

1 A bill to be entitled

2 An act relating to controlled substance offenses;
3 amending s. 782.04, F.S.; revising the requirements
4 for the unlawful distribution of certain controlled
5 substances or mixtures leading to the death of the
6 user to be considered murder; providing criminal
7 penalties; creating s. 784.051, F.S.; providing
8 definitions; providing that a person who distributes,
9 delivers, sells, or dispenses certain controlled
10 substances or mixtures commits the offense of culpable
11 negligence when the substance or mixture is proven to
12 be the proximate cause or a contributing factor to the
13 injury or overdose suffered by the user; providing
14 criminal penalties; providing construction; providing
15 that receipt of certain treatment is prima facie
16 evidence of injury or overdose; amending s. 893.13,
17 F.S.; prohibiting specified activities involving
18 controlled substances within 1,000 feet of specified
19 facilities; providing criminal penalties; amending s.
20 921.0022, F.S.; ranking offenses on the offense
21 severity ranking chart of the Criminal Punishment
22 Code; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
25

26 Section 1. Paragraph (a) of subsection (1) of section
 27 782.04, Florida Statutes, is amended to read:

28 782.04 Murder.—

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

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

32 2. When committed by a person engaged in the perpetration
 33 of, or in the attempt to perpetrate, any:

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

35 b. Arson,

36 c. Sexual battery,

37 d. Robbery,

38 e. Burglary,

39 f. Kidnapping,

40 g. Escape,

41 h. Aggravated child abuse,

42 i. Aggravated abuse of an elderly person or disabled
 43 adult,

44 j. Aircraft piracy,

45 k. Unlawful throwing, placing, or discharging of a
 46 destructive device or bomb,

47 l. Carjacking,

48 m. Home-invasion robbery,

49 n. Aggravated stalking,

50 o. Murder of another human being,

- 51 p. Resisting an officer with violence to his or her
52 person,
- 53 q. Aggravated fleeing or eluding with serious bodily
54 injury or death,
- 55 r. Felony that is an act of terrorism or is in furtherance
56 of an act of terrorism, including a felony under s. 775.30, s.
57 775.32, s. 775.33, s. 775.34, or s. 775.35, or
- 58 s. Human trafficking; or
- 59 3. Which resulted from the unlawful distribution by a
60 person 18 years of age or older of any of the following
61 substances, or mixture containing any of the following
62 substances, when such substance or mixture is proven to have
63 caused, tended to cause, or contributed to ~~be the proximate~~
64 ~~cause of~~ the death of the user:
- 65 a. A substance controlled under s. 893.03(1);
- 66 b. Cocaine, as described in s. 893.03(2)(a)4.;
- 67 c. Opium or any synthetic or natural salt, compound,
68 derivative, or preparation of opium;
- 69 d. Methadone;
- 70 e. Alfentanil, as described in s. 893.03(2)(b)1.;
- 71 f. Carfentanil, as described in s. 893.03(2)(b)6.;
- 72 g. Fentanyl, as described in s. 893.03(2)(b)9.;
- 73 h. Sufentanil, as described in s. 893.03(2)(b)30.;
- 74 i. Methamphetamine, as described in s. 893.03(2)(c)5.; or
75

76 j.i. A controlled substance analog, as described in s.
 77 893.0356, of any substance specified in sub-subparagraphs a.-i.
 78 a.-h.,

79
 80 is murder in the first degree and constitutes a capital felony,
 81 punishable as provided in s. 775.082.

82 Section 2. Section 784.051, Florida Statutes, is created
 83 to read:

84 784.051 Culpable negligence resulting in overdose.-

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

86 (a) "Emergency opioid antagonist" has the same meaning as
 87 in s. 381.887(1).

88 (b) "Injury" or "overdose" means drug toxicity or the
 89 temporary loss of locomotor activity, motor coordination,
 90 consciousness, or cognitive impairment.

91 (c) "Medical care" means the administration of treatment
 92 for purposes of preserving or sustaining life or the
 93 administration of an emergency opioid antagonist.

94 (2) (a) Except as provided in paragraph (b) and subsection
 95 (3) or subsection (4), a person who, through the unlawful
 96 distribution, delivery, sale, or dispensing of a controlled
 97 substance described in s. 893.03 or a mixture containing a
 98 controlled substance described in s. 893.03, which controlled
 99 substance or mixture containing a controlled substance causes an
 100 injury to or overdose in the user of such substance or mixture,

101 commits a felony of the third degree, punishable as provided in
 102 s. 775.082, s. 775.083, or s. 775.084, when such substance or
 103 mixture is proven to be the proximate cause or a contributing
 104 factor to the injury or overdose suffered by the user.

105 (b) A person who commits a violation of this subsection
 106 and who has previously been convicted of a violation of this
 107 subsection commits a felony of the second degree, punishable as
 108 provided in s. 775.082, s. 775.083, or s. 775.084.

109 (3) (a) A person 18 years of age or older who commits a
 110 violation of subsection (2) commits a felony of the second
 111 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 112 775.084, if the controlled substance described in s. 893.03 or
 113 mixture containing a controlled substance described in s. 893.03
 114 is:

- 115 1. A substance controlled under s. 893.03(1);
- 116 2. Cocaine, as described in s. 893.03(2)(a)4.;
- 117 3. Opium or any synthetic or natural salt, compound,
 118 derivative, or preparation of opium;
- 119 4. Methadone;
- 120 5. Alfentanil, as described in s. 893.03(2)(b)1.;
- 121 6. Carfentanil, as described in s. 893.03(2)(b)6.;
- 122 7. Fentanyl, as described in s. 893.03(2)(b)9.;
- 123 8. Sufentanil, as described in s. 893.03(2)(b)30.;
- 124 9. Methamphetamine, as described in s. 893.03(2)(c)5; or
- 125 10. A controlled substance analog, as described in s.

126 | 893.0356, of any substance specified in subparagraphs 1.-9.

127 | (b) A person who commits a violation of this subsection
 128 | and who has previously been convicted of a violation of this
 129 | subsection commits a felony of the first degree, punishable as
 130 | provided in s. 775.082, s. 775.083, or s. 775.084.

131 | (4) The unlawful distribution, delivery, sale, or
 132 | dispensing of a controlled substance described in s. 893.03 or a
 133 | mixture containing a controlled substance described in s. 893.03
 134 | may be made directly or indirectly to the person injured or who
 135 | overdosed or as a result of further unlawful distribution,
 136 | delivery, sale, or dispensing of such substance or mixture by
 137 | another person.

138 | (5) The administration of medical care by an emergency
 139 | responder, including, but not limited to, a law enforcement
 140 | officer, paramedic, or emergency medical technician, or the
 141 | administration of an emergency opioid antagonist by such
 142 | emergency responder, is prima facie evidence that the person
 143 | receiving medical care was injured or overdosed.

144 | Section 3. Paragraph (h) of subsection (1) of section
 145 | 893.13, Florida Statutes, is amended to read:

146 | 893.13 Prohibited acts; penalties.—

147 | (1)

148 | (h) Except as authorized by this chapter, a person may not
 149 | sell, manufacture, or deliver, or possess with intent to sell,
 150 | manufacture, or deliver, a controlled substance in, on, or

151 within 1,000 feet of the real property comprising an assisted
152 living facility, as that term is used in chapter 429, a mental
153 health care facility, as that term is used in chapter 394, a
154 health care facility that provides substance abuse treatment
155 licensed under chapter 395, a substance abuse facility licensed
156 under chapter 397, a facility providing a service as described
157 in s. 397.311(26), a recovery residence as defined in s.
158 397.311, or a pain management clinic as defined in s. 458.3265
159 or s. 459.0137. A person who violates this paragraph with
160 respect to:

161 1. A controlled substance named or described in s.
162 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
163 commits a felony of the first degree, punishable as provided in
164 s. 775.082, s. 775.083, or s. 775.084.

165 2. A controlled substance named or described in s.
166 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,
167 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of
168 the second degree, punishable as provided in s. 775.082, s.
169 775.083, or s. 775.084.

170 3. Any other controlled substance, except as lawfully
171 sold, manufactured, or delivered, must be sentenced to pay a
172 \$500 fine and to serve 100 hours of public service in addition
173 to any other penalty prescribed by law.

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

176 921.0022 Criminal Punishment Code; offense severity
 177 ranking chart.—

178 (3) OFFENSE SEVERITY RANKING CHART

179 (f) LEVEL 6

180

Florida	Felony	
Statute	Degree	Description

181

316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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182

316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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183

400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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184

499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
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185

499.0051 (3)	2nd	Knowing purchase or receipt of
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prescription drug from
 unauthorized person.

186

499.0051 (4) 2nd Knowing sale or transfer of
 prescription drug to
 unauthorized person.

187

775.0875 (1) 3rd Taking firearm from law
 enforcement officer.

188

784.021 (1) (a) 3rd Aggravated assault; deadly
 weapon without intent to kill.

189

784.021 (1) (b) 3rd Aggravated assault; intent to
 commit felony.

190

784.041 3rd Felony battery; domestic
 battery by strangulation.

191

784.048 (3) 3rd Aggravated stalking; credible
 threat.

192

784.048 (5) 3rd Aggravated stalking of person
 under 16.

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194	<u>784.051 (2) (a)</u>	<u>3rd</u>	<u>Culpable negligence in an injury or overdose caused by specified drugs or mixtures.</u>
195	784.07 (2) (c)	2nd	Aggravated assault on law enforcement officer.
196	784.074 (1) (b)	2nd	Aggravated assault on sexually violent predators facility staff.
197	784.08 (2) (b)	2nd	Aggravated assault on a person 65 years of age or older.
198	784.081 (2)	2nd	Aggravated assault on specified official or employee.
199	784.082 (2)	2nd	Aggravated assault by detained person on visitor or other detainee.
200	784.083 (2)	2nd	Aggravated assault on code inspector.
	787.02 (2)	3rd	False imprisonment; restraining

with purpose other than those
in s. 787.01.

201

790.115 (2) (d) 2nd Discharging firearm or weapon
on school property.

202

790.161 (2) 2nd Make, possess, or throw
destructive device with intent
to do bodily harm or damage
property.

203

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.

204

790.19 2nd Shooting or throwing deadly
missiles into dwellings,
vessels, or vehicles.

205

794.011 (8) (a) 3rd Solicitation of minor to
participate in sexual activity
by custodial adult.

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206	794.05 (1)	2nd	Unlawful sexual activity with specified minor.
207	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.
208	800.04 (6) (b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
209	806.031 (2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
210	810.02 (3) (c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
211	810.145 (8) (b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
212	812.014 (2) (b) 1.	2nd	Property stolen \$20,000 or

more, but less than \$100,000,
grand theft in 2nd degree.

213

812.014 (6) 2nd Theft; property stolen \$3,000
or more; coordination of
others.

214

812.015 (9) (a) 2nd Retail theft; property stolen
\$750 or more; second or
subsequent conviction.

215

812.015 (9) (b) 2nd Retail theft; aggregated
property stolen within 30 days
is \$3,000 or more; coordination
of others.

216

812.13 (2) (c) 2nd Robbery, no firearm or other
weapon (strong-arm robbery).

217

817.4821 (5) 2nd Possess cloning paraphernalia
with intent to create cloned
cellular telephones.

218

817.505 (4) (b) 2nd Patient brokering; 10 or more
patients.

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219	825.102 (1)	3rd	Abuse of an elderly person or disabled adult.
220	825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
221	825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
222	825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
223	827.03 (2) (c)	3rd	Abuse of a child.
224	827.03 (2) (d)	3rd	Neglect of a child.
225	827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
226	836.05	2nd	Threats; extortion.
227			

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228	836.10	2nd	Written threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
229	843.12	3rd	Aids or assists person to escape.
230	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
231	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
232	847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
233	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.

234	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.
235	944.40	2nd	Escapes.
236	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
237	944.47 (1) (a) 5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
238	951.22 (1) (i)	3rd	Firearm or weapon introduced into county detention facility.
239	(g) LEVEL 7		
240	Florida Statute	Felony Degree	Description
241	316.027 (2) (c)	1st	Accident involving death,

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failure to stop; leaving scene.

242

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

243

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.

244

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

245

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

246

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

247	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
248	456.065 (2)	3rd	Practicing a health care profession without a license.
249	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
250	458.327 (1)	3rd	Practicing medicine without a license.
251	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
252	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
253	461.012 (1)	3rd	Practicing podiatric medicine without a license.
254			

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255	462.17	3rd	Practicing naturopathy without a license.
256	463.015 (1)	3rd	Practicing optometry without a license.
257	464.016 (1)	3rd	Practicing nursing without a license.
258	465.015 (2)	3rd	Practicing pharmacy without a license.
259	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
260	467.201	3rd	Practicing midwifery without a license.
261	468.366	3rd	Delivering respiratory care services without a license.
262	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.

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263	483.901 (7)	3rd	Practicing medical physics without a license.
264	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
265	484.053	3rd	Dispensing hearing aids without a license.
266	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.
267	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.
	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than

\$20,000.

268

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

269

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

270

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

271

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

272

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

felony.

273

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

274

782.071 2nd Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).

275

782.072 2nd Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

276

784.045(1)(a)1. 2nd Aggravated battery; intentionally causing great bodily harm or disfigurement.

277

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

278

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279	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
280	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
281	784.048 (7)	3rd	Aggravated stalking; violation of court order.
282	<u>784.051 (2) (b)</u>	<u>2nd</u>	<u>Culpable negligence in an injury or overdose caused by specified drugs or mixtures, 2nd or subsequent offense.</u>
283	<u>784.051 (3) (a)</u>	<u>2nd</u>	<u>Culpable negligence in an injury or overdose caused by specified drugs or mixtures.</u>
284	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
285	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.

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286	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
287	784.081 (1)	1st	Aggravated battery on specified official or employee.
288	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
289	784.083 (1)	1st	Aggravated battery on code inspector.
290	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
291	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.
	790.07 (4)	1st	Specified weapons violation subsequent to previous

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conviction of s. 790.07(1) or
(2).

292

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

293

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

294

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

295

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

296

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

297

790.23 1st, PBL Possession of a firearm by a

person who qualifies for the
penalty enhancements provided
for in s. 874.04.

298

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.

299

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

300

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

301

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

302

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.

303

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.

304

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

305

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

306

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

307

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

308

810.02 (3) (e) 2nd Burglary of authorized

emergency vehicle.

309

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.

310

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

311

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

312

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

313

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

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315	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
316	812.131 (2) (a)	2nd	Robbery by sudden snatching.
317	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
318	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
319	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
320	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
321	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341	1st	Making false entries of

	(2) (b) & (3) (b)		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.
322	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.
323	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
324	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
325	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.
326	827.03 (2) (b)	2nd	Neglect of a child causing

great bodily harm, disability,
or disfigurement.

327

827.04 (3) 3rd Impregnation of a child under
16 years of age by person 21
years of age or older.

328

837.05 (2) 3rd Giving false information about
alleged capital felony to a law
enforcement officer.

329

838.015 2nd Bribery.

330

838.016 2nd Unlawful compensation or reward
for official behavior.

331

838.021 (3) (a) 2nd Unlawful harm to a public
servant.

332

838.22 2nd Bid tampering.

333

843.0855 (2) 3rd Impersonation of a public
officer or employee.

334

843.0855 (3) 3rd Unlawful simulation of legal

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process.

335

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

336

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

337

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

338

872.06 2nd Abuse of a dead human body.

339

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

340

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

341

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.

342

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.

343

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

344

893.135(1)(a)1. 1st Trafficking in cannabis, more

than 25 lbs., less than 2,000 lbs.

345

893.135 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

346

893.135 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

347

893.135 1st Trafficking in hydrocodone, 28 grams or more, less than 50 grams.

348

893.135 1st Trafficking in hydrocodone, 50 grams or more, less than 100 grams.

349

893.135 1st Trafficking in oxycodone, 7 grams or more, less than 14 grams.

350

893.135 1st Trafficking in oxycodone, 14 grams or more, less than 25

grams.

351

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

352

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

353

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

354

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

355

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

356

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

kilograms.

357

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

358

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

359

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

360

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

361

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

362

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

363	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
364	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
365	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
366	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
367	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
368			

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369	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
370	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
371	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.
372	944.607 (10) (a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
373	944.607 (12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	944.607 (13)	3rd	Sexual offender; failure to

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

374

985.4815(10)

3rd

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

375

985.4815(12)

3rd

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

376

985.4815(13)

3rd

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

377

378

(h) LEVEL 8

379

Florida

Felony

Statute

Degree

Description

380

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381	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
382	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
383	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
384	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
385	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
386	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.

387

655.50(10)(b)2. 2nd

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

388

777.03(2)(a) 1st

Accessory after the fact, capital felony.

389

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.

390

782.051(2) 1st

Attempted felony murder while perpetrating or attempting to perpetrate a felony not

enumerated in s. 782.04(3).

391

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

392

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

393

784.051(3)(b) 1st Culpable negligence in an injury or overdose caused by specified drugs or mixtures; 2nd or subsequent offense.

394

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

395

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

396

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

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397 787.06(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.

398 787.06(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.

399 790.161(3) 1st Discharging a destructive
device which results in bodily
harm or property damage.

400 794.011(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.

401

402	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.
403	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.
404	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.
405	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
	800.04 (4) (b)	2nd	Lewd or lascivious battery.

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800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

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413	812.13 (2) (b)	1st	Robbery with a weapon.
414	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
415	817.505 (4) (c)	1st	Patient brokering; 20 or more patients.
416	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
417	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
418	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
	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.
419	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
420	817.611 (2) (c)	1st	Traffic in or possess 50 or more counterfeit credit cards or related documents.
421	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
422	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
423	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
424	837.02 (2)	2nd	Perjury in official proceedings

relating to prosecution of a capital felony.

425

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

426

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

427

860.16 1st Aircraft piracy.

428

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) .

429

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

430

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

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

431	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
432	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
433	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
434	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 100 grams or more, less than 300 grams.
435	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
436	893.135 (1) (c) 4.b. (II)	1st	Trafficking in fentanyl, 14 grams or more, less than 28

grams.

437

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

438

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

439

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

440

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

441

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

442

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

10 kilograms.

443

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

444

893.135 1st Trafficking in synthetic
 (1) (m) 2.c. cannabinoids, 1,000 grams or
 more, less than 30 kilograms.

445

893.135 1st Trafficking in n-benzyl
 (1) (n) 2.b. phenethylamines, 100 grams or
 more, less than 200 grams.

446

893.1351(3) 1st Possession of a place used to
 manufacture controlled
 substance when minor is present
 or resides there.

447

895.03(1) 1st Use or invest proceeds derived
 from pattern of racketeering
 activity.

448

895.03(2) 1st Acquire or maintain through
 racketeering activity any

interest in or control of any
enterprise or real property.

449

895.03(3) 1st Conduct or participate in any
enterprise through pattern of
racketeering activity.

450

896.101(5)(b) 2nd Money laundering, financial
transactions totaling or
exceeding \$20,000, but less
than \$100,000.

451

896.104(4)(a)2. 2nd Structuring transactions to
evade reporting or registration
requirements, financial
transactions totaling or
exceeding \$20,000 but less than
\$100,000.

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