

2014360er

1  
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
158 316.027(1) (b)	1st	Accident involving death, failure to stop; leaving scene.
159 316.193(3) (c) 2.	3rd	DUI resulting in serious bodily injury.
160 316.1935(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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161			enforcement officer who is in a patrol vehicle with siren and lights activated.
162	327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
163	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
164	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
165	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
166	456.065 (2)	3rd	Practicing a health care profession without a license.
167	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. Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
184	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
185	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
186	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to

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			renew <u>driver</u> <del>driver's</del> license or identification card; other registration violations.
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.

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

211

790.166(4)

2nd

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

212

790.23

1st, PBL

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

213

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.

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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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226

812.0145 (2) (a)

1st

emergency vehicle.

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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233	817.234 (11) (c)	1st	intentional motor vehicle collision.
234	817.2341 (2) (b) & (3) (b)	1st	Insurance fraud; property value \$100,000 or more.
235	817.535 (2) (a)	3rd	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.
236	825.102 (3) (b)	2nd	Filing false lien or other unauthorized document.
237	825.103 (2) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
			Exploiting an elderly person or disabled adult

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238			and property is valued at \$20,000 or more, but less than \$100,000.
239	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
240	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
241	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
242	838.015	2nd	Bribery.
243	838.016	2nd	Unlawful compensation or reward for official behavior.
244	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
	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.
252			

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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.
	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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255	893.13(4) (a)	1st	services or a specified business site. 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 hydrocodone, 14 grams or more, less than 28 grams.</u>
260			

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

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282

985.4815(10)

3rd

reregister; failure to  
respond to address  
verification.

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  
Statute

Felony  
Degree

Description

289

316.193

2nd

DUI manslaughter.

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290	(3) (c) 3.a.		
	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.

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

297

777.03 (2) (a)

1st

Accessory after the  
fact, capital felony.

298

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.

299

782.051 (2)

1st

Attempted felony murder  
while perpetrating or

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300

782.071 (1) (b)

1st

attempting to perpetrate  
a felony not enumerated  
in s. 782.04(3).

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

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

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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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346			activity any interest in or control of any enterprise or real property.
347	895.03 (3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
348	896.101 (5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
349	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.
350			
351	(i) LEVEL 9		
352			
	Florida	Felony	
	Statute	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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\$100,000.

359

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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382

other deadly weapon.

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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387

instrument.

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,

639

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.