



**COMMITTEE ON
HOMELAND SECURITY
& PUBLIC SAFETY**

COMMITTEE MEETING

WEDNESDAY, FEBRUARY 6, 2008

1:00 p.m. – 2:30 p.m.

**ROOM
Reed Hall
(102 House Office Building)**

(ACTION PACKET)

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety

2/6/2008 1:00:00PM

Location: Reed Hall (102 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Sandra Adams (Chair)	X		
Jennifer Carroll			X
Luis Garcia	X		
Gayle Harrell	X		
Doug Holder	X		
Matt Hudson	X		
Evan Jenne	X		
Paige Kreegel	X		
Ari Porth	X		
Michael Scionti			X
William Snyder	X		
Totals:	9	0	2

Committee meeting was reported out: Wednesday, February 06, 2008 2:40:23PM

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety

2/6/2008 1:00:00PM

Location: Reed Hall (102 HOB)

HB 173 : Controlled Substances

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jennifer Carroll			X		
Luis Garcia	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Evan Jenne		X			
Paige Kreegel	X				
Ari Porth	X				
Michael Scionti			X		
William Snyder	X				
Sandra Adams (Chair)	X				
Total Yeas: 8		Total Nays: 1			

Appearances:

HB 173--Controlled Substances by N. Thompson
 William Shepherd (State Employee) - Information Only
 Attorney General's Office
 PL 01 The Capitol
 Tallahassee Florida 32399
 Phone: 850-245-0155

Committee meeting was reported out: Wednesday, February 06, 2008 2:40:23PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 173

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	X	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

ADOPTED

1 Council/Committee hearing bill: Homeland Security & Public
 2 Safety
 3 Representative(s) Thompson offered the following:

Amendment (with directory and title amendments)

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsections (5) through (21) of section 893.02,
 8 Florida Statutes, are renumbered as subsections (6) through
 9 (22), respectively, and a new subsection (5) is added to that
 10 section to read:

11 893.02 Definitions.--The following words and phrases as
 12 used in this chapter shall have the following meanings, unless
 13 the context otherwise requires:

14 (5) "Cultivating" means the preparation of any soil or
 15 hydroponic medium for the planting of a controlled substance, or
 16 the tending and care or harvesting of a controlled substance.

17 Section 2. Section 893.1351, Florida Statutes, is amended
 18 to read:

19 893.1351 Ownership, lease, rental, or possession ~~or rent~~
 20 ~~for the purpose of~~ trafficking in or manufacturing a controlled
 21 substance.--

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22 (1) A person may not own, lease, or rent any place,
23 structure, or part thereof, trailer, or other conveyance, with
24 the knowledge that the such place, structure, trailer, or
25 conveyance will be used for the purpose of trafficking in a
26 controlled substance, as provided in s. 893.135; for, or the
27 sale of a controlled substance, as provided in s. 893.13; or for
28 the manufacture of a controlled substance intended for sale or
29 distribution to another. A person who violates this subsection
30 commits a felony of the third degree, punishable as provided in
31 s. 775.082, s. 775.083, or s. 775.084.

32 (2) A person may not knowingly be in actual or
33 constructive possession of any place, structure, or part
34 thereof, trailer, or other conveyance with the knowledge that
35 the place, structure, or part thereof, trailer, or conveyance
36 will be used for the purpose of trafficking in a controlled
37 substance, as provided in s. 893.135; for the sale of a
38 controlled substance, as provided in s. 893.13; or for the
39 manufacture of a controlled substance intended for sale or
40 distribution to another. A person who violates this subsection
41 commits a felony of the second degree, punishable as provided in
42 s. 775.082, s. 775.083, or s. 775.084.

43 ~~(2) A person who violates subsection (1) is guilty of a~~
44 ~~felony of the third degree, punishable as provided in s.~~
45 ~~775.082, s. 775.083, or s. 775.084.~~

46 (3) A person who is in actual or constructive possession of
47 a place, structure, trailer, or conveyance with the knowledge
48 that the place, structure, trailer, or conveyance is being used
49 to manufacture a controlled substance intended for sale or
50 distribution to another and who knew or should have known that a
51 minor is present or resides in the place, structure, trailer, or

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52 conveyance commits a felony of the first degree, punishable as
53 provided in s. 775.082, s. 775.083, or s. 775.084.

54 (4) For the purposes of this section, proof of the
55 possession of 25 or more cannabis plants constitutes prima facie
56 evidence that the cannabis is intended for sale or distribution.

57 Section 3. Section 893.10, Florida Statutes, is amended to
58 read:

59 893.10 Burden of proof; photograph or video recording of
60 evidence.--

61 (1) It is ~~shall~~ not be necessary for the state to negative
62 any exemption or exception set forth in this chapter in any
63 indictment, information, or other pleading or in any trial,
64 hearing, or other proceeding under this chapter, and the burden
65 of going forward with the evidence with respect to any ~~such~~
66 exemption or exception is ~~shall be~~ upon the person claiming its
67 benefit.

68 (2) In the case of a person charged under s. 893.14(1)
69 with the possession of a controlled substance, the label
70 required under s. 893.04(1) or s. 893.05(2) is ~~shall be~~
71 admissible in evidence and ~~shall be~~ prima facie evidence that
72 such substance was obtained pursuant to a valid prescription
73 form or dispensed by a practitioner while acting in the course
74 of his or her professional practice.

75 (3) In the prosecution of an offense involving the
76 manufacture of a controlled substance, a photograph or video
77 recording of the manufacturing equipment used in committing the
78 offense, including, but not limited to, grow lights, growing
79 trays, and chemical fertilizers, may be introduced as competent
80 evidence of the existence and use of the equipment and is

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81 admissible in the prosecution of the offense to the same extent
82 as if the property were introduced as evidence.

83 (4) After a law enforcement agency documents the
84 manufacturing equipment by photography or video recording, the
85 manufacturing equipment may be destroyed on site and left in
86 disrepair. The law enforcement agency destroying the equipment
87 is immune from civil liability for the destruction of the
88 equipment. The destruction of the equipment must be recorded by
89 the supervising law enforcement officer in the manner described
90 in s. 893.12(1)(a) and records must be maintained for 24 months.

91 Section 4. Paragraphs (e) and (h) of subsection (3) of
92 section 921.0022, Florida Statutes, are amended to read:

93 921.0022 Criminal Punishment Code; offense severity
94 ranking chart.--

95 (3) OFFENSE SEVERITY RANKING CHART

96 (e) LEVEL 5

97

Florida Statute	Felony Degree	Description
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

98
99
100

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101	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
102	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
103	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
104	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
105	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
106	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
107	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
108	790.01(2)	3rd	Carrying a concealed firearm.
109			

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110	790.162	2nd	Threat to throw or discharge destructive device.
111	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
112	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
113	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
114	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
115	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
116	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
117	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

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118	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
119	812.131(2)(b)	3rd	Robbery by sudden snatching.
120	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
121	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
122	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
123	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
124	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more

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individuals.

125

817.625(2)(b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

126

825.1025(4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

127

827.071(4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

128

827.071(5) 3rd Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.

129

839.13(2)(b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

130

843.01 3rd Resist officer with violence to person; resist arrest with violence.

131

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132	847.0137(2)&(3)	3rd	Transmission of pornography by electronic device or equipment.
133	847.0138(2)&(3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
134	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
135	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
136	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
	893.13(1)(d)1.	1st	Sell, manufacture, or deliver

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cocaine (or other s.
893.03(1) (a), (1) (b), (1) (d),
(2) (a), (2) (b), or (2) (c) 4.
drugs) within 1,000 feet of
university.

137
893.13(1) (e) 2. 2nd Sell, manufacture, or deliver
cannabis or other drug prohibited
under s. 893.03(1) (c), (2) (c) 1.,
(2) (c) 2., (2) (c) 3., (2) (c) 5.,
(2) (c) 6., (2) (c) 7., (2) (c) 8.,
(2) (c) 9., (3), or (4) within
1,000 feet of property used for
religious services or a specified
business site.

138
893.13(1) (f) 1. 1st Sell, manufacture, or deliver
cocaine (or other s.
893.03(1) (a), (1) (b), (1) (d), or
(2) (a), (2) (b), or (2) (c) 4.
drugs) within 1,000 feet of
public housing facility.

139
893.13(4) (b) 2nd Deliver to minor cannabis (or
other s. 893.03(1) (c), (2) (c) 1.,
(2) (c) 2., (2) (c) 3., (2) (c) 5.,
(2) (c) 6., (2) (c) 7., (2) (c) 8.,
(2) (c) 9., (3), or (4) drugs).

140
893.1351 (1) 3rd Ownership, lease, or rental for

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trafficking in or manufacturing
of controlled substance.

141 (g) LEVEL 7

142

Florida

Felony Description

Statute

Degree

143

316.027(1)(b)

1st

Accident involving death, failure to stop; leaving scene.

144

316.193(3)(c)2.

3rd

DUI resulting in serious bodily injury.

145

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.

146

327.35(3)(c)2.

3rd

Vessel BUI resulting in serious bodily injury.

147

402.319(2)

2nd

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

148

409.920(2)

3rd

Medicaid provider fraud.

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149	456.065(2)	3rd	Practicing a health care profession without a license.
150	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
151	458.327(1)	3rd	Practicing medicine without a license.
152	459.013(1)	3rd	Practicing osteopathic medicine without a license.
153	460.411(1)	3rd	Practicing chiropractic medicine without a license.
154	461.012(1)	3rd	Practicing podiatric medicine without a license.
155	462.17	3rd	Practicing naturopathy without a license.
156	463.015(1)	3rd	Practicing optometry without a license.
157	464.016(1)	3rd	Practicing nursing without a license.
158	465.015(2)	3rd	Practicing pharmacy without a license.
159	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.

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160	467.201	3rd	Practicing midwifery without a license.
161	468.366	3rd	Delivering respiratory care services without a license.
162	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
163	483.901 (9)	3rd	Practicing medical physics without a license.
164	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
165	484.053	3rd	Dispensing hearing aids without a license.
166	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
167	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
168	560.125 (5) (a)	3rd	Money transmitter business by unauthorized person, currency or

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payment instruments exceeding \$300
but less than \$20,000.

169	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
170	775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
171	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
172	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
173	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
174	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
175			

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	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
176	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
177	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
178	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
179	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
180	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
181	784.048(7)	3rd	Aggravated stalking; violation of court order.
182	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
183	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
184	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.

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185	784.081(1)	1st	Aggravated battery on specified official or employee.
186	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
187	784.083(1)	1st	Aggravated battery on code inspector.
188	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
189	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
190	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
191	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
192	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
193	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while

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committing or attempting to commit
a felony.

194	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.
195	796.03	2nd	Procuring any person under 16 years for prostitution.
196	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
197	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..
198	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
199	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
200	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
201	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
202	810.02(3)(e)	2nd	Burglary of authorized emergency

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vehicle.

203

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.

204

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

205

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

206

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

207

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

208

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

209

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

210

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

211

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212	817.234(8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
213	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
214	817.234(11) (c)	1st	Insurance fraud; property value \$100,000 or more.
215	817.2341(2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
216	825.102(3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
217	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.
218	827.03(3) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.

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219	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
220	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
221	838.015	2nd	Bribery.
222	838.016	2nd	Unlawful compensation or reward for official behavior.
223	838.021(3)(a)	2nd	Unlawful harm to a public servant.
224	838.22	2nd	Bid tampering.
225	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
226	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
227	872.06	2nd	Abuse of a dead human body.
	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

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228	893.13(1)(e)1.	1st	or publicly owned recreational facility or community center. 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.
229	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).
230	893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
231	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
232	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
233	893.135(1)(d)1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
234	893.135(1)(e)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5

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kilograms.

235	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
236	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
237	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
238	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
239	893.135(1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
	<u>893.1351 (2)</u>	<u>2nd</u>	<u>Possession of place for trafficking in or manufacturing of controlled substance.</u>
240	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
241	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but

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less than \$20,000.

242	943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
243	943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
244	943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
245	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
246	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
247	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
248	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
249	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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sexual offender.

250

944.607(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

251

985.4815(10) 3rd Sexual offender; failure to submit to the taking of a digitized photograph.

252

985.4815(12) 3rd Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

253

985.4815(13) 3rd Sexual offender; failure to report and reregister; failure to respond to address verification.

254

255 (h) LEVEL 8

256

Florida	Felony	Description
Statute	Degree	

257

316.193(3) (c) 3.a. 2nd DUI manslaughter.

258

316.1935(4) (b) 1st Aggravated fleeing or attempted eluding with serious bodily injury or death.

259

327.35(3) (c) 3. 2nd Vessel BUI manslaughter.

260

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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261	499.0051(7)	1st	Forgery of prescription or legend drug labels.
262	499.0052	1st	Trafficking in contraband legend drugs.
263	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.
264	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.
265	655.50(10)(b)2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
266	777.03(2)(a)	1st	Accessory after the fact, capital felony.
	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery,

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burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.

267

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

268

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

269

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

270

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

271

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

272

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

273

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274	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.
275			
	810.02(2)(a)	1st, PBL	Burglary with assault or battery.
276			
	810.02(2)(b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
277			
	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
278			
	812.014(2)(a)2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
279			
	812.13(2)(b)	1st	Robbery with a weapon.
280			
	812.135(2)(c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
281			
	817.568(6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
282			

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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283	825.102(2)	2nd	Aggravated abuse of an elderly person or disabled adult.
284	825.1025(2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
285	825.103(2)(a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
286	837.02(2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
287	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
288	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
289	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).

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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290	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
291	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
292	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
293	893.135(1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
294	893.135(1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
295	893.135(1)(d)1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
296	893.135(1)(e)1.b.	1st	Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.
297	893.135(1)(f)1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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			grams.
298	893.135(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
299	893.135(1)(h)1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
300	893.135(1)(j)1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
301	893.135(1)(k)2.b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
302	<u>893.1351(3)</u>	<u>1st</u>	<u>Possession of a place used to manufacture controlled substance when minor is present or resides there.</u>
303	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
304	895.03(2)	1st	Acquire or maintain through

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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

305

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

306

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

307

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.

308

309 Section 5. Paragraph (s) of subsection (1) of section
310 465.016, Florida Statutes, is amended to read:

311 465.016 Disciplinary actions.--

312 (1) The following acts constitute grounds for denial of a
313 license or disciplinary action, as specified in s. 456.072(2):

314 (s) Dispensing any medicinal drug based upon a
315 communication that purports to be a prescription as defined by
316 s. 465.003(14) or s. 893.02 ~~893.02(20)~~ when the pharmacist knows
317 or has reason to believe that the purported prescription is not
318 based upon a valid practitioner-patient relationship.

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319 Section 6. Paragraph (e) of subsection (1) of section
320 465.023, Florida Statutes, is amended to read:

321 465.023 Pharmacy permittee; disciplinary action.--

322 (1) The department or the board may revoke or suspend the
323 permit of any pharmacy permittee, and may fine, place on
324 probation, or otherwise discipline any pharmacy permittee who
325 has:

326 (e) Dispensed any medicinal drug based upon a
327 communication that purports to be a prescription as defined by
328 s. 465.003(14) or s. 893.02 ~~893.02(20)~~ when the pharmacist knows
329 or has reason to believe that the purported prescription is not
330 based upon a valid practitioner-patient relationship that
331 includes a documented patient evaluation, including history and
332 a physical examination adequate to establish the diagnosis for
333 which any drug is prescribed and any other requirement
334 established by board rule under chapter 458, chapter 459,
335 chapter 461, chapter 463, chapter 464, or chapter 466.

336 Section 7. Subsection (6) of section 893.135, Florida
337 Statutes, is amended to read:

338 893.135 Trafficking; mandatory sentences; suspension or
339 reduction of sentences; conspiracy to engage in trafficking.--

340 (6) A mixture, as defined in s. 893.02 ~~893.02(14)~~,
341 containing any controlled substance described in this section
342 includes, but is not limited to, a solution or a dosage unit,
343 including but not limited to, a pill or tablet, containing a
344 controlled substance. For the purpose of clarifying legislative
345 intent regarding the weighing of a mixture containing a
346 controlled substance described in this section, the weight of
347 the controlled substance is the total weight of the mixture,
348 including the controlled substance and any other substance in

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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349 the mixture. If there is more than one mixture containing the
350 same controlled substance, the weight of the controlled
351 substance is calculated by aggregating the total weight of each
352 mixture.

353 Section 8. This act shall take effect July 1, 2008.
354

355 -----
356 **T I T L E A M E N D M E N T**

357 Remove the entire title and insert:

358 An act relating to controlled substances; amending s. 893.02,
359 F.S.; defining the term "cultivating" for specified purposes;
360 amending s. 893.1351, F.S.; prohibiting a person from owning or
361 actually or constructively possessing a place, structure,
362 trailer, or other described place with knowledge that the place
363 will be used to manufacture, sell, or traffic in a controlled
364 substance; providing that possession of a specified number or
365 more of cannabis plants constitutes prima facie evidence of
366 intent to sell or distribute; providing that a person with
367 actual or constructive possession of a place, structure,
368 trailer, or conveyance being used to manufacture a controlled
369 substance for sale and distribution commits a felony of the
370 first degree if a minor is present or resides in the place,
371 structure, trailer, or conveyance; providing criminal penalties;
372 amending s. 893.10, F.S.; providing that equipment used in the
373 cultivation or manufacture of controlled substances may be
374 photographed or video recorded and the photograph or video
375 recording used as evidence for later use at trial; providing for
376 the destruction of the equipment; amending s. 921.0022, F.S.;
377 ranking specified offenses in the offense severity ranking chart
378 of the Criminal Punishment Code; amending ss. 465.016, ,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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379 465.023, and 893.135, F.S.; conforming cross-references;
380 providing an effective date.

381

382

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety

2/6/2008 1:00:00PM

Location: Reed Hall (102 HOB)

HB 203 : Use of Electronic Surveillance Equipment

Favorable With Amendments (1)

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jennifer Carroll			X		
Luis Garcia			X		
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Evan Jenne	X				
Paige Kreegel				X	
Ari Porth	X				
Michael Scionti			X		
William Snyder	X				
Sandra Adams (Chair)	X				
Total Yeas: 7 Total Nays: 0					

Committee meeting was reported out: Wednesday, February 06, 2008 2:40:23PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 203

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION Y (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

ADOPTED

1 Council/Committee hearing bill: Homeland Security & Public
2 Safety
3 Representative(s) Ross offered the following:

Amendment (with directory and title amendments)

Between line(s) 58-59 insert:

7 (4) This section shall not apply to any criminal offense
8 in which the use of any form of electronic surveillance
9 equipment is an essential element of the offense.

10
11
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21

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety

2/6/2008 1:00:00PM

Location: Reed Hall (102 HOB)

HB 233 : Elderly Persons and Disabled Adults

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jennifer Carroll			X		
Luis Garcia			X		
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Evan Jenne	X				
Paige Kreegel				X	
Ari Porth	X				
Michael Scionti			X		
William Snyder	X				
Sandra Adams.(Chair)	X				
Total Yeas: 7		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 06, 2008 2:40:23PM

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety

2/6/2008 1:00:00PM

Location: Reed Hall (102 HOB)

HB 267 : False and Fraudulent Insurance Claims

Favorable With Amendments (1)

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jennifer Carroll			X		
Luis Garcia			X		
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Evan Jenne	X				
Paige Kreegel	X				
Ari Porth	X				
Michael Scionti			X		
William Snyder	X				
Sandra Adams (Chair)	X				
Total Yeas: 8		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 06, 2008 2:40:23PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 267

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

ADOPTED

ADOPTED

1 Council/Committee hearing bill: Committee on Homeland Security
 2 & Public Safety

3 Representative Hays offered the following:

4
5 **Amendment**

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsections(2), (11) and (12) of section
 8 817.234, Florida Statutes, are amended to read:

9 817.234 False and fraudulent insurance claims.--

10 (2) (a) Any physician licensed under chapter 458,
 11 osteopathic physician licensed under chapter 459, chiropractic
 12 physician licensed under chapter 460, or other practitioner
 13 licensed under the laws of this state who knowingly and
 14 willfully assists, conspires with, or urges any insured party to
 15 fraudulently violate any of the provisions of this section or
 16 part XI of chapter 627, or any person who, due to such
 17 assistance, conspiracy, or urging by said physician, osteopathic
 18 physician, chiropractic physician, or practitioner, knowingly
 19 and willfully benefits from the proceeds derived from the use of
 20 such fraud, commits insurance fraud, punishable as provided in
 21 subsection (11). In the event that a physician, osteopathic

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 physician, chiropractic physician, or practitioner is
23 adjudicated guilty of a violation of this section, the Board of
24 Medicine as set forth in chapter 458, the Board of Osteopathic
25 Medicine as set forth in chapter 459, the Board of Chiropractic
26 Medicine as set forth in chapter 460, or other appropriate
27 licensing authority shall hold an administrative hearing to
28 consider the imposition of administrative sanctions as provided
29 by law against said physician, osteopathic physician,
30 chiropractic physician, or practitioner.

31 (b) In the event that a physician licensed under chapter
32 458, osteopathic physician licensed under chapter 459,
33 chiropractic physician licensed under chapter 460, or
34 practitioner licensed under the laws of this state is convicted
35 of insurance fraud that involves a claim for personal injury
36 protection benefits as required by s. 627.736, the Board of
37 Medicine as set forth in chapter 458, the Board of Osteopathic
38 Medicine as set forth in chapter 459, the Board of Chiropractic
39 Medicine as set forth in chapter 460, or other appropriate
40 licensing authority shall, in addition to any other punishment
41 less than revocation or relinquishment of the license, suspend
42 the license of said physician, osteopathic physician,
43 chiropractic physician, or practitioner for 12 months.

44 (c) In addition to any other provision of law, systematic
45 upcoding by a provider, as defined in s. 641.19(14), with the
46 intent to obtain reimbursement otherwise not due from an insurer
47 is punishable as provided in s. 641.52(5).

48 (11)(a) If the value of any property involved in a
49 violation of this section:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

50 1.(a) Is less than \$20,000, the offender commits a felony
51 of the third degree, punishable as provided in s. 775.082, s.
52 775.083, or s. 775.084.

53 2.(b) Is \$20,000 or more, but less than \$100,000, the
54 offender commits a felony of the second degree, punishable as
55 provided in s. 775.082, s. 775.083, or s. 775.084.

56 3.(c) Is \$100,000 or more, the offender commits a felony
57 of the first degree, punishable as provided in s. 775.082, s.
58 775.083, or s. 775.084.

59 (b) Notwithstanding any other provision of law, any person
60 who commits a violation of this section by making claims for
61 personal injury protection benefits as required by s. 627.736
62 shall be sentenced as follows:

63 1. For a first violation, by a minimum mandatory term of
64 imprisonment of 2 years and a minimum mandatory fine of
65 \$200,000.

66 2. For a second or subsequent violation, by a minimum
67 mandatory term of imprisonment of 10 years and a minimum
68 mandatory fine of \$500,000.

69 (12) As used in this section:

70 (a) "Property" means property as defined in s. 812.012.

71 (b) "Value" means value as defined in s. 812.012.

72 (c) "Conviction" has the same meaning as provided in s.
73 775.0837.

74 Section 2. This act shall take effect October 1, 2008.

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety

2/6/2008 1:00:00PM

Location: Reed Hall (102 HOB)

HB 313 : Dating Violence

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Jennifer Carroll			X		
Luis Garcia	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Evan Jenne	X				
Paige Kreegel	X				
Ari Porth	X				
Michael Scionti			X		
William Snyder	X				
Sandra Adams (Chair)	X				
Total Yeas: 9		Total Nays: 0			

Appearances:

HB 313--Dating Violence by Kelly
 Dia KuyKendall (Lobbyist) - Proponent
 Florida Coalition Against Domestic Violence
 425 Office Plaza Drive
 Tallahassee Florida 32301
 Phone: 850-425-2749

Committee meeting was reported out: Wednesday, February 06, 2008 2:40:23PM

COMMITTEE MEETING REPORT
Committee on Homeland Security & Public Safety

2/6/2008 1:00:00PM

Location: Reed Hall (102 HOB)

Summary:

Committee on Homeland Security & Public Safety

Wednesday February 06, 2008 01:00 pm

HB 173	Favorable With Amendments (1)	Yeas: 8 Nays: 1
HB 203	Favorable With Amendments (1)	Yeas: 7 Nays: 0
HB 233	Favorable	Yeas: 7 Nays: 0
HB 267	Favorable With Amendments (1)	Yeas: 8 Nays: 0
HB 313	Favorable	Yeas: 9 Nays: 0

Committee meeting was reported out: Wednesday, February 06, 2008 2:40:23PM