officer who is in a patrol vehicle with siren and lights activated.
161	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
162	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
163	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
164	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
165	456.065 (2)	3rd	Practicing a health care profession without a license.
166	456.065 (2)	2nd	Practicing a health care profession without a

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			license which results in serious bodily injury.
167	458.327 (1)	3rd	Practicing medicine without a license.
168	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
169	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
170	461.012 (1)	3rd	Practicing podiatric medicine without a license.
171	462.17	3rd	Practicing naturopathy without a license.
172	463.015 (1)	3rd	Practicing optometry without a license.
173	464.016 (1)	3rd	Practicing nursing without a license.
174	465.015 (2)	3rd	Practicing pharmacy without a license.

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175	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
176	467.201	3rd	Practicing midwifery without a license.
177	468.366	3rd	Delivering respiratory care services without a license.
178	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
179	483.901(9)	3rd	Practicing medical physics without a license.
180	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
181	484.053	3rd	Dispensing hearing aids without a license.
182	494.0018(2)	1st	Conviction of any violation of ss.

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183	560.123 (8) (b) 1.	3rd	494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
184	560.125 (5) (a)	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
185	655.50 (10) (b) 1.	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
186	775.21 (10) (a)	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
			Sexual predator; failure to register; failure to

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

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191	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
192	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
193	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
194	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
195	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
196	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.

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197	784.048 (7)	3rd	Aggravated stalking; violation of court order.
198	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
199	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
200	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
201	784.081 (1)	1st	Aggravated battery on specified official or employee.
202	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
203	784.083 (1)	1st	Aggravated battery on code inspector.
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205	787.06 (3) (a)	1st	Human trafficking using coercion for labor and services.
206	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.
207	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
208	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
209	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting

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210	790.166(3)	2nd	to commit a felony.
211	790.166(4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
212	790.23	1st, PBL	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
213	794.08(4)	3rd	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
214			Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

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215	796.03	2nd	Procuring any person under 16 years for prostitution.
216	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
217	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
218	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
219	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
220	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.

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221	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
222	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
223	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.
224	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
225	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

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			emergency vehicle.
226	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
227	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
228	812.131 (2) (a)	2nd	Robbery by sudden snatching.
229	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
230	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
231	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
232	817.234 (9)	2nd	Organizing, planning, or participating in an

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			intentional motor vehicle collision.
233	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
234	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
235	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
236	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
237	825.103 (2) (b)	2nd	Exploiting an elderly person or disabled adult

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			and property is valued at \$20,000 or more, but less than \$100,000.
238	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
239	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
240	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
241	838.015	2nd	Bribery.
242	838.016	2nd	Unlawful compensation or reward for official behavior.
243	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
244	838.22	2nd	Bid tampering.

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245	843.0855 (2)	3rd	Impersonation of a public officer or employee.
246	843.0855 (3)	3rd	Unlawful simulation of legal process.
247	843.0855 (4)	3rd	Intimidation of a public officer or employee.
248	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
249	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
250	872.06	2nd	Abuse of a dead human body.
251	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
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253	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
254	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
254	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

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			services or a specified business site.
255	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).
256	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
257	893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
258	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
259	<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>
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261	<u>893.135(1)(c)2.b.</u>	<u>1st</u>	<u>Trafficking in hydrocodone, 28 grams or more, less than 50 grams.</u>
262	<u>893.135(1)(c)3.a.</u>	<u>1st</u>	<u>Trafficking in oxycodone, 7 grams or more, less than 14 grams.</u>
263	<u>893.135(1)(c)3.b.</u>	<u>1st</u>	<u>Trafficking in oxycodone, 14 grams or more, less than 25 grams.</u>
264	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
265	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.

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266	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
267	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
268	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
269	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
270	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
271	896.101 (5) (a)	3rd	Money laundering, financial transactions

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272	896.104 (4) (a) 1.	3rd	exceeding \$300 but less than \$20,000. Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
273	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
274	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
275	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
276	943.0435 (13)	3rd	Failure to report or providing false

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277	943.0435 (14)	3rd	information about a sexual offender; harbor or conceal a sexual offender.
278	944.607 (9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
279	944.607 (10) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
280	944.607 (12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
281	944.607 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
			Sexual offender; failure to report and

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reregister; failure to respond to address verification.

282

985.4815(10)

3rd

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

283

985.4815(12)

3rd

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

284

985.4815(13)

3rd

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

285

286

287

(h) LEVEL 8

288

Florida

Felony

Statute

Degree

Description

289

316.193

2nd

DUI manslaughter.

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	(3) (c) 3.a.		
290	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
291	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
292	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
293	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
294	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.
295	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments

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296	655.50 (10) (b) 2.	2nd	totaling or exceeding \$20,000, but less than \$100,000.
297	777.03 (2) (a)	1st	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
298	782.04 (4)	2nd	Accessory after the fact, capital felony.
299	782.051 (2)	1st	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.
			Attempted felony murder while perpetrating or

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			attempting to perpetrate a felony not enumerated in s. 782.04(3).
300	782.071 (1) (b)	1st	Committing vehicular homicide and failing to render aid or give information.
301	782.072 (2)	1st	Committing vessel homicide and failing to render aid or give information.
302	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity.
303	787.06 (3) (c)	1st	Human trafficking using coercion for labor and services of an unauthorized alien.
304	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

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305			within the state.
	790.161 (3)	1st	Discharging a destructive device which results in bodily harm or property damage.
306			
	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
307			
	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
308			
	800.04 (4)	2nd	Lewd or lascivious battery.
309			
	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
310			
	810.02 (2) (a)	1st, PBL	Burglary with assault or

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			battery.
311	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
312	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
313	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
314	812.13 (2) (b)	1st	Robbery with a weapon.
315	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
316	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
317	817.535 (3) (a)	2nd	Filing false lien or

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318	817.535 (4) (a) 1.	2nd	other unauthorized document; property owner is a public officer or employee.
319	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
320	817.568 (6)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
321	825.102 (2)	1st	Fraudulent use of personal identification information of an individual under the age of 18.
322			Aggravated abuse of an elderly person or disabled adult.

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323	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
324	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
325	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
326	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
327	860.121 (2) (c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
328	860.16	1st	Aircraft piracy.

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329	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).
330	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
331	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
332	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
333	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
334	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

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335	<u>893.135 (1) (c) 2.c.</u>	<u>1st</u>	<u>Trafficking in hydrocodone, 50 grams or more, less than 200 grams.</u>
336	<u>893.135 (1) (c) 3.c.</u>	<u>1st</u>	<u>Trafficking in oxycodone, 25 grams or more, less than 100 grams.</u>
337	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
338	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
339	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

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340	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
341	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
342	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
343	893.1351 (3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
344	895.03 (1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
345	895.03 (2)	1st	Acquire or maintain through racketeering

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

346

895.03 (3)

1st

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

347

896.101 (5) (b)

2nd

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

348

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.

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351

(i) LEVEL 9

352

Florida
Statute

Felony
Degree

Description

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353	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
354	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
355	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
356	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
357	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
358	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding

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359			\$100,000.
	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
360	775.0844	1st	Aggravated white collar crime.
361	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
362	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.
363	782.051 (1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04 (3).

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364	782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
365	787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
366	787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
367	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
368	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.
369			

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370	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
371	787.06(3)(g)	1st,PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
372	787.06(4)	1st	Selling or buying of minors into human trafficking.
373	790.161	1st	Attempted capital destructive device offense.
374	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
375	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
	794.011(2)	Life	Sexual battery; offender younger than 18 years

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			and commits sexual battery on a person less than 12 years.
376	794.011 (4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
377	794.011 (8) (b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
378	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
379	796.035	1st	Selling or buying of minors into prostitution.
380	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
381	812.13 (2) (a)	1st, PBL	Robbery with firearm or

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			other deadly weapon.
382	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
383	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
384	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
385	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
386	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

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instrument.

387	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.
388	827.03 (2) (a)	1st	Aggravated child abuse.
389	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
390	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
391	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.

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392	893.135	1st	Attempted capital trafficking offense.
393	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
394	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
395	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
396	<u>893.135 (1) (c) 2.d.</u>	<u>1st</u>	<u>Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.</u>
397	<u>893.135 (1) (c) 3.d.</u>	<u>1st</u>	<u>Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.</u>
398	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.

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399	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
400	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
401	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
402	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
403	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
404	896.101 (5) (c)	1st	Money laundering, financial instruments totaling or exceeding \$100,000.
405	896.104 (4) (a) 3.	1st	Structuring transactions to evade reporting or

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registration
requirements, financial
transactions totaling or
exceeding \$100,000.

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

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

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

- a. Murder;
- b. Sexual battery;
- c. Robbery;
- d. Burglary;
- e. Arson;
- f. Aggravated assault;
- g. Aggravated battery;
- h. Kidnapping;
- i. Escape;
- j. Aircraft piracy;
- k. Aggravated child abuse;
- l. Aggravated abuse of an elderly person or disabled adult;
- m. Unlawful throwing, placing, or discharging of a

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431 destructive device or bomb;
432 n. Carjacking;
433 o. Home-invasion robbery;
434 p. Aggravated stalking;
435 q. Trafficking in cannabis, trafficking in cocaine, capital
436 importation of cocaine, trafficking in illegal drugs, capital
437 importation of illegal drugs, trafficking in phencyclidine,
438 capital importation of phencyclidine, trafficking in
439 methaqualone, capital importation of methaqualone, trafficking
440 in amphetamine, capital importation of amphetamine, trafficking
441 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
442 (GHB), trafficking in 1,4-Butanediol, trafficking in
443 Phenethylamines, or other violation of s. 893.135(1); or
444 r. Possession of a firearm by a felon
445
446 and during the commission of the offense, such person actually
447 possessed a "firearm" or "destructive device" as those terms are
448 defined in s. 790.001, shall be sentenced to a minimum term of
449 imprisonment of 10 years, except that a person who is convicted
450 for aggravated assault, possession of a firearm by a felon, or
451 burglary of a conveyance shall be sentenced to a minimum term of
452 imprisonment of 3 years if such person possessed a "firearm" or
453 "destructive device" during the commission of the offense.
454 However, if an offender who is convicted of the offense of
455 possession of a firearm by a felon has a previous conviction of
456 committing or attempting to commit a felony listed in s.
457 775.084(1)(b)1. and actually possessed a firearm or destructive
458 device during the commission of the prior felony, the offender
459 shall be sentenced to a minimum term of imprisonment of 10

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460 years.

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

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

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

- 481 a. Murder;
- 482 b. Sexual battery;
- 483 c. Robbery;
- 484 d. Burglary;
- 485 e. Arson;
- 486 f. Aggravated assault;
- 487 g. Aggravated battery;
- 488 h. Kidnapping;

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489 i. Escape;

490 j. Sale, manufacture, delivery, or intent to sell,
491 manufacture, or deliver any controlled substance;

492 k. Aircraft piracy;

493 l. Aggravated child abuse;

494 m. Aggravated abuse of an elderly person or disabled adult;

495 n. Unlawful throwing, placing, or discharging of a
496 destructive device or bomb;

497 o. Carjacking;

498 p. Home-invasion robbery;

499 q. Aggravated stalking; or

500 r. Trafficking in cannabis, trafficking in cocaine, capital
501 importation of cocaine, trafficking in illegal drugs, capital
502 importation of illegal drugs, trafficking in phencyclidine,
503 capital importation of phencyclidine, trafficking in
504 methaqualone, capital importation of methaqualone, trafficking
505 in amphetamine, capital importation of amphetamine, trafficking
506 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
507 (GHB), trafficking in 1,4-Butanediol, trafficking in
508 Phenethylamines, or other violation of s. 893.135(1);
509

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

514 2. Any person who is convicted of a felony or an attempt to
515 commit a felony listed in subparagraph (a)1., regardless of
516 whether the use of a weapon is an element of the felony, and
517 during the course of the commission of the felony such person

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518 discharged a semiautomatic firearm and its high-capacity box
519 magazine or a "machine gun" as defined in s. 790.001 shall be
520 sentenced to a minimum term of imprisonment of 20 years.

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

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

537 782.04 Murder.—

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

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

541 2. When committed by a person engaged in the perpetration
542 of, or in 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,

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547 e. Burglary,
548 f. Kidnapping,
549 g. Escape,
550 h. Aggravated child abuse,
551 i. Aggravated abuse of an elderly person or disabled adult,
552 j. Aircraft piracy,
553 k. Unlawful throwing, placing, or discharging of a
554 destructive device or bomb,
555 l. Carjacking,
556 m. Home-invasion robbery,
557 n. Aggravated stalking,
558 o. Murder of another human being,
559 p. Resisting an officer with violence to his or her person,
560 q. Aggravated fleeing or eluding with serious bodily injury
561 or death,
562 r. Felony that is an act of terrorism or is in furtherance
563 of an act of terrorism; or
564 3. Which resulted from the unlawful distribution of any
565 substance controlled under s. 893.03(1), cocaine as described in
566 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
567 compound, derivative, or preparation of opium, or methadone by a
568 person 18 years of age or older, when such drug is proven to be
569 the proximate cause of the death of the user,
570
571 is murder in the first degree and constitutes a capital felony,
572 punishable as provided in s. 775.082.
573 (3) When a human being is killed during the perpetration
574 of, or during the attempt to perpetrate, any:
575 (a) Trafficking offense prohibited by s. 893.135(1),

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576 (b) Arson,
577 (c) Sexual battery,
578 (d) Robbery,
579 (e) Burglary,
580 (f) Kidnapping,
581 (g) Escape,
582 (h) Aggravated child abuse,
583 (i) Aggravated abuse of an elderly person or disabled
584 adult,
585 (j) Aircraft piracy,
586 (k) Unlawful throwing, placing, or discharging of a
587 destructive device or bomb,
588 (l) Carjacking,
589 (m) Home-invasion robbery,
590 (n) Aggravated stalking,
591 (o) Murder of another human being,
592 (p) Aggravated fleeing or eluding with serious bodily
593 injury or death,
594 (q) Resisting an officer with violence to his or her
595 person, or
596 (r) Felony that is an act of terrorism or is in furtherance
597 of an act of terrorism,
598
599 by a person other than the person engaged in the perpetration of
600 or in the attempt to perpetrate such felony, the person
601 perpetrating or attempting to perpetrate such felony commits
602 murder in the second degree, which constitutes a felony of the
603 first degree, punishable by imprisonment for a term of years not
604 exceeding life or as provided in s. 775.082, s. 775.083, or s.

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605 775.084.

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

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

611 (b) Arson,

612 (c) Sexual battery,

613 (d) Robbery,

614 (e) Burglary,

615 (f) Kidnapping,

616 (g) Escape,

617 (h) Aggravated child abuse,

618 (i) Aggravated abuse of an elderly person or disabled
619 adult,

620 (j) Aircraft piracy,

621 (k) Unlawful throwing, placing, or discharging of a
622 destructive device or bomb,

623 (l) Unlawful distribution of any substance controlled under
624 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
625 opium or any synthetic or natural salt, compound, derivative, or
626 preparation of opium by a person 18 years of age or older, when
627 such drug is proven to be the proximate cause of the death of
628 the user,

629 (m) Carjacking,

630 (n) Home-invasion robbery,

631 (o) Aggravated stalking,

632 (p) Murder of another human being,

633 (q) Aggravated fleeing or eluding with serious bodily

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634 injury or death,

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

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

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

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