

By Senator Clemens

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1 A bill to be entitled
2 An act relating to controlled substance offenses;
3 amending s. 893.135, F.S.; reducing minimum mandatory
4 sentences for certain trafficking offenses; increasing
5 the threshold amounts for certain trafficking
6 offenses; authorizing downward departures for
7 sentences for certain violations involving trafficking
8 of hydrocodone or oxycodone; amending s. 921.0024,
9 F.S.; increasing the sentencing scoresheet multiplier
10 for drug trafficking offenses; revising provisions
11 relating to state motions for suspended sentences for
12 certain violations; amending s. 921.0022, F.S.;
13 conforming provisions to changes made by the act;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraphs (a), (b), and (c) of subsection (1)
19 of section 893.135, Florida Statutes, are amended to read:

20 893.135 Trafficking; mandatory sentences; suspension or
21 reduction of sentences; conspiracy to engage in trafficking.—

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

24 (a) Any person who knowingly sells, purchases,
25 manufactures, delivers, or brings into this state, or who is
26 knowingly in actual or constructive possession of, in excess of
27 25 pounds of cannabis, or 300 or more cannabis plants, commits a
28 felony of the first degree, which felony shall be known as
29 "trafficking in cannabis," punishable as provided in s. 775.082,

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30 s. 775.083, or s. 775.084. If the quantity of cannabis involved:

31 1. Is in excess of 25 pounds, but less than 2,000 pounds,
32 or is 300 or more cannabis plants, but not more than 2,000
33 cannabis plants, such person shall be sentenced to a mandatory
34 minimum term of imprisonment of 2 ~~3~~ years, and the defendant
35 shall be ordered to pay a fine of \$25,000.

36 2. Is 2,000 pounds or more, but less than 10,000 pounds, or
37 is 2,000 or more cannabis plants, but not more than 10,000
38 cannabis plants, such person shall be sentenced to a mandatory
39 minimum term of imprisonment of 5 ~~7~~ years, and the defendant
40 shall be ordered to pay a fine of \$50,000.

41 3. Is 10,000 pounds or more, or is 10,000 or more cannabis
42 plants, such person shall be sentenced to a mandatory minimum
43 term of imprisonment of 10 ~~15~~ calendar years and pay a fine of
44 \$200,000.

45
46 For the purpose of this paragraph, a plant, including, but not
47 limited to, a seedling or cutting, is a "cannabis plant" if it
48 has some readily observable evidence of root formation, such as
49 root hairs. To determine if a piece or part of a cannabis plant
50 severed from the cannabis plant is itself a cannabis plant, the
51 severed piece or part must have some readily observable evidence
52 of root formation, such as root hairs. Callous tissue is not
53 readily observable evidence of root formation. The viability and
54 sex of a plant and the fact that the plant may or may not be a
55 dead harvested plant are not relevant in determining if the
56 plant is a "cannabis plant" or in the charging of an offense
57 under this paragraph. Upon conviction, the court shall impose
58 the longest term of imprisonment provided for in this paragraph.

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59 (b)1. Any person who knowingly sells, purchases,
60 manufactures, delivers, or brings into this state, or who is
61 knowingly in actual or constructive possession of, 28 grams or
62 more of cocaine, as described in s. 893.03(2)(a)4., or of any
63 mixture containing cocaine, but less than 150 kilograms of
64 cocaine or any such mixture, commits a felony of the first
65 degree, which felony shall be known as "trafficking in cocaine,"
66 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
67 If the quantity involved:

68 a. Is 50 ~~28~~ grams or more, but less than 300 ~~200~~ grams,
69 such person shall be sentenced to a mandatory minimum term of
70 imprisonment of 2 ~~3~~ years, and the defendant shall be ordered to
71 pay a fine of \$50,000.

72 b. Is 300 ~~200~~ grams or more, but less than 500 ~~400~~ grams,
73 such person shall be sentenced to a mandatory minimum term of
74 imprisonment of 5 ~~7~~ years, and the defendant shall be ordered to
75 pay a fine of \$100,000.

76 c. Is 500 ~~400~~ grams or more, but less than 150 kilograms,
77 such person shall be sentenced to a mandatory minimum term of
78 imprisonment of 10 ~~15~~ calendar years and pay a fine of \$250,000.

79 2. Any person who knowingly sells, purchases, manufactures,
80 delivers, or brings into this state, or who is knowingly in
81 actual or constructive possession of, 150 kilograms or more of
82 cocaine, as described in s. 893.03(2)(a)4., commits the first
83 degree felony of trafficking in cocaine. A person who has been
84 convicted of the first degree felony of trafficking in cocaine
85 under this subparagraph shall be punished by life imprisonment
86 and is ineligible for any form of discretionary early release
87 except pardon or executive clemency or conditional medical

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88 release under s. 947.149. However, if the court determines that,
89 in addition to committing any act specified in this paragraph:

90 a. The person intentionally killed an individual or
91 counseled, commanded, induced, procured, or caused the
92 intentional killing of an individual and such killing was the
93 result; or

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

96
97 such person commits the capital felony of trafficking in
98 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
99 person sentenced for a capital felony under this paragraph shall
100 also be sentenced to pay the maximum fine provided under
101 subparagraph 1.

102 3. Any person who knowingly brings into this state 300
103 kilograms or more of cocaine, as described in s. 893.03(2)(a)4.,
104 and who knows that the probable result of such importation would
105 be the death of any person, commits capital importation of
106 cocaine, a capital felony punishable as provided in ss. 775.082
107 and 921.142. Any person sentenced for a capital felony under
108 this paragraph shall also be sentenced to pay the maximum fine
109 provided under subparagraph 1.

110 (c)1. A person who knowingly sells, purchases,
111 manufactures, delivers, or brings into this state, or who is
112 knowingly in actual or constructive possession of, 4 grams or
113 more of any morphine, opium, hydromorphone, or any salt,
114 derivative, isomer, or salt of an isomer thereof, including
115 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
116 (3)(c)4., or 4 grams or more of any mixture containing any such

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117 substance, but less than 30 kilograms of such substance or
118 mixture, commits a felony of the first degree, which felony
119 shall be known as "trafficking in illegal drugs," punishable as
120 provided in s. 775.082, s. 775.083, or s. 775.084. If the
121 quantity involved:

122 a. Is 4 grams or more, but less than 14 grams, such person
123 shall be sentenced to a mandatory minimum term of imprisonment
124 of 3 years and shall be ordered to pay a fine of \$50,000.

125 b. Is 14 grams or more, but less than 28 grams, such person
126 shall be sentenced to a mandatory minimum term of imprisonment
127 of 15 years and shall be ordered to pay a fine of \$100,000.

128 c. Is 28 grams or more, but less than 30 kilograms, such
129 person shall be sentenced to a mandatory minimum term of
130 imprisonment of 25 years and shall be ordered to pay a fine of
131 \$500,000.

132 2. A person who knowingly sells, purchases, manufactures,
133 delivers, or brings into this state, or who is knowingly in
134 actual or constructive possession of, 14 grams or more of
135 hydrocodone, or any salt, derivative, isomer, or salt of an
136 isomer thereof, or 14 grams or more of any mixture containing
137 any such substance, commits a felony of the first degree, which
138 felony shall be known as "trafficking in hydrocodone,"
139 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
140 If the quantity involved:

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

144 a.b. Is 28 grams or more, but less than 50 grams, such
145 person shall be sentenced to a mandatory minimum term of

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146 imprisonment of 5 7 years and shall be ordered to pay a fine of
147 \$100,000.

148 ~~b.e.~~ Is 50 grams or more, but less than 200 grams, such
149 person shall be sentenced to a mandatory minimum term of
150 imprisonment of 10 ~~15~~ years and shall be ordered to pay a fine
151 of \$500,000.

152 ~~c.d.~~ Is 200 grams or more, but less than 30 kilograms, such
153 person shall be sentenced to a mandatory minimum term of
154 imprisonment of 15 ~~25~~ years and shall be ordered to pay a fine
155 of \$750,000.

156 d. A person convicted of a violation of this subparagraph
157 in which the quantity involved was less than 200 grams may move
158 the sentencing court to depart from the mandatory minimum term
159 and, if applicable, any mandatory fine. The state attorney may
160 file an objection to the motion. The sentencing court may depart
161 from the mandatory minimum sentence if the court finds that
162 imposition of the mandatory minimum sentence is not necessary
163 for the protection of the public. However, the sentencing court
164 may not impose a sentence lower than the lowest permissible
165 sentence as calculated according to the total sentence points
166 pursuant to s. 921.0024.

167 3. A person who knowingly sells, purchases, manufactures,
168 delivers, or brings into this state, or who is knowingly in
169 actual or constructive possession of, 7 grams or more of
170 oxycodone, or any salt, derivative, isomer, or salt of an isomer
171 thereof, or 7 grams or more of any mixture containing any such
172 substance, commits a felony of the first degree, which felony
173 shall be known as "trafficking in oxycodone," punishable as
174 provided in s. 775.082, s. 775.083, or s. 775.084. If the

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175 quantity involved:

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

179 ~~a.b.~~ Is 14 grams or more, but less than 25 grams, such
180 person shall be sentenced to a mandatory minimum term of
181 imprisonment of 5 7 years and shall be ordered to pay a fine of
182 \$100,000.

183 ~~b.e.~~ Is 25 grams or more, but less than 100 grams, such
184 person shall be sentenced to a mandatory minimum term of
185 imprisonment of 10 15 years and shall be ordered to pay a fine
186 of \$500,000.

187 ~~c.d.~~ Is 100 grams or more, but less than 30 kilograms, such
188 person shall be sentenced to a mandatory minimum term of
189 imprisonment of 15 25 years and shall be ordered to pay a fine
190 of \$750,000.

191 d. A person convicted of a violation of this subparagraph
192 in which the quantity involved was less than 100 grams may move
193 the sentencing court to depart from the mandatory minimum term
194 and, if applicable, any mandatory fine. The state attorney may
195 file an objection to the motion. The sentencing court may depart
196 from the mandatory minimum sentence if the court finds that
197 imposition of the mandatory minimum sentence is not necessary
198 for the protection of the public. However, the sentencing court
199 may not impose a sentence lower than the lowest permissible
200 sentence as calculated according to the total sentence points
201 pursuant to s. 921.0024.

202 4. A person who knowingly sells, purchases, manufactures,
203 delivers, or brings into this state, or who is knowingly in

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204 actual or constructive possession of, 30 kilograms or more of
205 any morphine, opium, oxycodone, hydrocodone, hydromorphone, or
206 any salt, derivative, isomer, or salt of an isomer thereof,
207 including heroin, as described in s. 893.03(1)(b), (2)(a),
208 (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture
209 containing any such substance, commits the first degree felony
210 of trafficking in illegal drugs. A person who has been convicted
211 of the first degree felony of trafficking in illegal drugs under
212 this subparagraph shall be punished by life imprisonment and is
213 ineligible for any form of discretionary early release except
214 pardon or executive clemency or conditional medical release
215 under s. 947.149. However, if the court determines that, in
216 addition to committing any act specified in this paragraph:

217 a. The person intentionally killed an individual or
218 counseled, commanded, induced, procured, or caused the
219 intentional killing of an individual and such killing was the
220 result; or

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

223

224 such person commits the capital felony of trafficking in illegal
225 drugs, punishable as provided in ss. 775.082 and 921.142. A
226 person sentenced for a capital felony under this paragraph shall
227 also be sentenced to pay the maximum fine provided under
228 subparagraph 1.

229 5. A person who knowingly brings into this state 60
230 kilograms or more of any morphine, opium, oxycodone,
231 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
232 salt of an isomer thereof, including heroin, as described in s.

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233 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
234 more of any mixture containing any such substance, and who knows
235 that the probable result of such importation would be the death
236 of a person, commits capital importation of illegal drugs, a
237 capital felony punishable as provided in ss. 775.082 and
238 921.142. A person sentenced for a capital felony under this
239 paragraph shall also be sentenced to pay the maximum fine
240 provided under subparagraph 1.

241 Section 2. Paragraph (b) of subsection (1) of section
242 921.0024, Florida Statutes, is amended to read:

243 921.0024 Criminal Punishment Code; worksheet computations;
244 scoresheets.—

245 (1)

246 (b) WORKSHEET KEY:

247
248 Legal status points are assessed when any form of legal status
249 existed at the time the offender committed an offense before the
250 court for sentencing. Four (4) sentence points are assessed for
251 an offender's legal status.

252
253 Community sanction violation points are assessed when a
254 community sanction violation is before the court for sentencing.
255 Six (6) sentence points are assessed for each community sanction
256 violation and each successive community sanction violation,
257 unless any of the following apply:

258 1. If the community sanction violation includes a new
259 felony conviction before the sentencing court, twelve (12)
260 community sanction violation points are assessed for the
261 violation, and for each successive community sanction violation

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262 involving a new felony conviction.

263 2. If the community sanction violation is committed by a
264 violent felony offender of special concern as defined in s.
265 948.06:

266 a. Twelve (12) community sanction violation points are
267 assessed for the violation and for each successive violation of
268 felony probation or community control where:

269 I. The violation does not include a new felony conviction;
270 and

271 II. The community sanction violation is not based solely on
272 the probationer or offender's failure to pay costs or fines or
273 make restitution payments.

274 b. Twenty-four (24) community sanction violation points are
275 assessed for the violation and for each successive violation of
276 felony probation or community control where the violation
277 includes a new felony conviction.

278

279 Multiple counts of community sanction violations before the
280 sentencing court shall not be a basis for multiplying the
281 assessment of community sanction violation points.

282

283 Prior serious felony points: If the offender has a primary
284 offense or any additional offense ranked in level 8, level 9, or
285 level 10, and one or more prior serious felonies, a single
286 assessment of thirty (30) points shall be added. For purposes of
287 this section, a prior serious felony is an offense in the
288 offender's prior record that is ranked in level 8, level 9, or
289 level 10 under s. 921.0022 or s. 921.0023 and for which the
290 offender is serving a sentence of confinement, supervision, or

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291 other sanction or for which the offender's date of release from
292 confinement, supervision, or other sanction, whichever is later,
293 is within 3 years before the date the primary offense or any
294 additional offense was committed.

295

296 Prior capital felony points: If the offender has one or more
297 prior capital felonies in the offender's criminal record, points
298 shall be added to the subtotal sentence points of the offender
299 equal to twice the number of points the offender receives for
300 the primary offense and any additional offense. A prior capital
301 felony in the offender's criminal record is a previous capital
302 felony offense for which the offender has entered a plea of nolo
303 contendere or guilty or has been found guilty; or a felony in
304 another jurisdiction which is a capital felony in that
305 jurisdiction, or would be a capital felony if the offense were
306 committed in this state.

307

308 Possession of a firearm, semiautomatic firearm, or machine gun:
309 If the offender is convicted of committing or attempting to
310 commit any felony other than those enumerated in s. 775.087(2)
311 while having in his or her possession: a firearm as defined in
312 s. 790.001(6), an additional eighteen (18) sentence points are
313 assessed; or if the offender is convicted of committing or
314 attempting to commit any felony other than those enumerated in
315 s. 775.087(3) while having in his or her possession a
316 semiautomatic firearm as defined in s. 775.087(3) or a machine
317 gun as defined in s. 790.001(9), an additional twenty-five (25)
318 sentence points are assessed.

319

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320 Sentencing multipliers:

321

322 Drug trafficking: If the primary offense is drug trafficking
323 under s. 893.135, the subtotal sentence points are multiplied,
324 at the discretion of the court, for a level 7 or level 8
325 offense, by 2 ~~1.5~~. The state attorney may move the sentencing
326 court to reduce or suspend the sentence of a person convicted of
327 a level 7 or level 8 offense, ~~if the offender provides~~
328 ~~substantial assistance as described in s. 893.135(4).~~

329

330 Law enforcement protection: If the primary offense is a
331 violation of the Law Enforcement Protection Act under s.
332 775.0823(2), (3), or (4), the subtotal sentence points are
333 multiplied by 2.5. If the primary offense is a violation of s.
334 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
335 are multiplied by 2.0. If the primary offense is a violation of
336 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
337 Protection Act under s. 775.0823(10) or (11), the subtotal
338 sentence points are multiplied by 1.5.

339

340 Grand theft of a motor vehicle: If the primary offense is grand
341 theft of the third degree involving a motor vehicle and in the
342 offender's prior record, there are three or more grand thefts of
343 the third degree involving a motor vehicle, the subtotal
344 sentence points are multiplied by 1.5.

345

346 Offense related to a criminal gang: If the offender is convicted
347 of the primary offense and committed that offense for the
348 purpose of benefiting, promoting, or furthering the interests of

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349 a criminal gang as defined in s. 874.03, the subtotal sentence
350 points are multiplied by 1.5. If applying the multiplier results
351 in the lowest permissible sentence exceeding the statutory
352 maximum sentence for the primary offense under chapter 775, the
353 court may not apply the multiplier and must sentence the
354 defendant to the statutory maximum sentence.

355

356 Domestic violence in the presence of a child: If the offender is
357 convicted of the primary offense and the primary offense is a
358 crime of domestic violence, as defined in s. 741.28, which was
359 committed in the presence of a child under 16 years of age who
360 is a family or household member as defined in s. 741.28(3) with
361 the victim or perpetrator, the subtotal sentence points are
362 multiplied by 1.5.

363

364 Adult-on-minor sex offense: If the offender was 18 years of age
365 or older and the victim was younger than 18 years of age at the
366 time the offender committed the primary offense, and if the
367 primary offense was an offense committed on or after October 1,
368 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
369 violation involved a victim who was a minor and, in the course
370 of committing that violation, the defendant committed a sexual
371 battery under chapter 794 or a lewd act under s. 800.04 or s.
372 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
373 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
374 800.04; or s. 847.0135(5), the subtotal sentence points are
375 multiplied by 2.0. If applying the multiplier results in the
376 lowest permissible sentence exceeding the statutory maximum
377 sentence for the primary offense under chapter 775, the court

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378 may not apply the multiplier and must sentence the defendant to
 379 the statutory maximum sentence.

380 Section 3. Paragraphs (g), (h), and (i) of subsection (3)
 381 of section 921.0022, Florida Statutes, are amended to read:

382 921.0022 Criminal Punishment Code; offense severity ranking
 383 chart.—

384 (3) OFFENSE SEVERITY RANKING CHART

385 (g) LEVEL 7

386

Florida Statute	Felony Degree	Description
316.027(2)(c)	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 enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.

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391	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
392	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
393	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
394	456.065(2)	3rd	Practicing a health care profession without a license.
395	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
396	458.327(1)	3rd	Practicing medicine without a license.
397	459.013(1)	3rd	Practicing osteopathic medicine without a license.
398	460.411(1)	3rd	Practicing chiropractic

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medicine without a license.

399

461.012(1) 3rd Practicing podiatric medicine
without a license.

400

462.17 3rd Practicing naturopathy without
a license.

401

463.015(1) 3rd Practicing optometry without a
license.

402

464.016(1) 3rd Practicing nursing without a
license.

403

465.015(2) 3rd Practicing pharmacy without a
license.

404

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

405

467.201 3rd Practicing midwifery without a
license.

406

468.366 3rd Delivering respiratory care
services without a license.

407

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

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408	483.901 (7)	3rd	Practicing medical physics without a license.
409	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
410	484.053	3rd	Dispensing hearing aids without a license.
411	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
412	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
413	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
414	655.50 (10) (b) 1.	3rd	Failure to report financial

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

415

775.21(10)(a) 3rd Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

416

775.21(10)(b) 3rd Sexual predator working where children regularly congregate.

417

775.21(10)(g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.

418

782.051(3) 2nd Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

419

782.07(1) 2nd Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

420

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	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
421	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
422	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
423	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
424	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
425	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
426	784.048 (7)	3rd	Aggravated stalking; violation of court order.
427	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.

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428

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

429

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

430

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

431

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

432

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

433

787.06 (3) (a) 2. 1st Human trafficking using coercion for labor and services of an adult.

434

787.06 (3) (e) 2. 1st Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.

435

790.07 (4) 1st Specified weapons violation

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subsequent to previous
conviction of s. 790.07(1) or
(2).

436

790.16(1) 1st Discharge of a machine gun
under specified circumstances.

437

790.165(2) 2nd Manufacture, sell, possess, or
deliver hoax bomb.

438

790.165(3) 2nd Possessing, displaying, or
threatening to use any hoax
bomb while committing or
attempting to commit a felony.

439

790.166(3) 2nd Possessing, selling, using, or
attempting to use a hoax weapon
of mass destruction.

440

790.166(4) 2nd Possessing, displaying, or
threatening to use a hoax
weapon of mass destruction
while committing or attempting
to commit a felony.

441

790.23 1st,PBL Possession of a firearm by a
person who qualifies for the
penalty enhancements provided
for in s. 874.04.

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442

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.

443

796.05 (1) 1st Live on earnings of a
prostitute; 2nd offense.

444

796.05 (1) 1st Live on earnings of a
prostitute; 3rd and subsequent
offense.

445

800.04 (5) (c) 1. 2nd Lewd or lascivious molestation;
victim younger than 12 years of
age; offender younger than 18
years of age.

446

800.04 (5) (c) 2. 2nd Lewd or lascivious molestation;
victim 12 years of age or older
but younger than 16 years of
age; offender 18 years of age
or older.

447

800.04 (5) (e) 1st Lewd or lascivious molestation;
victim 12 years of age or older
but younger than 16 years;
offender 18 years or older;

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prior conviction for specified sex offense.

448

806.01 (2) 2nd Maliciously damage structure by fire or explosive.

449

810.02 (3) (a) 2nd Burglary of occupied dwelling; unarmed; no assault or battery.

450

810.02 (3) (b) 2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.

451

810.02 (3) (d) 2nd Burglary of occupied conveyance; unarmed; no assault or battery.

452

810.02 (3) (e) 2nd Burglary of authorized emergency vehicle.

453

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.

454

812.014 (2) (b) 2. 2nd Property stolen, cargo valued

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at less than \$50,000, grand theft in 2nd degree.

455

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

456

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

457

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

458

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

459

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

460

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

461

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

462

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

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defraud.

463

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

464

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

465

817.2341 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.

466

817.535 (2) (a) 3rd Filing false lien or other unauthorized document.

467

817.611 (2) (b) 2nd Traffic in or possess 15 to 49 counterfeit credit cards or related documents.

468

825.102 (3) (b) 2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

469

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470	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
471	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
472	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
473	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
474	838.015	2nd	Bribery.
475	838.016	2nd	Unlawful compensation or reward for official behavior.
476	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
477	838.22	2nd	Bid tampering.
	843.0855 (2)	3rd	Impersonation of a public officer or employee.

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478

843.0855 (3) 3rd Unlawful simulation of legal process.

479

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

480

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

481

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

482

872.06 2nd Abuse of a dead human body.

483

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

484

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

485

893.13 (1) (c) 1. 1st Sell, manufacture, or deliver cocaine (or other drug prohibited under s.

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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.

486

893.13(1)(e)1. 1st Sell, manufacture, or deliver
 cocaine or other drug
 prohibited under s.
 893.03(1)(a), (1)(b), (1)(d),
 (2)(a), (2)(b), or (2)(c)4.,
 within 1,000 feet of property
 used for religious services or
 a specified business site.

487

893.13(4)(a) 1st Use or hire of minor; deliver
 to minor other controlled
 substance.

488

893.135(1)(a)1. 1st Trafficking in cannabis, more
 than 25 lbs., less than 2,000
 lbs.

489

893.135 1st Trafficking in cocaine, more
 (1)(b)1.a. than 50 ~~28~~ grams, less than 300
~~200~~ grams.

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490

893.135 1st Trafficking in illegal drugs,
 (1) (c) 1.a. more than 4 grams, less than 14
 grams.

491

~~893.135 1st Trafficking in hydrocodone, 14~~
~~(1) (c) 2.a. grams or more, less than 28~~
~~grams.~~

492

893.135 1st Trafficking in hydrocodone, 28
(1) (c) 2.a. grams or more, less than 50
~~893.135 grams.~~

~~(1) (c) 2.b.~~

493

~~893.135 1st Trafficking in oxycodone, 7~~
~~(1) (c) 3.a. grams or more, less than 14~~
~~grams.~~

494

893.135 1st Trafficking in oxycodone, 14
(1) (c) 3.a. grams or more, less than 25
~~893.135 grams.~~

~~(1) (c) 3.b.~~

495

893.135 (1) (d) 1. 1st Trafficking in phencyclidine,
 more than 28 grams, less than
 200 grams.

496

893.135 (1) (e) 1. 1st Trafficking in methaqualone,
 more than 200 grams, less than

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5 kilograms.

497

893.135(1)(f)1. 1st Trafficking in amphetamine,
more than 14 grams, less than
28 grams.

498

893.135 1st Trafficking in flunitrazepam, 4
(1)(g)1.a. grams or more, less than 14
grams.

499

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

500

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

501

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

502

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

503

896.101(5)(a) 3rd Money laundering, financial
transactions exceeding \$300 but

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less than \$20,000.

504

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

505

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

506

943.0435 (8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

507

943.0435 (9) (a) 3rd Sexual offender; failure to comply with reporting requirements.

508

943.0435 (13) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

509

943.0435 (14) 3rd Sexual offender; failure to report and reregister; failure

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to respond to address
 verification; providing false
 registration information.

510

944.607(9) 3rd Sexual offender; failure to
 comply with reporting
 requirements.

511

944.607(10) (a) 3rd Sexual offender; failure to
 submit to the taking of a
 digitized photograph.

512

944.607(12) 3rd Failure to report or providing
 false information about a
 sexual offender; harbor or
 conceal a sexual offender.

513

944.607(13) 3rd Sexual offender; failure to
 report and reregister; failure
 to respond to address
 verification; providing false
 registration information.

514

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

515

985.4815(12) 3rd Failure to report or providing
 false information about a

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sexual offender; harbor or
conceal a sexual offender.

516

985.4815(13)

3rd

Sexual offender; failure to
report and reregister; failure
to respond to address
verification; providing false
registration information.

517

518 (h) LEVEL 8

519

Florida
Statute

Felony
Degree

Description

520

316.193
(3) (c) 3.a.

2nd

DUI manslaughter.

521

316.1935(4) (b)

1st

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

522

327.35(3) (c) 3.

2nd

Vessel BUI manslaughter.

523

499.0051(7)

1st

Knowing trafficking in
contraband prescription drugs.

524

499.0051(8)

1st

Knowing forgery of prescription
labels or prescription drug
labels.

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525

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.

526

560.125 (5) (b) 2nd Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.

527

655.50 (10) (b) 2. 2nd Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

528

777.03 (2) (a) 1st Accessory after the fact, capital felony.

529

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

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death, aircraft piracy, or
unlawfully discharging bomb.

530

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

531

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

532

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

533

787.06(3)(a)1. 1st Human trafficking for labor and
services of a child.

534

787.06(3)(b) 1st Human trafficking using
coercion for commercial sexual
activity of an adult.

535

787.06(3)(c)2. 1st Human trafficking using
coercion for labor and services
of an unauthorized alien adult.

536

787.06(3)(e)1. 1st Human trafficking for labor and
services by the transfer or

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transport of a child from
outside Florida to within the
state.

537

787.06(3)(f)2.

1st

Human trafficking using
coercion for commercial sexual
activity by the transfer or
transport of any adult from
outside Florida to within the
state.

538

790.161(3)

1st

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

539

794.011(5)(a)

1st

Sexual battery; victim 12 years
of age or older but younger
than 18 years; offender 18
years or older; offender does
not use physical force likely
to cause serious injury.

540

794.011(5)(b)

2nd

Sexual battery; victim and
offender 18 years of age or
older; offender does not use
physical force likely to cause
serious injury.

541

794.011(5)(c)

2nd

Sexual battery; victim 12 years

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of age or older; offender
 younger than 18 years; offender
 does not use physical force
 likely to cause injury.

542

794.011 (5) (d) 1st Sexual battery; victim 12 years
 of age or older; offender does
 not use physical force likely
 to cause serious injury; prior
 conviction for specified sex
 offense.

543

794.08 (3) 2nd Female genital mutilation,
 removal of a victim younger
 than 18 years of age from this
 state.

544

800.04 (4) (b) 2nd Lewd or lascivious battery.

545

800.04 (4) (c) 1st Lewd or lascivious battery;
 offender 18 years of age or
 older; prior conviction for
 specified sex offense.

546

806.01 (1) 1st Maliciously damage dwelling or
 structure by fire or explosive,
 believing person in structure.

547

810.02 (2) (a) 1st,PBL Burglary with assault or

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battery.

548

810.02 (2) (b) 1st, PBL Burglary; armed with explosives
or dangerous weapon.

549

810.02 (2) (c) 1st Burglary of a dwelling or
structure causing structural
damage or \$1,000 or more
property damage.

550

812.014 (2) (a) 2. 1st Property stolen; cargo valued
at \$50,000 or more, grand theft
in 1st degree.

551

812.13 (2) (b) 1st Robbery with a weapon.

552

812.135 (2) (c) 1st Home-invasion robbery, no
firearm, deadly weapon, or
other weapon.

553

817.535 (2) (b) 2nd Filing false lien or other
unauthorized document; second
or subsequent offense.

554

817.535 (3) (a) 2nd Filing false lien or other
unauthorized document; property
owner is a public officer or
employee.

555

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556 817.535 (4) (a) 1. 2nd Filing false lien or other
 unauthorized document;
 defendant is incarcerated or
 under supervision.

557 817.535 (5) (a) 2nd Filing false lien or other
 unauthorized document; owner of
 the property incurs financial
 loss as a result of the false
 instrument.

558 817.568 (6) 2nd Fraudulent use of personal
 identification information of
 an individual under the age of
 18.

559 817.611 (2) (c) 1st Traffic in or possess 50 or
 more counterfeit credit cards
 or related documents.

560 825.102 (2) 1st Aggravated abuse of an elderly
 person or disabled adult.

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

561 825.103 (3) (a) 1st Exploiting an elderly person or
 disabled adult and property is

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valued at \$50,000 or more.

562

837.02 (2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

563

837.021 (2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

564

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

565

860.16 1st Aircraft piracy.

566

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).

567

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

568

893.13 (6) (c) 1st Possess in excess of 10 grams of any substance specified in

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s. 893.03(1) (a) or (b).

569

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

570

893.135 1st Trafficking in cocaine, more than 300 ~~200~~ grams, less than 500 ~~400~~ grams.
 (1) (b) 1.b.

571

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

572

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

573

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

574

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

575

893.135 1st Trafficking in methaqualone,

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- 576
(1) (e) 1.b.
more than 5 kilograms, less than 25 kilograms.
- 577
893.135 (1) (f) 1.b.
1st Trafficking in amphetamine, more than 28 grams, less than 200 grams.
- 578
893.135 (1) (g) 1.b.
1st Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
- 579
893.135 (1) (h) 1.b.
1st Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
- 580
893.135 (1) (j) 1.b.
1st Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
- 581
893.135 (1) (k) 2.b.
1st Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
- 582
893.1351 (3)
1st Possession of a place used to manufacture controlled substance when minor is present or resides there.

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583	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
584	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
585	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
586	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
587	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.

588 (i) LEVEL 9

589

Florida	Felony	Description
Statute	Degree	

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590
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597

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

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- 598 775.0844 1st Aggravated white collar crime.
- 599 782.04(1) 1st Attempt, conspire, or solicit
to commit premeditated murder.
- 600 782.04(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.
- 601 782.051(1) 1st Attempted felony murder while
perpetrating or attempting to
perpetrate a felony enumerated
in s. 782.04(3).
- 602 782.07(2) 1st Aggravated manslaughter of an
elderly person or disabled
adult.
- 603 787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or
reward or as a shield or
hostage.
- 787.01(1)(a)2. 1st,PBL Kidnapping with intent to
commit or facilitate commission
of any felony.

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604
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- 787.01 (1) (a) 4. 1st,PBL Kidnapping with intent to
interfere with performance of
any governmental or political
function.
- 787.02 (3) (a) 1st,PBL False imprisonment; child under
age 13; perpetrator also
commits aggravated child abuse,
sexual battery, or lewd or
lascivious battery,
molestation, conduct, or
exhibition.
- 787.06 (3) (c) 1. 1st Human trafficking for labor and
services of an unauthorized
alien child.
- 787.06 (3) (d) 1st Human trafficking using
coercion for commercial sexual
activity of an unauthorized
adult alien.
- 787.06 (3) (f) 1. 1st,PBL Human trafficking for
commercial sexual activity by
the transfer or transport of
any child from outside Florida
to within the state.

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615

790.161 1st Attempted capital destructive device offense.

790.166(2) 1st,PBL Possessing, selling, using, or attempting to use a weapon of mass destruction.

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 and commits sexual battery on a person less than 12 years.

794.011(4)(a) 1st,PBL Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.

794.011(4)(b) 1st Sexual battery, certain circumstances; victim and offender 18 years of age or older.

794.011(4)(c) 1st Sexual battery, certain circumstances; victim 12 years

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of age or older; offender
younger than 18 years.

616

794.011 (4) (d) 1st,PBL Sexual battery, certain
circumstances; victim 12 years
of age or older; prior
conviction for specified sex
offenses.

617

794.011 (8) (b) 1st,PBL Sexual battery; engage in
sexual conduct with minor 12 to
18 years by person in familial
or custodial authority.

618

794.08 (2) 1st Female genital mutilation;
victim younger than 18 years of
age.

619

800.04 (5) (b) Life Lewd or lascivious molestation;
victim less than 12 years;
offender 18 years or older.

620

812.13 (2) (a) 1st,PBL Robbery with firearm or other
deadly weapon.

621

812.133 (2) (a) 1st,PBL Carjacking; firearm or other
deadly weapon.

622

812.135 (2) (b) 1st Home-invasion robbery with

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weapon.

623

817.535 (3) (b) 1st Filing false lien or other
unauthorized document; second
or subsequent offense; property
owner is a public officer or
employee.

624

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

625

817.535 (5) (b) 1st Filing false lien or other
unauthorized document; second
or subsequent offense; owner of
the property incurs financial
loss as a result of the false
instrument.

626

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.

627

827.03 (2) (a) 1st Aggravated child abuse.

628

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629	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
630	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
631	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.
632	893.135	1st	Attempted capital trafficking offense.
633	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
634	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than <u>500</u> 400 grams, less than 150 kilograms.
	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.

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635

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

636

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

637

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

638

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

639

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

640

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

641

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

642

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

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643

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

644

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

645

646

Section 4. This act shall take effect October 1, 2017.