



103162

LEGISLATIVE ACTION

Senate

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House

The Committee on Judiciary (Brodeur) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 65 - 69

and insert:

punishable as provided in s. 775.082.

(4) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony other than any:

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

(b) Arson,



103162

- 12 (c) Sexual battery,
13 (d) Robbery,
14 (e) Burglary,
15 (f) Kidnapping,
16 (g) Escape,
17 (h) Aggravated child abuse,
18 (i) Aggravated abuse of an elderly person or disabled
19 adult,
20 (j) Aircraft piracy,
21 (k) Unlawful throwing, placing, or discharging of a
22 destructive device or bomb,
23 (l) Unlawful distribution of any substance listed in sub-
24 subparagraphs (1) (a) 3.a.-j. controlled under s. 893.03(1),
25 cocaine as described in s. 893.03(2) (a) 4., or opium or any
26 synthetic or natural salt, compound, derivative, or preparation
27 of opium by a person 18 years of age or older, when such
28 substance drug is proven to have caused, or is proven to have
29 been a substantial factor in producing, ~~be the proximate cause~~
30 of the death of the user,
31 (m) Carjacking,
32 (n) Home-invasion robbery,
33 (o) Aggravated stalking,
34 (p) Murder of another human being,
35 (q) Aggravated fleeing or eluding with serious bodily
36 injury or death,
37 (r) Resisting an officer with violence to his or her
38 person, or
39 (s) Felony that is an act of terrorism or is in furtherance
40 of an act of terrorism, including a felony under s. 775.30, s.



103162

41 775.32, s. 775.33, s. 775.34, or s. 775.35,
42
43 is murder in the third degree and constitutes a felony of the
44 second degree, punishable as provided in s. 775.082, s. 775.083,
45 or s. 775.084.

46 (5) As used in this section, the term:

47 (a) "Substantial factor" means that the use of the
48 substance or mixture alone is sufficient to cause death,
49 regardless of whether any other substance or mixture used is
50 also sufficient to cause death.

51 (b) "Terrorism" means an activity that:

52 1.a.(a)1. Involves a violent act or an act dangerous to
53 human life which is a violation of the criminal laws of this
54 state or of the United States; or

55 b.2. Involves a violation of s. 815.06; and

56 2.(b) Is intended to:

57 a.1. Intimidate, injure, or coerce a civilian population;

58 b.2. Influence the policy of a government by intimidation
59 or coercion; or

60 c.3. Affect the conduct of government through destruction
61 of property, assassination, murder, kidnapping, or aircraft
62 piracy.

63
64 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

65 And the directory clause is amended as follows:

66 Delete lines 13 - 14

67 and insert:

68 Section 1. Paragraph (a) of subsection (1) and subsections
69 (4) and (5) of section 782.04, Florida Statutes, are amended to



103162

70 read:

71

72 ===== T I T L E A M E N D M E N T =====

73 And the title is amended as follows:

74 Between lines 4 and 5

75 insert:

76 revising the elements that constitute the felony

77 offense of murder in the third degree;