

1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 456.44, F.S.; providing limitations on prescriptions
4 of certain opioids; amending s. 893.05, F.S.;
5 prohibiting the use or possession of certain devices
6 capable of manufacturing pills, tablets, or capsules
7 containing controlled substances; providing penalties;
8 amending s. 893.135, F.S.; revising the list of
9 controlled substances that if possessed, sold,
10 purchased, manufactured, delivered, or brought into
11 this state constitute certain trafficking offenses;
12 amending s. 921.0024, F.S.; increasing the sentencing
13 multiplier for drug trafficking offenses; revising the
14 circumstances under which a state attorney may move to
15 reduce or suspend sentences for such offenses;
16 amending s. 921.0022, F.S.; conforming provisions to
17 changes made by the act; reenacting ss.
18 373.6055(3)(c), 397.4073(6), 414.095(1), 772.12(2),
19 775.087(2)(a) and (3)(a), 782.04(1)(a), (3)(a), and
20 (4)(a), 810.02(3)(f), 812.014(2)(c), 893.03(3)(c),
21 893.13(8)(d), 893.1351(1) and (2), 903.133,
22 907.041(4)(c), 921.0024(1)(b), 921.141(9), and
23 921.142(2), F.S., relating to criminal history records
24 checks for certain persons, background checks of
25 service provider personnel, determination of

26 | eligibility for temporary cash assistance, the Drug
 27 | Dealer Liability Act, possession or use of a weapon
 28 | and minimum sentences, murder, burglary, theft,
 29 | standards and schedules for controlled substances,
 30 | prohibited acts and penalties, trafficking in or
 31 | manufacturing controlled substances, prohibiting bail
 32 | on appeal, pretrial detention, worksheet computations
 33 | for the Criminal Punishment Code, the applicability of
 34 | sentencing for capital felonies, and separate
 35 | proceedings on the issue of the penalty, respectively,
 36 | to incorporate the amendment made to s. 893.135, F.S.,
 37 | in references thereto; providing an effective date.

38 |
 39 | Be It Enacted by the Legislature of the State of Florida:

40 |
 41 | Section 1. Subsection (4) is added to section 456.44,
 42 | Florida Statutes, to read:

43 | 456.44 Controlled substance prescribing.-

44 | (4) LIMITATIONS ON OPIOID PRESCRIPTIONS.-An initial or
 45 | refill prescription for a Schedule II opioid, as defined in s.
 46 | 893.03, to treat acute pain is limited to a 3-day supply unless
 47 | the patient's treating physician believes, in his or her
 48 | professional judgment, that deviating from such supply limit is
 49 | medically necessary to treat the patient's condition and
 50 | adequately documents the lack of alternative options available

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

51 to justify such deviation.

52 Section 2. Subsection (4) is added to section 893.05,
53 Florida Statutes, to read:

54 893.05 Practitioners and persons administering controlled
55 substances in their absence.—

56 (4) Except as authorized by this chapter, a person may not
57 use or possess, with intent to unlawfully manufacture any pill,
58 tablet, or capsule containing a controlled substance, a
59 mechanical device capable of compressing powder into pills,
60 tablets, or capsules of uniform size and weight. A person who
61 violates this subsection commits a felony of the first degree,
62 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

63 Section 3. Paragraph (c) of subsection (1) of section
64 893.135, Florida Statutes, is amended, and subsections (2) and
65 (5) of that section are republished, 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 (c)1. A person who knowingly sells, purchases,
71 manufactures, delivers, or brings into this state, or who is
72 knowingly in actual or constructive possession of, 4 grams or
73 more of any controlled substance specified in s.
74 893.03(1)(a)62., (1)(b), (2)(a)1., (2)(a)2., (2)(a)3., or
75 (2)(b), or a controlled substance analog, as described in s.

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76 | 893.0356, of any such substance, ~~morphine, opium, hydromorphone,~~
77 | ~~or any salt, derivative, isomer, or salt of an isomer thereof,~~
78 | ~~including heroin, as described in s. 893.03(1)(b), (2)(a),~~
79 | ~~(3)(c)3., or (3)(c)4.,~~ or 4 grams or more of any mixture, other
80 | than a mixture described in subparagraph 4., containing any such
81 | substance, but less than 30 kilograms of such substance or
82 | mixture, commits a felony of the first degree, which felony
83 | shall be known as "trafficking in illegal drugs," punishable as
84 | provided in s. 775.082, s. 775.083, or s. 775.084. If the
85 | quantity involved:

86 | a. Is 4 grams or more, but less than 14 grams, such person
87 | shall be sentenced to a mandatory minimum term of imprisonment
88 | of 3 years and shall be ordered to pay a fine of \$50,000.

89 | b. Is 14 grams or more, but less than 28 grams, such
90 | person shall be sentenced to a mandatory minimum term of
91 | imprisonment of 15 years and shall be ordered to pay a fine of
92 | \$100,000.

93 | c. Is 28 grams or more, but less than 30 kilograms, such
94 | person shall be sentenced to a mandatory minimum term of
95 | imprisonment of 25 years and shall be ordered to pay a fine of
96 | \$500,000.

97 | 2. ~~A person who knowingly sells, purchases, manufactures,~~
98 | ~~delivers, or brings into this state, or who is knowingly in~~
99 | ~~actual or constructive possession of, 14 grams or more of~~
100 | ~~hydrocodone, as described in s. 893.03(2)(a)1.j., codeine, as~~

101 ~~described in s. 893.03(2)(a)1.g., or any salt thereof, or 14~~
102 ~~grams or more of any mixture containing any such substance,~~
103 ~~commits a felony of the first degree, which felony shall be~~
104 ~~known as "trafficking in hydrocodone," punishable as provided in~~
105 ~~s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:~~

106 ~~a. Is 14 grams or more, but less than 28 grams, such~~
107 ~~person shall be sentenced to a mandatory minimum term of~~
108 ~~imprisonment of 3 years and shall be ordered to pay a fine of~~
109 ~~\$50,000.~~

110 ~~b. Is 28 grams or more, but less than 50 grams, such~~
111 ~~person shall be sentenced to a mandatory minimum term of~~
112 ~~imprisonment of 7 years and shall be ordered to pay a fine of~~
113 ~~\$100,000.~~

114 ~~e. Is 50 grams or more, but less than 200 grams, such~~
115 ~~person shall be sentenced to a mandatory minimum term of~~
116 ~~imprisonment of 15 years and shall be ordered to pay a fine of~~
117 ~~\$500,000.~~

118 ~~d. Is 200 grams or more, but less than 30 kilograms, such~~
119 ~~person shall be sentenced to a mandatory minimum term of~~
120 ~~imprisonment of 25 years and shall be ordered to pay a fine of~~
121 ~~\$750,000.~~

122 ~~3. A person who knowingly sells, purchases, manufactures,~~
123 ~~delivers, or brings into this state, or who is knowingly in~~
124 ~~actual or constructive possession of, 7 grams or more of~~
125 ~~oxycodone, as described in s. 893.03(2)(a)1.o., or any salt~~

126 ~~thereof, or 7 grams or more of any mixture containing any such~~
127 ~~substance, commits a felony of the first degree, which felony~~
128 ~~shall be known as "trafficking in oxycodone," punishable as~~
129 ~~provided in s. 775.082, s. 775.083, or s. 775.084. If the~~
130 ~~quantity involved:~~

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

134 ~~b. Is 14 grams or more, but less than 25 grams, such~~
135 ~~person shall be sentenced to a mandatory minimum term of~~
136 ~~imprisonment of 7 years and shall be ordered to pay a fine of~~
137 ~~\$100,000.~~

138 ~~e. Is 25 grams or more, but less than 100 grams, such~~
139 ~~person shall be sentenced to a mandatory minimum term of~~
140 ~~imprisonment of 15 years and shall be ordered to pay a fine of~~
141 ~~\$500,000.~~

142 ~~d. Is 100 grams or more, but less than 30 kilograms, such~~
143 ~~person shall be sentenced to a mandatory minimum term of~~
144 ~~imprisonment of 25 years and shall be ordered to pay a fine of~~
145 ~~\$750,000.~~

146 ~~4.a. A person who knowingly sells, purchases,~~
147 ~~manufactures, delivers, or brings into this state, or who is~~
148 ~~knowingly in actual or constructive possession of, 4 grams or~~
149 ~~more of:~~

150 ~~(I) Alfentanil, as described in s. 893.03(2)(b)1.;~~

151 ~~(II) Carfentanil, as described in s. 893.03(2)(b)6.;~~
 152 ~~(III) Fentanyl, as described in s. 893.03(2)(b)9.;~~
 153 ~~(IV) Sufentanil, as described in s. 893.03(2)(b)29.;~~
 154 ~~(V) A fentanyl derivative, as described in s.~~
 155 ~~893.03(1)(a)62.;~~
 156 ~~(VI) A controlled substance analog, as described in s.~~
 157 ~~893.0356, of any substance described in sub-sub-subparagraphs~~
 158 ~~(I)-(V); or~~
 159 ~~(VII) A mixture containing any substance described in sub-~~
 160 ~~sub-subparagraphs (I)-(VI),~~
 161
 162 ~~commits a felony of the first degree, which felony shall be~~
 163 ~~known as "trafficking in fentanyl," punishable as provided in s.~~
 164 ~~775.082, s. 775.083, or s. 775.084.~~
 165 ~~b. If the quantity involved under sub-subparagraph a.:~~
 166 ~~(I) Is 4 grams or more, but less than 14 grams, such~~
 167 ~~person shall be sentenced to a mandatory minimum term of~~
 168 ~~imprisonment of 3 years, and shall be ordered to pay a fine of~~
 169 ~~\$50,000.~~
 170 ~~(II) Is 14 grams or more, but less than 28 grams, such~~
 171 ~~person shall be sentenced to a mandatory minimum term of~~
 172 ~~imprisonment of 15 years, and shall be ordered to pay a fine of~~
 173 ~~\$100,000.~~
 174 ~~(III) Is 28 grams or more, such person shall be sentenced~~
 175 ~~to a mandatory minimum term of imprisonment of 25 years, and~~

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176 | ~~shall be ordered to pay a fine of \$500,000.~~

177 | ~~2.5.~~ A person who knowingly sells, purchases,
178 | manufactures, delivers, or brings into this state, or who is
179 | knowingly in actual or constructive possession of, 30 kilograms
180 | or more of any controlled substance specified in s.

181 | 893.03(1)(a)62., (1)(b), (2)(a)1., (2)(a)2., (2)(a)3., or
182 | (2)(b), or a controlled substance analog, as described in s.
183 | 893.0356, of any such substance, morphine, opium, oxycodone,
184 | hydrocodone, codeine, hydromorphone, or any salt, derivative,
185 | isomer, or salt of an isomer thereof, including heroin, as
186 | described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or

187 | 30 kilograms or more of any mixture containing any such
188 | substance, commits the first degree felony of trafficking in
189 | illegal drugs. A person who has been convicted of the first
190 | degree felony of trafficking in illegal drugs under this
191 | subparagraph shall be punished by life imprisonment and is
192 | ineligible for any form of discretionary early release except
193 | pardon or executive clemency or conditional medical release
194 | under s. 947.149. However, if the court determines that, in
195 | addition to committing any act specified in this paragraph:

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

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

201 natural, though not inevitable, lethal result,

202

203 such person commits the capital felony of trafficking in illegal
204 drugs, punishable as provided in ss. 775.082 and 921.142. A
205 person sentenced for a capital felony under this paragraph shall
206 also be sentenced to pay the maximum fine provided under
207 subparagraph 1.

208 3.6. A person who knowingly brings into this state 60
209 kilograms or more of any controlled substance specified in s.
210 893.03(1)(a)62., (1)(b), (2)(a)1., (2)(a)2., (2)(a)3., or
211 (2)(b), or a controlled substance analog, as described in s.
212 893.0356, of any such substance, morphine, opium, oxycodone,
213 hydrocodone, codeine, hydromorphone, or any salt, derivative,
214 isomer, or salt of an isomer thereof, including heroin, as
215 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
216 60 kilograms or more of any mixture containing any such
217 substance, and who knows that the probable result of such
218 importation would be the death of a person, commits capital
219 importation of illegal drugs, a capital felony punishable as
220 provided in ss. 775.082 and 921.142. A person sentenced for a
221 capital felony under this paragraph shall also be sentenced to
222 pay the maximum fine provided under subparagraph 1.

223 4.a. Notwithstanding any other law, the sale, purchase,
224 manufacture, delivery, or actual or constructive possession of
225 fewer than 100 pills, tablets, or capsules that contain any

226 controlled substance specified in s. 893.03(1)(a)62., (1)(b),
227 (2)(a)1., (2)(a)2., (2)(a)3., or (2)(b), or a controlled
228 substance analog, as described in s. 893.0356, of any such
229 substance, is not a violation of any other provision of this
230 section.

231 b. A person who knowingly sells, purchases, manufactures,
232 delivers, or brings into this state, or who is knowingly in
233 actual or constructive possession of 100 pills or more, but less
234 than 2,000 pills, tablets, or capsules that contain any
235 controlled substance specified in s. 893.03(1)(a)62., (1)(b),
236 (2)(a)1., (2)(a)2., (2)(a)3., or (2)(b), or a controlled
237 substance analog, as described in s. 893.0356, of any such
238 substance, commits a felony of the first degree, which felony
239 shall be known as "trafficking in prescription drugs,"
240 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

241 If the quantity involved:

242 (I) Is 100 or more pills, tablets, or capsules, but less
243 than 300 pills, tablets, or capsules, such person shall be
244 sentenced to a mandatory minimum term of imprisonment of 3 years
245 and may be ordered to pay a fine of up to \$25,000.

246 (II) Is 300 or more pills, tablets, or capsules, but less
247 than 700 pills, tablets, or capsules, such person shall be
248 sentenced to a mandatory minimum term of imprisonment of 7 years
249 and may be ordered to pay a fine of up to \$50,000.

250 (III) Is 700 or more pills, tablets, or capsules, but less

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251 than 1,000 pills, tablets, or capsules, such person shall be
252 sentenced to a mandatory minimum term of imprisonment of 10
253 years and may be ordered to pay a fine of up to \$100,000.

254 (IV) Is 1,000 or more pills, tablets, or capsules, but
255 less than 2,000 pills, tablets, or capsules, such person shall
256 be sentenced to a mandatory minimum term of imprisonment of 15
257 years and may be ordered to pay a fine of up to \$250,000.

258 (2) A person acts knowingly under subsection (1) if that
259 person intends to sell, purchase, manufacture, deliver, or bring
260 into this state, or to actually or constructively possess, any
261 of the controlled substances listed in subsection (1),
262 regardless of which controlled substance listed in subsection
263 (1) is in fact sold, purchased, manufactured, delivered, or
264 brought into this state, or actually or constructively
265 possessed.

266 (5) Any person who agrees, conspires, combines, or
267 confederates with another person to commit any act prohibited by
268 subsection (1) commits a felony of the first degree and is
269 punishable as if he or she had actually committed such
270 prohibited act. Nothing in this subsection shall be construed to
271 prohibit separate convictions and sentences for a violation of
272 this subsection and any violation of subsection (1).

273 Section 4. Paragraph (b) of subsection (1) of section
274 921.0024, Florida Statutes, is amended to read:

275 921.0024 Criminal Punishment Code; worksheet computations;

276 | scoresheets.—

277 | (1)

278 | (b) WORKSHEET KEY:

279 | Legal status points are assessed when any form of legal status
 280 | existed at the time the offender committed an offense before the
 281 | court for sentencing. Four (4) sentence points are assessed for
 282 | an offender's legal status.

283 | Community sanction violation points are assessed when a
 284 | community sanction violation is before the court for sentencing.
 285 | Six (6) sentence points are assessed for each community sanction
 286 | violation and each successive community sanction violation,
 287 | unless any of the following apply:

288 | 1. If the community sanction violation includes a new
 289 | felony conviction before the sentencing court, twelve (12)
 290 | community sanction violation points are assessed for the
 291 | violation, and for each successive community sanction violation
 292 | involving a new felony conviction.

293 | 2. If the community sanction violation is committed by a
 294 | violent felony offender of special concern as defined in s.
 295 | 948.06:

296 | a. Twelve (12) community sanction violation points are
 297 | assessed for the violation and for each successive violation of
 298 | felony probation or community control where:

299 | I. The violation does not include a new felony conviction;

300 and

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

304 b. Twenty-four (24) community sanction violation points
305 are assessed for the violation and for each successive violation
306 of felony probation or community control where the violation
307 includes a new felony conviction.

308 Multiple counts of community sanction violations before the
309 sentencing court shall not be a basis for multiplying the
310 assessment of community sanction violation points.

311 Prior serious felony points: If the offender has a primary
312 offense or any additional offense ranked in level 8, level 9, or
313 level 10, and one or more prior serious felonies, a single
314 assessment of thirty (30) points shall be added. For purposes of
315 this section, a prior serious felony is an offense in the
316 offender's prior record that is ranked in level 8, level 9, or
317 level 10 under s. 921.0022 or s. 921.0023 and for which the
318 offender is serving a sentence of confinement, supervision, or
319 other sanction or for which the offender's date of release from
320 confinement, supervision, or other sanction, whichever is later,
321 is within 3 years before the date the primary offense or any
322 additional offense was committed.

323 Prior capital felony points: If the offender has one or more

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324 prior capital felonies in the offender's criminal record, points
325 shall be added to the subtotal sentence points of the offender
326 equal to twice the number of points the offender receives for
327 the primary offense and any additional offense. A prior capital
328 felony in the offender's criminal record is a previous capital
329 felony offense for which the offender has entered a plea of nolo
330 contendere or guilty or has been found guilty; or a felony in
331 another jurisdiction which is a capital felony in that
332 jurisdiction, or would be a capital felony if the offense were
333 committed in this state.

334 Possession of a firearm, semiautomatic firearm, or machine gun:
335 If the offender is convicted of committing or attempting to
336 commit any felony other than those enumerated in s. 775.087(2)
337 while having in his or her possession: a firearm as defined in
338 s. 790.001(6), an additional eighteen (18) sentence points are
339 assessed; or if the offender is convicted of committing or
340 attempting to commit any felony other than those enumerated in
341 s. 775.087(3) while having in his or her possession a
342 semiautomatic firearm as defined in s. 775.087(3) or a machine
343 gun as defined in s. 790.001(9), an additional twenty-five (25)
344 sentence points are assessed.

345 Sentencing multipliers:

346 Drug trafficking: If the primary offense is drug trafficking
347 under s. 893.135, the subtotal sentence points are multiplied,

348 at the discretion of the court, for a level 7 or level 8
349 offense, by 2.0 ~~1.5~~. The state attorney may move the sentencing
350 court to reduce or suspend the sentence of a person convicted of
351 a level 7 or level 8 offense, ~~if the offender provides~~
352 ~~substantial assistance as described in s. 893.135(4)~~.

353 Law enforcement protection: If the primary offense is a
354 violation of the Law Enforcement Protection Act under s.
355 775.0823(2), (3), or (4), the subtotal sentence points are
356 multiplied by 2.5. If the primary offense is a violation of s.
357 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
358 are multiplied by 2.0. If the primary offense is a violation of
359 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
360 Protection Act under s. 775.0823(10) or (11), the subtotal
361 sentence points are multiplied by 1.5.

362 Grand theft of a motor vehicle: If the primary offense is grand
363 theft of the third degree involving a motor vehicle and in the
364 offender's prior record, there are three or more grand thefts of
365 the third degree involving a motor vehicle, the subtotal
366 sentence points are multiplied by 1.5.

367 Offense related to a criminal gang: If the offender is convicted
368 of the primary offense and committed that offense for the
369 purpose of benefiting, promoting, or furthering the interests of
370 a criminal gang as defined in s. 874.03, the subtotal sentence
371 points are multiplied by 1.5. If applying the multiplier results

372 in the lowest permissible sentence exceeding the statutory
373 maximum sentence for the primary offense under chapter 775, the
374 court may not apply the multiplier and must sentence the
375 defendant to the statutory maximum sentence.

376 Domestic violence in the presence of a child: If the offender is
377 convicted of the primary offense and the primary offense is a
378 crime of domestic violence, as defined in s. 741.28, which was
379 committed in the presence of a child under 16 years of age who
380 is a family or household member as defined in s. 741.28(3) with
381 the victim or perpetrator, the subtotal sentence points are
382 multiplied by 1.5.

383 Adult-on-minor sex offense: If the offender was 18 years of age
384 or older and the victim was younger than 18 years of age at the
385 time the offender committed the primary offense, and if the
386 primary offense was an offense committed on or after October 1,
387 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
388 violation involved a victim who was a minor and, in the course
389 of committing that violation, the defendant committed a sexual
390 battery under chapter 794 or a lewd act under s. 800.04 or s.
391 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
392 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
393 800.04; or s. 847.0135(5), the subtotal sentence points are
394 multiplied by 2.0. If applying the multiplier results in the
395 lowest permissible sentence exceeding the statutory maximum

396 sentence for the primary offense under chapter 775, the court
 397 may not apply the multiplier and must sentence the defendant to
 398 the statutory maximum sentence.

399 Section 5. Paragraphs (g), (h), and (i) of subsection (3)
 400 of section 921.0022, Florida Statutes, are amended to read:

401 921.0022 Criminal Punishment Code; offense severity
 402 ranking chart.—

403 (3) OFFENSE SEVERITY RANKING CHART

404 (g) LEVEL 7

405

Florida	Felony	Description
Statute	Degree	
316.027 (2) (c)	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

406

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wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

409

327.35 (3) (c) 2.

3rd Vessel BUI resulting in serious bodily injury.

410

402.319 (2)

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

411

409.920
(2) (b) 1.a.

3rd Medicaid provider fraud; \$10,000 or less.

412

409.920
(2) (b) 1.b.

2nd Medicaid provider fraud; more than \$10,000, but less than \$50,000.

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413	456.065 (2)	3rd	Practicing a health care profession without a license.
414	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
415	458.327 (1)	3rd	Practicing medicine without a license.
416	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
417	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
418	461.012 (1)	3rd	Practicing podiatric medicine without a license.
419	462.17	3rd	Practicing naturopathy without a license.

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420	463.015 (1)	3rd	Practicing optometry without a license.
421	464.016 (1)	3rd	Practicing nursing without a license.
422	465.015 (2)	3rd	Practicing pharmacy without a license.
423	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
424	467.201	3rd	Practicing midwifery without a license.
425	468.366	3rd	Delivering respiratory care services without a license.
426	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
427	483.901 (7)	3rd	Practicing medical physics

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without a license.

428

484.013 (1) (c)

3rd

Preparing or dispensing optical devices without a prescription.

429

484.053

3rd

Dispensing hearing aids without a license.

430

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.

431

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.

432

560.125 (5) (a)

3rd

Money services business by

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

433

655.50 (10) (b) 1.

3rd Failure to report
 financial transactions
 exceeding \$300 but less
 than \$20,000 by
 financial institution.

434

775.21 (10) (a)

3rd Sexual predator; failure to
 register; failure to renew
 driver license or
 identification card; other
 registration violations.

435

775.21 (10) (b)

3rd Sexual predator working
 where children regularly
 congregate.

436

775.21 (10) (g)

3rd Failure to report or
 providing false
 information about a
 sexual predator; harbor

or conceal a sexual
predator.

437

782.051 (3)

2nd

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

438

782.07 (1)

2nd

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

439

782.071

2nd

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

440

782.072

2nd

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

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442	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
443	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
444	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
445	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
446	784.048 (7)	3rd	Aggravated stalking; violation of court order.
447	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
447	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility

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			staff.
448	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
449	784.081 (1)	1st	Aggravated battery on specified official or employee.
450	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
451	784.083 (1)	1st	Aggravated battery on code inspector.
452	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
453	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.
454	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
455	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
456	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
457	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
458	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
459	790.166(4)	2nd	Possessing, displaying, or

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threatening to use a hoax
 weapon of mass destruction
 while committing or
 attempting to commit a
 felony.

460

790.23

1st, PBL

Possession of a firearm by a
 person who qualifies for the
 penalty enhancements
 provided for in s. 874.04.

461

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.

462

796.05 (1)

1st

Live on earnings of a
 prostitute; 2nd offense.

463

796.05 (1)

1st

Live on earnings of a
 prostitute; 3rd and
 subsequent offense.

464

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465	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
466	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.
467	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.
468	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
	810.02 (3) (a)	2nd	Burglary of occupied

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469			dwelling; unarmed; no assault or battery.
	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
470			
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
471			
	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
472			
	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.
473			
	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at

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474	812.014 (2) (b) 3.	2nd	<p>less than \$50,000, grand theft in 2nd degree.</p> <p>Property stolen, emergency medical equipment; 2nd degree grand theft.</p>
475	812.014 (2) (b) 4.	2nd	<p>Property stolen, law enforcement equipment from authorized emergency vehicle.</p>
476	812.0145 (2) (a)	1st	<p>Theft from person 65 years of age or older; \$50,000 or more.</p>
477	812.019 (2)	1st	<p>Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.</p>
478			

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479	812.131 (2) (a)	2nd	Robbery by sudden snatching.
480	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
481	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
482	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
483	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
484	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341	1st	Making false entries of

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

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.

485

817.535 (2) (a)

3rd Filing false lien or other unauthorized document.

486

817.611 (2) (b)

2nd Traffic in or possess 15 to 49 counterfeit credit cards or related documents.

487

825.102 (3) (b)

2nd Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

488

825.103 (3) (b)

2nd Exploiting an elderly person or disabled adult and property is

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489			valued at \$10,000 or more, but less than \$50,000.
489	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
490			
490	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
491			
491	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
492			
492	838.015	2nd	Bribery.
493			
493	838.016	2nd	Unlawful compensation or reward for official behavior.
494			
494	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
495			

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496	838.22	2nd	Bid tampering.
497	843.0855 (2)	3rd	Impersonation of a public officer or employee.
498	843.0855 (3)	3rd	Unlawful simulation of legal process.
499	843.0855 (4)	3rd	Intimidation of a public officer or employee.
500	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
501	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
502	872.06	2nd	Abuse of a dead human body.
	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or

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503	874.10	1st, PBL	subsequent offense.
504	893.13(1)(c)1.	1st	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
505	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 a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
			Sell, manufacture, or deliver cocaine or other

drug prohibited under s.
 893.03(1) (a), (1) (b),
 (1) (d), (2) (a), (2) (b), or
 (2) (c)4., within 1,000
 feet of property used for
 religious services or a
 specified business site.

506

893.13 (4) (a)

1st

Use or hire of minor;
 deliver to minor other
 controlled substance.

507

893.135 (1) (a) 1.

1st

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

508

893.135
 (1) (b) 1.a.

1st

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

509

893.135
 (1) (c) 1.a.

1st

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

510

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511	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
512	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
513	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
514	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
515	893.135 (1) (c) 4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
516	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
	893.135 (1) (e) 1.	1st	Trafficking in

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517	893.135(1)(f)1.	1st	methaqualone, 200 grams or more, less than 5 kilograms.
518	893.135 (1)(g)1.a.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
519	893.135 (1)(h)1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
520	893.135 (1)(j)1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
521	893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200

grams.

522

893.135 (1) (m) 2.a. 1st Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.

523

893.135 (1) (m) 2.b. 1st Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.

524

893.135 (1) (n) 2.a. 1st Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.

525

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

526

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

527

896.104(4) (a) 1. 3rd Structuring transactions

528	943.0435 (4) (c)	2nd	to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
529	943.0435 (8)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
530	943.0435 (9) (a)	3rd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
531	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor

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532	943.0435 (14)	3rd	or conceal a sexual offender.
533	944.607 (9)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
534	944.607 (10) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
535	944.607 (12)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
536			Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

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537	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
538	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
539	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
540	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

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541	(h) LEVEL 8	Felony	Description
542	Florida Statute	Degree	Description
543	316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
544	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
545	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
546	499.0051 (6)	1st	Knowing trafficking in contraband prescription drugs.
547	499.0051 (7)	1st	Knowing forgery of prescription labels or prescription drug labels.
548	560.123 (8) (b) 2.	2nd	Failure to report currency or payment

549	560.125 (5) (b)	2nd	<p>instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.</p> <p>Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.</p>
550	655.50 (10) (b) 2.	2nd	<p>Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.</p>
551	777.03 (2) (a)	1st	<p>Accessory after the fact, capital felony.</p>
552	782.04 (4)	2nd	<p>Killing of human without design when engaged in act or attempt of any felony</p>

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other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

553

782.051 (2)

1st

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

554

782.071 (1) (b)

1st

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

555

782.072 (2)

1st

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

556

787.06 (3) (a) 1.

1st

Human trafficking for labor and services of a

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557			child.
	787.06 (3) (b)	1st	Human trafficking using coercion for commercial sexual activity of an adult.
558			
	787.06 (3) (c) 2.	1st	Human trafficking using coercion for labor and services of an unauthorized alien adult.
559			
	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.
560			
	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.

561

790.161 (3)

1st

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

562

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.

563

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

564	794.011 (5) (c)	2nd	<p>injury.</p> <p>Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.</p>
565	794.011 (5) (d)	1st	<p>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.</p>
566	794.08 (3)	2nd	<p>Female genital mutilation, removal of a victim younger than 18 years of age from this state.</p>

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567	800.04 (4) (b)	2nd	Lewd or lascivious battery.
568	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
569	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
570	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
571	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
572	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing

573	812.014 (2) (a) 2.	1st	structural damage or \$1,000 or more property damage.
574	812.13 (2) (b)	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
575	812.135 (2) (c)	1st	Robbery with a weapon.
576	817.505 (4) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
577	817.535 (2) (b)	2nd	Patient brokering; 20 or more patients.
			Filing false lien or other unauthorized document; second or subsequent offense.

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578	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
579	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
580	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.
581	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
582	817.611 (2) (c)	1st	Traffic in or possess 50

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583			or more counterfeit credit cards or related documents.
583	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
584	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
585	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
586	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
587	837.021 (2)	2nd	Making contradictory statements in official

proceedings relating to
prosecution of a capital
felony.

588

860.121(2)(c)

1st Shooting at or
throwing any object in
path of railroad
vehicle resulting in
great bodily harm.

589

860.16

1st Aircraft piracy.

590

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).

591

893.13(2)(b)

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

592

893.13(6)(c)

1st Possess in excess of 10
grams of any substance
specified in s.

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593			893.03(1)(a) or (b).
	893.135(1)(a)2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
594	893.135 (1)(b)1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
595	893.135 (1)(c)1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
596	893.135 (1)(c)2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
597	893.135 (1)(c)3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
598	893.135 (1)(c)4.b.(II)	1st	Trafficking in fentanyl, 14 grams or more, less

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~~than 28 grams.~~

599

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

600

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

601

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

602

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

603

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

604

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

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more, less than 10
kilograms.

605

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

606

893.135 (1) (m) 2.c. 1st Trafficking in synthetic
cannabinoids, 1,000 grams or
more, less than 30 kilograms.

607

893.135 (1) (n) 2.b. 1st Trafficking in n-benzyl
phenethylamines, 100 grams or
more, less than 200 grams.

608

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

609

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

610

895.03 (2) 1st Acquire or maintain through

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

611

895.03 (3)

1st

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

612

896.101 (5) (b)

2nd

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

613

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.

614

615

(i) LEVEL 9

616

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	Florida Statute	Felony Degree	Description
617	316.193 (3) (c) 3.b.	1st	DUI manslaughter; failing to render aid or give information.
618	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
619	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
620	499.0051(8)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
621	560.123(8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
622			

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623	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
624	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
625	775.0844	1st	Aggravated white collar crime.
626	782.04 (1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
	782.04 (3)	1st, PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious

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627	782.051(1)	1st	<p>bodily injury or death, and other specified felonies.</p> <p>Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).</p>
628	782.07(2)	1st	<p>Aggravated manslaughter of an elderly person or disabled adult.</p>
629	787.01(1)(a)1.	1st,PBL	<p>Kidnapping; hold for ransom or reward or as a shield or hostage.</p>
630	787.01(1)(a)2.	1st,PBL	<p>Kidnapping with intent to commit or facilitate commission of any felony.</p>
631			

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632	787.01 (1) (a) 4.	1st, PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
633	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.
634	787.06 (3) (c) 1.	1st	Human trafficking for labor and services of an unauthorized alien child.
635	787.06 (3) (d)	1st	Human trafficking using coercion for commercial sexual activity of an unauthorized adult alien.
	787.06 (3) (f) 1.	1st, PBL	Human trafficking for

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636	790.161	1st	Attempted capital destructive device offense.
637	790.166 (2)	1st, PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.
638	794.011 (2)	1st	Attempted sexual battery; victim less than 12 years of age.
639	794.011 (2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

640	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.
641	794.011 (4) (b)	1st	Sexual battery, certain circumstances; victim and offender 18 years of age or older.
642	794.011 (4) (c)	1st	Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.
643	794.011 (4) (d)	1st, PBL	Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.
644			

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645	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.
646	794.08 (2)	1st	Female genital mutilation; victim younger than 18 years of age.
647	800.04 (5) (b)	Life	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
648	812.13 (2) (a)	1st, PBL	Robbery with firearm or other deadly weapon.
649	812.133 (2) (a)	1st, PBL	Carjacking; firearm or other deadly weapon.

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650	812.135 (2) (b)	1st	Home-invasion robbery with weapon.
651	817.535 (3) (b)	1st	Filing false lien or other unauthorized document; second or subsequent offense; property owner is a public officer or employee.
652	817.535 (4) (a) 2.	1st	Filing false claim or other unauthorized document; defendant is incarcerated or under supervision.
653	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.
	817.568 (7)	2nd,	Fraudulent use of personal

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PBL identification information of
 an individual under the age of
 18 by his or her parent, legal
 guardian, or person exercising
 custodial authority.

654

827.03 (2) (a) 1st Aggravated child abuse.

655

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

656

847.0145 (2) 1st Purchasing, or otherwise
 obtaining custody or
 control, of a minor.

657

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.

658

893.135 1st Attempted capital trafficking
 offense.

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659	893.135 (1) (a) 3.	1st	Trafficking in cannabis, more than 10,000 lbs.
660	893.135 (1) (b) 1.c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
661	893.135 (1) (c) 1.c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
662	893.135 (1) (c) 2.d.	1st	Trafficking in hydrocodone, 200 grams or more, less than 30 kilograms.
663	893.135 (1) (c) 3.d.	1st	Trafficking in oxycodone, 100 grams or more, less than 30 kilograms.
664	893.135 (1) (c) 4.b.(III)	1st	Trafficking in fentanyl, 28 grams or more.
665			

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666	893.135 (1) (d) 1.c.	1st	Trafficking in phencyclidine, 400 grams or more.
667	893.135 (1) (e) 1.c.	1st	Trafficking in methaqualone, 25 kilograms or more.
668	893.135 (1) (f) 1.c.	1st	Trafficking in amphetamine, 200 grams or more.
669	893.135 (1) (h) 1.c.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 10 kilograms or more.
670	893.135 (1) (j) 1.c.	1st	Trafficking in 1,4- Butanediol, 10 kilograms or more.
671	893.135 (1) (k) 2.c.	1st	Trafficking in Phenethylamines, 400 grams or more.
672	893.135 (1) (m) 2.d.	1st	Trafficking in synthetic cannabinoids, 30 kilograms or more.
	893.135	1st	Trafficking in n-benzyl

673 (1) (n) 2.c. phenethylamines, 200 grams or
more.

674 896.101 (5) (c) 1st Money laundering,
financial instruments
totaling or exceeding
\$100,000.

675 896.104 (4) (a) 3. 1st Structuring transactions
to evade reporting or
registration
requirements, financial
transactions totaling or
exceeding \$100,000.

676 Section 6. For the purpose of incorporating the amendment
677 made by this act to section 893.135, Florida Statutes, in a
678 reference thereto, paragraph (c) of subsection (3) of section
679 373.6055, Florida Statutes, is reenacted to read:
680 373.6055 Criminal history checks for certain water
681 management district employees and others.-
682 (3)
683 (c) In addition to other requirements for employment or
684 access established by any water management district pursuant to
685 its water management district's security plan for buildings,

686 facilities, and structures, each water management district's
687 security plan shall provide that:

688 1. Any person who has within the past 7 years been
689 convicted, regardless of whether adjudication was withheld, for
690 a forcible felony as defined in s. 776.08; an act of terrorism
691 as defined in s. 775.30; planting of a hoax bomb as provided in
692 s. 790.165; any violation involving the manufacture, possession,
693 sale, delivery, display, use, or attempted or threatened use of
694 a weapon of mass destruction or hoax weapon of mass destruction
695 as provided in s. 790.166; dealing in stolen property; any
696 violation of s. 893.135; any violation involving the sale,
697 manufacturing, delivery, or possession with intent to sell,
698 manufacture, or deliver a controlled substance; burglary;
699 robbery; any felony violation of s. 812.014; any violation of s.
700 790.07; any crime an element of which includes use or possession
701 of a firearm; any conviction for any similar offenses under the
702 laws of another jurisdiction; or conviction for conspiracy to
703 commit any of the listed offenses may not be qualified for
704 initial employment within or authorized regular access to
705 buildings, facilities, or structures defined in the water
706 management district's security plan as restricted access areas.

707 2. Any person who has at any time been convicted of any of
708 the offenses listed in subparagraph 1. may not be qualified for
709 initial employment within or authorized regular access to
710 buildings, facilities, or structures defined in the water

711 management district's security plan as restricted access areas
712 unless, after release from incarceration and any supervision
713 imposed as a sentence, the person remained free from a
714 subsequent conviction, regardless of whether adjudication was
715 withheld, for any of the listed offenses for a period of at
716 least 7 years prior to the employment or access date under
717 consideration.

718 Section 7. For the purpose of incorporating the amendment
719 made by this act to section 893.135, Florida Statutes, in a
720 reference thereto, subsection (6) of section 397.4073, Florida
721 Statutes, is reenacted to read:

722 397.4073 Background checks of service provider personnel.—

723 (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State
724 funds may not be disseminated to any service provider owned or
725 operated by an owner, director, or chief financial officer who
726 has been convicted of, has entered a plea of guilty or nolo
727 contendere to, or has had adjudication withheld for, a violation
728 of s. 893.135 pertaining to trafficking in controlled
729 substances, or a violation of the law of another state, the
730 District of Columbia, the United States or any possession or
731 territory thereof, or any foreign jurisdiction which is
732 substantially similar in elements and penalties to a trafficking
733 offense in this state, unless the owner's or director's civil
734 rights have been restored.

735 Section 8. For the purpose of incorporating the amendment

736 made by this act to section 893.135, Florida Statutes, in a
737 reference thereto, subsection (1) of section 414.095, Florida
738 Statutes, is reenacted to read:

739 414.095 Determining eligibility for temporary cash
740 assistance.—

741 (1) ELIGIBILITY.—An applicant must meet eligibility
742 requirements of this section before receiving services or
743 temporary cash assistance under this chapter, except that an
744 applicant shall be required to register for work and engage in
745 work activities in accordance with s. 445.024, as designated by
746 the local workforce development board, and may receive support
747 services or child care assistance in conjunction with such
748 requirement. The department shall make a determination of
749 eligibility based on the criteria listed in this chapter. The
750 department shall monitor continued eligibility for temporary
751 cash assistance through periodic reviews consistent with the
752 food assistance eligibility process. Benefits may not be denied
753 to an individual solely based on a felony drug conviction,
754 unless the conviction is for trafficking pursuant to s. 893.135.
755 To be eligible under this section, an individual convicted of a
756 drug felony must be satisfactorily meeting the requirements of
757 the temporary cash assistance program, including all substance
758 abuse treatment requirements. Within the limits specified in
759 this chapter, the state opts out of the provision of Pub. L. No.
760 104-193, s. 115, that eliminates eligibility for temporary cash

761 assistance and food assistance for any individual convicted of a
 762 controlled substance felony.

763 Section 9. For the purpose of incorporating the amendment
 764 made by this act to section 893.135, Florida Statutes, in a
 765 reference thereto, subsection (2) of section 772.12, Florida
 766 Statutes, is reenacted to read:

767 772.12 Drug Dealer Liability Act.—

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

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

- 776 1. A violation of s. 893.13, except for a violation of s.
- 777 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or
- 778 2. A violation of s. 893.135; and

779 (b) The person was not injured by reason of his or her
 780 participation in the same act or transaction that resulted in
 781 the defendant's conviction for any offense described in
 782 subparagraph (a)1.

783 Section 10. For the purpose of incorporating the amendment
 784 made by this act to section 893.135, Florida Statutes, in
 785 references thereto, paragraph (a) of subsection (2) and

786 paragraph (a) of subsection (3) of section 775.087, Florida
 787 Statutes, are reenacted to read:

788 775.087 Possession or use of weapon; aggravated battery;
 789 felony reclassification; minimum sentence.—

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

- 793 a. Murder;
- 794 b. Sexual battery;
- 795 c. Robbery;
- 796 d. Burglary;
- 797 e. Arson;
- 798 f. Aggravated battery;
- 799 g. Kidnapping;
- 800 h. Escape;
- 801 i. Aircraft piracy;
- 802 j. Aggravated child abuse;
- 803 k. Aggravated abuse of an elderly person or disabled
 804 adult;
- 805 l. Unlawful throwing, placing, or discharging of a
 806 destructive device or bomb;
- 807 m. Carjacking;
- 808 n. Home-invasion robbery;
- 809 o. Aggravated stalking;
- 810 p. Trafficking in cannabis, trafficking in cocaine,

811 capital importation of cocaine, trafficking in illegal drugs,
812 capital importation of illegal drugs, trafficking in
813 phencyclidine, capital importation of phencyclidine, trafficking
814 in methaqualone, capital importation of methaqualone,
815 trafficking in amphetamine, capital importation of amphetamine,
816 trafficking in flunitrazepam, trafficking in gamma-
817 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
818 trafficking in Phenethylamines, or other violation of s.
819 893.135(1); or

820 q. Possession of a firearm by a felon

821
822 and during the commission of the offense, such person actually
823 possessed a "firearm" or "destructive device" as those terms are
824 defined in s. 790.001, shall be sentenced to a minimum term of
825 imprisonment of 10 years, except that a person who is convicted
826 for possession of a firearm by a felon or burglary of a
827 conveyance shall be sentenced to a minimum term of imprisonment
828 of 3 years if such person possessed a "firearm" or "destructive
829 device" during the commission of the offense. However, if an
830 offender who is convicted of the offense of possession of a
831 firearm by a felon has a previous conviction of committing or
832 attempting to commit a felony listed in s. 775.084(1)(b)1. and
833 actually possessed a firearm or destructive device during the
834 commission of the prior felony, the offender shall be sentenced
835 to a minimum term of imprisonment of 10 years.

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

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

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

- 856 a. Murder;
857 b. Sexual battery;
858 c. Robbery;
859 d. Burglary;
860 e. Arson;

- 861 f. Aggravated battery;
- 862 g. Kidnapping;
- 863 h. Escape;
- 864 i. Sale, manufacture, delivery, or intent to sell,
- 865 manufacture, or deliver any controlled substance;
- 866 j. Aircraft piracy;
- 867 k. Aggravated child abuse;
- 868 l. Aggravated abuse of an elderly person or disabled
- 869 adult;
- 870 m. Unlawful throwing, placing, or discharging of a
- 871 destructive device or bomb;
- 872 n. Carjacking;
- 873 o. Home-invasion robbery;
- 874 p. Aggravated stalking; or
- 875 q. Trafficking in cannabis, trafficking in cocaine,
- 876 capital importation of cocaine, trafficking in illegal drugs,
- 877 capital importation of illegal drugs, trafficking in
- 878 phencyclidine, capital importation of phencyclidine, trafficking
- 879 in methaqualone, capital importation of methaqualone,
- 880 trafficking in amphetamine, capital importation of amphetamine,
- 881 trafficking in flunitrazepam, trafficking in gamma-
- 882 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
- 883 trafficking in Phenethylamines, or other violation of s.
- 884 893.135(1);
- 885

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

890 2. Any person who is convicted of a felony or an attempt
891 to commit a felony listed in subparagraph (a)1., regardless of
892 whether the use of a weapon is an element of the felony, and
893 during the course of the commission of the felony such person
894 discharged a semiautomatic firearm and its high-capacity box
895 magazine or a "machine gun" as defined in s. 790.001 shall be
896 sentenced to a minimum term of imprisonment of 20 years.

897 3. Any person who is convicted of a felony or an attempt
898 to commit a felony listed in subparagraph (a)1., regardless of
899 whether the use of a weapon is an element of the felony, and
900 during the course of the commission of the felony such person
901 discharged a semiautomatic firearm and its high-capacity box
902 magazine or a "machine gun" as defined in s. 790.001 and, as the
903 result of the discharge, death or great bodily harm was
904 inflicted upon any person, the convicted person shall be
905 sentenced to a minimum term of imprisonment of not less than 25
906 years and not more than a term of imprisonment of life in
907 prison.

908 Section 11. For the purpose of incorporating the amendment
909 made by this act to section 893.135, Florida Statutes, in
910 references thereto, paragraph (a) of subsection (1), paragraph

911 (a) of subsection (3), and paragraph (a) of subsection (4) of
 912 section 782.04, Florida Statutes, are reenacted to read:

913 782.04 Murder.—

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

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

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

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

920 b. Arson,

921 c. Sexual battery,

922 d. Robbery,

923 e. Burglary,

924 f. Kidnapping,

925 g. Escape,

926 h. Aggravated child abuse,

927 i. Aggravated abuse of an elderly person or disabled
 928 adult,

929 j. Aircraft piracy,

930 k. Unlawful throwing, placing, or discharging of a
 931 destructive device or bomb,

932 l. Carjacking,

933 m. Home-invasion robbery,

934 n. Aggravated stalking,

935 o. Murder of another human being,

936 p. Resisting an officer with violence to his or her
 937 person,
 938 q. Aggravated fleeing or eluding with serious bodily
 939 injury or death,
 940 r. Felony that is an act of terrorism or is in furtherance
 941 of an act of terrorism, including a felony under s. 775.30, s.
 942 775.32, s. 775.33, s. 775.34, or s. 775.35, or
 943 s. Human trafficking; or
 944 3. Which resulted from the unlawful distribution by a
 945 person 18 years of age or older of any of the following
 946 substances, or mixture containing any of the following
 947 substances, when such substance or mixture is proven to be the
 948 proximate cause of the death of the user:
 949 a. A substance controlled under s. 893.03(1);
 950 b. Cocaine, as described in s. 893.03(2)(a)4.;
 951 c. Opium or any synthetic or natural salt, compound,
 952 derivative, or preparation of opium;
 953 d. Methadone;
 954 e. Alfentanil, as described in s. 893.03(2)(b)1.;
 955 f. Carfentanil, as described in s. 893.03(2)(b)6.;
 956 g. Fentanyl, as described in s. 893.03(2)(b)9.;
 957 h. Sufentanil, as described in s. 893.03(2)(b)29.; or
 958 i. A controlled substance analog, as described in s.
 959 893.0356, of any substance specified in sub-subparagraphs a.-h.,
 960

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

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

965 (a) Trafficking offense prohibited by s. 893.135(1),
 966
 967 by a person other than the person engaged in the perpetration of
 968 or in the attempt to perpetrate such felony, the person
 969 perpetrating or attempting to perpetrate such felony commits
 970 murder in the second degree, which constitutes a felony of the
 971 first degree, punishable by imprisonment for a term of years not
 972 exceeding life or as provided in s. 775.082, s. 775.083, or s.
 973 775.084.

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

978 (a) Trafficking offense prohibited by s. 893.135(1),
 979
 980 is murder in the third degree and constitutes a felony of the
 981 second degree, punishable as provided in s. 775.082, s. 775.083,
 982 or s. 775.084.

983 Section 12. For the purpose of incorporating the amendment
 984 made by this act to section 893.135, Florida Statutes, in a
 985 reference thereto, paragraph (f) of subsection (3) of section

986 | 810.02, Florida Statutes, is reenacted to read:

987 | 810.02 Burglary.—

988 | (3) Burglary is a felony of the second degree, punishable
 989 | as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
 990 | course of committing the offense, the offender does not make an
 991 | assault or battery and is not and does not become armed with a
 992 | dangerous weapon or explosive, and the offender enters or
 993 | remains in a:

994 | (f) Structure or conveyance when the offense intended to
 995 | be committed therein is theft of a controlled substance as
 996 | defined in s. 893.02. Notwithstanding any other law, separate
 997 | judgments and sentences for burglary with the intent to commit
 998 | theft of a controlled substance under this paragraph and for any
 999 | applicable possession of controlled substance offense under s.
 1000 | 893.13 or trafficking in controlled substance offense under s.
 1001 | 893.135 may be imposed when all such offenses involve the same
 1002 | amount or amounts of a controlled substance.

1003 |
 1004 | However, if the burglary is committed within a county that is
 1005 | subject to a state of emergency declared by the Governor under
 1006 | chapter 252 after the declaration of emergency is made and the
 1007 | perpetration of the burglary is facilitated by conditions
 1008 | arising from the emergency, the burglary is a felony of the
 1009 | first degree, punishable as provided in s. 775.082, s. 775.083,
 1010 | or s. 775.084. As used in this subsection, the term "conditions

1011 arising from the emergency" means civil unrest, power outages,
 1012 curfews, voluntary or mandatory evacuations, or a reduction in
 1013 the presence of or response time for first responders or
 1014 homeland security personnel. A person arrested for committing a
 1015 burglary within a county that is subject to such a state of
 1016 emergency may not be released until the person appears before a
 1017 committing magistrate at a first appearance hearing. For
 1018 purposes of sentencing under chapter 921, a felony offense that
 1019 is reclassified under this subsection is ranked one level above
 1020 the ranking under s. 921.0022 or s. 921.0023 of the offense
 1021 committed.

1022 Section 13. For the purpose of incorporating the amendment
 1023 made by this act to section 893.135, Florida Statutes, in a
 1024 reference thereto, paragraph (c) of subsection (2) of section
 1025 812.014, Florida Statutes, is reenacted to read:

1026 812.014 Theft.—

1027 (2)

1028 (c) It is grand theft of the third degree and a felony of
 1029 the third degree, punishable as provided in s. 775.082, s.
 1030 775.083, or s. 775.084, if the property stolen is:

- 1031 1. Valued at \$300 or more, but less than \$5,000.
- 1032 2. Valued at \$5,000 or more, but less than \$10,000.
- 1033 3. Valued at \$10,000 or more, but less than \$20,000.
- 1034 4. A will, codicil, or other testamentary instrument.
- 1035 5. A firearm.

- 1036 6. A motor vehicle, except as provided in paragraph (a).
- 1037 7. Any commercially farmed animal, including any animal of
- 1038 the equine, bovine, or swine class or other grazing animal; a
- 1039 bee colony of a registered beekeeper; and aquaculture species
- 1040 raised at a certified aquaculture facility. If the property
- 1041 stolen is aquaculture species raised at a certified aquaculture
- 1042 facility, then a \$10,000 fine shall be imposed.
- 1043 8. Any fire extinguisher.
- 1044 9. Any amount of citrus fruit consisting of 2,000 or more
- 1045 individual pieces of fruit.
- 1046 10. Taken from a designated construction site identified
- 1047 by the posting of a sign as provided for in s. 810.09(2)(d).
- 1048 11. Any stop sign.
- 1049 12. Anhydrous ammonia.
- 1050 13. Any amount of a controlled substance as defined in s.
- 1051 893.02. Notwithstanding any other law, separate judgments and
- 1052 sentences for theft of a controlled substance under this
- 1053 subparagraph and for any applicable possession of controlled
- 1054 substance offense under s. 893.13 or trafficking in controlled
- 1055 substance offense under s. 893.135 may be imposed when all such
- 1056 offenses involve the same amount or amounts of a controlled
- 1057 substance.
- 1058
- 1059 However, if the property is stolen within a county that is
- 1060 subject to a state of emergency declared by the Governor under

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1061 chapter 252, the property is stolen after the declaration of
1062 emergency is made, and the perpetration of the theft is
1063 facilitated by conditions arising from the emergency, the
1064 offender commits a felony of the second degree, punishable as
1065 provided in s. 775.082, s. 775.083, or s. 775.084, if the
1066 property is valued at \$5,000 or more, but less than \$10,000, as
1067 provided under subparagraph 2., or if the property is valued at
1068 \$10,000 or more, but less than \$20,000, as provided under
1069 subparagraph 3. As used in this paragraph, the term "conditions
1070 arising from the emergency" means civil unrest, power outages,
1071 curfews, voluntary or mandatory evacuations, or a reduction in
1072 the presence of or the response time for first responders or
1073 homeland security personnel. For purposes of sentencing under
1074 chapter 921, a felony offense that is reclassified under this
1075 paragraph is ranked one level above the ranking under s.
1076 921.0022 or s. 921.0023 of the offense committed.

1077 Section 14. For the purpose of incorporating the amendment
1078 made by this act to section 893.135, Florida Statutes, in
1079 references thereto, paragraph (c) of subsection (3) of section
1080 893.03, Florida Statutes, is reenacted to read:

1081 893.03 Standards and schedules.—The substances enumerated
1082 in this section are controlled by this chapter. The controlled
1083 substances listed or to be listed in Schedules I, II, III, IV,
1084 and V are included by whatever official, common, usual,
1085 chemical, trade name, or class designated. The provisions of

1086 | this section shall not be construed to include within any of the
 1087 | schedules contained in this section any excluded drugs listed
 1088 | within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
 1089 | Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
 1090 | Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
 1091 | Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
 1092 | Anabolic Steroid Products."

1093 | (3) SCHEDULE III.—A substance in Schedule III has a
 1094 | potential for abuse less than the substances contained in
 1095 | Schedules I and II and has a currently accepted medical use in
 1096 | treatment in the United States, and abuse of the substance may
 1097 | lead to moderate or low physical dependence or high
 1098 | psychological dependence or, in the case of anabolic steroids,
 1099 | may lead to physical damage. The following substances are
 1100 | controlled in Schedule III:

1101 | (c) Unless specifically excepted or unless listed in
 1102 | another schedule, any material, compound, mixture, or
 1103 | preparation containing limited quantities of any of the
 1104 | following controlled substances or any salts thereof:

1105 | 1. Not more than 1.8 grams of codeine per 100 milliliters
 1106 | or not more than 90 milligrams per dosage unit, with an equal or
 1107 | greater quantity of an isoquinoline alkaloid of opium.

1108 | 2. Not more than 1.8 grams of codeine per 100 milliliters
 1109 | or not more than 90 milligrams per dosage unit, with recognized
 1110 | therapeutic amounts of one or more active ingredients which are

1111 not controlled substances.

1112 3. Not more than 300 milligrams of hydrocodone per 100
 1113 milliliters or not more than 15 milligrams per dosage unit, with
 1114 a fourfold or greater quantity of an isoquinoline alkaloid of
 1115 opium.

1116 4. Not more than 300 milligrams of hydrocodone per 100
 1117 milliliters or not more than 15 milligrams per dosage unit, with
 1118 recognized therapeutic amounts of one or more active ingredients
 1119 that are not controlled substances.

1120 5. Not more than 1.8 grams of dihydrocodeine per 100
 1121 milliliters or not more than 90 milligrams per dosage unit, with
 1122 recognized therapeutic amounts of one or more active ingredients
 1123 which are not controlled substances.

1124 6. Not more than 300 milligrams of ethylmorphine per 100
 1125 milliliters or not more than 15 milligrams per dosage unit, with
 1126 one or more active, nonnarcotic ingredients in recognized
 1127 therapeutic amounts.

1128 7. Not more than 50 milligrams of morphine per 100
 1129 milliliters or per 100 grams, with recognized therapeutic
 1130 amounts of one or more active ingredients which are not
 1131 controlled substances.

1132
 1133 For purposes of charging a person with a violation of s. 893.135
 1134 involving any controlled substance described in subparagraph 3.
 1135 or subparagraph 4., the controlled substance is a Schedule III

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1136 controlled substance pursuant to this paragraph but the weight
1137 of the controlled substance per milliliters or per dosage unit
1138 is not relevant to the charging of a violation of s. 893.135.
1139 The weight of the controlled substance shall be determined
1140 pursuant to s. 893.135(6).

1141 Section 15. For the purpose of incorporating the amendment
1142 made by this act to section 893.135, Florida Statutes, in
1143 references thereto, paragraph (d) of subsection (8) of section
1144 893.13, Florida Statutes, is reenacted to read:

1145 893.13 Prohibited acts; penalties.—
1146 (8)

1147 (d) Notwithstanding paragraph (c), if a prescribing
1148 practitioner has violated paragraph (a) and received \$1,000 or
1149 more in payment for writing one or more prescriptions or, in the
1150 case of a prescription written for a controlled substance
1151 described in s. 893.135, has written one or more prescriptions
1152 for a quantity of a controlled substance which, individually or
1153 in the aggregate, meets the threshold for the offense of
1154 trafficking in a controlled substance under s. 893.135, the
1155 violation is reclassified as a felony of the second degree and
1156 ranked in level 4 of the Criminal Punishment Code.

1157 Section 16. For the purpose of incorporating the amendment
1158 made by this act to section 893.135, Florida Statutes, in
1159 references thereto, subsections (1) and (2) of section 893.1351,
1160 Florida Statutes, are reenacted to read:

1161 893.1351 Ownership, lease, rental, or possession for
1162 trafficking in or manufacturing a controlled substance.—

1163 (1) A person may not own, lease, or rent any place,
1164 structure, or part thereof, trailer, or other conveyance with
1165 the knowledge that the place, structure, trailer, or conveyance
1166 will be used for the purpose of trafficking in a controlled
1167 substance, as provided in s. 893.135; for the sale of a
1168 controlled substance, as provided in s. 893.13; or for the
1169 manufacture of a controlled substance intended for sale or
1170 distribution to another. A person who violates this subsection
1171 commits a felony of the third degree, punishable as provided in
1172 s. 775.082, s. 775.083, or s. 775.084.

1173 (2) A person may not knowingly be in actual or
1174 constructive possession of any place, structure, or part
1175 thereof, trailer, or other conveyance with the knowledge that
1176 the place, structure, or part thereof, trailer, or conveyance
1177 will be used for the purpose of trafficking in a controlled
1178 substance, as provided in s. 893.135; for the sale of a
1179 controlled substance, as provided in s. 893.13; or for the
1180 manufacture of a controlled substance intended for sale or
1181 distribution to another. A person who violates this subsection
1182 commits a felony of the second degree, punishable as provided in
1183 s. 775.082, s. 775.083, or s. 775.084.

1184 Section 17. For the purpose of incorporating the amendment
1185 made by this act to section 893.135, Florida Statutes, in a

1186 reference thereto, section 903.133, Florida Statutes, is
 1187 reenacted to read:

1188 903.133 Bail on appeal; prohibited for certain felony
 1189 convictions.—Notwithstanding the provisions of s. 903.132, no
 1190 person adjudged guilty of a felony of the first degree for a
 1191 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
 1192 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
 1193 violation of s. 794.011(2) or (3), shall be admitted to bail
 1194 pending review either by posttrial motion or appeal.

1195 Section 18. For the purpose of incorporating the amendment
 1196 made by this act to section 893.135, Florida Statutes, in a
 1197 reference thereto, paragraph (c) of subsection (4) of section
 1198 907.041, Florida Statutes, is reenacted to read:

1199 907.041 Pretrial detention and release.—

1200 (4) PRETRIAL DETENTION.—

1201 (c) The court may order pretrial detention if it finds a
 1202 substantial probability, based on a defendant's past and present
 1203 patterns of behavior, the criteria in s. 903.046, and any other
 1204 relevant facts, that any of the following circumstances exist:

1205 1. The defendant has previously violated conditions of
 1206 release and that no further conditions of release are reasonably
 1207 likely to assure the defendant's appearance at subsequent
 1208 proceedings;

1209 2. The defendant, with the intent to obstruct the judicial
 1210 process, has threatened, intimidated, or injured any victim,

1211 potential witness, juror, or judicial officer, or has attempted
1212 or conspired to do so, and that no condition of release will
1213 reasonably prevent the obstruction of the judicial process;

1214 3. The defendant is charged with trafficking in controlled
1215 substances as defined by s. 893.135, that there is a substantial
1216 probability that the defendant has committed the offense, and
1217 that no conditions of release will reasonably assure the
1218 defendant's appearance at subsequent criminal proceedings;

1219 4. The defendant is charged with DUI manslaughter, as
1220 defined by s. 316.193, and that there is a substantial
1221 probability that the defendant committed the crime and that the
1222 defendant poses a threat of harm to the community; conditions
1223 that would support a finding by the court pursuant to this
1224 subparagraph that the defendant poses a threat of harm to the
1225 community include, but are not limited to, any of the following:

1226 a. The defendant has previously been convicted of any
1227 crime under s. 316.193, or of any crime in any other state or
1228 territory of the United States that is substantially similar to
1229 any crime under s. 316.193;

1230 b. The defendant was driving with a suspended driver
1231 license when the charged crime was committed; or

1232 c. The defendant has previously been found guilty of, or
1233 has had adjudication of guilt withheld for, driving while the
1234 defendant's driver license was suspended or revoked in violation
1235 of s. 322.34;

1236 5. The defendant poses the threat of harm to the
1237 community. The court may so conclude, if it finds that the
1238 defendant is presently charged with a dangerous crime, that
1239 there is a substantial probability that the defendant committed
1240 such crime, that the factual circumstances of the crime indicate
1241 a disregard for the safety of the community, and that there are
1242 no conditions of release reasonably sufficient to protect the
1243 community from the risk of physical harm to persons;

1244 6. The defendant was on probation, parole, or other
1245 release pending completion of sentence or on pretrial release
1246 for a dangerous crime at the time the current offense was
1247 committed;

1248 7. The defendant has violated one or more conditions of
1249 pretrial release or bond for the offense currently before the
1250 court and the violation, in the discretion of the court,
1251 supports a finding that no conditions of release can reasonably
1252 protect the community from risk of physical harm to persons or
1253 assure the presence of the accused at trial; or

1254 8.a. The defendant has ever been sentenced pursuant to s.
1255 775.082(9) or s. 775.084 as a prison releasee reoffender,
1256 habitual violent felony offender, three-time violent felony
1257 offender, or violent career criminal, or the state attorney
1258 files a notice seeking that the defendant be sentenced pursuant
1259 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
1260 habitual violent felony offender, three-time violent felony

1261 offender, or violent career criminal;

1262 b. There is a substantial probability that the defendant
1263 committed the offense; and

1264 c. There are no conditions of release that can reasonably
1265 protect the community from risk of physical harm or ensure the
1266 presence of the accused at trial.

1267 Section 19. For the purpose of incorporating the amendment
1268 made by this act to section 893.135, Florida Statutes, in a
1269 reference thereto, paragraph (b) of subsection (1) of section
1270 921.0024, Florida Statutes, is reenacted to read:

1271 921.0024 Criminal Punishment Code; worksheet computations;
1272 scoresheets.—

1273 (1)

1274 (b) WORKSHEET KEY:

1275
1276 Legal status points are assessed when any form of legal status
1277 existed at the time the offender committed an offense before the
1278 court for sentencing. Four (4) sentence points are assessed for
1279 an offender's legal status.

1280
1281 Community sanction violation points are assessed when a
1282 community sanction violation is before the court for sentencing.
1283 Six (6) sentence points are assessed for each community sanction
1284 violation and each successive community sanction violation,
1285 unless any of the following apply:

1286 1. If the community sanction violation includes a new
 1287 felony conviction before the sentencing court, twelve (12)
 1288 community sanction violation points are assessed for the
 1289 violation, and for each successive community sanction violation
 1290 involving a new felony conviction.

1291 2. If the community sanction violation is committed by a
 1292 violent felony offender of special concern as defined in s.
 1293 948.06:

1294 a. Twelve (12) community sanction violation points are
 1295 assessed for the violation and for each successive violation of
 1296 felony probation or community control where:

1297 I. The violation does not include a new felony conviction;
 1298 and

1299 II. The community sanction violation is not based solely
 1300 on the probationer or offender's failure to pay costs or fines
 1301 or make restitution payments.

1302 b. Twenty-four (24) community sanction violation points
 1303 are assessed for the violation and for each successive violation
 1304 of felony probation or community control where the violation
 1305 includes a new felony conviction.

1306
 1307 Multiple counts of community sanction violations before the
 1308 sentencing court shall not be a basis for multiplying the
 1309 assessment of community sanction violation points.

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1311 Prior serious felony points: If the offender has a primary
1312 offense or any additional offense ranked in level 8, level 9, or
1313 level 10, and one or more prior serious felonies, a single
1314 assessment of thirty (30) points shall be added. For purposes of
1315 this section, a prior serious felony is an offense in the
1316 offender's prior record that is ranked in level 8, level 9, or
1317 level 10 under s. 921.0022 or s. 921.0023 and for which the
1318 offender is serving a sentence of confinement, supervision, or
1319 other sanction or for which the offender's date of release from
1320 confinement, supervision, or other sanction, whichever is later,
1321 is within 3 years before the date the primary offense or any
1322 additional offense was committed.

1323
1324 Prior capital felony points: If the offender has one or more
1325 prior capital felonies in the offender's criminal record, points
1326 shall be added to the subtotal sentence points of the offender
1327 equal to twice the number of points the offender receives for
1328 the primary offense and any additional offense. A prior capital
1329 felony in the offender's criminal record is a previous capital
1330 felony offense for which the offender has entered a plea of nolo
1331 contendere or guilty or has been found guilty; or a felony in
1332 another jurisdiction which is a capital felony in that
1333 jurisdiction, or would be a capital felony if the offense were
1334 committed in this state.

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1336 Possession of a firearm, semiautomatic firearm, or machine gun:
1337 If the offender is convicted of committing or attempting to
1338 commit any felony other than those enumerated in s. 775.087(2)
1339 while having in his or her possession: a firearm as defined in
1340 s. 790.001(6), an additional eighteen (18) sentence points are
1341 assessed; or if the offender is convicted of committing or
1342 attempting to commit any felony other than those enumerated in
1343 s. 775.087(3) while having in his or her possession a
1344 semiautomatic firearm as defined in s. 775.087(3) or a machine
1345 gun as defined in s. 790.001(9), an additional twenty-five (25)
1346 sentence points are assessed.

1347
1348 Sentencing multipliers:

1349
1350 Drug trafficking: If the primary offense is drug trafficking
1351 under s. 893.135, the subtotal sentence points are multiplied,
1352 at the discretion of the court, for a level 7 or level 8
1353 offense, by 1.5. The state attorney may move the sentencing
1354 court to reduce or suspend the sentence of a person convicted of
1355 a level 7 or level 8 offense, if the offender provides
1356 substantial assistance as described in s. 893.135(4).

1357
1358 Law enforcement protection: If the primary offense is a
1359 violation of the Law Enforcement Protection Act under s.
1360 775.0823(2), (3), or (4), the subtotal sentence points are

1361 multiplied by 2.5. If the primary offense is a violation of s.
 1362 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
 1363 are multiplied by 2.0. If the primary offense is a violation of
 1364 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
 1365 Protection Act under s. 775.0823(10) or (11), the subtotal
 1366 sentence points are multiplied by 1.5.

1367
 1368 Grand theft of a motor vehicle: If the primary offense is grand
 1369 theft of the third degree involving a motor vehicle and in the
 1370 offender's prior record, there are three or more grand thefts of
 1371 the third degree involving a motor vehicle, the subtotal
 1372 sentence points are multiplied by 1.5.

1373
 1374 Offense related to a criminal gang: If the offender is convicted
 1375 of the primary offense and committed that offense for the
 1376 purpose of benefiting, promoting, or furthering the interests of
 1377 a criminal gang as defined in s. 874.03, the subtotal sentence
 1378 points are multiplied by 1.5. If applying the multiplier results
 1379 in the lowest permissible sentence exceeding the statutory
 1380 maximum sentence for the primary offense under chapter 775, the
 1381 court may not apply the multiplier and must sentence the
 1382 defendant to the statutory maximum sentence.

1383
 1384 Domestic violence in the presence of a child: If the offender is
 1385 convicted of the primary offense and the primary offense is a

1386 crime of domestic violence, as defined in s. 741.28, which was
 1387 committed in the presence of a child under 16 years of age who
 1388 is a family or household member as defined in s. 741.28(3) with
 1389 the victim or perpetrator, the subtotal sentence points are
 1390 multiplied by 1.5.

1391
 1392 Adult-on-minor sex offense: If the offender was 18 years of age
 1393 or older and the victim was younger than 18 years of age at the
 1394 time the offender committed the primary offense, and if the
 1395 primary offense was an offense committed on or after October 1,
 1396 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
 1397 violation involved a victim who was a minor and, in the course
 1398 of committing that violation, the defendant committed a sexual
 1399 battery under chapter 794 or a lewd act under s. 800.04 or s.
 1400 847.0135(5) against the minor; s. 787.01(3) (a)2. or 3.; s.
 1401 787.02(3) (a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
 1402 800.04; or s. 847.0135(5), the subtotal sentence points are
 1403 multiplied by 2.0. If applying the multiplier results in the
 1404 lowest permissible sentence exceeding the statutory maximum
 1405 sentence for the primary offense under chapter 775, the court
 1406 may not apply the multiplier and must sentence the defendant to
 1407 the statutory maximum sentence.

1408 Section 20. For the purpose of incorporating the amendment
 1409 made by this act to section 893.135, Florida Statutes, in a
 1410 reference thereto, subsection (9) of section 921.141, Florida

1411 Statutes, is reenacted to read:

1412 921.141 Sentence of death or life imprisonment for capital
1413 felonies; further proceedings to determine sentence.—

1414 (9) APPLICABILITY.—This section does not apply to a person
1415 convicted or adjudicated guilty of a capital drug trafficking
1416 felony under s. 893.135.

1417 Section 21. For the purpose of incorporating the amendment
1418 made by this act to section 893.135, Florida Statutes, in a
1419 reference thereto, subsection (2) of section 921.142, Florida
1420 Statutes, is reenacted to read:

1421 921.142 Sentence of death or life imprisonment for capital
1422 drug trafficking felonies; further proceedings to determine
1423 sentence.—

1424 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon
1425 conviction or adjudication of guilt of a defendant of a capital
1426 felony under s. 893.135, the court shall conduct a separate
1427 sentencing proceeding to determine whether the defendant should
1428 be sentenced to death or life imprisonment as authorized by s.
1429 775.082. The proceeding shall be conducted by the trial judge
1430 before the trial jury as soon as practicable. If, through
1431 impossibility or inability, the trial jury is unable to
1432 reconvene for a hearing on the issue of penalty, having
1433 determined the guilt of the accused, the trial judge may summon
1434 a special juror or jurors as provided in chapter 913 to
1435 determine the issue of the imposition of the penalty. If the

1436 trial jury has been waived, or if the defendant pleaded guilty,
1437 the sentencing proceeding shall be conducted before a jury
1438 impaneled for that purpose, unless waived by the defendant. In
1439 the proceeding, evidence may be presented as to any matter that
1440 the court deems relevant to the nature of the crime and the
1441 character of the defendant and shall include matters relating to
1442 any of the aggravating factors enumerated in subsection (7) and
1443 for which notice has been provided pursuant to s. 782.04(1)(b)
1444 or mitigating circumstances enumerated in subsection (8). Any
1445 such evidence that the court deems to have probative value may
1446 be received, regardless of its admissibility under the
1447 exclusionary rules of evidence, provided the defendant is
1448 accorded a fair opportunity to rebut any hearsay statements.
1449 However, this subsection shall not be construed to authorize the
1450 introduction of any evidence secured in violation of the
1451 Constitution of the United States or the Constitution of the
1452 State of Florida. The state and the defendant or the defendant's
1453 counsel shall be permitted to present argument for or against
1454 sentence of death.

1455 Section 22. This act shall take effect October 1, 2018.