

By the Committee on Appropriations; and Senators Bradley and Evers

576-01907-14

2014360c1

1 A bill to be entitled
2 An act relating to sentencing for controlled substance
3 violations; amending s. 893.135, F.S.; providing that
4 a person who knowingly sells, purchases, manufactures,
5 delivers, or brings into this state specified
6 quantities of hydrocodone or a mixture containing
7 hydrocodone or who is knowingly in actual or
8 constructive possession of specified quantities of
9 hydrocodone or a mixture containing hydrocodone
10 commits the offense of trafficking in hydrocodone;
11 providing criminal penalties; providing that a person
12 who knowingly sells, purchases, manufactures,
13 delivers, or brings into this state specified
14 quantities of oxycodone or a mixture containing
15 oxycodone or who is knowingly in actual or
16 constructive possession of specified quantities of
17 oxycodone or a mixture containing oxycodone commits
18 the offense of trafficking in oxycodone; providing
19 criminal penalties; amending s. 921.0022, F.S.;
20 ranking the offenses of trafficking in hydrocodone and
21 trafficking in oxycodone for purposes of the criminal
22 punishment code; reenacting s. 775.087(2)(a) and
23 (3)(a), F.S., relating to mandatory minimum sentences
24 for the possession or use of a weapon during the
25 commission of certain offenses, to incorporate the
26 amendments made to s. 893.135, F.S., in a reference
27 thereto; reenacting s. 782.04(1)(a), (3), and (4),
28 F.S., relating to the classification of a murder
29 committed during the commission of certain offenses,

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30 to incorporate the amendments made to s. 893.135,
31 F.S., in a reference thereto; providing an effective
32 date.

33
34 Be It Enacted by the Legislature of the State of Florida:

35
36 Section 1. Paragraph (c) of subsection (1) of section
37 893.135, Florida Statutes, is amended to read:

38 893.135 Trafficking; mandatory sentences; suspension or
39 reduction of sentences; conspiracy to engage in trafficking.—

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

42 (c)1. A ~~Any~~ person who knowingly sells, purchases,
43 manufactures, delivers, or brings into this state, or who is
44 knowingly in actual or constructive possession of, 4 grams or
45 more of any morphine, opium, ~~oxycodone, hydrocodone,~~
46 hydromorphone, or any salt, derivative, isomer, or salt of an
47 isomer thereof, including heroin, as described in s.
48 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more
49 of any mixture containing any such substance, but less than 30
50 kilograms of such substance or mixture, commits a felony of the
51 first degree, which felony shall be known as "trafficking in
52 illegal drugs," punishable as provided in s. 775.082, s.
53 775.083, or s. 775.084. If the quantity involved:

54 a. Is 4 grams or more, but less than 14 grams, such person
55 shall be sentenced to a mandatory minimum term of imprisonment
56 of 3 years, ~~and the defendant~~ shall be ordered to pay a fine of
57 \$50,000.

58 b. Is 14 grams or more, but less than 28 grams, such person

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59 shall be sentenced to a mandatory minimum term of imprisonment
60 of 15 years, ~~and the defendant~~ shall be ordered to pay a fine of
61 \$100,000.

62 c. Is 28 grams or more, but less than 30 kilograms, such
63 person shall be sentenced to a mandatory minimum term of
64 imprisonment of 25 ~~calendar~~ years and shall be ordered to pay a
65 fine of \$500,000.

66 2. A person who knowingly sells, purchases, manufactures,
67 delivers, or brings into this state, or who is knowingly in
68 actual or constructive possession of, 14 grams or more of
69 hydrocodone, or 14 grams or more of any mixture containing any
70 such substance, commits a felony of the first degree, which
71 felony shall be known as "trafficking in hydrocodone,"
72 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
73 If the quantity involved:

74 a. Is 14 grams or more, but less than 28 grams, such person
75 shall be sentenced to a mandatory minimum term of imprisonment
76 of 3 years and shall be ordered to pay a fine of \$50,000.

77 b. Is 28 grams or more, but less than 50 grams, such person
78 shall be sentenced to a mandatory minimum term of imprisonment
79 of 7 years and shall be ordered to pay a fine of \$100,000.

80 c. Is 50 grams or more, but less than 200 grams, such
81 person shall be sentenced to a mandatory minimum term of
82 imprisonment of 15 years and shall be ordered to pay a fine of
83 \$500,000.

84 d. Is 200 grams or more, but less than 30 kilograms, such
85 person shall be sentenced to a mandatory minimum term of
86 imprisonment of 25 years and shall be ordered to pay a fine of
87 \$750,000.

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88 3. A person who knowingly sells, purchases, manufactures,
89 delivers, or brings into this state, or who is knowingly in
90 actual or constructive possession of, 7 grams or more of
91 oxycodone, or 7 grams or more of any mixture containing any such
92 substance, commits a felony of the first degree, which felony
93 shall be known as "trafficking in oxycodone," punishable as
94 provided in s. 775.082, s. 775.083, or s. 775.084. If the
95 quantity involved:

96 a. Is 7 grams or more, but less than 14 grams, such person
97 shall be sentenced to a mandatory minimum term of imprisonment
98 of 3 years and shall be ordered to pay a fine of \$50,000.

99 b. Is 14 grams or more, but less than 25 grams, such person
100 shall be sentenced to a mandatory minimum term of imprisonment
101 of 7 years and shall be ordered to pay a fine of \$100,000.

102 c. Is 25 grams or more, but less than 100 grams, such
103 person shall be sentenced to a mandatory minimum term of
104 imprisonment of 15 years and shall be ordered to pay a fine of
105 \$500,000.

106 d. Is 100 grams or more, but less than 30 kilograms, such
107 person shall be sentenced to a mandatory minimum term of
108 imprisonment of 25 years and shall be ordered to pay a fine of
109 \$750,000.

110 4.2. A ~~Any~~ person who knowingly sells, purchases,
111 manufactures, delivers, or brings into this state, or who is
112 knowingly in actual or constructive possession of, 30 kilograms
113 or more of any morphine, opium, oxycodone, hydrocodone,
114 hydromorphone, or any salt, derivative, isomer, or salt of an
115 isomer thereof, including heroin, as described in s.
116 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or

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117 more of any mixture containing any such substance, commits the
118 first degree felony of trafficking in illegal drugs. A person
119 who has been convicted of the first degree felony of trafficking
120 in illegal drugs under this subparagraph shall be punished by
121 life imprisonment and is ineligible for any form of
122 discretionary early release except pardon or executive clemency
123 or conditional medical release under s. 947.149. However, if the
124 court determines that, in addition to committing any act
125 specified in this paragraph:

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

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

132
133 such person commits the capital felony of trafficking in illegal
134 drugs, punishable as provided in ss. 775.082 and 921.142. A ~~Any~~
135 person sentenced for a capital felony under this paragraph shall
136 also be sentenced to pay the maximum fine provided under
137 subparagraph 1.

138 ~~5.3.~~ A ~~Any~~ person who knowingly brings into this state 60
139 kilograms or more of any morphine, opium, oxycodone,
140 hydrocodone, hydromorphone, or any salt, derivative, isomer, or
141 salt of an isomer thereof, including heroin, as described in s.
142 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
143 more of any mixture containing any such substance, and who knows
144 that the probable result of such importation would be the death
145 of a ~~any~~ person, commits capital importation of illegal drugs, a

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146 capital felony punishable as provided in ss. 775.082 and
 147 921.142. A ~~Any~~ person sentenced for a capital felony under this
 148 paragraph shall also be sentenced to pay the maximum fine
 149 provided under subparagraph 1.

150 Section 2. Paragraphs (g) through (i) of subsection (3) of
 151 section 921.0022, Florida Statutes, are amended to read:

152 921.0022 Criminal Punishment Code; offense severity ranking
 153 chart.—

154 (3) OFFENSE SEVERITY RANKING CHART

155 (g) LEVEL 7

156

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who

157

158

159

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is in a patrol vehicle
with siren and lights
activated.

160

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in
serious bodily injury.

161

402.319 (2)

2nd

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

162

409.920
(2) (b) 1.a.

3rd

Medicaid provider fraud;
\$10,000 or less.

163

409.920
(2) (b) 1.b.

2nd

Medicaid provider fraud;
more than \$10,000, but
less than \$50,000.

164

456.065 (2)

3rd

Practicing a health care
profession without a
license.

165

456.065 (2)

2nd

Practicing a health care
profession without a
license which results in

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serious bodily injury.

166

458.327(1)

3rd

Practicing medicine
without a license.

167

459.013(1)

3rd

Practicing osteopathic
medicine without a
license.

168

460.411(1)

3rd

Practicing chiropractic
medicine without a
license.

169

461.012(1)

3rd

Practicing podiatric
medicine without a
license.

170

462.17

3rd

Practicing naturopathy
without a license.

171

463.015(1)

3rd

Practicing optometry
without a license.

172

464.016(1)

3rd

Practicing nursing
without a license.

173

465.015(2)

3rd

Practicing pharmacy
without a license.

174

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175	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
176	467.201	3rd	Practicing midwifery without a license.
177	468.366	3rd	Delivering respiratory care services without a license.
178	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
179	483.901 (9)	3rd	Practicing medical physics without a license.
180	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
181	484.053	3rd	Dispensing hearing aids without a license.
	494.0018 (2)	1st	Conviction of any violation of ss. 494.001-494.0077 in

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which the total money
and property unlawfully
obtained exceeded
\$50,000 and there were
five or more victims.

182

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.

183

560.125 (5) (a)

3rd

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

184

655.50 (10) (b) 1.

3rd

Failure to report
financial transactions
exceeding \$300 but less
than \$20,000 by
financial institution.

185

775.21 (10) (a)

3rd

Sexual predator; failure
to register; failure to
renew driver ~~driver's~~

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license or
 identification card;
 other registration
 violations.

186

775.21(10)(b)

3rd

Sexual predator working
 where children regularly
 congregate.

187

775.21(10)(g)

3rd

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

188

782.051(3)

2nd

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

189

782.07(1)

2nd

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

190

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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).
191	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
192	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
193	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
194	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
195	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
196			

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197	784.048 (7)	3rd	Aggravated stalking; violation of court order.
198	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
199	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
200	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
201	784.081 (1)	1st	Aggravated battery on specified official or employee.
202	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
203	784.083 (1)	1st	Aggravated battery on code inspector.
	787.06 (3) (a)	1st	Human trafficking using

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coercion for labor and services.

204

787.06(3)(e)

1st

Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.

205

790.07(4)

1st

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

206

790.16(1)

1st

Discharge of a machine gun under specified circumstances.

207

790.165(2)

2nd

Manufacture, sell, possess, or deliver hoax bomb.

208

790.165(3)

2nd

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

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209

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

210

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

211

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

212

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.

213

796.03 2nd Procuring any person

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under 16 years for
prostitution.

214

800.04 (5) (c) 1.

2nd

Lewd or lascivious
molestation; victim less
than 12 years of age;
offender less than 18
years.

215

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.

216

806.01 (2)

2nd

Maliciously damage
structure by fire or
explosive.

217

810.02 (3) (a)

2nd

Burglary of occupied
dwelling; unarmed; no
assault or battery.

218

810.02 (3) (b)

2nd

Burglary of unoccupied
dwelling; unarmed; no
assault or battery.

219

810.02 (3) (d)

2nd

Burglary of occupied

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conveyance; unarmed; no
assault or battery.

220

810.02 (3) (e)

2nd

Burglary of authorized
emergency vehicle.

221

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.

222

812.014 (2) (b) 2.

2nd

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

223

812.014 (2) (b) 3.

2nd

Property stolen,
emergency medical
equipment; 2nd degree
grand theft.

224

812.014 (2) (b) 4.

2nd

Property stolen, law
enforcement equipment
from authorized
emergency vehicle.

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225

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

226

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

227

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

228

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

229

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

230

817.234 (8) (a) 2nd Solicitation of motor vehicle accident victims with intent to defraud.

231

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

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vehicle collision.

232

817.234 (11) (c)

1st

Insurance fraud;
property value \$100,000
or more.

233

817.2341

1st

(2) (b) & (3) (b)

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.

234

817.535 (2) (a)

3rd

Filing false lien or
other unauthorized
document.

235

825.102 (3) (b)

2nd

Neglecting an elderly
person or disabled adult
causing great bodily
harm, disability, or
disfigurement.

236

825.103 (2) (b)

2nd

Exploiting an elderly
person or disabled adult
and property is valued

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at \$20,000 or more, but
less than \$100,000.

237

827.03(2)(b)

2nd

Neglect of a child
causing great bodily
harm, disability, or
disfigurement.

238

827.04(3)

3rd

Impregnation of a child
under 16 years of age by
person 21 years of age
or older.

239

837.05(2)

3rd

Giving false information
about alleged capital
felony to a law
enforcement officer.

240

838.015

2nd

Bribery.

241

838.016

2nd

Unlawful compensation or
reward for official
behavior.

242

838.021(3)(a)

2nd

Unlawful harm to a
public servant.

243

838.22

2nd

Bid tampering.

244

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245	843.0855 (2)	3rd	Impersonation of a public officer or employee.
246	843.0855 (3)	3rd	Unlawful simulation of legal process.
247	843.0855 (4)	3rd	Intimidation of a public officer or employee.
248	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
249	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
250	872.06	2nd	Abuse of a dead human body.
251	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
	874.10	1st, PBL	Knowingly initiates,

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organizes, plans,
finances, directs,
manages, or supervises
criminal gang-related
activity.

252

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.

253

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

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business site.

254

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).

255

893.135(1)(a)1.

1st

Trafficking in cannabis,
more than 25 lbs., less
than 2,000 lbs.

256

893.135
(1)(b)1.a.

1st

Trafficking in cocaine,
more than 28 grams, less
than 200 grams.

257

893.135
(1)(c)1.a.

1st

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

258

893.135(1)(c)2.a.

1st

Trafficking in
hydrocodone, 14 grams or
more, less than 28
grams.

259

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260

893.135(1)(c)2.b.

1st

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

261

893.135(1)(c)3.a.

1st

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

262

893.135(1)(c)3.b.

1st

Trafficking in oxycodone, 14 grams or more, less than 25 grams.

263

893.135(1)(d)1.

1st

Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

264

893.135(1)(e)1.

1st

Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

893.135(1)(f)1.

1st

Trafficking in amphetamine, more than 14 grams, less than 28 grams.

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

271

896.104 (4) (a) 1.

3rd

Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

272

943.0435 (4) (c)

2nd

Sexual offender vacating permanent residence; failure to comply with reporting requirements.

273

943.0435 (8)

2nd

Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

274

943.0435 (9) (a)

3rd

Sexual offender; failure to comply with reporting requirements.

275

943.0435 (13)

3rd

Failure to report or providing false

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information about a
sexual offender; harbor
or conceal a sexual
offender.

276

943.0435 (14)

3rd

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

277

944.607 (9)

3rd

Sexual offender; failure
to comply with reporting
requirements.

278

944.607 (10) (a)

3rd

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

279

944.607 (12)

3rd

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

280

944.607 (13)

3rd

Sexual offender; failure
to report and

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reregister; failure to respond to address verification.

281

985.4815(10)

3rd

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

282

985.4815(12)

3rd

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

283

985.4815(13)

3rd

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

284

285

286 (h) LEVEL 8

287

Florida

Felony

Statute

Degree

Description

288

316.193

2nd

DUI manslaughter.

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(3) (c) 3.a.

289

316.1935 (4) (b)

1st

Aggravated fleeing or attempted eluding with serious bodily injury or death.

290

327.35 (3) (c) 3.

2nd

Vessel BUI manslaughter.

291

499.0051 (7)

1st

Knowing trafficking in contraband prescription drugs.

292

499.0051 (8)

1st

Knowing forgery of prescription labels or prescription drug labels.

293

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.

294

560.125 (5) (b)

2nd

Money transmitter business by unauthorized person, currency or payment instruments

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totaling or exceeding
\$20,000, but less than
\$100,000.

295

655.50 (10) (b) 2.

2nd

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

296

777.03 (2) (a)

1st

Accessory after the
fact, capital felony.

297

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.

298

782.051 (2)

1st

Attempted felony murder
while perpetrating or

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

299

782.071(1)(b)

1st

Committing vehicular
homicide and failing to
render aid or give
information.

300

782.072(2)

1st

Committing vessel
homicide and failing to
render aid or give
information.

301

787.06(3)(b)

1st

Human trafficking using
coercion for commercial
sexual activity.

302

787.06(3)(c)

1st

Human trafficking using
coercion for labor and
services of an
unauthorized alien.

303

787.06(3)(f)

1st

Human trafficking using
coercion for commercial
sexual activity by the
transfer or transport of
any individual from
outside Florida to

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within the state.

304

790.161 (3)

1st

Discharging a destructive device which results in bodily harm or property damage.

305

794.011 (5)

2nd

Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.

306

794.08 (3)

2nd

Female genital mutilation, removal of a victim younger than 18 years of age from this state.

307

800.04 (4)

2nd

Lewd or lascivious battery.

308

806.01 (1)

1st

Maliciously damage dwelling or structure by fire or explosive, believing person in structure.

309

810.02 (2) (a)

1st, PBL

Burglary with assault or

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battery.

310

810.02 (2) (b)

1st, PBL

Burglary; armed with explosives or dangerous weapon.

311

810.02 (2) (c)

1st

Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.

312

812.014 (2) (a) 2.

1st

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

313

812.13 (2) (b)

1st

Robbery with a weapon.

314

812.135 (2) (c)

1st

Home-invasion robbery, no firearm, deadly weapon, or other weapon.

315

817.535 (2) (b)

2nd

Filing false lien or other unauthorized document; second or subsequent offense.

316

817.535 (3) (a)

2nd

Filing false lien or

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other unauthorized document; property owner is a public officer or employee.

317

817.535 (4) (a) 1.

2nd

Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.

318

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.

319

817.568 (6)

2nd

Fraudulent use of personal identification information of an individual under the age of 18.

320

825.102 (2)

1st

Aggravated abuse of an elderly person or disabled adult.

321

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825.1025 (2)

2nd

Lewd or lascivious battery upon an elderly person or disabled adult.

322

825.103 (2) (a)

1st

Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.

323

837.02 (2)

2nd

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

324

837.021 (2)

2nd

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

325

860.121 (2) (c)

1st

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

326

860.16

1st

Aircraft piracy.

327

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328	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).
329	893.13 (2) (b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
330	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
331	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
332	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
333	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

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334

893.135 (1) (c) 2.c.

1st

Trafficking in hydrocodone, 50 grams or more, less than 200 grams.

335

893.135 (1) (c) 3.c.

1st

Trafficking in oxycodone, 25 grams or more, less than 100 grams.

336

893.135
(1) (d) 1.b.

1st

Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

337

893.135
(1) (e) 1.b.

1st

Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

338

893.135
(1) (f) 1.b.

1st

Trafficking in amphetamine, more than 28 grams, less than 200 grams.

893.135
(1) (g) 1.b.

1st

Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

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339

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

340

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

341

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

342

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

343

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

344

895.03 (2) 1st Acquire or maintain through racketeering

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

345

895.03 (3)

1st

Conduct or participate
in any enterprise
through pattern of
racketeering activity.

346

896.101 (5) (b)

2nd

Money laundering,
financial transactions
totaling or exceeding
\$20,000, but less than
\$100,000.

347

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.

348

349

350

(i) LEVEL 9

351

Florida
Statute

Felony
Degree

Description

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352

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

353

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

354

409.920 1st Medicaid provider fraud;
 (2) (b) 1.c. \$50,000 or more.

355

499.0051 (9) 1st Knowing sale or purchase
 of contraband
 prescription drugs
 resulting in great
 bodily harm.

356

560.123 (8) (b) 3. 1st Failure to report
 currency or payment
 instruments totaling or
 exceeding \$100,000 by
 money transmitter.

357

560.125 (5) (c) 1st Money transmitter
 business by unauthorized
 person, currency, or
 payment instruments
 totaling or exceeding

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\$100,000.

358

655.50(10)(b)3.

1st

Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

359

775.0844

1st

Aggravated white collar crime.

360

782.04(1)

1st

Attempt, conspire, or solicit to commit premeditated murder.

361

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.

362

782.051(1)

1st

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

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363
364
365
366
367
368

782.07 (2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
787.01 (1) (a) 1.	1st, PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
787.01 (1) (a) 2.	1st, PBL	Kidnapping with intent to commit or facilitate commission of any felony.
787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
787.02 (3) (a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

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369	787.06(3)(d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized alien.
370	787.06(3)(g)	1st,PBL	Human trafficking for commercial sexual activity of a child under the age of 18.
371	787.06(4)	1st	Selling or buying of minors into human trafficking.
372	790.161	1st	Attempted capital destructive device offense.
373	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
374	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
	794.011(2)	Life	Sexual battery; offender younger than 18 years

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and commits sexual
battery on a person less
than 12 years.

375

794.011 (4)

1st

Sexual battery; victim
12 years or older,
certain circumstances.

376

794.011 (8) (b)

1st

Sexual battery; engage
in sexual conduct with
minor 12 to 18 years by
person in familial or
custodial authority.

377

794.08 (2)

1st

Female genital
mutilation; victim
younger than 18 years of
age.

378

796.035

1st

Selling or buying of
minors into
prostitution.

379

800.04 (5) (b)

Life

Lewd or lascivious
molestation; victim less
than 12 years; offender
18 years or older.

380

812.13 (2) (a)

1st, PBL

Robbery with firearm or

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other deadly weapon.

381

812.133 (2) (a)

1st, PBL

Carjacking; firearm or other deadly weapon.

382

812.135 (2) (b)

1st

Home-invasion robbery with weapon.

383

817.535 (3) (b)

1st

Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.

384

817.535 (4) (a) 2.

1st

Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.

385

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

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instrument.

386

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.

387

827.03 (2) (a)

1st

Aggravated child abuse.

388

847.0145 (1)

1st

Selling, or otherwise transferring custody or control, of a minor.

389

847.0145 (2)

1st

Purchasing, or otherwise obtaining custody or control, of a minor.

390

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.

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391

893.135 1st Attempted capital trafficking offense.

392

893.135 (1) (a) 3. 1st Trafficking in cannabis, more than 10,000 lbs.

393

893.135 (1) (b) 1.c. 1st Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

394

893.135 (1) (c) 1.c. 1st Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.

395

893.135 (1) (c) 2.d. 1st Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.

396

893.135 (1) (c) 3.d. 1st Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.

397

893.135 (1) (d) 1.c. 1st Trafficking in phencyclidine, more than 400 grams.

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398

893.135 1st Trafficking in
 (1) (e) 1.c. methaqualone, more than
 25 kilograms.

399

893.135 1st Trafficking in
 (1) (f) 1.c. amphetamine, more than
 200 grams.

400

893.135 1st Trafficking in gamma-
 (1) (h) 1.c. hydroxybutyric acid
 (GHB), 10 kilograms or
 more.

401

893.135 1st Trafficking in 1,4-
 (1) (j) 1.c. Butanediol, 10 kilograms
 or more.

402

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

403

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

404

896.104 (4) (a) 3. 1st Structuring transactions
 to evade reporting or

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registration
requirements, financial
transactions totaling or
exceeding \$100,000.

405

406

407 Section 3. For the purpose of incorporating the amendment
408 made by this act to section 893.135, Florida Statutes, in a
409 reference thereto, paragraph (a) of subsection (2) and paragraph
410 (a) of subsection (3) of section 775.087, Florida Statutes, are
411 reenacted to read:

412 775.087 Possession or use of weapon; aggravated battery;
413 felony reclassification; minimum sentence.—

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

417 a. Murder;

418 b. Sexual battery;

419 c. Robbery;

420 d. Burglary;

421 e. Arson;

422 f. Aggravated assault;

423 g. Aggravated battery;

424 h. Kidnapping;

425 i. Escape;

426 j. Aircraft piracy;

427 k. Aggravated child abuse;

428 l. Aggravated abuse of an elderly person or disabled adult;

429 m. Unlawful throwing, placing, or discharging of a

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430 destructive device or bomb;

431 n. Carjacking;

432 o. Home-invasion robbery;

433 p. Aggravated stalking;

434 q. Trafficking in cannabis, trafficking in cocaine, capital

435 importation of cocaine, trafficking in illegal drugs, capital

436 importation of illegal drugs, trafficking in phencyclidine,

437 capital importation of phencyclidine, trafficking in

438 methaqualone, capital importation of methaqualone, trafficking

439 in amphetamine, capital importation of amphetamine, trafficking

440 in flunitrazepam, trafficking in gamma-hydroxybutyric acid

441 (GHB), trafficking in 1,4-Butanediol, trafficking in

442 Phenethylamines, or other violation of s. 893.135(1); or

443 r. Possession of a firearm by a felon

444

445 and during the commission of the offense, such person actually

446 possessed a "firearm" or "destructive device" as those terms are

447 defined in s. 790.001, shall be sentenced to a minimum term of

448 imprisonment of 10 years, except that a person who is convicted

449 for aggravated assault, possession of a firearm by a felon, or

450 burglary of a conveyance shall be sentenced to a minimum term of

451 imprisonment of 3 years if such person possessed a "firearm" or

452 "destructive device" during the commission of the offense.

453 However, if an offender who is convicted of the offense of

454 possession of a firearm by a felon has a previous conviction of

455 committing or attempting to commit a felony listed in s.

456 775.084(1)(b)1. and actually possessed a firearm or destructive

457 device during the commission of the prior felony, the offender

458 shall be sentenced to a minimum term of imprisonment of 10

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459 years.

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

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

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

- 480 a. Murder;
- 481 b. Sexual battery;
- 482 c. Robbery;
- 483 d. Burglary;
- 484 e. Arson;
- 485 f. Aggravated assault;
- 486 g. Aggravated battery;
- 487 h. Kidnapping;

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488 i. Escape;

489 j. Sale, manufacture, delivery, or intent to sell,
490 manufacture, or deliver any controlled substance;

491 k. Aircraft piracy;

492 l. Aggravated child abuse;

493 m. Aggravated abuse of an elderly person or disabled adult;

494 n. Unlawful throwing, placing, or discharging of a
495 destructive device or bomb;

496 o. Carjacking;

497 p. Home-invasion robbery;

498 q. Aggravated stalking; or

499 r. Trafficking in cannabis, trafficking in cocaine, capital
500 importation of cocaine, trafficking in illegal drugs, capital
501 importation of illegal drugs, trafficking in phencyclidine,
502 capital importation of phencyclidine, trafficking in
503 methaqualone, capital importation of methaqualone, trafficking
504 in amphetamine, capital importation of amphetamine, trafficking
505 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
506 (GHB), trafficking in 1,4-Butanediol, trafficking in
507 Phenethylamines, or other violation of s. 893.135(1);
508

509 and during the commission of the offense, such person possessed
510 a semiautomatic firearm and its high-capacity detachable box
511 magazine or a machine gun as defined in s. 790.001, shall be
512 sentenced to a minimum term of imprisonment of 15 years.

513 2. Any person who is convicted of a felony or an attempt to
514 commit a felony listed in subparagraph (a)1., regardless of
515 whether the use of a weapon is an element of the felony, and
516 during the course of the commission of the felony such person

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517 discharged a semiautomatic firearm and its high-capacity box
518 magazine or a "machine gun" as defined in s. 790.001 shall be
519 sentenced to a minimum term of imprisonment of 20 years.

520 3. Any person who is convicted of a felony or an attempt to
521 commit a felony listed in subparagraph (a)1., regardless of
522 whether the use of a weapon is an element of the felony, and
523 during the course of the commission of the felony such person
524 discharged a semiautomatic firearm and its high-capacity box
525 magazine or a "machine gun" as defined in s. 790.001 and, as the
526 result of the discharge, death or great bodily harm was
527 inflicted upon any person, the convicted person shall be
528 sentenced to a minimum term of imprisonment of not less than 25
529 years and not more than a term of imprisonment of life in
530 prison.

531 Section 4. For the purpose of incorporating the amendment
532 made by this act to section 893.135, Florida Statutes, in a
533 reference thereto, paragraph (a) of subsection (1) and
534 subsections (3) and (4) of section 782.04, Florida Statutes, are
535 reenacted to read:

536 782.04 Murder.—

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

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

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

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

543 b. Arson,

544 c. Sexual battery,

545 d. Robbery,

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- 546 e. Burglary,
547 f. Kidnapping,
548 g. Escape,
549 h. Aggravated child abuse,
550 i. Aggravated abuse of an elderly person or disabled adult,
551 j. Aircraft piracy,
552 k. Unlawful throwing, placing, or discharging of a
553 destructive device or bomb,
554 l. Carjacking,
555 m. Home-invasion robbery,
556 n. Aggravated stalking,
557 o. Murder of another human being,
558 p. Resisting an officer with violence to his or her person,
559 q. Aggravated fleeing or eluding with serious bodily injury
560 or death,
561 r. Felony that is an act of terrorism or is in furtherance
562 of an act of terrorism; or
563 3. Which resulted from the unlawful distribution of any
564 substance controlled under s. 893.03(1), cocaine as described in
565 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
566 compound, derivative, or preparation of opium, or methadone by a
567 person 18 years of age or older, when such drug is proven to be
568 the proximate cause of the death of the user,
569
570 is murder in the first degree and constitutes a capital felony,
571 punishable as provided in s. 775.082.
572 (3) When a human being is killed during the perpetration
573 of, or during the attempt to perpetrate, any:
574 (a) Trafficking offense prohibited by s. 893.135(1),

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575 (b) Arson,
576 (c) Sexual battery,
577 (d) Robbery,
578 (e) Burglary,
579 (f) Kidnapping,
580 (g) Escape,
581 (h) Aggravated child abuse,
582 (i) Aggravated abuse of an elderly person or disabled
583 adult,
584 (j) Aircraft piracy,
585 (k) Unlawful throwing, placing, or discharging of a
586 destructive device or bomb,
587 (l) Carjacking,
588 (m) Home-invasion robbery,
589 (n) Aggravated stalking,
590 (o) Murder of another human being,
591 (p) Aggravated fleeing or eluding with serious bodily
592 injury or death,
593 (q) Resisting an officer with violence to his or her
594 person, or
595 (r) Felony that is an act of terrorism or is in furtherance
596 of an act of terrorism,
597
598 by a person other than the person engaged in the perpetration of
599 or in the attempt to perpetrate such felony, the person
600 perpetrating or attempting to perpetrate such felony commits
601 murder in the second degree, which constitutes a felony of the
602 first degree, punishable by imprisonment for a term of years not
603 exceeding life or as provided in s. 775.082, s. 775.083, or s.

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604 775.084.

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

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

610 (b) Arson,

611 (c) Sexual battery,

612 (d) Robbery,

613 (e) Burglary,

614 (f) Kidnapping,

615 (g) Escape,

616 (h) Aggravated child abuse,

617 (i) Aggravated abuse of an elderly person or disabled
618 adult,

619 (j) Aircraft piracy,

620 (k) Unlawful throwing, placing, or discharging of a
621 destructive device or bomb,

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

628 (m) Carjacking,

629 (n) Home-invasion robbery,

630 (o) Aggravated stalking,

631 (p) Murder of another human being,

632 (q) Aggravated fleeing or eluding with serious bodily

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633 injury or death,

634 (r) Resisting an officer with violence to his or her
635 person, or

636 (s) Felony that is an act of terrorism or is in furtherance
637 of an act of terrorism,

638

639 is murder in the third degree and constitutes a felony of the
640 second degree, punishable as provided in s. 775.082, s. 775.083,
641 or s. 775.084.

642 Section 5. This act shall take effect July 1, 2014.