

By Senator Brodeur

9-00656B-21

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1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 782.04, F.S.; revising the elements that constitute
4 the capital offense of murder in the first degree;
5 defining the term "substantial factor"; creating s.
6 784.051, F.S.; defining terms; providing criminal
7 penalties for persons who unlawfully distribute,
8 deliver, sell, or dispense controlled substances that
9 are proven to be the proximate cause of, or a
10 contributing factor in, the injury or overdose of a
11 user of such substances; providing criminal penalties
12 for persons 18 years of age or older who violate
13 certain provisions when it involves specified
14 controlled substances; providing enhanced criminal
15 penalties for second or subsequent convictions of such
16 offenses; authorizing the prosecution of persons who
17 unlawfully distribute, deliver, sell, or dispense
18 controlled substances to another when that other
19 person redistributes, redelivers, resells, or
20 dispenses such substances to a user who is injured;
21 providing circumstances under which there is prima
22 facie evidence of injury or overdose; amending s.
23 893.13, F.S.; prohibiting specified activities
24 involving controlled substances within 1,000 feet of
25 additional specified facilities; providing criminal
26 penalties; amending s. 921.0022, F.S.; listing
27 specified felonies on levels 6, 7, and 8 of the
28 offense severity ranking chart of the Criminal
29 Punishment Code; providing an effective date.

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

Section 1. Paragraph (a) of subsection (1) of section 782.04, Florida Statutes, is amended to read:

782.04 Murder.—

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

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being;
2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:
 - a. Trafficking offense prohibited by s. 893.135(1),
 - b. Arson,
 - c. Sexual battery,
 - d. Robbery,
 - e. Burglary,
 - f. Kidnapping,
 - g. Escape,
 - h. Aggravated child abuse,
 - i. Aggravated abuse of an elderly person or disabled adult,
 - j. Aircraft piracy,
 - k. Unlawful throwing, placing, or discharging of a destructive device or bomb,
 - l. Carjacking,
 - m. Home-invasion robbery,
 - n. Aggravated stalking,
 - o. Murder of another human being,
 - p. Resisting an officer with violence to his or her person,
 - q. Aggravated fleeing or eluding with serious bodily injury

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59 or death,

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

61 of an act of terrorism, including a felony under s. 775.30, s.

62 775.32, s. 775.33, s. 775.34, or s. 775.35, or

63 s. Human trafficking; or

64 3. Which resulted from the unlawful distribution by a

65 person 18 years of age or older of any of the following

66 substances, or mixture containing any of the following

67 substances, when such substance or mixture is proven to have

68 caused, or is proven to have been a substantial factor in

69 producing, ~~be the proximate cause of~~ the death of the user:

70 a. A substance controlled under s. 893.03(1);

71 b. Cocaine, as described in s. 893.03(2)(a)4.;

72 c. Opium or any synthetic or natural salt, compound,

73 derivative, or preparation of opium;

74 d. Methadone;

75 e. Alfentanil, as described in s. 893.03(2)(b)1.;

76 f. Carfentanil, as described in s. 893.03(2)(b)6.;

77 g. Fentanyl, as described in s. 893.03(2)(b)9.;

78 h. Sufentanil, as described in s. 893.03(2)(b)30.; ~~or~~

79 i. Methamphetamine, as described in s. 893.03(2)(c)5.; or

80 j. A controlled substance analog, as described in s.

81 893.0356, of any substance specified in sub-subparagraphs a.-i.

82 ~~sub-subparagraphs a.-h.,~~

83

84 is murder in the first degree and constitutes a capital felony,

85 punishable as provided in s. 775.082. As used in this paragraph,

86 the term "substantial factor" means the substance alone is

87 sufficient to cause the death, whether or not any other

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88 substance or substances are also sufficient to cause the death.

89 Section 2. Section 784.051, Florida Statutes, is created to
90 read:

91 784.051 Culpable negligence resulting in injury or
92 overdose.—

93 (1) As used in this section, the term:

94 (a) "Emergency opioid antagonist" has the same meaning as
95 in s. 381.887.

96 (b) "Injury" or "overdose" means drug toxicity or the
97 temporary loss of locomotor activity, motor coordination, or
98 consciousness or cognitive impairment.

99 (c) "Medical care" means the provision of treatment for the
100 purpose of preserving or sustaining life or the administration
101 of an emergency opioid antagonist.

102 (2) Except as provided in subsection (3), a person who,
103 through the unlawful distribution, delivery, sale, or dispensing
104 of a controlled substance described in s. 893.03 or of a mixture
105 containing a controlled substance described in s. 893.03, causes
106 injury or overdose to a user of such controlled substance or
107 mixture, if such substance or mixture is proven to be the
108 proximate cause of or a contributing factor to the injury or
109 overdose, commits a felony of the third degree, punishable as
110 provided in s. 775.082, s. 775.083, or s. 775.084.

111 (3) A person 18 years of age or older who violates
112 subsection (2) commits a felony of the second degree, punishable
113 as provided in s. 775.082, s. 775.083, or s. 775.084, if the
114 controlled substance or mixture containing a controlled
115 substance is:

116 (a) A substance controlled under s. 893.03(1);

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117 (b) Cocaine, as described in s. 893.03(2)(a)4.;

118 (c) Opium or any synthetic or natural salt, compound,
119 derivative, or preparation of opium;

120 (d) Methadone;

121 (e) Alfentanil, as described in s. 893.03(2)(b)1.;

122 (f) Carfentanil, as described in s. 893.03(2)(b)6.;

123 (g) Fentanyl, as described in s. 893.03(2)(b)9.;

124 (h) Sufentanil, as described in s. 893.03(2)(b)30.;

125 (i) Methamphetamine, as described in s. 893.03(2)(c)5.; or

126 (j) A controlled substance analog, as described in s.
127 893.0356, of any substance specified in sub-subparagraphs a.-i.

128 (4) (a) A person who commits a violation of subsection (2)
129 and who has previously been convicted of a violation of
130 subsection (2) or subsection (3) commits a felony of the second
131 degree, punishable as provided in s. 775.082, s. 775.083, or s.
132 775.084.

133 (b) A person who commits a violation of subsection (3) and
134 who has previously been convicted of a violation of subsection
135 (2) or subsection (3) commits a felony of the first degree,
136 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

137 (5) If a person unlawfully distributes, delivers, sells, or
138 dispenses a controlled substance described in s. 893.03 or a
139 mixture containing a controlled substance described in s. 893.03
140 to another person and that other person unlawfully distributes,
141 delivers, sells, or dispenses such substance or mixture to a
142 user in violation of subsection (2) or subsection (3), the
143 person who initially unlawfully distributed, delivered, sold, or
144 dispensed such substance or mixture is as culpable for any
145 injury or overdose to the user caused by the substance or

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146 mixture as the person who provided the substance or mixture
147 directly to the user and may be prosecuted under this section.

148 (6) The provision of medical care by an emergency
149 responder, including, but not limited to, a law enforcement
150 officer, a paramedic, or an emergency medical technician, or the
151 administration of an emergency opioid antagonist by an emergency
152 responder is prima facie evidence that the person receiving
153 medical care was injured or overdosed.

154 Section 3. Paragraph (h) of subsection (1) of section
155 893.13, Florida Statutes, is amended to read:

156 893.13 Prohibited acts; penalties.—

157 (1)

158 (h) Except as authorized by this chapter, a person may not
159 sell, manufacture, or deliver, or possess with intent to sell,
160 manufacture, or deliver, a controlled substance in, on, or
161 within 1,000 feet of the real property comprising a mental
162 health care facility, as that term is used in chapter 394; a
163 health care facility licensed under chapter 395 which provides
164 substance abuse treatment; a substance abuse facility licensed
165 under chapter 397; a facility providing a service as described
166 in s. 397.311(26); a recovery residence as defined in s.
167 397.311; an assisted living facility, as that term is used in
168 chapter 429; or a pain management clinic as defined in s.
169 458.3265 or s. 459.0137. A person who violates this paragraph
170 with respect to:

171 1. A controlled substance named or described in s.
172 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c) 5.
173 commits a felony of the first degree, punishable as provided in
174 s. 775.082, s. 775.083, or s. 775.084.

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175 2. A controlled substance named or described in s.
 176 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,
 177 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of
 178 the second degree, punishable as provided in s. 775.082, s.
 179 775.083, or s. 775.084.

180 3. Any other controlled substance, except as lawfully sold,
 181 manufactured, or delivered, must be sentenced to pay a \$500 fine
 182 and to serve 100 hours of public service in addition to any
 183 other penalty prescribed by law.

184 Section 4. Paragraphs (f), (g), and (h) of subsection (3)
 185 of section 921.0022, Florida Statutes, are amended to read:

186 921.0022 Criminal Punishment Code; offense severity ranking
 187 chart.—

188 (3) OFFENSE SEVERITY RANKING CHART

189 (f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure,

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			without a license.
194	499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
195	499.0051 (3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
196	499.0051 (4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
197	775.0875 (1)	3rd	Taking firearm from law enforcement officer.
198	784.021 (1) (a)	3rd	Aggravated assault; deadly weapon without intent to kill.
199	784.021 (1) (b)	3rd	Aggravated assault; intent to commit felony.
200	784.041	3rd	Felony battery; domestic battery by

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strangulation.

201

784.048 (3)

3rd

Aggravated stalking;
credible threat.

202

784.048 (5)

3rd

Aggravated stalking of
person under 16.

203

784.051 (2)

3rd

Causing injury or
overdose to user of
controlled substance.

204

784.07 (2) (c)

2nd

Aggravated assault on
law enforcement officer.

205

784.074 (1) (b)

2nd

Aggravated assault on
sexually violent
predators facility
staff.

206

784.08 (2) (b)

2nd

Aggravated assault on a
person 65 years of age
or older.

207

784.081 (2)

2nd

Aggravated assault on
specified official or
employee.

208

784.082 (2)

2nd

Aggravated assault by

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detained person on
visitor or other
detainee.

209

784.083 (2)

2nd

Aggravated assault on
code inspector.

210

787.02 (2)

3rd

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

211

790.115 (2) (d)

2nd

Discharging firearm or
weapon on school
property.

212

790.161 (2)

2nd

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

213

790.164 (1)

2nd

False report concerning
bomb, explosive, weapon
of mass destruction, act
of arson or violence to
state property, or use
of firearms in violent
manner.

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	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
215	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
216	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
217	800.04 (5) (d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
218	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
219	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
220			

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221	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
222	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
223	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
224	812.014 (6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
225	812.015 (9) (a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
226	812.015 (9) (b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
	812.13 (2) (c)	2nd	Robbery, no firearm or

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other weapon (strong-arm robbery).

227

817.4821 (5)

2nd

Possess cloning paraphernalia with intent to create cloned cellular telephones.

228

817.505 (4) (b)

2nd

Patient brokering; 10 or more patients.

229

825.102 (1)

3rd

Abuse of an elderly person or disabled adult.

230

825.102 (3) (c)

3rd

Neglect of an elderly person or disabled adult.

231

825.1025 (3)

3rd

Lewd or lascivious molestation of an elderly person or disabled adult.

232

825.103 (3) (c)

3rd

Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.

233

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234	827.03 (2) (c)	3rd	Abuse of a child.
235	827.03 (2) (d)	3rd	Neglect of a child.
236	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
237	836.05	2nd	Threats; extortion.
238	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
239	843.12	3rd	Aids or assists person to escape.
240	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
	847.012	3rd	Knowingly using a minor in the production of materials harmful to

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minors.

241

847.0135 (2)

3rd

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

242

914.23

2nd

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

243

944.35 (3) (a) 2.

3rd

Committing malicious
battery upon or
inflicting cruel or
inhuman treatment on an
inmate or offender on
community supervision,
resulting in great
bodily harm.

244

944.40

2nd

Escapes.

245

944.46

3rd

Harboring, concealing,
aiding escaped
prisoners.

246

944.47 (1) (a) 5.

2nd

Introduction of

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contraband (firearm,
 weapon, or explosive)
 into correctional
 facility.

247

951.22 (1) (i)

3rd

Firearm or weapon
 introduced into county
 detention facility.

248

249 (g) LEVEL 7

250

Florida
 Statute

Felony
 Degree

Description

251

316.027 (2) (c)

1st

Accident involving death,
 failure to stop; leaving
 scene.

252

316.193 (3) (c) 2.

3rd

DUI resulting in serious
 bodily injury.

253

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

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vehicle with siren and
lights activated.

254

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in
serious bodily injury.

255

402.319 (2)

2nd

Misrepresentation and
negligence or intentional
act resulting in great
bodily harm, permanent
disfiguration, permanent
disability, or death.

256

409.920
(2) (b) 1.a.

3rd

Medicaid provider fraud;
\$10,000 or less.

257

409.920
(2) (b) 1.b.

2nd

Medicaid provider fraud;
more than \$10,000, but
less than \$50,000.

258

456.065 (2)

3rd

Practicing a health care
profession without a
license.

259

456.065 (2)

2nd

Practicing a health care
profession without a
license which results in
serious bodily injury.

260

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261	458.327 (1)	3rd	Practicing medicine without a license.
262	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
263	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
264	461.012 (1)	3rd	Practicing podiatric medicine without a license.
265	462.17	3rd	Practicing naturopathy without a license.
266	463.015 (1)	3rd	Practicing optometry without a license.
267	464.016 (1)	3rd	Practicing nursing without a license.
268	465.015 (2)	3rd	Practicing pharmacy without a license.
	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a

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license.

269

467.201

3rd

Practicing midwifery
without a license.

270

468.366

3rd

Delivering respiratory
care services without a
license.

271

483.828 (1)

3rd

Practicing as clinical
laboratory personnel
without a license.

272

483.901 (7)

3rd

Practicing medical physics
without a license.

273

484.013 (1) (c)

3rd

Preparing or dispensing
optical devices without a
prescription.

274

484.053

3rd

Dispensing hearing aids
without a license.

275

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

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more victims.

276

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.

277

560.125 (5) (a)

3rd

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

278

655.50 (10) (b) 1.

3rd

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

279

775.21 (10) (a)

3rd

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

280

775.21 (10) (b)

3rd

Sexual predator working where children regularly congregate.

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281

775.21 (10) (g)

3rd

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

282

782.051 (3)

2nd

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

283

782.07 (1)

2nd

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

284

782.071

2nd

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

285

782.072

2nd

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

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784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048 (7)	3rd	Aggravated stalking; violation of court order.
<u>784.051 (3)</u>	<u>2nd</u>	<u>Causing injury or overdose to user through certain controlled substances.</u>
<u>784.051 (4) (a)</u>	<u>2nd</u>	<u>Causing injury or overdose to user through specified controlled substances with certain prior conviction.</u>

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294	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
295	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
296	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
297	784.081 (1)	1st	Aggravated battery on specified official or employee.
298	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
299	784.083 (1)	1st	Aggravated battery on code inspector.
300	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer

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or transport of an adult
from outside Florida to
within the state.

301

790.07(4)

1st

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

302

790.16(1)

1st

Discharge of a machine gun
under specified
circumstances.

303

790.165(2)

2nd

Manufacture, sell,
possess, or deliver hoax
bomb.

304

790.165(3)

2nd

Possessing, displaying, or
threatening to use any
hoax bomb while committing
or attempting to commit a
felony.

305

790.166(3)

2nd

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

306

790.166(4)

2nd

Possessing, displaying, or

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

307

790.23

1st, PBL

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

308

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.

309

796.05 (1)

1st

Live on earnings of a
 prostitute; 2nd offense.

310

796.05 (1)

1st

Live on earnings of a
 prostitute; 3rd and
 subsequent offense.

311

800.04 (5) (c) 1.

2nd

Lewd or lascivious
 molestation; victim
 younger than 12 years of
 age; offender younger than

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18 years of age.

312

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.

313

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.

314

806.01 (2)

2nd

Maliciously damage structure by fire or explosive.

315

810.02 (3) (a)

2nd

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

316

810.02 (3) (b)

2nd

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

317

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318	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
319	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
320	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.
321	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
322	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.

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323

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

324

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

325

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

326

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

327

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

328

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

329

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

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collision.

330

817.234 (11) (c)

1st

Insurance fraud; property value \$100,000 or more.

331

817.2341

1st

(2) (b) & (3) (b)

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.

332

817.535 (2) (a)

3rd

Filing false lien or other unauthorized document.

333

817.611 (2) (b)

2nd

Traffic in or possess 15 to 49 counterfeit credit cards or related documents.

334

825.102 (3) (b)

2nd

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

335

825.103 (3) (b)

2nd

Exploiting an elderly

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person or disabled adult
and property is valued at
\$10,000 or more, but less
than \$50,000.

336

827.03 (2) (b)

2nd

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

337

827.04 (3)

3rd

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

338

837.05 (2)

3rd

Giving false information
about alleged capital
felony to a law
enforcement officer.

339

838.015

2nd

Bribery.

340

838.016

2nd

Unlawful compensation or
reward for official
behavior.

341

838.021 (3) (a)

2nd

Unlawful harm to a public
servant.

342

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343	838.22	2nd	Bid tampering.
344	843.0855 (2)	3rd	Impersonation of a public officer or employee.
345	843.0855 (3)	3rd	Unlawful simulation of legal process.
346	843.0855 (4)	3rd	Intimidation of a public officer or employee.
347	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
348	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
349	872.06	2nd	Abuse of a dead human body.
350	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
	874.10	1st, PBL	Knowingly initiates,

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

351

893.13(1)(c)1.

1st

Sell, manufacture, or
deliver cocaine (or other
drug prohibited under s.
893.03(1)(a), (1)(b),
(1)(d), (2)(a), (2)(b), or
(2)(c)5.) within 1,000
feet of a child care
facility, school, or
state, county, or
municipal park or publicly
owned recreational
facility or community
center.

352

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)5., within 1,000
feet of property used for
religious services or a
specified business site.

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353
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893.13 (4) (a)	1st	Use or hire of minor; deliver to minor other controlled substance.
893.135 (1) (a) 1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1) (b) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.

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	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
361			
	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
362			
	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
363			
	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
364			
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
365			
	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
366			
	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

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367

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

368

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

369

893.135 (1) (m) 2.a. 1st Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.

370

893.135 (1) (m) 2.b. 1st Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.

371

893.135 (1) (n) 2.a. 1st Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.

372

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

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373

896.101 (5) (a) 3rd Money laundering, financial transactions exceeding \$300 but less than \$20,000.

374

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

375

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

376

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

377

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

378

943.0435 (13) 3rd Failure to report or

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

379

943.0435 (14)

3rd

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

380

944.607 (9)

3rd

Sexual offender; failure
to comply with reporting
requirements.

381

944.607 (10) (a)

3rd

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

382

944.607 (12)

3rd

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

383

944.607 (13)

3rd

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

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address verification;
 providing false
 registration information.

384

985.4815 (10)

3rd

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

385

985.4815 (12)

3rd

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

386

985.4815 (13)

3rd

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

387

388

(h) LEVEL 8

389

Florida
 Statute

Felony
 Degree

Description

390

316.193

2nd

DUI manslaughter.

(3) (c) 3.a.

391

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392	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
393	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
394	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
395	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
396	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.
	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.

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397

655.50 (10) (b) 2.

2nd

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

398

777.03 (2) (a)

1st

Accessory after the fact, capital felony.

399

782.04 (4)

2nd

Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

400

782.051 (2)

1st

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

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401

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

402

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

403

784.051 (4) (b) 1st Causing injury or overdose to user through specified controlled substances with certain prior conviction.

404

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

405

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

406

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

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unauthorized alien adult.

407

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.

408

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.

409

790.161(3)

1st

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

410

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.

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411
412
413
414
415

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.

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.

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.

794.08 (3)

2nd

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

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416	800.04 (4) (b)	2nd	Lewd or lascivious battery.
417	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
418	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
419	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
420	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
421	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
421	812.014 (2) (a) 2.	1st	Property stolen; cargo

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

422

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

423

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

424

817.505 (4) (c) 1st Patient brokering; 20 or more patients.

425

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

426

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

427

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

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428

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.

429

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

430

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

431

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

432

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

433

825.103 (3) (a) 1st Exploiting an elderly person or disabled adult

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and property is valued at
\$50,000 or more.

434

837.02 (2)

2nd

Perjury in official
proceedings relating to
prosecution of a capital
felony.

435

837.021 (2)

2nd

Making contradictory
statements in official
proceedings relating to
prosecution of a capital
felony.

436

860.121 (2) (c)

1st

Shooting at or throwing
any object in path of
railroad vehicle
resulting in great bodily
harm.

437

860.16

1st

Aircraft piracy.

438

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).

439

893.13 (2) (b)

1st

Purchase in excess of 10
grams of any substance

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

440

893.13(6) (c) 1st Possess in excess of 10
grams of any substance
specified in s.
893.03(1) (a) or (b).

441

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

442

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

443

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

444

893.135 1st Trafficking in
(1) (c) 2.c. hydrocodone, 100 grams or
more, less than 300
grams.

445

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

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446

893.135 1st Trafficking in fentanyl,
 (1) (c) 4.b. (II) 14 grams or more, less
 than 28 grams.

447

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

448

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

449

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

450

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

451

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

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kilograms.

452

893.135
(1) (j) 1.b.

1st

Trafficking in 1,4-
Butanediol, 5 kilograms
or more, less than 10
kilograms.

453

893.135
(1) (k) 2.b.

1st

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

454

893.135
(1) (m) 2.c.

1st

Trafficking in synthetic
cannabinoids, 1,000 grams
or more, less than 30
kilograms.

455

893.135
(1) (n) 2.b.

1st

Trafficking in n-benzyl
phenethylamines, 100
grams or more, less than
200 grams.

456

893.1351 (3)

1st

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

457

895.03 (1)

1st

Use or invest proceeds

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derived from pattern of racketeering activity.

458

895.03 (2)

1st

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

459

895.03 (3)

1st

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

460

896.101 (5) (b)

2nd

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

461

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.

462

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463

Section 5. This act shall take effect October 1, 2021.