

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; increasing the sentencing
9 scoresheet multiplier for drug trafficking offenses;
10 amending s. 921.0024, F.S.; 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,
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,
37 or 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.

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,
80 manufactures, delivers, or brings into this state, or who is
81 knowingly in actual or constructive possession of, 150 kilograms
82 or more of cocaine, as described in s. 893.03(2)(a)4., commits
83 the first degree felony of trafficking in cocaine. A person who
84 has been convicted of the first degree felony of trafficking in
85 cocaine under this subparagraph shall be punished by life
86 imprisonment and is ineligible for any form of discretionary
87 early release except pardon or executive clemency or conditional
88 medical release under s. 947.149. However, if the court
89 determines that, in addition to committing any act specified in
90 this paragraph:

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

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

97
98 such person commits the capital felony of trafficking in
99 cocaine, punishable as provided in ss. 775.082 and 921.142. Any
100 person sentenced for a capital felony under this paragraph shall

also be sentenced to pay the maximum fine provided under subparagraph 1.

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

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

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

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

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

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

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

a.b. Is 28 grams or more, but less than 50 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 5 7 years and shall be ordered to pay a fine of \$100,000.

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

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

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

170 3. A person who knowingly sells, purchases, manufactures,
171 delivers, or brings into this state, or who is knowingly in
172 actual or constructive possession of, 7 grams or more of
173 oxycodone, or any salt, derivative, isomer, or salt of an isomer
174 thereof, or 7 grams or more of any mixture containing any such
175 substance, commits a felony of the first degree, which felony

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shall be known as "trafficking in oxycodone," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

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

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

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

d. A person convicted of a violation of this subparagraph in which the quantity involved was less than 100 grams may move the sentencing court to depart from the mandatory minimum term and, if applicable, any mandatory fine. The state attorney may file an objection to the motion. The sentencing court may depart from the mandatory minimum sentence if the court finds that imposition of the mandatory minimum sentence is not necessary

201 for the protection of the public. However, the sentencing court
202 may not impose a sentence lower than the lowest permissible
203 sentence as calculated according to the total sentence points
204 pursuant to s. 921.0024.

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

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

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

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

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

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

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1)

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status

251 existed at the time the offender committed an offense before the
252 court for sentencing. Four (4) sentence points are assessed for
253 an offender's legal status.

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

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

264 2. If the community sanction violation is committed by a
265 violent felony offender of special concern as defined in s.
266 948.06:

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

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

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

275 b. Twenty-four (24) community sanction violation points

are assessed for the violation and for each successive violation of felony probation or community control where the violation includes a new felony conviction.

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

Prior serious felony points: If the offender has a primary offense or any additional offense ranked in level 8, level 9, or level 10, and one or more prior serious felonies, a single assessment of thirty (30) points shall be added. For purposes of this section, a prior serious felony is an offense in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0022 or s. 921.0023 and for which the offender is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later, is within 3 years before the date the primary offense or any additional offense was committed.

Prior capital felony points: If the offender has one or more prior capital felonies in the offender's criminal record, points shall be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the primary offense and any additional offense. A prior capital felony in the offender's criminal record is a previous capital felony offense for which the offender has entered a plea of nolo

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301 | contendere or guilty or has been found guilty; or a felony in
302 | another jurisdiction which is a capital felony in that
303 | jurisdiction, or would be a capital felony if the offense were
304 | committed in this state.

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

316 | Sentencing multipliers:

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

324 | Law enforcement protection: If the primary offense is a
325 | violation of the Law Enforcement Protection Act under s.

775.0823(2), (3), or (4), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement Protection Act under s. 775.0823(10) or (11), the subtotal sentence points are multiplied by 1.5.

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

Offense related to a criminal gang: If the offender is convicted of the primary offense and committed that offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03, the subtotal sentence points are multiplied by 1.5. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Domestic violence in the presence of a child: If the offender is convicted of the primary offense and the primary offense is a crime of domestic violence, as defined in s. 741.28, which was committed in the presence of a child under 16 years of age who

is a family or household member as defined in s. 741.28(3) with the victim or perpetrator, the subtotal sentence points are multiplied by 1.5.

Adult-on-minor sex offense: If the offender was 18 years of age or older and the victim was younger than 18 years of age at the time the offender committed the primary offense, and if the primary offense was an offense committed on or after October 1, 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence points are multiplied by 2.0. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

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376 (g) LEVEL 7

377

Florida	Felony	
Statute	Degree	Description

378

316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
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379

316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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380

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.
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381

327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
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382

402.319 (2)	2nd	Misrepresentation and negligence or intentional act
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resulting in great bodily harm,
permanent disfiguration,
permanent disability, or death.

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

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

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

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

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

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

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390	460.411(1)	3rd	Practicing chiropractic medicine without a license.
391	461.012(1)	3rd	Practicing podiatric medicine without a license.
392	462.17	3rd	Practicing naturopathy without a license.
393	463.015(1)	3rd	Practicing optometry without a license.
394	464.016(1)	3rd	Practicing nursing without a license.
395	465.015(2)	3rd	Practicing pharmacy without a license.
396	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
397	467.201	3rd	Practicing midwifery without a license.
	468.366	3rd	Delivering respiratory care

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services without a license.

398

483.828 (1)

3rd

Practicing as clinical
laboratory personnel without a
license.

399

483.901 (7)

3rd

Practicing medical physics
without a license.

400

484.013 (1) (c)

3rd

Preparing or dispensing optical
devices without a prescription.

401

484.053

3rd

Dispensing hearing aids without
a license.

402

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.

403

560.123 (8) (b) 1.

3rd

Failure to report currency or
payment instruments exceeding
\$300 but less than \$20,000 by a

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money services business.

404

560.125 (5) (a) 3rd Money services business by
unauthorized person, currency
or payment instruments
exceeding \$300 but less than
\$20,000.

405

655.50 (10) (b) 1. 3rd Failure to report financial
transactions exceeding \$300 but
less than \$20,000 by financial
institution.

406

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

407

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

408

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

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conceal a sexual predator.

409

782.051(3)

2nd

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

410

782.07(1)

2nd

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

411

782.071

2nd

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

412

782.072

2nd

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

413

784.045(1)(a)1.

2nd

Aggravated battery;

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intentionally causing great
bodily harm or disfigurement.

414

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

415

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

416

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

417

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

418

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

419

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

420

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

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422	784.081(1)	1st	Aggravated battery on specified official or employee.
423	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
424	784.083(1)	1st	Aggravated battery on code inspector.
425	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
426	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.
427	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

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428	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
429	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
430	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
431	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
432	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
	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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433	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.
434	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
435	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
436	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
437	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.
438			

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439	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; prior conviction for specified sex offense.
440	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
441	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
442	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
443	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
444	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
	812.014 (2) (a) 1.	1st	Property stolen, valued at

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\$100,000 or more or a
semitrailer deployed by a law
enforcement officer; property
stolen while causing other
property damage; 1st degree
grand theft.

445

812.014(2)(b)2. 2nd Property stolen, cargo valued
at less than \$50,000, grand
theft in 2nd degree.

446

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

447

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

448

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

449

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

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in stolen property.

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

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

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

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

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

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

817.2341 1st Making false entries of
(2) (b) & material fact or false
(3) (b) statements regarding property
values relating to the solvency

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of an insuring entity which are
a significant cause of the
insolvency of that entity.

457

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

458

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

459

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

460

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.

461

827.03(2) (b) 2nd Neglect of a child causing
great bodily harm, disability,
or disfigurement.

462

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463	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
464	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
465	838.015	2nd	Bribery.
466	838.016	2nd	Unlawful compensation or reward for official behavior.
467	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
468	838.22	2nd	Bid tampering.
469	843.0855 (2)	3rd	Impersonation of a public officer or employee.
470	843.0855 (3)	3rd	Unlawful simulation of legal process.
	843.0855 (4)	3rd	Intimidation of a public

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officer or employee.

471

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

472

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

473

872.06 2nd Abuse of a dead human body.

474

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

475

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

476

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),

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(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.

477

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.

478

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

479

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

480

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481	893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than <u>50</u> 28 grams, less than <u>300</u> 200 grams.
482	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
483	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
484	<u>893.135</u> <u>(1) (c) 2.a.</u> 893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
485	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
	<u>893.135</u> <u>(1) (c) 3.a.</u> 893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.

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486	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
487	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
488	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
489	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
490	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
491	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

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492	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
493	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
494	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
495	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
496	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
497	943.0435 (8)	2nd	Sexual offender; remains in

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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state after indicating intent
to leave; failure to comply
with reporting requirements.

498

943.0435(9)(a)

3rd

Sexual offender; failure to
comply with reporting
requirements.

499

943.0435(13)

3rd

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

500

943.0435(14)

3rd

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

501

944.607(9)

3rd

Sexual offender; failure to
comply with reporting
requirements.

502

944.607(10)(a)

3rd

Sexual offender; failure to
submit to the taking of a

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digitized photograph.

503

944.607(12)

3rd

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

504

944.607(13)

3rd

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

505

985.4815(10)

3rd

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

506

985.4815(12)

3rd

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

507

985.4815(13)

3rd

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

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verification; providing false
registration information.

(h) LEVEL 8

Florida Statute	Felony Degree	Description
316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
560.123 (8) (b) 2.	2nd	Failure to report currency or

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

517

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.

518

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

519

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

520

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,

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aggravated fleeing or eluding
with serious bodily injury or
death, aircraft piracy, or
unlawfully discharging bomb.

521

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

522

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

523

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

524

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

525

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

526

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527	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
528	787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
529	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.
530	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
	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

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not use physical force likely
to cause serious injury.

531

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.

532

794.011 (5) (c)

2nd

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

533

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.

534

794.08 (3)

2nd

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

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state.

535

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

536

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

537

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

538

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

539

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

540

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

541

812.014 (2) (a) 2. 1st Property stolen; cargo valued

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at \$50,000 or more, grand theft
in 1st degree.

542

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

543

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

544

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

545

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

546

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

547

817.535 (5) (a) 2nd Filing false lien or other
unauthorized document; owner of

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the property incurs financial loss as a result of the false instrument.

548

817.568 (6)

2nd

Fraudulent use of personal identification information of an individual under the age of 18.

549

817.611 (2) (c)

1st

Traffic in or possess 50 or more counterfeit credit cards or related documents.

550

825.102 (2)

1st

Aggravated abuse of an elderly person or disabled adult.

551

825.1025 (2)

2nd

Lewd or lascivious battery upon
an elderly person or disabled
adult.

552

825.103 (3) (a)

1st

Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.

553

837.02 (2)

2nd

Perjury in official proceedings

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relating to prosecution of a
capital felony.

554

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

555

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

556

860.16 1st Aircraft piracy.

557

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).

558

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

559

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

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of any substance specified in
s. 893.03(1)(a) or (b).

560

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

561

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

562

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

563

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

564

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

565

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566	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
567	893.135 (1) (e) 1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
568	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
569	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
570	893.135 (1) (h) 1.b.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
571	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.

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572	893.135 (1) (k) 2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
573	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
574	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
575	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
576	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
	896.101(5) (b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less

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than \$100,000.

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.

(i) LEVEL 9

Florida Statute	Felony Degree	Description
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

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resulting in great bodily harm.

585

560.123(8)(b)3. 1st Failure to report currency or
payment instruments totaling or
exceeding \$100,000 by money
transmitter.

586

560.125(5)(c) 1st Money transmitter business by
unauthorized person, currency,
or payment instruments totaling
or exceeding \$100,000.

587

655.50(10)(b)3. 1st Failure to report financial
transactions totaling or
exceeding \$100,000 by financial
institution.

588

775.0844 1st Aggravated white collar crime.

589

782.04(1) 1st Attempt, conspire, or solicit
to commit premeditated murder.

590

782.04(3) 1st, PBL Accomplice to murder in
connection with arson, sexual
battery, robbery, burglary,

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aggravated fleeing or eluding
with serious bodily injury or
death, and other specified
felonies.

591

782.051(1) 1st Attempted felony murder while
perpetrating or attempting to
perpetrate a felony enumerated
in s. 782.04(3).

592

782.07(2) 1st Aggravated manslaughter of an
elderly person or disabled
adult.

593

787.01(1)(a)1. 1st, PBL Kidnapping; hold for ransom or
reward or as a shield or
hostage.

594

787.01(1)(a)2. 1st, PBL Kidnapping with intent to
commit or facilitate commission
of any felony.

595

787.01(1)(a)4. 1st, PBL Kidnapping with intent to
interfere with performance of
any governmental or political

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function.

596

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.

597

787.06(3)(c)1. 1st Human trafficking for labor and
services of an unauthorized
alien child.

598

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

599

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.

600

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601	790.161	1st	Attempted capital destructive device offense.
602	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
603	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
604	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
605	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

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older.

606

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

607

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

608

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.

609

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

610

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

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611	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
612	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.
613	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
614	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
615	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
616	817.535 (5) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial

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loss as a result of the false
instrument.

617

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.

618

827.03 (2) (a)

1st

Aggravated child abuse.

619

847.0145 (1)

1st

Selling, or otherwise
transferring custody or
control, of a minor.

620

847.0145 (2)

1st

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

621

859.01

1st

Poisoning or introducing
bacteria, radioactive
materials, viruses, or chemical
compounds into food, drink,
medicine, or water with intent

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to kill or injure another
person.

622

893.135 1st Attempted capital trafficking
 offense.

623

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

624

893.135 1st Trafficking in cocaine, more
 (1) (b) 1.c. than 500 ~~400~~ grams, less than
 150 kilograms.

625

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

626

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

627

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

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~~(1) (c) 3.d.~~

628

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

629

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

630

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

631

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

632

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

633

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

634

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

635

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

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