

By Senator Bogdanoff

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1 A bill to be entitled
2 An act relating to sentences of inmates; amending s.
3 893.135, F.S.; revising the quantity of a controlled
4 substance which a person must knowingly sell,
5 purchase, manufacture, deliver, or bring into this
6 state with the intent to distribute in order to be
7 subject to the automatic imposition of a mandatory
8 minimum term of imprisonment; providing the method for
9 determining the weight of a controlled substance in a
10 mixture that is a prescription drug; revising
11 legislative intent; amending s. 921.0022, F.S.;
12 revising provisions to conform to changes made by the
13 act; reenacting ss. 775.087(2)(a) and 782.04(1)(a),
14 (3), and (4), F.S., relating to the possession or use
15 of a weapon and murder, respectively, to incorporate
16 the amendments made to s. 893.135, F.S., in references
17 thereto; repealing s. 893.101, F.S., relating to
18 legislative findings and intent relative to knowledge
19 of a person to the possession of a controlled
20 substance; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Section 893.135, Florida Statutes, is amended to
25 read:

26 893.135 Trafficking; mandatory sentences; suspension or
27 reduction of sentences; conspiracy to engage in trafficking.—

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

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30 (a) ~~A Any~~ person who knowingly sells, purchases,
31 manufactures, delivers, or brings into this state, or who ~~is~~
32 knowingly is in actual or constructive possession with intent to
33 distribute ~~of~~, in excess of 25 pounds of cannabis, or 300 or
34 more cannabis plants, commits a felony of the first degree,
35 which felony shall be known as "trafficking in cannabis,"
36 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
37 If the quantity of cannabis involved:

38 1. Is in excess of 25 pounds, but less than 2,000 pounds,
39 or is 300 or more cannabis plants, but not more than 2,000
40 cannabis plants, such person shall be sentenced to a mandatory
41 minimum term of imprisonment of 3 years, and the defendant shall
42 be ordered to pay a fine of \$25,000.

43 2. Is 2,000 pounds or more, but less than 10,000 pounds, or
44 is 2,000 or more cannabis plants, but not more than 10,000
45 cannabis plants, such person shall be sentenced to a mandatory
46 minimum term of imprisonment of 7 years, and the defendant shall
47 be ordered to pay a fine of \$50,000.

48 3. Is 10,000 pounds or more, or is 10,000 or more cannabis
49 plants, such person shall be sentenced to a mandatory minimum
50 term of imprisonment of 15 calendar years, and the defendant
51 shall be ordered to pay a fine of \$200,000.

52
53 For the purpose of this paragraph, a plant, including, but not
54 limited to, a seedling or cutting, is a "cannabis plant" if it
55 has some readily observable evidence of root formation, such as
56 root hairs. To determine if a piece or part of a cannabis plant
57 severed from the cannabis plant is itself a cannabis plant, the
58 severed piece or part must have some readily observable evidence

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of root formation, such as root hairs. Callous tissue is not readily observable evidence of root formation. The viability and sex of a plant and the fact that the plant may or may not be a dead harvested plant are not relevant in determining if the plant is a "cannabis plant" or in the charging of an offense under this paragraph. Upon conviction, the court shall impose the longest term of imprisonment provided for in this paragraph.

(b)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who ~~is~~ knowingly is in actual or constructive possession with intent to distribute ~~of~~, 50 ~~28~~ grams or more of cocaine, as described in s. 893.03(2)(a)4., or of any mixture containing cocaine, but less than 150 kilograms of cocaine or any such mixture, commits a felony of the first degree, which felony shall be known as "trafficking in cocaine," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 50 ~~28~~ grams or more, but less than 400 ~~200~~ grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 400 ~~200~~ grams or more, but less than 4 kilograms ~~400 grams~~, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 4 kilograms ~~400 grams~~ or more, but less than 150 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years, and the defendant shall be ordered to pay a fine of \$250,000.

2. Any person who knowingly sells, purchases, manufactures,

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delivers, or brings into this state, or who ~~is~~ knowingly is in actual or constructive possession with intent to distribute ~~of~~, 150 kilograms or more of cocaine, as described in s.

893.03(2)(a)4., commits the first degree felony of trafficking in cocaine. A person who has been convicted of the first-degree ~~first-degree~~ felony of trafficking in cocaine under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

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

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

such person commits the capital felony of trafficking in cocaine, punishable as provided in ss. 775.082 and 921.142. Any person sentenced for a capital felony under this paragraph shall also be ordered ~~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

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117 this paragraph shall also be ordered ~~sentenced~~ to pay the
118 maximum fine provided under subparagraph 1.

119 (c)1. Any person who knowingly sells, purchases,
120 manufactures, delivers, or brings into this state, or who ~~is~~
121 knowingly is in actual or constructive possession with intent to
122 distribute ~~of~~, 4 grams or more of any morphine, opium,
123 oxycodone, hydrocodone, hydromorphone, or any salt, derivative,
124 isomer, or salt of an isomer thereof, including heroin, as
125 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
126 4 grams or more of any mixture containing any such substance,
127 but less than 30 kilograms of such substance or mixture, commits
128 a felony of the first degree, which felony shall be known as
129 "trafficking in illegal drugs," punishable as provided in s.
130 775.082, s. 775.083, or s. 775.084. If the quantity involved:

131 a. Is 4 grams or more, but less than 14 grams, such person
132 shall be sentenced to a mandatory minimum term of imprisonment
133 of 3 years, and the defendant shall be ordered to pay a fine of
134 \$50,000.

135 b. Is 14 grams or more, but less than 28 grams, such person
136 shall be sentenced to a mandatory minimum term of imprisonment
137 of 15 years, and the defendant shall be ordered to pay a fine of
138 \$100,000.

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

143 2. Any person who knowingly sells, purchases, manufactures,
144 delivers, or brings into this state, or who ~~is~~ knowingly is in
145 actual or constructive possession with intent to distribute ~~of~~,

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146 30 kilograms or more of any morphine, opium, oxycodone,
147 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
148 salt of an isomer thereof, including heroin, as described in s.
149 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
150 more of any mixture containing any such substance, commits the
151 first-degree ~~first-degree~~ felony of trafficking in illegal
152 drugs. A person who has been convicted of the first-degree ~~first~~
153 ~~degree~~ felony of trafficking in illegal drugs under this
154 subparagraph shall be punished by life imprisonment and is
155 ineligible for any form of discretionary early release except
156 pardon or executive clemency or conditional medical release
157 under s. 947.149. However, if the court determines that, in
158 addition to committing any act specified in this paragraph:

159 a. The person intentionally killed an individual or
160 counseled, commanded, induced, procured, or caused the
161 intentional killing of an individual and such killing was the
162 result; or

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

165
166 such person commits the capital felony of trafficking in illegal
167 drugs, punishable as provided in ss. 775.082 and 921.142. Any
168 person sentenced for a capital felony under this paragraph shall
169 also be ordered ~~sentenced~~ to pay the maximum fine provided under
170 subparagraph 1.

171 3. Any person who knowingly brings into this state 60
172 kilograms or more of any morphine, opium, oxycodone,
173 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
174 salt of an isomer thereof, including heroin, as described in s.

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175 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
176 more of any mixture containing any such substance, and who knows
177 that the probable result of such importation would be the death
178 of any person, commits capital importation of illegal drugs, a
179 capital felony punishable as provided in ss. 775.082 and
180 921.142. Any person sentenced for a capital felony under this
181 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
182 fine provided under subparagraph 1.

183 (d)1. Any person who knowingly sells, purchases,
184 manufactures, delivers, or brings into this state, or who ~~is~~
185 knowingly is in actual or constructive possession with intent to
186 distribute ~~of~~, 50 ~~28~~ grams or more of phencyclidine or of any
187 mixture containing phencyclidine, as described in s.

188 893.03(2)(b), commits a felony of the first degree, which felony
189 shall be known as "trafficking in phencyclidine," punishable as
190 provided in s. 775.082, s. 775.083, or s. 775.084. If the
191 quantity involved:

192 a. Is 50 ~~28~~ grams or more, but less than 400 ~~200~~ grams,
193 such person shall be sentenced to a mandatory minimum term of
194 imprisonment of 3 years, and the defendant shall be ordered to
195 pay a fine of \$50,000.

196 b. Is 400 ~~200~~ grams or more, but less than 4 kilograms ~~400~~
197 ~~grams~~, such person shall be sentenced to a mandatory minimum
198 term of imprisonment of 7 years, and the defendant shall be
199 ordered to pay a fine of \$100,000.

200 c. Is 4 kilograms ~~400 grams~~ or more, such person shall be
201 sentenced to a mandatory minimum term of imprisonment of 15
202 calendar years, and the defendant shall be ordered to pay a fine
203 of \$250,000.

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204 2. Any person who knowingly brings into this state 8
205 kilograms ~~800-grams~~ or more of phencyclidine or of any mixture
206 containing phencyclidine, as described in s. 893.03(2)(b), and
207 who knows that the probable result of such importation would be
208 the death of any person commits capital importation of
209 phencyclidine, a capital felony punishable as provided in ss.
210 775.082 and 921.142. Any person sentenced for a capital felony
211 under this paragraph shall also be ordered ~~sentenced~~ to pay the
212 maximum fine provided under subparagraph 1.

213 (e)1. Any person who knowingly sells, purchases,
214 manufactures, delivers, or brings into this state, or who ~~is~~
215 knowingly is in actual or constructive possession with intent to
216 distribute ~~of~~, 200 grams or more of methaqualone or of any
217 mixture containing methaqualone, as described in s.
218 893.03(1)(d), commits a felony of the first degree, which felony
219 shall be known as "trafficking in methaqualone," punishable as
220 provided in s. 775.082, s. 775.083, or s. 775.084. If the
221 quantity involved:

222 a. Is 200 grams or more, but less than 5 kilograms, such
223 person shall be sentenced to a mandatory minimum term of
224 imprisonment of 3 years, and the defendant shall be ordered to
225 pay a fine of \$50,000.

226 b. Is 5 kilograms or more, but less than 25 kilograms, such
227 person shall be sentenced to a mandatory minimum term of
228 imprisonment of 7 years, and the defendant shall be ordered to
229 pay a fine of \$100,000.

230 c. Is 25 kilograms or more, such person shall be sentenced
231 to a mandatory minimum term of imprisonment of 15 calendar
232 years, and the defendant shall be ordered to pay a fine of

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233 \$250,000.

234 2. Any person who knowingly brings into this state 50
235 kilograms or more of methaqualone or of any mixture containing
236 methaqualone, as described in s. 893.03(1)(d), and who knows
237 that the probable result of such importation would be the death
238 of any person commits capital importation of methaqualone, a
239 capital felony punishable as provided in ss. 775.082 and
240 921.142. Any person sentenced for a capital felony under this
241 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
242 fine provided under subparagraph 1.

243 (f)1. Any person who knowingly sells, purchases,
244 manufactures, delivers, or brings into this state, or who ~~is~~
245 knowingly is in actual or constructive possession with intent to
246 distribute ~~of~~, 30 ~~14~~ grams or more of amphetamine, as described
247 in s. 893.03(2)(c)2., or methamphetamine, as described in s.
248 893.03(2)(c)4., or of any mixture containing amphetamine or
249 methamphetamine, or phenylacetone, phenylacetic acid,
250 pseudoephedrine, or ephedrine in conjunction with other
251 chemicals and equipment utilized in the manufacture of
252 amphetamine or methamphetamine, commits a felony of the first
253 degree, which felony shall be known as "trafficking in
254 amphetamine," punishable as provided in s. 775.082, s. 775.083,
255 or s. 775.084. If the quantity involved:

256 a. Is 30 ~~14~~ grams or more, but less than 200 ~~28~~ grams, such
257 person shall be sentenced to a mandatory minimum term of
258 imprisonment of 3 years, and the defendant shall be ordered to
259 pay a fine of \$50,000.

260 b. Is 200 ~~28~~ grams or more, but less than 400 ~~200~~ grams,
261 such person shall be sentenced to a mandatory minimum term of

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imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 400 ~~200~~ grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years, and the defendant shall be ordered to pay a fine of \$250,000.

2. Any person who knowingly manufactures or brings into this state 1.5 kilograms ~~400-grams~~ or more of amphetamine, as described in s. 893.03(2)(c)2., or methamphetamine, as described in s. 893.03(2)(c)4., or of any mixture containing amphetamine or methamphetamine, or phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine in conjunction with other chemicals and equipment used in the manufacture of amphetamine or methamphetamine, and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of amphetamine, 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 ordered ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

(g)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who ~~is~~ knowingly is in actual or constructive possession with intent to distribute ~~of~~, 4 grams or more of flunitrazepam or any mixture containing flunitrazepam as described in s. 893.03(1)(a) commits a felony of the first degree, which felony shall be known as "trafficking in flunitrazepam," 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

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shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 14 grams or more but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant 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 calendar years, and the defendant shall be ordered to pay a fine of \$500,000.

2. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who ~~is~~ knowingly is in actual or constructive possession with intent to distribute ~~of~~ 30 kilograms or more of flunitrazepam or any mixture containing flunitrazepam as described in s. 893.03(1)(a) commits the first-degree ~~first-degree~~ felony of trafficking in flunitrazepam. A person who has been convicted of the first-degree ~~first-degree~~ felony of trafficking in flunitrazepam under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

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

b. The person's conduct in committing that act led to a

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320 natural, though not inevitable, lethal result,

321
322 such person commits the capital felony of trafficking in
323 flunitrazepam, punishable as provided in ss. 775.082 and
324 921.142. Any person sentenced for a capital felony under this
325 paragraph shall also be ordered ~~sentenced~~ to pay the maximum
326 fine provided under subparagraph 1.

327 (h)1. Any person who knowingly sells, purchases,
328 manufactures, delivers, or brings into this state, or who ~~is~~
329 knowingly is in actual or constructive possession with intent to
330 distribute ~~of~~, 5 kilograms ~~1 kilogram~~ or more of gamma-
331 hydroxybutyric acid (GHB), as described in s. 893.03(1)(d), or
332 any mixture containing gamma-hydroxybutyric acid (GHB), commits
333 a felony of the first degree, which felony shall be known as
334 "trafficking in gamma-hydroxybutyric acid (GHB)," punishable as
335 provided in s. 775.082, s. 775.083, or s. 775.084. If the
336 quantity involved:

337 a. Is 5 kilograms ~~1 kilogram~~ or more but less than 15 ~~5~~
338 kilograms, such person shall be sentenced to a mandatory minimum
339 term of imprisonment of 3 years, and the defendant shall be
340 ordered to pay a fine of \$50,000.

341 b. Is 15 ~~5~~ kilograms or more but less than 30 ~~10~~ kilograms,
342 such person shall be sentenced to a mandatory minimum term of
343 imprisonment of 7 years, and the defendant shall be ordered to
344 pay a fine of \$100,000.

345 c. Is 30 ~~10~~ kilograms or more, such person shall be
346 sentenced to a mandatory minimum term of imprisonment of 15
347 calendar years, and the defendant shall be ordered to pay a fine
348 of \$250,000.

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349 2. Any person who knowingly manufactures or brings into
350 this state 150 kilograms or more of gamma-hydroxybutyric acid
351 (GHB), as described in s. 893.03(1)(d), or any mixture
352 containing gamma-hydroxybutyric acid (GHB), and who knows that
353 the probable result of such manufacture or importation would be
354 the death of any person commits capital manufacture or
355 importation of gamma-hydroxybutyric acid (GHB), a capital felony
356 punishable as provided in ss. 775.082 and 921.142. Any person
357 sentenced for a capital felony under this paragraph shall also
358 be ordered ~~sentenced~~ to pay the maximum fine provided under
359 subparagraph 1.

360 (i)1. Any person who knowingly sells, purchases,
361 manufactures, delivers, or brings into this state, or who ~~is~~
362 knowingly is in actual or constructive possession with intent to
363 distribute ~~of~~, 5 kilograms ~~1 kilogram~~ or more of gamma-
364 butyrolactone (GBL), as described in s. 893.03(1)(d), or any
365 mixture containing gamma-butyrolactone (GBL), commits a felony
366 of the first degree, which felony shall be known as "trafficking
367 in gamma-butyrolactone (GBL)," punishable as provided in s.
368 775.082, s. 775.083, or s. 775.084. If the quantity involved:

369 a. Is 5 kilograms ~~1 kilogram~~ or more but less than 15 ~~5~~
370 kilograms, such person shall be sentenced to a mandatory minimum
371 term of imprisonment of 3 years, and the defendant shall be
372 ordered to pay a fine of \$50,000.

373 b. Is 15 ~~5~~ kilograms or more but less than 30 ~~10~~ kilograms,
374 such person shall be sentenced to a mandatory minimum term of
375 imprisonment of 7 years, and the defendant shall be ordered to
376 pay a fine of \$100,000.

377 c. Is 30 ~~10~~ kilograms or more, such person shall be

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378 sentenced to a mandatory minimum term of imprisonment of 15
379 calendar years, and the defendant shall be ordered to pay a fine
380 of \$250,000.

381 2. Any person who knowingly manufactures or brings into the
382 state 150 kilograms or more of gamma-butyrolactone (GBL), as
383 described in s. 893.03(1)(d), or any mixture containing gamma-
384 butyrolactone (GBL), and who knows that the probable result of
385 such manufacture or importation would be the death of any person
386 commits capital manufacture or importation of gamma-
387 butyrolactone (GBL), a capital felony punishable as provided in
388 ss. 775.082 and 921.142. Any person sentenced for a capital
389 felony under this paragraph shall also be ordered ~~sentenced~~ to
390 pay the maximum fine provided under subparagraph 1.

391 (j)1. Any person who knowingly sells, purchases,
392 manufactures, delivers, or brings into this state, or who ~~is~~
393 knowingly is in actual or constructive possession with intent to
394 distribute ~~of~~, 5 kilograms ~~1 kilogram~~ or more of 1,4-Butanediol
395 as described in s. 893.03(1)(d), or of any mixture containing
396 1,4-Butanediol, commits a felony of the first degree, which
397 felony shall be known as "trafficking in 1,4-Butanediol,"
398 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
399 If the quantity involved:

400 a. Is 5 kilograms ~~1 kilogram~~ or more, but less than 15 ~~5~~
401 kilograms, such person shall be sentenced to a mandatory minimum
402 term of imprisonment of 3 years, and the defendant shall be
403 ordered to pay a fine of \$50,000.

404 b. Is 15 ~~5~~ kilograms or more, but less than 30 ~~10~~
405 kilograms, such person shall be sentenced to a mandatory minimum
406 term of imprisonment of 7 years, and the defendant shall be

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ordered to pay a fine of \$100,000.

c. Is 30 ~~40~~ kilograms or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years, and the defendant shall be ordered to pay a fine of \$500,000.

2. Any person who knowingly manufactures or brings into this state 150 kilograms or more of 1,4-Butanediol as described in s. 893.03(1)(d), or any mixture containing 1,4-Butanediol, and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of 1,4-Butanediol, 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 ordered ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

(k)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who ~~is~~ knowingly is in actual or constructive possession with intent to distribute ~~of~~, 30 ~~40~~ grams or more of any of the following substances described in s. 893.03(1)(a) or (c):

- a. 3,4-Methylenedioxymethamphetamine (MDMA);
- b. 4-Bromo-2,5-dimethoxyamphetamine;
- c. 4-Bromo-2,5-dimethoxyphenethylamine;
- d. 2,5-Dimethoxyamphetamine;
- e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- f. N-ethylamphetamine;
- g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- i. 4-methoxyamphetamine;

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- j. 4-methoxymethamphetamine;
- k. 4-Methyl-2,5-dimethoxyamphetamine;
- l. 3,4-Methylenedioxy-N-ethylamphetamine;
- m. 3,4-Methylenedioxyamphetamine;
- n. N,N-dimethylamphetamine; or
- o. 3,4,5-Trimethoxyamphetamine,

individually or in any combination of or any mixture containing any substance listed in sub-subparagraphs a.-o., commits a felony of the first degree, which felony shall be known as "trafficking in Phenethylamines," punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the quantity involved:

a. Is 30 ~~10~~ grams or more but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

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

c. Is 400 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years, and the defendant shall be ordered to pay a fine of \$250,000.

3. Any person who knowingly manufactures or brings into this state 30 kilograms or more of any of the following substances described in s. 893.03(1)(a) or (c):

- a. 3,4-Methylenedioxymethamphetamine (MDMA);
- b. 4-Bromo-2,5-dimethoxyamphetamine;

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- c. 4-Bromo-2,5-dimethoxyphenethylamine;
- d. 2,5-Dimethoxyamphetamine;
- e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- f. N-ethylamphetamine;
- g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- i. 4-methoxyamphetamine;
- j. 4-methoxymethamphetamine;
- k. 4-Methyl-2,5-dimethoxyamphetamine;
- l. 3,4-Methylenedioxy-N-ethylamphetamine;
- m. 3,4-Methylenedioxyamphetamine;
- n. N,N-dimethylamphetamine; or
- o. 3,4,5-Trimethoxyamphetamine,

individually or in any combination of or any mixture containing any substance listed in sub-subparagraphs a.-o., and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of Phenethylamines, 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 ordered ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

(1)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who ~~is~~ knowingly is in actual or constructive possession with intent to distribute ~~of~~, 1 gram or more of lysergic acid diethylamide (LSD) as described in s. 893.03(1)(c), or of any mixture containing lysergic acid diethylamide (LSD), commits a felony of the first degree, which felony shall be known as "trafficking in

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lysergic acid diethylamide (LSD)," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 1 gram or more, but less than 5 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

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

c. Is 7 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years, and the defendant shall be ordered to pay a fine of \$500,000.

2. Any person who knowingly manufactures or brings into this state 7 grams or more of lysergic acid diethylamide (LSD) as described in s. 893.03(1)(c), or any mixture containing lysergic acid diethylamide (LSD), and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of lysergic acid diethylamide (LSD), 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 ordered ~~sentenced~~ to pay the maximum fine provided under subparagraph 1.

(2) A person acts knowingly under subsection (1) if that person intends to sell, purchase, manufacture, deliver, or bring into this state, or to actually or constructively possess, any of the controlled substances listed in subsection (1), regardless of which controlled substance listed in subsection (1) is in fact sold, purchased, manufactured, delivered, or

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brought into this state, or actually or constructively
possessed.

(3) Notwithstanding the provisions of s. 948.01, with
respect to any person who is found to have violated this
section, adjudication of guilt or imposition of sentence may
~~shall~~ not be suspended, deferred, or withheld, and ~~nor shall~~
such person is not ~~be~~ eligible for parole before ~~prior to~~
serving the mandatory minimum term of imprisonment prescribed by
this section. A person sentenced to a mandatory minimum term of
imprisonment under this section is not eligible for any form of
discretionary early release, except pardon or executive clemency
or conditional medical release under s. 947.149, before ~~prior to~~
serving the mandatory minimum term of imprisonment.

(4) The state attorney may move the sentencing court to
reduce or suspend the sentence of any person who is convicted of
a violation of this section and who provides substantial
assistance in the identification, arrest, or conviction of any
of that person's accomplices, accessories, coconspirators, or
principals or of any other person engaged in trafficking in
controlled substances. The arresting agency shall be given an
opportunity to be heard in aggravation or mitigation in
reference to any such motion. Upon good cause shown, the motion
may be filed and heard in camera. The judge hearing the motion
may reduce or suspend, defer, or withhold the sentence or
adjudication of guilt if the judge finds that the defendant
rendered such substantial assistance.

(5) Any person who agrees, conspires, combines, or
confederates with another person to commit any act prohibited by
subsection (1) commits a felony of the first degree and is

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552 punishable as if he or she had actually committed such
553 prohibited act. ~~Nothing in~~ This subsection does not ~~shall be~~
554 ~~construed to~~ prohibit separate convictions and sentences for a
555 violation of this subsection and any violation of subsection
556 (1).

557 (6) A mixture, as defined in s. 893.02, containing any
558 controlled substance described in this section includes, but is
559 not limited to, a solution or a dosage unit, including, but not
560 limited to, a pill or tablet, containing a controlled substance.
561 For the purpose of clarifying legislative intent regarding the
562 weighing of a mixture containing a controlled substance
563 described in this section, the weight of the controlled
564 substance is the total weight of the mixture, including the
565 controlled substance and any other substance in the mixture.
566 However, if the mixture is a prescription drug as defined in s.
567 499.003 and the weight of the controlled substance in the
568 mixture can be identified using the national drug code, the
569 weight of the controlled substance is the weight identified in
570 the national drug code. If there is more than one mixture
571 containing the same controlled substance, the weight of the
572 controlled substance is calculated by aggregating the total
573 weight of each mixture.

574 (7) For the purpose of further clarifying legislative
575 intent, the Legislature finds that the opinion in *Hayes v.*
576 *State*, 750 So. 2d 1 (Fla. 1999) ~~does not~~ correctly construes
577 ~~construe~~ legislative intent. The Legislature finds that the
578 opinions in *State v. Hayes*, 720 So. 2d 1095 (Fla. 4th DCA 1998)
579 and *State v. Baxley*, 684 So. 2d 831 (Fla. 5th DCA 1996) do not
580 correctly construe legislative intent.

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Section 2. 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

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration,

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permanent disability, or death.

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

460.411 (1)

3rd Practicing chiropractic medicine
without a license.

461.012 (1)

3rd Practicing podiatric medicine without a
license.

462.17

3rd Practicing naturopathy without a
license.

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603	463.015(1)	3rd	Practicing optometry without a license.
604	464.016(1)	3rd	Practicing nursing without a license.
605	465.015(2)	3rd	Practicing pharmacy without a license.
606	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
607	467.201	3rd	Practicing midwifery without a license.
608	468.366	3rd	Delivering respiratory care services without a license.
609	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
610	483.901(9)	3rd	Practicing medical physics without a license.
611	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
612	484.053	3rd	Dispensing hearing aids without a license.
	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained

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exceeded \$50,000 and there were five or more victims.

613

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.

614

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

615

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

616

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

617

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

618

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

619

782.051(3) 2nd Attempted felony murder of a person by

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

782.07(1)

2nd

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

782.071

2nd

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

782.072

2nd

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

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.

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

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

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

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

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

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

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

790.07(4) 1st Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).

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

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

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637

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

638

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

639

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

640

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

641

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.

642

796.03 2nd Procuring any person under 16 years for prostitution.

643

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

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644

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

645

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

646

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

647

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

648

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

649

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

650

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.

651

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

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- 652 812.014(2)(b)3. 2nd Property stolen, emergency medical
equipment; 2nd degree grand theft.
- 653 812.014(2)(b)4. 2nd Property stolen, law enforcement
equipment from authorized emergency
vehicle.
- 654 812.0145(2)(a) 1st Theft from person 65 years of age or
older; \$50,000 or more.
- 655 812.019(2) 1st Stolen property; initiates, organizes,
plans, etc., the theft of property and
traffics in stolen property.
- 656 812.131(2)(a) 2nd Robbery by sudden snatching.
- 657 812.133(2)(b) 1st Carjacking; no firearm, deadly weapon,
or other weapon.
- 658 817.234(8)(a) 2nd Solicitation of motor vehicle accident
victims with intent to defraud.
- 659 817.234(9) 2nd Organizing, planning, or participating
in an intentional motor vehicle
collision.
- 660 817.234(11)(c) 1st Insurance fraud; property value
\$100,000 or more.

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661

817.2341 1st Making false entries of material fact
(2) (b) & or false statements regarding property
(3) (b) values relating to the solvency of an
 insuring entity which are a significant
 cause of the insolvency of that entity.

662

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

663

825.103 (2) (b) 2nd Exploiting an elderly person or
 disabled adult and property is valued
 at \$20,000 or more, but less than
 \$100,000.

664

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

665

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

666

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

667

838.015 2nd Bribery.

668

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669	838.016	2nd	Unlawful compensation or reward for official behavior.
670	838.021(3)(a)	2nd	Unlawful harm to a public servant.
671	838.22	2nd	Bid tampering.
672	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
673	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
674	872.06	2nd	Abuse of a dead human body.
675	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
676	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)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.

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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.

893.13(4)(a) 1st Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

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 50 ~~28~~ grams, less than 400 ~~200~~ grams.

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

893.135(1)(d)1. 1st Trafficking in phencyclidine, more than 50 ~~28~~ grams, less than 400 ~~200~~ grams.

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

893.135(1)(f)1. 1st Trafficking in amphetamine, more than 30 ~~14~~ grams, less than 200 ~~28~~ grams.

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

893.135 1st Trafficking in gamma-hydroxybutyric
(1) (h) 1.a. acid (GHB), 5 kilograms ~~1 kilogram~~ or
more, less than 15 ~~5~~ kilograms.

893.135 1st Trafficking in 1,4-Butanediol, 5
(1) (j) 1.a. kilograms ~~1 kilogram~~ or more, less than
15 ~~5~~ kilograms.

893.135 1st Trafficking in Phenethylamines, 30 ~~10~~
(1) (k) 2.a. grams or more, less than 200 grams.

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

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

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

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

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reporting requirements.

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

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

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

943.0435(14) 3rd Sexual offender; failure to report and
reregister; failure to respond to
address verification.

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

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

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 report and
reregister; failure to respond to

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address verification.

985.4815(10)

3rd

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

985.4815(12)

3rd

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

985.4815(13)

3rd

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

(h) LEVEL 8

Florida

Felony

Statute

Degree

Description

316.193

2nd

DUI manslaughter.

(3) (c) 3.a.

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.

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499.0051(8) 1st Knowing forgery of prescription labels
or prescription drug labels.

711

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.

712

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.

713

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

714

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

715

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, aircraft
piracy, or unlawfully discharging bomb.

716

782.051(2) 1st Attempted felony murder while

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

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

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

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

794.011(5) 2nd Sexual battery, victim 12 years or
over, offender does not use physical
force likely to cause serious injury.

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

800.04(4) 2nd Lewd or lascivious battery.

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

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725	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
726	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
727	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
728	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
729	812.13 (2) (b)	1st	Robbery with a weapon.
730	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
731	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
732	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
733	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
	825.103 (2) (a)	1st	Exploiting an elderly person or

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disabled adult and property is valued
at \$100,000 or more.

837.02(2)

2nd

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

837.021(2)

2nd

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

860.121(2)(c)

1st

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

860.16

1st

Aircraft piracy.

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).

893.13(2)(b)

1st

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

893.13(6)(c)

1st

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

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

893.135 1st Trafficking in cocaine, more than 400
(1)(b)1.b. ~~200~~ grams, less than 4 kilograms ~~400~~
~~grams~~.

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

893.135 1st Trafficking in phencyclidine, more than
(1)(d)1.b. 400 ~~200~~ grams, less than 4 kilograms
~~400 grams~~.

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

893.135 1st Trafficking in amphetamine, more than
(1)(f)1.b. 200 ~~28~~ grams, less than 400 ~~200~~ grams.

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

893.135 1st Trafficking in gamma-hydroxybutyric
(1)(h)1.b. acid (GHB), 15 ~~5~~ kilograms or more,
less than 30 ~~10~~ kilograms.

893.135 1st Trafficking in 1,4-Butanediol, 15 ~~5~~
(1)(j)1.b. kilograms or more, less than 30 ~~10~~

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kilograms.

893.135

1st

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

(1) (k) 2.b.

893.1351(3)

1st

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

895.03(1)

1st

Use or invest proceeds derived from
pattern of racketeering activity.

895.03(2)

1st

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

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 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

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\$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 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

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

775.0844 1st Aggravated white collar crime.

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

782.04(3) 1st,PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.

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

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

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

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

787.01(1)(a)4. 1st,PBL Kidnapping with intent to interfere

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with performance of any governmental
or political function.

787.02(3)(a) 1st False imprisonment; child under age
13; perpetrator also commits
aggravated child abuse, sexual
battery, or lewd or lascivious
battery, molestation, conduct, or
exhibition.

790.161 1st Attempted capital destructive device
offense.

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

794.011(2) 1st Attempted sexual battery; victim less
than 12 years of age.

794.011(2) Life Sexual battery; offender younger than
18 years and commits sexual battery on
a person less than 12 years.

794.011(4) 1st Sexual battery; victim 12 years or
older, certain circumstances.

794.011(8)(b) 1st Sexual battery; engage in sexual
conduct with minor 12 to 18 years by

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person in familial or custodial
authority.

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

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

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

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

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

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.

827.03 (2) 1st Aggravated child abuse.

847.0145 (1) 1st Selling, or otherwise transferring
custody or control, of a minor.

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791	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
792	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
793	893.135	1st	Attempted capital trafficking offense.
794	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
795	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than <u>4 kilograms</u> 400 grams , less than 150 kilograms.
796	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
797	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine, more than <u>4 kilograms</u> 400 grams .
798	893.135 (1)(e)1.c.	1st	Trafficking in methaqualone, more than 25 kilograms.
	893.135 (1)(f)1.c.	1st	Trafficking in amphetamine, more than <u>400</u> 200 grams.

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893.135 1st Trafficking in gamma-hydroxybutyric
(1) (h) 1.c. acid (GHB), 30 ~~40~~ kilograms or more.

893.135 1st Trafficking in 1,4-Butanediol, 30 ~~40~~
(1) (j) 1.c. kilograms or more.

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

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

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

Section 3. For the purpose of incorporating the amendments
made by this act to section 893.135, Florida Statutes, in a
reference thereto, paragraph (a) of subsection (2) of section
775.087, Florida Statutes, is reenacted to read:

775.087 Possession or use of weapon; aggravated battery;
felony reclassification; minimum sentence.—

(2) (a) 1. Any person who is convicted of a felony or an
attempt to commit a felony, regardless of whether the use of a
weapon is an element of the felony, and the conviction was for:

a. Murder;

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b. Sexual battery;
c. Robbery;
d. Burglary;
e. Arson;
f. Aggravated assault;
g. Aggravated battery;
h. Kidnapping;
i. Escape;
j. Aircraft piracy;
k. Aggravated child abuse;
l. Aggravated abuse of an elderly person or disabled adult;
m. Unlawful throwing, placing, or discharging of a
destructive device or bomb;
n. Carjacking;
o. Home-invasion robbery;
p. Aggravated stalking;
q. Trafficking in cannabis, trafficking in cocaine, capital
importation of cocaine, trafficking in illegal drugs, capital
importation of illegal drugs, trafficking in phencyclidine,
capital importation of phencyclidine, trafficking in
methaqualone, capital importation of methaqualone, trafficking
in amphetamine, capital importation of amphetamine, trafficking
in flunitrazepam, trafficking in gamma-hydroxybutyric acid
(GHB), trafficking in 1,4-Butanediol, trafficking in
Phenethylamines, or other violation of s. 893.135(1); or
r. Possession of a firearm by a felon

and during the commission of the offense, such person actually
possessed a "firearm" or "destructive device" as those terms are

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defined in s. 790.001, shall be sentenced to a minimum term of imprisonment of 10 years, except that a person who is convicted for aggravated assault, possession of a firearm by a felon, or burglary of a conveyance shall be sentenced to a minimum term of imprisonment of 3 years if such person possessed a "firearm" or "destructive device" during the commission of the offense.

2. Any person who is convicted of a felony or an attempt to commit a felony listed in sub-subparagraphs (a)1.a.-q., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a "firearm" or "destructive device" as defined in s. 790.001 shall be sentenced to a minimum term of imprisonment of 20 years.

3. Any person who is convicted of a felony or an attempt to commit a felony listed in sub-subparagraphs (a)1.a.-q., regardless of whether the use of a weapon is an element of the felony, and during the course of the commission of the felony such person discharged a "firearm" or "destructive device" as defined in s. 790.001 and, as the result of the discharge, death or great bodily harm was inflicted upon any person, the convicted person shall be sentenced to a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

Section 4. For the purpose of incorporating the amendments made by this act to section 893.135, Florida Statutes, in references thereto, paragraph (a) of subsection (1) and subsections (3) and (4) of section 782.04, Florida Statutes, are reenacted to read:

782.04 Murder.—

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873 (1)(a) The unlawful killing of a human being:
874 1. When perpetrated from a premeditated design to effect
875 the death of the person killed or any human being;
876 2. When committed by a person engaged in the perpetration
877 of, or in the attempt to perpetrate, any:
878 a. Trafficking offense prohibited by s. 893.135(1),
879 b. Arson,
880 c. Sexual battery,
881 d. Robbery,
882 e. Burglary,
883 f. Kidnapping,
884 g. Escape,
885 h. Aggravated child abuse,
886 i. Aggravated abuse of an elderly person or disabled adult,
887 j. Aircraft piracy,
888 k. Unlawful throwing, placing, or discharging of a
889 destructive device or bomb,
890 l. Carjacking,
891 m. Home-invasion robbery,
892 n. Aggravated stalking,
893 o. Murder of another human being,
894 p. Resisting an officer with violence to his or her person,
895 q. Felony that is an act of terrorism or is in furtherance
896 of an act of terrorism; or
897 3. Which resulted from the unlawful distribution of any
898 substance controlled under s. 893.03(1), cocaine as described in
899 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
900 compound, derivative, or preparation of opium, or methadone by a
901 person 18 years of age or older, when such drug is proven to be

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the proximate cause of the death of the user,

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

(3) When a person is killed 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, or
 - (q) Felony that is an act of terrorism or is in furtherance
of an act of terrorism,
- by a person other than the person engaged in the perpetration of

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or in the attempt to perpetrate such felony, the person
perpetrating or attempting to perpetrate such felony is guilty
of murder in the second degree, which constitutes a felony of
the first degree, punishable by imprisonment for a term of years
not exceeding life or as provided in s. 775.082, s. 775.083, or
s. 775.084.

(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,
(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) Unlawful distribution of any substance controlled under
s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
opium or any synthetic or natural salt, compound, derivative, or
preparation of opium by a person 18 years of age or older, when
such drug is proven to be the proximate cause of the death of
the user,

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(m) Carjacking,
(n) Home-invasion robbery,
(o) Aggravated stalking,
(p) Murder of another human being,
(q) Resisting an officer with violence to his or her
person, or
(r) Felony that is an act of terrorism or is in furtherance
of an act of terrorism,
is murder in the third degree and constitutes a felony of the
second degree, punishable as provided in s. 775.082, s. 775.083,
or s. 775.084.
Section 5. Section 893.101, Florida Statutes, is repealed.
Section 6. This act shall take effect July 1, 2012.