

1                                   A bill to be entitled  
2           An act relating to controlled substances; amending s.  
3           893.13, F.S.; providing a minimum mandatory term of  
4           imprisonment for specified violations committed in a  
5           dwelling; amending s. 893.135, F.S.; creating the  
6           offense of trafficking in synthetic drugs; providing  
7           specified offenses involving 250 grams or more of  
8           specified controlled substances; providing specified  
9           minimum terms of imprisonment and fines based on the  
10          quantity involved in the offense; amending s.  
11          921.0022, F.S.; adding specified trafficking  
12          provisions established in s. 893.135, F.S., to the  
13          offense severity ranking chart of the Criminal  
14          Punishment Code; reenacting s. 373.6055(3)(c), F.S.,  
15          relating to criminal history checks for certain water  
16          management district employees and others, s.  
17          397.451(6), F.S., relating to background checks of  
18          service provider personnel, s. 414.095(1), F.S.,  
19          relating to determining eligibility for temporary cash  
20          assistance, s. 772.12(2)(a), F.S., relating to the  
21          Drug Dealer Liability Act, s. 775.087(2)(a) and  
22          (3)(a), F.S., relating to possession or use of weapon,  
23          s. 782.04(1)(a), (3)(a) and (4)(a), F.S., relating to  
24          murder, s. 810.02(3)(f), F.S., relating to burglary,  
25          s. 812.014(2)(c), F.S., relating to theft, s.  
26          893.1351(1) and (2), F.S., relating to ownership,

27 | lease, rental, or possession for trafficking in or  
 28 | manufacturing a controlled substance, s. 903.133,  
 29 | F.S., relating to bail on appeal, s. 907.041(4)(c),  
 30 | F.S., relating to pretrial detention and release, s.  
 31 | 921.0024(1)(b), F.S., relating to the Criminal  
 32 | Punishment Code worksheet, s. 921.141(8), F.S.,  
 33 | relating to sentence of death or life imprisonment for  
 34 | capital felonies, and s. 921.142(2), F.S., relating to  
 35 | sentence of death or life imprisonment for capital  
 36 | drug trafficking felonies, to incorporate the  
 37 | amendment made by the act to s. 893.135, F.S., in  
 38 | references thereto; providing an effective date.

39 |

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

41 |

42 | Section 1. Paragraph (a) of subsection (1) of section  
 43 | 893.13, Florida Statutes, is amended to read:

44 | 893.13 Prohibited acts; penalties.—

45 | (1)(a) Except as authorized by this chapter and chapter  
 46 | 499, a person may not sell, manufacture, or deliver, or possess  
 47 | with intent to sell, manufacture, or deliver, a controlled  
 48 | substance. A person who violates this provision with respect to:

49 | 1. A controlled substance named or described in s.  
 50 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.  
 51 | commits a felony of the second degree, punishable as provided in  
 52 | s. 775.082, s. 775.083, or s. 775.084. A person who violates

53 this subparagraph in a dwelling, as defined in s. 810.011, shall  
 54 be sentenced to a mandatory minimum term of imprisonment of 3  
 55 years.

56 2. A controlled substance named or described in s.  
 57 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
 58 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
 59 the third degree, punishable as provided in s. 775.082, s.  
 60 775.083, or s. 775.084.

61 3. A controlled substance named or described in s.  
 62 893.03(5) commits a misdemeanor of the first degree, punishable  
 63 as provided in s. 775.082 or s. 775.083.

64 Section 2. Paragraph (m) is added to subsection (1) of  
 65 section 893.135, Florida Statutes, to read:

66 893.135 Trafficking; mandatory sentences; suspension or  
 67 reduction of sentences; conspiracy to engage in trafficking.-

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

70 (m)1. Except as provided in subparagraph 2. or  
 71 subparagraph 3., a person who knowingly sells, purchases,  
 72 manufactures, delivers, or brings into this state, or who is  
 73 knowingly in actual or constructive possession of, 250 grams or  
 74 more of a controlled substance described in s. 893.03(1)(c)46.-  
 75 50., 114.-142., 151.-159., or 166.-173., or any mixture  
 76 containing those substances, commits a felony of the first  
 77 degree, which felony shall be known as "trafficking in synthetic  
 78 drugs," punishable as provided in s. 775.082, s. 775.083, or s.

79 775.084. If the quantity involved:

80 a. Is 250 grams or more, but less than 500 grams, such  
81 person shall be sentenced to a mandatory minimum term of  
82 imprisonment of 3 years, and the defendant shall be ordered to  
83 pay a fine of \$25,000.

84 b. Is 500 grams or more, but less than 1,000 grams, such  
85 person shall be sentenced to a mandatory minimum term of  
86 imprisonment of 7 years, and the defendant shall be ordered to  
87 pay a fine of \$50,000.

88 c. Is 1,000 grams or more, but less than 30 kilograms,  
89 such person shall be sentenced to a mandatory minimum term of  
90 imprisonment of 15 years, and the defendant shall be ordered to  
91 pay a fine of \$200,000.

92 2. A person who knowingly sells, purchases, manufactures,  
93 delivers, or brings into this state, or who is knowingly in  
94 actual or constructive possession of, 30 kilograms or more of a  
95 controlled substance described in s. 893.03(1)(c)46.-50., 114.-  
96 142., 151.-159., or 166.-173., or any mixture containing those  
97 substances, commits the first degree felony of trafficking in  
98 synthetic drugs. A person who is convicted of the first degree  
99 felony of trafficking in synthetic drugs under this subparagraph  
100 shall be punished by life imprisonment and is ineligible for any  
101 form of discretionary early release except pardon or executive  
102 clemency or conditional medical release under s. 947.149.  
103 However, if the court determines that, in addition to committing  
104 any act specified in this paragraph:

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

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

111  
112 such person commits the capital felony of trafficking in  
113 synthetic drugs, punishable as provided in ss. 775.082 and  
114 921.142. A person sentenced for a capital felony under this  
115 subparagraph shall also be sentenced to pay the maximum fine  
116 provided under subparagraph 1.

117 3. A person who knowingly brings into this state 60  
118 kilograms or more of a controlled substance described in s.  
119 893.03(1)(c)46.-50., 114.-142., 151.-159., or 166.-173., or any  
120 mixture containing those substances, and who knows that the  
121 probable result of such importation would be the death of a  
122 person, commits capital importation of synthetic drugs, a  
123 capital felony punishable as provided in ss. 775.082 and  
124 921.142. A person sentenced for a capital felony under this  
125 subparagraph shall also be sentenced to pay the maximum fine  
126 provided under subparagraph 1.

127 Section 3. Paragraphs (g), (h), and (i) of subsection (3)  
128 of section 921.0022, Florida Statutes, are amended to read:

129 921.0022 Criminal Punishment Code; offense severity  
130 ranking chart.—

131 (3) OFFENSE SEVERITY RANKING CHART

132 (g) LEVEL 7

133

Florida	Felony	
Statute	Degree	Description

134

316.027 (2) (c)	1st	Accident involving death, failure to stop; leaving scene.
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135

316.193 (3) (c) 2.	3rd	DUI resulting in serious bodily injury.
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136

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.
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137

327.35 (3) (c) 2.	3rd	Vessel BUI resulting in serious bodily injury.
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138

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

139

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

140

409.920 2nd Medicaid provider fraud; more  
 (2) (b) 1.b. than \$10,000, but less than  
 \$50,000.

141

456.065 (2) 3rd Practicing a health care  
 profession without a license.

142

456.065 (2) 2nd Practicing a health care  
 profession without a license  
 which results in serious bodily  
 injury.

143

458.327 (1) 3rd Practicing medicine without a  
 license.

144

459.013 (1) 3rd Practicing osteopathic medicine  
 without a license.

145

460.411 (1) 3rd Practicing chiropractic

medicine without a license.

146

461.012 (1) 3rd Practicing podiatric medicine  
without a license.

147

462.17 3rd Practicing naturopathy without  
a license.

148

463.015 (1) 3rd Practicing optometry without a  
license.

149

464.016 (1) 3rd Practicing nursing without a  
license.

150

465.015 (2) 3rd Practicing pharmacy without a  
license.

151

466.026 (1) 3rd Practicing dentistry or dental  
hygiene without a license.

152

467.201 3rd Practicing midwifery without a  
license.

153

468.366 3rd Delivering respiratory care  
services without a license.

154



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155	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
156	483.901 (9)	3rd	Practicing medical physics without a license.
157	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
158	484.053	3rd	Dispensing hearing aids without a license.
159	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
160	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
	560.125 (5) (a)	3rd	Money services business by

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

161

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

162

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

163

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

164

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

165

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

the perpetrator or the perpetrator of an attempted felony.

166

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

167

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

168

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

169

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

170

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

171	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
172	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
173	784.048 (7)	3rd	Aggravated stalking; violation of court order.
174	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
175	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
176	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
177	784.081 (1)	1st	Aggravated battery on specified official or employee.
178	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.

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179	784.083 (1)	1st	Aggravated battery on code inspector.
180	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
181	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
182	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07 (1) or (2).
183	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
184	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
185	790.165 (3)	2nd	Possessing, displaying, or

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

186

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

187

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

188

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

189

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.

190

796.05 (1)                    1st    Live on earnings of a

prostitute; 2nd offense.

191

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

192

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

193

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

194

800.04 (5) (e) 1st Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.

195

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

196

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

197

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

198

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

199

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

200

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.

201

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



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202

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

203

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

204

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

205

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

206

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

207

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

208

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

209

817.234 (8) (a) 2nd Solicitation of motor vehicle

accident victims with intent to defraud.

210

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

211

817.234 (11) (c) 1st Insurance fraud; property value \$100,000 or more.

212

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

213

817.535 (2) (a) 3rd Filing false lien or other unauthorized document.

214

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

215

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216	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
217	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
218	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
219	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
220	838.015	2nd	Bribery.
221	838.016	2nd	Unlawful compensation or reward for official behavior.
222	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
	838.22	2nd	Bid tampering.

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223	843.0855 (2)	3rd	Impersonation of a public officer or employee.
224	843.0855 (3)	3rd	Unlawful simulation of legal process.
225	843.0855 (4)	3rd	Intimidation of a public officer or employee.
226	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
227	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
228	872.06	2nd	Abuse of a dead human body.
229	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
230	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs,

manages, or supervises criminal gang-related activity.

231

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.

232

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.

233

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).

234

893.135 (1) (a) 1. 1st Trafficking in cannabis, more  
than 25 lbs., less than 2,000  
lbs.

235

893.135 1st Trafficking in cocaine, more  
(1) (b) 1.a. than 28 grams, less than 200  
grams.

236

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

237

893.135 1st Trafficking in hydrocodone, 14  
(1) (c) 2.a. grams or more, less than 28  
grams.

238

893.135 1st Trafficking in hydrocodone, 28  
(1) (c) 2.b. grams or more, less than 50  
grams.

239

893.135 1st Trafficking in oxycodone, 7  
(1) (c) 3.a. grams or more, less than 14  
grams.

240	893.135 <u>(1) (c) 3.b.</u>	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
241	<u>893.135 (1) (d) 1.a.</u> <del>893.135 (1) (d) 1.</del>	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
242	<u>893.135 (1) (e) 1.a.</u> <del>893.135 (1) (e) 1.</del>	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
243	<u>893.135 (1) (f) 1.a.</u> <del>893.135 (1) (f) 1.</del>	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
244	893.135 <u>(1) (g) 1.a.</u>	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
245	893.135 <u>(1) (h) 1.a.</u>	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

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247	<u>893.135</u> <u>(1) (i) 1.a.</u>	<u>1st</u>	<u>Trafficking in gamma-</u> <u>butyrolactone (GBL), 1 kilogram</u> <u>or more, less than 5 kilograms.</u>
248	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
249	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
250	<u>893.135</u> <u>(1) (l) 1.a.</u>	<u>1st</u>	<u>Trafficking in LSD, 1 gram or</u> <u>more, less than 5 grams.</u>
251	<u>893.135</u> <u>(1) (m) 1.a.</u>	<u>1st</u>	<u>Trafficking in synthetic drugs,</u> <u>250 grams or more, less than</u> <u>500 grams.</u>
252	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.



253	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
254	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
255	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
256	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
257	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
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259	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
260	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
261	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
262	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
263	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
	985.4815(10)	3rd	Sexual offender; failure to

submit to the taking of a digitized photograph.

264

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

265

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

266

267 (h) LEVEL 8

268

Florida	Felony	
Statute	Degree	Description

269

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

270

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

271

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272	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
273	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
274	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
275	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.
276	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.
	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

277	777.03(2)(a)	1st	Accessory after the fact, capital felony.
278	782.04(4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
279	782.051(2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).
280	782.071(1)(b)	1st	Committing vehicular homicide and failing to render aid or give information.
281	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.

282	787.06(3)(a)1.	1st	Human trafficking for labor and services of a child.
283	787.06(3)(b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
284	787.06(3)(c)2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
285	787.06(3)(e)1.	1st	Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.
286	787.06(3)(f)2.	1st	Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.
287	790.161(3)	1st	Discharging a destructive

device which results in bodily harm or property damage.

288

794.011 (5) (a) 1st Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.

289

794.011 (5) (b) 2nd Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.

290

794.011 (5) (c) 2nd Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

291

794.011 (5) (d) 1st Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior

conviction for specified sex offense.

292

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

293

800.04 (4) (b) 2nd Lewd or lascivious battery.

294

800.04 (4) (c) 1st Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.

295

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

296

810.02 (2) (a) 1st, PBL Burglary with assault or battery.

297

810.02 (2) (b) 1st, PBL Burglary; armed with explosives or dangerous weapon.

298

810.02 (2) (c) 1st Burglary of a dwelling or



structure causing structural damage or \$1,000 or more property damage.

299

812.014 (2) (a) 2. 1st Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

300

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

301

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

302

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

303

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

304

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

under supervision.

305

817.535 (5) (a)            2nd    Filing false lien or other  
unauthorized document; owner of  
the property incurs financial  
loss as a result of the false  
instrument.

306

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

307

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

308

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

309

825.103 (3) (a)           1st    Exploiting an elderly person or  
disabled adult and property is  
valued at \$50,000 or more.

310

837.02 (2)                2nd    Perjury in official proceedings  
relating to prosecution of a

capital felony.

311 837.021 (2) 2nd Making contradictory statements  
in official proceedings  
relating to prosecution of a  
capital felony.

312 860.121 (2) (c) 1st Shooting at or throwing any  
object in path of railroad  
vehicle resulting in great  
bodily harm.

313 860.16 1st Aircraft piracy.

314 893.13 (1) (b) 1st Sell or deliver in excess of 10  
grams of any substance  
specified in s. 893.03(1) (a) or  
(b) .

315 893.13 (2) (b) 1st Purchase in excess of 10 grams  
of any substance specified in  
s. 893.03(1) (a) or (b) .

316 893.13 (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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317

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

318

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

319

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

320

893.135 (1) (c) 2.c. 1st Trafficking in hydrocodone, 50 grams or more, less than 200 grams.

321

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

322

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

323

893.135 1st Trafficking in methaqualone,

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324	(1) (e) 1.b.	1st	more than 5 kilograms, less than 25 kilograms.
325	893.135 (1) (f) 1.b.	1st	Trafficking in amphetamine, more than 28 grams, less than 200 grams.
326	893.135 (1) (g) 1.b.	1st	Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.
327	893.135 (1) (h) 1.b.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
328	<u>893.135</u> <u>(1) (i) 1.b.</u>	<u>1st</u>	<u>Trafficking in gamma-butyrolactone (GBL), 5 kilograms or more, less than 10 kilograms.</u>
329	893.135 (1) (j) 1.b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
	893.135	1st	Trafficking in Phenethylamines,

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330	(1) (k) 2.b.		200 grams or more, less than 400 grams.
331	<u>893.135</u> <u>(1) (l) 1.b.</u>	<u>1st</u>	<u>Trafficking in LSD, 5 grams or more, less than 7 grams.</u>
332	<u>893.135</u> <u>(1) (m) 1.b.</u>	<u>1st</u>	<u>Trafficking in synthetic drugs, 500 grams or more, less than 1,000 grams.</u>
333	893.1351(3)	1st	Possession of a place used to manufacture controlled substance when minor is present or resides there.
334	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
335	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
335	895.03(3)	1st	Conduct or participate in any enterprise through pattern of

racketeering activity.

336

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

337

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.

338

339            (i)    LEVEL 9

340

Florida	Felony	
Statute	Degree	Description

341

316.193	1st	DUI manslaughter; failing to render aid or give information.
(3) (c) 3.b.		

342

327.35	1st	BUI manslaughter; failing to render aid or give information.
(3) (c) 3.b.		

343

409.920	1st	Medicaid provider fraud;
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344	(2) (b) 1.c.		\$50,000 or more.
	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
345			
	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
346			
	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
347			
	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
348			
	775.0844	1st	Aggravated white collar crime.
349			
	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
350			



351	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.
352	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
353	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
354	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
355	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 with performance of  
any governmental or political  
function.

356

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

357

787.06 (3) (c) 1.            1st        Human trafficking for labor and  
services of an unauthorized  
alien child.

358

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

359

787.06 (3) (f) 1.            1st, PBL    Human trafficking for  
commercial sexual activity by  
the transfer or transport of  
any child from outside Florida  
to within the state.

360

790.161                    1st     Attempted capital destructive  
device offense.

361

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

362

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

363

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

364

794.011 (4) (a)            1st,PBL Sexual battery, certain  
circumstances; victim 12 years  
of age or older but younger  
than 18 years; offender 18  
years or older.

365

794.011 (4) (b)            1st     Sexual battery, certain  
circumstances; victim and  
offender 18 years of age or

older.

366

794.011 (4) (c)            1st    Sexual battery, certain  
circumstances; victim 12 years  
of age or older; offender  
younger than 18 years.

367

794.011 (4) (d)            1st, PBL    Sexual battery, certain  
circumstances; victim 12 years  
of age or older; prior  
conviction for specified sex  
offenses.

368

794.011 (8) (b)            1st, PBL    Sexual battery; engage in  
sexual conduct with minor 12 to  
18 years by person in familial  
or custodial authority.

369

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

370

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

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372	812.13(2)(a)	1st, PBL	Robbery with firearm or other deadly weapon.
373	812.133(2)(a)	1st, PBL	Carjacking; firearm or other deadly weapon.
374	812.135(2)(b)	1st	Home-invasion robbery with weapon.
375	817.535(3)(b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
376	817.535(4)(a)2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
	817.535(5)(b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.

377	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.
378	827.03 (2) (a)	1st	Aggravated child abuse.
379	847.0145 (1)	1st	Selling, or otherwise transferring custody or control, of a minor.
380	847.0145 (2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
381	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.
382			

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383	893.135	1st	Attempted capital trafficking offense.
384	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
385	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
386	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
387	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
388	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
389	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, more than 400 grams.
	893.135	1st	Trafficking in methaqualone,

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390	(1) (e) 1.c.		more than 25 kilograms.
391	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, more than 200 grams.
392	<u>893.135</u> <u>(1) (g) 1.c.</u>	<u>1st</u>	<u>Trafficking in flunitrazepam,</u> <u>28 grams or more but less than</u> <u>30 grams.</u>
393	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
394	<u>893.135</u> <u>(1) (i) 1.c.</u>	<u>1st</u>	<u>Trafficking in gamma-</u> <u>butyrolactone (GBL), 10</u> <u>kilograms or more.</u>
395	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4-Butanediol, 10 kilograms or more.
396	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
397	<u>893.135</u> <u>(1) (l) 1.c.</u>	<u>1st</u>	<u>Trafficking in LSD, 7 grams or</u> <u>more.</u>





413           1. Any person who has within the past 7 years been  
414 convicted, regardless of whether adjudication was withheld, for  
415 a forcible felony as defined in s. 776.08; an act of terrorism  
416 as defined in s. 775.30; planting of a hoax bomb as provided in  
417 s. 790.165; any violation involving the manufacture, possession,  
418 sale, delivery, display, use, or attempted or threatened use of  
419 a weapon of mass destruction or hoax weapon of mass destruction  
420 as provided in s. 790.166; dealing in stolen property; any  
421 violation of s. 893.135; any violation involving the sale,  
422 manufacturing, delivery, or possession with intent to sell,  
423 manufacture, or deliver a controlled substance; burglary;  
424 robbery; any felony violation of s. 812.014; any violation of s.  
425 790.07; any crime an element of which includes use or possession  
426 of a firearm; any conviction for any similar offenses under the  
427 laws of another jurisdiction; or conviction for conspiracy to  
428 commit any of the listed offenses may not be qualified for  
429 initial employment within or authorized regular access to  
430 buildings, facilities, or structures defined in the water  
431 management district's security plan as restricted access areas.

432           2. Any person who has at any time been convicted of any of  
433 the offenses listed in subparagraph 1. may not be qualified for  
434 initial employment within or authorized regular access to  
435 buildings, facilities, or structures defined in the water  
436 management district's security plan as restricted access areas  
437 unless, after release from incarceration and any supervision  
438 imposed as a sentence, the person remained free from a

439 subsequent conviction, regardless of whether adjudication was  
 440 withheld, for any of the listed offenses for a period of at  
 441 least 7 years prior to the employment or access date under  
 442 consideration.

443 Section 5. For the purpose of incorporating the amendment  
 444 made by this act to section 893.135, Florida Statutes, in a  
 445 reference thereto, subsection (6) of section 397.451, Florida  
 446 Statutes, is reenacted to read:

447 397.451 Background checks of service provider personnel.—

448 (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State  
 449 funds may not be disseminated to any service provider owned or  
 450 operated by an owner, director, or chief financial officer who  
 451 has been convicted of, has entered a plea of guilty or nolo  
 452 contendere to, or has had adjudication withheld for, a violation  
 453 of s. 893.135 pertaining to trafficking in controlled  
 454 substances, or a violation of the law of another state, the  
 455 District of Columbia, the United States or any possession or  
 456 territory thereof, or any foreign jurisdiction which is  
 457 substantially similar in elements and penalties to a trafficking  
 458 offense in this state, unless the owner's or director's civil  
 459 rights have been restored.

460 Section 6. For the purpose of incorporating the amendment  
 461 made by this act to section 893.135, Florida Statutes, in a  
 462 reference thereto, subsection (1) of section 414.095, Florida  
 463 Statutes, is reenacted to read:

464 414.095 Determining eligibility for temporary cash

465 assistance.—

466 (1) ELIGIBILITY.—An applicant must meet eligibility  
467 requirements of this section before receiving services or  
468 temporary cash assistance under this chapter, except that an  
469 applicant shall be required to register for work and engage in  
470 work activities in accordance with s. 445.024, as designated by  
471 the regional workforce board, and may receive support services  
472 or child care assistance in conjunction with such requirement.  
473 The department shall make a determination of eligibility based  
474 on the criteria listed in this chapter. The department shall  
475 monitor continued eligibility for temporary cash assistance  
476 through periodic reviews consistent with the food assistance  
477 eligibility process. Benefits shall not be denied to an  
478 individual solely based on a felony drug conviction, unless the  
479 conviction is for trafficking pursuant to s. 893.135. To be  
480 eligible under this section, an individual convicted of a drug  
481 felony must be satisfactorily meeting the requirements of the  
482 temporary cash assistance program, including all substance abuse  
483 treatment requirements. Within the limits specified in this  
484 chapter, the state opts out of the provision of Pub. L. No. 104-  
485 193, s. 115, that eliminates eligibility for temporary cash  
486 assistance and food assistance for any individual convicted of a  
487 controlled substance felony.

488 Section 7. For the purpose of incorporating the amendment  
489 made by this act to section 893.135, Florida Statutes, in a  
490 reference thereto, paragraph (a) of subsection (2) of section

491 772.12, Florida Statutes, is reenacted to read:

492 772.12 Drug Dealer Liability Act.—

493 (2) A person, including any governmental entity, has a  
 494 cause of action for threefold the actual damages sustained and  
 495 is entitled to minimum damages in the amount of \$1,000 and  
 496 reasonable attorney's fees and court costs in the trial and  
 497 appellate courts, if the person proves by the greater weight of  
 498 the evidence that:

499 (a) The person was injured because of the defendant's  
 500 actions that resulted in the defendant's conviction for:

501 1. A violation of s. 893.13, except for a violation of s.  
 502 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

503 2. A violation of s. 893.135; and

504 Section 8. For the purpose of incorporating the amendment  
 505 made by this act to section 893.135, Florida Statutes, in  
 506 references thereto, paragraph (a) of subsection (2) and  
 507 paragraph (a) of subsection (3) of section 775.087, Florida  
 508 Statutes, are reenacted to read:

509 775.087 Possession or use of weapon; aggravated battery;  
 510 felony reclassification; minimum sentence.—

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

514 a. Murder;

515 b. Sexual battery;

516 c. Robbery;

- 517 d. Burglary;
- 518 e. Arson;
- 519 f. Aggravated assault;
- 520 g. Aggravated battery;
- 521 h. Kidnapping;
- 522 i. Escape;
- 523 j. Aircraft piracy;
- 524 k. Aggravated child abuse;
- 525 l. Aggravated abuse of an elderly person or disabled
- 526 adult;
- 527 m. Unlawful throwing, placing, or discharging of a
- 528 destructive device or bomb;
- 529 n. Carjacking;
- 530 o. Home-invasion robbery;
- 531 p. Aggravated stalking;
- 532 q. Trafficking in cannabis, trafficking in cocaine,
- 533 capital importation of cocaine, trafficking in illegal drugs,
- 534 capital importation of illegal drugs, trafficking in
- 535 phencyclidine, capital importation of phencyclidine, trafficking
- 536 in methaqualone, capital importation of methaqualone,
- 537 trafficking in amphetamine, capital importation of amphetamine,
- 538 trafficking in flunitrazepam, trafficking in gamma-
- 539 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
- 540 trafficking in Phenethylamines, or other violation of s.
- 541 893.135(1); or
- 542 r. Possession of a firearm by a felon

543  
544 and during the commission of the offense, such person actually  
545 possessed a "firearm" or "destructive device" as those terms are  
546 defined in s. 790.001, shall be sentenced to a minimum term of  
547 imprisonment of 10 years, except that a person who is convicted  
548 for aggravated assault, possession of a firearm by a felon, or  
549 burglary of a conveyance shall be sentenced to a minimum term of  
550 imprisonment of 3 years if such person possessed a "firearm" or  
551 "destructive device" during the commission of the offense.

552 However, if an offender who is convicted of the offense of  
553 possession of a firearm by a felon has a previous conviction of  
554 committing or attempting to commit a felony listed in s.  
555 775.084(1)(b)1. and actually possessed a firearm or destructive  
556 device during the commission of the prior felony, the offender  
557 shall be sentenced to a minimum term of imprisonment of 10  
558 years.

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

566 3. Any person who is convicted of a felony or an attempt  
567 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
568 regardless of whether the use of a weapon is an element of the

569 felony, and during the course of the commission of the felony  
570 such person discharged a "firearm" or "destructive device" as  
571 defined in s. 790.001 and, as the result of the discharge, death  
572 or great bodily harm was inflicted upon any person, the  
573 convicted person shall be sentenced to a minimum term of  
574 imprisonment of not less than 25 years and not more than a term  
575 of imprisonment of life in prison.

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

- 579 a. Murder;
- 580 b. Sexual battery;
- 581 c. Robbery;
- 582 d. Burglary;
- 583 e. Arson;
- 584 f. Aggravated assault;
- 585 g. Aggravated battery;
- 586 h. Kidnapping;
- 587 i. Escape;
- 588 j. Sale, manufacture, delivery, or intent to sell,  
589 manufacture, or deliver any controlled substance;
- 590 k. Aircraft piracy;
- 591 l. Aggravated child abuse;
- 592 m. Aggravated abuse of an elderly person or disabled  
593 adult;
- 594 n. Unlawful throwing, placing, or discharging of a



595 destructive device or bomb;

596       o. Carjacking;

597       p. Home-invasion robbery;

598       q. Aggravated stalking; or

599       r. Trafficking in cannabis, trafficking in cocaine,

600 capital importation of cocaine, trafficking in illegal drugs,

601 capital importation of illegal drugs, trafficking in

602 phencyclidine, capital importation of phencyclidine, trafficking

603 in methaqualone, capital importation of methaqualone,

604 trafficking in amphetamine, capital importation of amphetamine,

605 trafficking in flunitrazepam, trafficking in gamma-

606 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,

607 trafficking in Phenethylamines, or other violation of s.

608 893.135(1);

609

610 and during the commission of the offense, such person possessed

611 a semiautomatic firearm and its high-capacity detachable box

612 magazine or a machine gun as defined in s. 790.001, shall be

613 sentenced to a minimum term of imprisonment of 15 years.

614       2. Any person who is convicted of a felony or an attempt

615 to commit a felony listed in subparagraph (a)1., regardless of

616 whether the use of a weapon is an element of the felony, and

617 during the course of the commission of the felony such person

618 discharged a semiautomatic firearm and its high-capacity box

619 magazine or a "machine gun" as defined in s. 790.001 shall be

620 sentenced to a minimum term of imprisonment of 20 years.

621           3. Any person who is convicted of a felony or an attempt  
 622 to commit a felony listed in subparagraph (a)1., regardless of  
 623 whether the use of a weapon is an element of the felony, and  
 624 during the course of the commission of the felony such person  
 625 discharged a semiautomatic firearm and its high-capacity box  
 626 magazine or a "machine gun" as defined in s. 790.001 and, as the  
 627 result of the discharge, death or great bodily harm was  
 628 inflicted upon any person, the convicted person shall be  
 629 sentenced to a minimum term of imprisonment of not less than 25  
 630 years and not more than a term of imprisonment of life in  
 631 prison.

632           Section 9. For the purpose of incorporating the amendment  
 633 made by this act to section 893.135, Florida Statutes, in  
 634 references thereto, paragraph (a) of subsection (1), paragraph  
 635 (a) of subsection (3), and paragraph (a) of subsection (4) of  
 636 section 782.04, Florida Statutes, are reenacted to read:

637           782.04 Murder.—

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

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

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

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

644           b. Arson,

645           c. Sexual battery,

646           d. Robbery,

- 647 e. Burglary,
- 648 f. Kidnapping,
- 649 g. Escape,
- 650 h. Aggravated child abuse,
- 651 i. Aggravated abuse of an elderly person or disabled
- 652 adult,
- 653 j. Aircraft piracy,
- 654 k. Unlawful throwing, placing, or discharging of a
- 655 destructive device or bomb,
- 656 l. Carjacking,
- 657 m. Home-invasion robbery,
- 658 n. Aggravated stalking,
- 659 o. Murder of another human being,
- 660 p. Resisting an officer with violence to his or her
- 661 person,
- 662 q. Aggravated fleeing or eluding with serious bodily
- 663 injury or death,
- 664 r. Felony that is an act of terrorism or is in furtherance
- 665 of an act of terrorism; or
- 666 3. Which resulted from the unlawful distribution of any
- 667 substance controlled under s. 893.03(1), cocaine as described in
- 668 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
- 669 compound, derivative, or preparation of opium, or methadone by a
- 670 person 18 years of age or older, when such drug is proven to be
- 671 the proximate cause of the death of the user,
- 672

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

675 (3) When a human being is killed during the perpetration  
 676 of, or during the attempt to perpetrate, any:

677 (a) Trafficking offense prohibited by s. 893.135(1),  
 678  
 679 by a person other than the person engaged in the perpetration of  
 680 or in the attempt to perpetrate such felony, the person  
 681 perpetrating or attempting to perpetrate such felony commits  
 682 murder in the second degree, which constitutes a felony of the  
 683 first degree, punishable by imprisonment for a term of years not  
 684 exceeding life or as provided in s. 775.082, s. 775.083, or s.  
 685 775.084.

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

690 (a) Trafficking offense prohibited by s. 893.135(1),  
 691  
 692 is murder in the third degree and constitutes a felony of the  
 693 second degree, punishable as provided in s. 775.082, s. 775.083,  
 694 or s. 775.084.

695 Section 10. For the purpose of incorporating the amendment  
 696 made by this act to section 893.135, Florida Statutes, in a  
 697 reference thereto, paragraph (f) of subsection (3) of section  
 698 810.02, Florida Statutes, is reenacted to read:

699 810.02 Burglary.—

700 (3) Burglary is a felony of the second degree, punishable  
701 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
702 course of committing the offense, the offender does not make an  
703 assault or battery and is not and does not become armed with a  
704 dangerous weapon or explosive, and the offender enters or  
705 remains in a:

706 (f) Structure or conveyance when the offense intended to  
707 be committed therein is theft of a controlled substance as  
708 defined in s. 893.02. Notwithstanding any other law, separate  
709 judgments and sentences for burglary with the intent to commit  
710 theft of a controlled substance under this paragraph and for any  
711 applicable possession of controlled substance offense under s.  
712 893.13 or trafficking in controlled substance offense under s.  
713 893.135 may be imposed when all such offenses involve the same  
714 amount or amounts of a controlled substance.

715

716 However, if the burglary is committed within a county that is  
717 subject to a state of emergency declared by the Governor under  
718 chapter 252 after the declaration of emergency is made and the  
719 perpetration of the burglary is facilitated by conditions  
720 arising from the emergency, the burglary is a felony of the  
721 first degree, punishable as provided in s. 775.082, s. 775.083,  
722 or s. 775.084. As used in this subsection, the term "conditions  
723 arising from the emergency" means civil unrest, power outages,  
724 curfews, voluntary or mandatory evacuations, or a reduction in

725 the presence of or response time for first responders or  
 726 homeland security personnel. A person arrested for committing a  
 727 burglary within a county that is subject to such a state of  
 728 emergency may not be released until the person appears before a  
 729 committing magistrate at a first appearance hearing. For  
 730 purposes of sentencing under chapter 921, a felony offense that  
 731 is reclassified under this subsection is ranked one level above  
 732 the ranking under s. 921.0022 or s. 921.0023 of the offense  
 733 committed.

734 Section 11. For the purpose of incorporating the amendment  
 735 made by this act to section 893.135, Florida Statutes, in a  
 736 reference thereto, paragraph (c) of subsection (2) of section  
 737 812.014, Florida Statutes, is reenacted to read:

738 812.014 Theft.—

739 (2)

740 (c) It is grand theft of the third degree and a felony of  
 741 the third degree, punishable as provided in s. 775.082, s.  
 742 775.083, or s. 775.084, if the property stolen is:

- 743 1. Valued at \$300 or more, but less than \$5,000.
- 744 2. Valued at \$5,000 or more, but less than \$10,000.
- 745 3. Valued at \$10,000 or more, but less than \$20,000.
- 746 4. A will, codicil, or other testamentary instrument.
- 747 5. A firearm.
- 748 6. A motor vehicle, except as provided in paragraph (a).
- 749 7. Any commercially farmed animal, including any animal of  
 750 the equine, bovine, or swine class or other grazing animal; a

751 | bee colony of a registered beekeeper; and aquaculture species  
 752 | raised at a certified aquaculture facility. If the property  
 753 | stolen is aquaculture species raised at a certified aquaculture  
 754 | facility, then a \$10,000 fine shall be imposed.

755 |       8. Any fire extinguisher.

756 |       9. Any amount of citrus fruit consisting of 2,000 or more  
 757 | individual pieces of fruit.

758 |       10. Taken from a designated construction site identified  
 759 | by the posting of a sign as provided for in s. 810.09(2)(d).

760 |       11. Any stop sign.

761 |       12. Anhydrous ammonia.

762 |       13. Any amount of a controlled substance as defined in s.  
 763 | 893.02. Notwithstanding any other law, separate judgments and  
 764 | sentences for theft of a controlled substance under this  
 765 | subparagraph and for any applicable possession of controlled  
 766 | substance offense under s. 893.13 or trafficking in controlled  
 767 | substance offense under s. 893.135 may be imposed when all such  
 768 | offenses involve the same amount or amounts of a controlled  
 769 | substance.

770 |  
 771 | However, if the property is stolen within a county that is  
 772 | subject to a state of emergency declared by the Governor under  
 773 | chapter 252, the property is stolen after the declaration of  
 774 | emergency is made, and the perpetration of the theft is  
 775 | facilitated by conditions arising from the emergency, the  
 776 | offender commits a felony of the second degree, punishable as

777 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
778 property is valued at \$5,000 or more, but less than \$10,000, as  
779 provided under subparagraph 2., or if the property is valued at  
780 \$10,000 or more, but less than \$20,000, as provided under  
781 subparagraph 3. As used in this paragraph, the term "conditions  
782 arising from the emergency" means civil unrest, power outages,  
783 curfews, voluntary or mandatory evacuations, or a reduction in  
784 the presence of or the response time for first responders or  
785 homeland security personnel. For purposes of sentencing under  
786 chapter 921, a felony offense that is reclassified under this  
787 paragraph is ranked one level above the ranking under s.  
788 921.0022 or s. 921.0023 of the offense committed.

789 Section 12. For the purpose of incorporating the amendment  
790 made by this act to section 893.135, Florida Statutes, in  
791 references thereto, subsections (1) and (2) of section 893.1351,  
792 Florida Statutes, are reenacted to read:

793 893.1351 Ownership, lease, rental, or possession for  
794 trafficking in or manufacturing a controlled substance.—

795 (1) A person may not own, lease, or rent any place,  
796 structure, or part thereof, trailer, or other conveyance with  
797 the knowledge that the place, structure, trailer, or conveyance  
798 will be used for the purpose of trafficking in a controlled  
799 substance, as provided in s. 893.135; for the sale of a  
800 controlled substance, as provided in s. 893.13; or for the  
801 manufacture of a controlled substance intended for sale or  
802 distribution to another. A person who violates this subsection



803 commits a felony of the third degree, punishable as provided in  
804 s. 775.082, s. 775.083, or s. 775.084.

805 (2) A person may not knowingly be in actual or  
806 constructive possession of any place, structure, or part  
807 thereof, trailer, or other conveyance with the knowledge that  
808 the place, structure, or part thereof, trailer, or conveyance  
809 will be used for the purpose of trafficking in a controlled  
810 substance, as provided in s. 893.135; for the sale of a  
811 controlled substance, as provided in s. 893.13; or for the  
812 manufacture of a controlled substance intended for sale or  
813 distribution to another. A person who violates this subsection  
814 commits a felony of the second degree, punishable as provided in  
815 s. 775.082, s. 775.083, or s. 775.084.

816 Section 13. For the purpose of incorporating the amendment  
817 made by this act to section 893.135, Florida Statutes, in a  
818 reference thereto, section 903.133, Florida Statutes, is  
819 reenacted to read:

820 903.133 Bail on appeal; prohibited for certain felony  
821 convictions.—Notwithstanding the provisions of s. 903.132, no  
822 person adjudged guilty of a felony of the first degree for a  
823 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.  
824 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a  
825 violation of s. 794.011(2) or (3), shall be admitted to bail  
826 pending review either by posttrial motion or appeal.

827 Section 14. For the purpose of incorporating the amendment  
828 made by this act to section 893.135, Florida Statutes, in a

829 reference thereto, paragraph (c) of subsection (4) of section  
830 907.041, Florida Statutes, is reenacted to read:

831 907.041 Pretrial detention and release.—

832 (4) PRETRIAL DETENTION.—

833 (c) The court may order pretrial detention if it finds a  
834 substantial probability, based on a defendant's past and present  
835 patterns of behavior, the criteria in s. 903.046, and any other  
836 relevant facts, that any of the following circumstances exist:

837 1. The defendant has previously violated conditions of  
838 release and that no further conditions of release are reasonably  
839 likely to assure the defendant's appearance at subsequent  
840 proceedings;

841 2. The defendant, with the intent to obstruct the judicial  
842 process, has threatened, intimidated, or injured any victim,  
843 potential witness, juror, or judicial officer, or has attempted  
844 or conspired to do so, and that no condition of release will  
845 reasonably prevent the obstruction of the judicial process;

846 3. The defendant is charged with trafficking in controlled  
847 substances as defined by s. 893.135, that there is a substantial  
848 probability that the defendant has committed the offense, and  
849 that no conditions of release will reasonably assure the  
850 defendant's appearance at subsequent criminal proceedings;

851 4. The defendant is charged with DUI manslaughter, as  
852 defined by s. 316.193, and that there is a substantial  
853 probability that the defendant committed the crime and that the  
854 defendant poses a threat of harm to the community; conditions

855 that would support a finding by the court pursuant to this  
856 subparagraph that the defendant poses a threat of harm to the  
857 community include, but are not limited to, any of the following:

858 a. The defendant has previously been convicted of any  
859 crime under s. 316.193, or of any crime in any other state or  
860 territory of the United States that is substantially similar to  
861 any crime under s. 316.193;

862 b. The defendant was driving with a suspended driver  
863 license when the charged crime was committed; or

864 c. The defendant has previously been found guilty of, or  
865 has had adjudication of guilt withheld for, driving while the  
866 defendant's driver license was suspended or revoked in violation  
867 of s. 322.34;

868 5. The defendant poses the threat of harm to the  
869 community. The court may so conclude, if it finds that the  
870 defendant is presently charged with a dangerous crime, that  
871 there is a substantial probability that the defendant committed  
872 such crime, that the factual circumstances of the crime indicate  
873 a disregard for the safety of the community, and that there are  
874 no conditions of release reasonably sufficient to protect the  
875 community from the risk of physical harm to persons;

876 6. The defendant was on probation, parole, or other  
877 release pending completion of sentence or on pretrial release  
878 for a dangerous crime at the time the current offense was  
879 committed;

880 7. The defendant has violated one or more conditions of

881 pretrial release or bond for the offense currently before the  
 882 court and the violation, in the discretion of the court,  
 883 supports a finding that no conditions of release can reasonably  
 884 protect the community from risk of physical harm to persons or  
 885 assure the presence of the accused at trial; or

886 8.a. The defendant has ever been sentenced pursuant to s.  
 887 775.082(9) or s. 775.084 as a prison releasee reoffender,  
 888 habitual violent felony offender, three-time violent felony  
 889 offender, or violent career criminal, or the state attorney  
 890 files a notice seeking that the defendant be sentenced pursuant  
 891 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,  
 892 habitual violent felony offender, three-time violent felony  
 893 offender, or violent career criminal;

894 b. There is a substantial probability that the defendant  
 895 committed the offense; and

896 c. There are no conditions of release that can reasonably  
 897 protect the community from risk of physical harm or ensure the  
 898 presence of the accused at trial.

899 Section 15. For the purpose of incorporating the amendment  
 900 made by this act to section 893.135, Florida Statutes, in  
 901 references thereto, paragraph (b) of subsection (1) of section  
 902 921.0024, Florida Statutes, is reenacted to read:

903 921.0024 Criminal Punishment Code; worksheet computations;  
 904 scoresheets.—

905 (1)

906 (b) WORKSHEET KEY:

907 Legal status points are assessed when any form of legal status  
908 existed at the time the offender committed an offense before the  
909 court for sentencing. Four (4) sentence points are assessed for  
910 an offender's legal status.

911 Community sanction violation points are assessed when a  
912 community sanction violation is before the court for sentencing.  
913 Six (6) sentence points are assessed for each community sanction  
914 violation and each successive community sanction violation,  
915 unless any of the following apply:

916 1. If the community sanction violation includes a new  
917 felony conviction before the sentencing court, twelve (12)  
918 community sanction violation points are assessed for the  
919 violation, and for each successive community sanction violation  
920 involving a new felony conviction.

921 2. If the community sanction violation is committed by a  
922 violent felony offender of special concern as defined in s.  
923 948.06:

924 a. Twelve (12) community sanction violation points are  
925 assessed for the violation and for each successive violation of  
926 felony probation or community control where:

927 I. The violation does not include a new felony conviction;  
928 and

929 II. The community sanction violation is not based solely  
930 on the probationer or offender's failure to pay costs or fines  
931 or make restitution payments.

932 b. Twenty-four (24) community sanction violation points

933 are assessed for the violation and for each successive violation  
934 of felony probation or community control where the violation  
935 includes a new felony conviction.

936 Multiple counts of community sanction violations before the  
937 sentencing court shall not be a basis for multiplying the  
938 assessment of community sanction violation points.

939 Prior serious felony points: If the offender has a primary  
940 offense or any additional offense ranked in level 8, level 9, or  
941 level 10, and one or more prior serious felonies, a single  
942 assessment of thirty (30) points shall be added. For purposes of  
943 this section, a prior serious felony is an offense in the  
944 offender's prior record that is ranked in level 8, level 9, or  
945 level 10 under s. 921.0022 or s. 921.0023 and for which the  
946 offender is serving a sentence of confinement, supervision, or  
947 other sanction or for which the offender's date of release from  
948 confinement, supervision, or other sanction, whichever is later,  
949 is within 3 years before the date the primary offense or any  
950 additional offense was committed.

951 Prior capital felony points: If the offender has one or more  
952 prior capital felonies in the offender's criminal record, points  
953 shall be added to the subtotal sentence points of the offender  
954 equal to twice the number of points the offender receives for  
955 the primary offense and any additional offense. A prior capital  
956 felony in the offender's criminal record is a previous capital  
957 felony offense for which the offender has entered a plea of nolo  
958 contendere or guilty or has been found guilty; or a felony in

959 another jurisdiction which is a capital felony in that  
960 jurisdiction, or would be a capital felony if the offense were  
961 committed in this state.

962 Possession of a firearm, semiautomatic firearm, or machine gun:  
963 If the offender is convicted of committing or attempting to  
964 commit any felony other than those enumerated in s. 775.087(2)  
965 while having in his or her possession: a firearm as defined in  
966 s. 790.001(6), an additional eighteen (18) sentence points are  
967 assessed; or if the offender is convicted of committing or  
968 attempting to commit any felony other than those enumerated in  
969 s. 775.087(3) while having in his or her possession a  
970 semiautomatic firearm as defined in s. 775.087(3) or a machine  
971 gun as defined in s. 790.001(9), an additional twenty-five (25)  
972 sentence points are assessed.

973 Sentencing multipliers:

974 Drug trafficking: If the primary offense is drug trafficking  
975 under s. 893.135, the subtotal sentence points are multiplied,  
976 at the discretion of the court, for a level 7 or level 8  
977 offense, by 1.5. The state attorney may move the sentencing  
978 court to reduce or suspend the sentence of a person convicted of  
979 a level 7 or level 8 offense, if the offender provides  
980 substantial assistance as described in s. 893.135(4).

981 Law enforcement protection: If the primary offense is a  
982 violation of the Law Enforcement Protection Act under s.  
983 775.0823(2), (3), or (4), the subtotal sentence points are  
984 multiplied by 2.5. If the primary offense is a violation of s.

985 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points  
986 are multiplied by 2.0. If the primary offense is a violation of  
987 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
988 Protection Act under s. 775.0823(10) or (11), the subtotal  
989 sentence points are multiplied by 1.5.

990 Grand theft of a motor vehicle: If the primary offense is grand  
991 theft of the third degree involving a motor vehicle and in the  
992 offender's prior record, there are three or more grand thefts of  
993 the third degree involving a motor vehicle, the subtotal  
994 sentence points are multiplied by 1.5.

995 Offense related to a criminal gang: If the offender is convicted  
996 of the primary offense and committed that offense for the  
997 purpose of benefiting, promoting, or furthering the interests of  
998 a criminal gang as defined in s. 874.03, the subtotal sentence  
999 points are multiplied by 1.5. If applying the multiplier results  
1000 in the lowest permissible sentence exceeding the statutory  
1001 maximum sentence for the primary offense under chapter 775, the  
1002 court may not apply the multiplier and must sentence the  
1003 defendant to the statutory maximum sentence.

1004 Domestic violence in the presence of a child: If the offender is  
1005 convicted of the primary offense and the primary offense is a  
1006 crime of domestic violence, as defined in s. 741.28, which was  
1007 committed in the presence of a child under 16 years of age who  
1008 is a family or household member as defined in s. 741.28(3) with  
1009 the victim or perpetrator, the subtotal sentence points are  
1010 multiplied by 1.5.



1011 Adult-on-minor sex offense: If the offender was 18 years of age  
1012 or older and the victim was younger than 18 years of age at the  
1013 time the offender committed the primary offense, and if the  
1014 primary offense was an offense committed on or after October 1,  
1015 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the  
1016 violation involved a victim who was a minor and, in the course  
1017 of committing that violation, the defendant committed a sexual  
1018 battery under chapter 794 or a lewd act under s. 800.04 or s.  
1019 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.  
1020 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.  
1021 800.04; or s. 847.0135(5), the subtotal sentence points are  
1022 multiplied by 2.0. If applying the multiplier results in the  
1023 lowest permissible sentence exceeding the statutory maximum  
1024 sentence for the primary offense under chapter 775, the court  
1025 may not apply the multiplier and must sentence the defendant to  
1026 the statutory maximum sentence.

1027 Section 16. For the purpose of incorporating the amendment  
1028 made by this act to section 893.135, Florida Statutes, in a  
1029 reference thereto, subsection (8) of section 921.141, Florida  
1030 Statutes, is reenacted to read:

1031 921.141 Sentence of death or life imprisonment for capital  
1032 felonies; further proceedings to determine sentence.—

1033 (8) APPLICABILITY.—This section does not apply to a person  
1034 convicted or adjudicated guilty of a capital drug trafficking  
1035 felony under s. 893.135.

1036 Section 17. For the purpose of incorporating the amendment

1037 made by this act to section 893.135, Florida Statutes, in a  
1038 reference thereto, subsection (2) of section 921.142, Florida  
1039 Statutes, is reenacted to read:

1040       921.142 Sentence of death or life imprisonment for capital  
1041 drug trafficking felonies; further proceedings to determine  
1042 sentence.—

1043       (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon  
1044 conviction or adjudication of guilt of a defendant of a capital  
1045 felony under s. 893.135, the court shall conduct a separate  
1046 sentencing proceeding to determine whether the defendant should  
1047 be sentenced to death or life imprisonment as authorized by s.  
1048 775.082. The proceeding shall be conducted by the trial judge  
1049 before the trial jury as soon as practicable. If, through  
1050 impossibility or inability, the trial jury is unable to  
1051 reconvene for a hearing on the issue of penalty, having  
1052 determined the guilt of the accused, the trial judge may summon  
1053 a special juror or jurors as provided in chapter 913 to  
1054 determine the issue of the imposition of the penalty. If the  
1055 trial jury has been waived, or if the defendant pleaded guilty,  
1056 the sentencing proceeding shall be conducted before a jury  
1057 impaneled for that purpose, unless waived by the defendant. In  
1058 the proceeding, evidence may be presented as to any matter that  
1059 the court deems relevant to the nature of the crime and the  
1060 character of the defendant and shall include matters relating to  
1061 any of the aggravating or mitigating circumstances enumerated in  
1062 subsections (6) and (7). Any such evidence which the court deems

1063 | to have probative value may be received, regardless of its  
1064 | admissibility under the exclusionary rules of evidence, provided  
1065 | the defendant is accorded a fair opportunity to rebut any  
1066 | hearsay statements. However, this subsection shall not be  
1067 | construed to authorize the introduction of any evidence secured  
1068 | in violation of the Constitution of the United States or the  
1069 | Constitution of the State of Florida. The state and the  
1070 | defendant or the defendant's counsel shall be permitted to  
1071 | present argument for or against sentence of death.

1072 |       Section 18. This act shall take effect October 1, 2016.