

By the Committee on Crime Prevention, Corrections & Safety
and Representative Simmons

1 A bill to be entitled
2 An act relating to controlled substances;
3 authorizing the creation of a pilot program in
4 Orange County to intercept illegal drug
5 shipments through package delivery services;
6 amending ss. 823.01 and 823.10, F.S.; providing
7 that a person who willfully maintains a place
8 where controlled substances are unlawfully
9 kept, sold, or delivered commits the offense of
10 keeping or maintaining a public nuisance;
11 providing a penalty; amending s. 877.111, F.S.,
12 relating to inhalation, ingestion, sale,
13 purchase, or transfer of certain harmful
14 chemical substances; providing exceptions to
15 applications of offenses relating to unlawful
16 distribution, sale, purchase, transfer, or
17 possession of nitrous oxide; amending s.
18 893.03, F.S., relating to controlled substance
19 standards and schedules; adding
20 4-methoxymethamphetamine, 1,4-Butanediol,
21 Gamma-butyrolactone (GBL), Gamma-hydroxybutyric
22 acid (GHB), methaqualone, and mecloqualone to
23 Schedule I; deleting 1,4-Butanediol and
24 Gamma-hydroxybutyric acid (GHB) from Schedule
25 II; adding drug products containing
26 Gamma-hydroxybutyric acid (GHB) which are
27 approved under the Federal Food, Drug, and
28 Cosmetic Act to Schedule III; reenacting ss.
29 39.01(30)(a) and (g), 316.193(5), 327.35(5),
30 440.102(11)(b), 458.326(3), 465.035(2),
31 782.04(1)(a) and (4)(1), 817.563, 831.31(1)(a)

1 and (2), 856.015(1)(d), 893.02(4),
2 893.0356(2)(a) and (5), 893.12(2)(b), (c), and
3 (d), and 893.13(1)(a), (c), (d), (e), and (f),
4 (2)(a), (4), (5)(a) and (b), and (7)(a), F.S.,
5 relating to harm to a child's health or
6 welfare, driving under the influence, boating
7 under the influence, drug-free workplace
8 program requirements, treatment of intractable
9 pain, facsimile prescriptions, medical review
10 committee liability, murder, sale of substance
11 in lieu of controlled substance, counterfeit
12 controlled substances, open house parties, the
13 definition of controlled substance, control of
14 new substances by the Attorney General,
15 contraband, and prohibited acts involving
16 controlled substances, respectively, to
17 incorporate the amendment to s. 893.03, F.S.,
18 in references thereto; amending s. 893.033,
19 F.S., relating to listed chemicals; adding
20 chloroephedrine and chloropseudoephedrine to
21 the list of precursor chemicals; amending s.
22 893.135, F.S., relating to drug trafficking;
23 creating offenses for trafficking in
24 Gamma-butyrolactone (GBL) and lysergic acid
25 diethylamide (LSD); providing penalties;
26 amending scheduling references for trafficking
27 in Gamma-hydroxybutyric acid (GHB) and
28 1,4-Butanediol; reenacting ss. 397.451(7),
29 414.095(1), 772.12(2)(a), 775.087(2) and (3),
30 782.04(1)(a), (3)(a), and (4)(a), 893.1351(1),
31 903.133, 907.041(4)(c), 921.0024(1)(b),

1 921.141(8), 921.142(2), 943.0585, and 943.059,
2 F.S., relating to substance abuse service
3 provider owners and directors, applicants for
4 temporary cash assistance, drug dealer
5 liability, possession or use of a weapon while
6 trafficking, murder, lease or rent for
7 trafficking purposes, denial of bail for
8 certain felony convictions, pretrial detention,
9 the punishment code worksheet, proceedings to
10 determine sentence of death or life
11 imprisonment for capital felonies, proceedings
12 to determine sentence of death or life
13 imprisonment for capital drug trafficking
14 felonies, court-ordered expunction of criminal
15 history records, and court-ordered sealing of
16 criminal history records, respectively, to
17 incorporate the amendment to s. 893.135, F.S.,
18 in references thereto; amending s. 921.0022,
19 F.S.; adding offenses for trafficking in
20 Gamma-butyrolactone (GBL) and lysergic acid
21 diethylamide (LSD) to the sentencing
22 guidelines; revising cross references;
23 providing effective dates.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. (1) The Legislature finds that drug
28 traffickers are increasingly employing package-delivery
29 services to illegally transport narcotics into the state. In
30 accordance with this finding, the Legislature authorizes the
31 creation of a 3-year pilot program in Orange County, Florida,

1 to target and intercept the illegal shipment of narcotics via
2 package-delivery services. This pilot program shall be created
3 and supervised by the Orange County Sheriff's Office. The
4 Orange County Sheriff's Office shall make a formal report of
5 its findings to the Legislature by May 1, 2004.

6 (2) This section shall take effect upon this act
7 becoming a law.

8 Section 2. Section 823.01, Florida Statutes, is
9 amended to read:

10 823.01 Nuisances; penalty.--All nuisances that ~~which~~
11 ~~tend to annoy the community,~~or injure the health of the
12 citizens in general, or ~~to~~ corrupt the public morals,~~are~~
13 misdemeanors of the second degree, punishable as provided in
14 s. 775.083, except that a willful violation of s. 823.10(1) is
15 a felony of the third degree, punishable as provided in s.
16 775.082, s. 775.083, or s. 775.084.

17 Section 3. Subsection (1) of section 823.10, Florida
18 Statutes, is amended to read:

19 823.10 Place where controlled substances are illegally
20 kept, sold, or used declared a public nuisance.--

21 (1) Any store, shop, warehouse, dwelling house,
22 building, vehicle, ship, boat, vessel, or aircraft, or any
23 place whatever, which is visited by persons for the purpose of
24 unlawfully using any substance controlled under chapter 893 or
25 any drugs as described in chapter 499, or which is used for
26 the illegal keeping, selling, or delivering of the same, shall
27 be deemed a public nuisance. No person shall keep or maintain
28 such public nuisance or aid and abet another in keeping or
29 maintaining such public nuisance. Any person who willfully
30 violates this subsection commits the offense of keeping or
31 maintaining a public nuisance, which is a felony of the third

1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084.

3 Section 4. Subsection (4) of section 877.111, Florida
4 Statutes, is amended to read:

5 877.111 Inhalation, ingestion, possession, sale,
6 purchase, or transfer of harmful chemical substances;
7 penalties.--

8 (4) Any person who knowingly distributes, sells,
9 purchases, transfers, or possesses more than 16 grams of
10 nitrous oxide ~~for any use other than:~~

11 ~~(a) As part of the care or treatment of a disease or~~
12 ~~injury by a practitioner licensed under chapter 458, chapter~~
13 ~~459, chapter 464, chapter 466, or chapter 474;~~

14 ~~(b) As a food processing propellant;~~

15 ~~(c) As a semiconductor oxidizer;~~

16 ~~(d) As an analytical chemistry oxidizer in atomic~~
17 ~~absorption spectrometry;~~

18 ~~(e) In the production of chemicals used to inflate~~
19 ~~airbags;~~

20 ~~(f) As an oxidizer for chemical production,~~
21 ~~combustion, or jet propulsion; or~~

22 ~~(g) When mixed with not less than 100 parts per~~
23 ~~million of sulfur dioxide~~

24
25 commits a felony of the third degree which shall be known as
26 unlawful distribution of nitrous oxide, punishable as provided
27 in s. 775.082, s. 775.083, or s. 775.084. For purposes of
28 this subsection, in addition to proving by any other means
29 that nitrous oxide was knowingly possessed, distributed, sold,
30 purchased, or transferred ~~for any purpose not specified in~~
31 ~~paragraphs (a)-(g), proof that any person discharged, or aided~~

1 another in discharging, nitrous oxide to inflate a balloon or
2 any other object suitable for subsequent inhalation creates an
3 inference of the person's knowledge that the nitrous oxide's
4 use was for an unlawful a purpose other than those provided in
5 paragraphs (a)-(g). This subsection does not apply to the
6 possession and use of nitrous oxide as part of the care and
7 treatment of a disease or injury by a practitioner licensed
8 under chapter 458, chapter 459, chapter 464, chapter 466, or
9 chapter 474; as a food-processing propellant; as a
10 semiconductor oxidizer; as an analytical chemistry oxidizer in
11 atomic absorption spectrometry; in the production of chemicals
12 used to inflate airbags; as an oxidizer for chemical
13 production, combustion, or jet propulsion; or as a motor
14 vehicle induction additive when mixed with sulphur dioxide.

15 Section 5. Paragraphs (c) and (d) of subsection (1)
16 and paragraph (b) of subsection (2) of section 893.03, Florida
17 Statutes, are amended, and paragraph (g) is added to
18 subsection (3) of said section, to read:

19 893.03 Standards and schedules.--The substances
20 enumerated in this section are controlled by this chapter.
21 The controlled substances listed or to be listed in Schedules
22 I, II, III, IV, and V are included by whatever official,
23 common, usual, chemical, or trade name designated. The
24 provisions of this section shall not be construed to include
25 within any of the schedules contained in this section any
26 excluded drugs listed within the purview of 21 C.F.R. s.
27 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24,
28 styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32,
29 styled "Exempted Prescription Products"; or 21 C.F.R. s.
30 1308.34, styled "Exempt Anabolic Steroid Products."
31

1 (1) SCHEDULE I.--A substance in Schedule I has a high
2 potential for abuse and has no currently accepted medical use
3 in treatment in the United States and in its use under medical
4 supervision does not meet accepted safety standards. The
5 following substances are controlled in Schedule I:

6 (c) Unless specifically excepted or unless listed in
7 another schedule, any material, compound, mixture, or
8 preparation which contains any quantity of the following
9 hallucinogenic substances or which contains any of their
10 salts, isomers, and salts of isomers, whenever the existence
11 of such salts, isomers, and salts of isomers is possible
12 within the specific chemical designation:

- 13 1. Alpha-ethyltryptamine.
- 14 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline
15 (4-methylaminorex).
- 16 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 17 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 18 5. 4-Bromo-2, 5-dimethoxyphenethylamine.
- 19 6. Bufotenine.
- 20 7. Cannabis.
- 21 8. Cathinone.
- 22 9. Diethyltryptamine.
- 23 10. 2,5-Dimethoxyamphetamine.
- 24 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 25 12. Dimethyltryptamine.
- 26 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
27 analog of phencyclidine).
- 28 14. N-Ethyl-3-piperidyl benzilate.
- 29 15. N-ethylamphetamine.
- 30 16. Fenethylamine.
- 31 17. N-Hydroxy-3,4-methylenedioxyamphetamine.

- 1 18. Ibogaine.
2 19. Lysergic acid diethylamide (LSD).
3 20. Mescaline.
4 21. Methcathinone.
5 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
6 23. 4-methoxyamphetamine.
7 24. 4-methoxymethamphetamine.
8 ~~25.24.~~ 4-Methyl-2,5-dimethoxyamphetamine.
9 ~~26.25.~~ 3,4-Methylenedioxy-N-ethylamphetamine.
10 ~~27.26.~~ 3,4-Methylenedioxyamphetamine.
11 ~~28.27.~~ N-Methyl-3-piperidyl benzilate.
12 ~~29.28.~~ N,N-dimethylamphetamine.
13 ~~30.29.~~ Parahexyl.
14 ~~31.30.~~ Peyote.
15 ~~32.31.~~ N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY)
16 (Pyrrolidine analog of phencyclidine).
17 ~~33.32.~~ Psilocybin.
18 ~~34.33.~~ Psilocyn.
19 ~~35.34.~~ Tetrahydrocannabinols.
20 ~~36.35.~~ 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
21 (Thiophene analog of phencyclidine).
22 ~~37.36.~~ 3,4,5-Trimethoxyamphetamine.
23 (d) Unless specifically excepted or unless listed in
24 another schedule, any material, compound, mixture, or
25 preparation which contains any quantity of the following
26 substances ~~methaqualone or mecloqualone~~, including any of its
27 salts, isomers, optical isomers, salts of their isomers, and
28 salts of these optical isomers whenever the existence of such
29 isomers and salts is possible within the specific chemical
30 designation:
31 1. 1,4-Butanediol.

- 1 2. Gamma-butyrolactone (GBL).
- 2 3. Gamma-hydroxybutyric acid (GHB).
- 3 4. Methaqualone.
- 4 5. Mecloqualone.

5 (2) SCHEDULE II.--A substance in Schedule II has a
6 high potential for abuse and has a currently accepted but
7 severely restricted medical use in treatment in the United
8 States, and abuse of the substance may lead to severe
9 psychological or physical dependence. The following
10 substances are controlled in Schedule II:

11 (b) Unless specifically excepted or unless listed in
12 another schedule, any of the following substances, including
13 their isomers, esters, ethers, salts, and salts of isomers,
14 esters, and ethers, whenever the existence of such isomers,
15 esters, ethers, and salts is possible within the specific
16 chemical designation:

- 17 1. Alfentanil.
- 18 2. Alphaprodine.
- 19 3. Anileridine.
- 20 4. Bezitramide.
- 21 5. Bulk propoxyphene (nondosage forms).
- 22 ~~6. 1,4-Butanediol.~~
- 23 6.7. Carfentanil.
- 24 7.8. Dihydrocodeine.
- 25 8.9. Diphenoxylate.
- 26 9.10. Fentanyl.
- 27 ~~11. Gamma-hydroxybutyric acid (GHB).~~
- 28 10.12. Isomethadone.
- 29 11.13. Levomethorphan.
- 30 12.14. Levorphanol.
- 31 13.15. Metazocine.

1 ~~14.16.~~ Methadone.
2 ~~15.17.~~ Methadone-Intermediate,4-cyano-2-dimethylamino-
3 4,4-diphenylbutane.
4 ~~16.18.~~ Moramide-Intermediate,2-methyl-3-morpholino-
5 1,1-diphenylpropane-carboxylic acid.
6 ~~17.19.~~ Nabilone.
7 ~~18.20.~~ Pethidine (meperidine).
8 ~~19.21.~~ Pethidine-Intermediate-A,4-cyano-1-methyl-
9 4-phenylpiperidine.
10 ~~20.22.~~ Pethidine-Intermediate-B,ethyl-
11 4-phenylpiperidine-4-carboxylate.
12 ~~21.23.~~ Pethidine-Intermediate-C,1-methyl-
13 4-phenylpiperidine-4-carboxylic acid.
14 ~~22.24.~~ Phenazocine.
15 ~~23.25.~~ Phencyclidine.
16 ~~24.26.~~ 1-Phenylcyclohexylamine.
17 ~~25.27.~~ Piminodine.
18 ~~26.28.~~ 1-Piperidinocyclohexanecarbonitrile.
19 ~~27.29.~~ Racemethorphan.
20 ~~28.30.~~ Racemorphan.
21 ~~29.31.~~ Sufentanil.
22 (3) SCHEDULE III.--A substance in Schedule III has a
23 potential for abuse less than the substances contained in
24 Schedules I and II and has a currently accepted medical use in
25 treatment in the United States, and abuse of the substance may
26 lead to moderate or low physical dependence or high
27 psychological dependence or, in the case of anabolic steroids,
28 may lead to physical damage. The following substances are
29 controlled in Schedule III:
30 (g) Any drug product containing gamma-hydroxybutyric
31 acid (GHB), including its salts, isomers, and salts of

1 isomers, for which an application is approved under s. 505 of
2 the Federal Food, Drug, and Cosmetic Act.

3 Section 6. For the purpose of incorporating the
4 amendment to section 893.03, Florida Statutes, in references
5 thereto, the sections or subdivisions of Florida Statutes set
6 forth below are reenacted to read:

7 39.01 Definitions.--When used in this chapter, unless
8 the context otherwise requires:

9 (30) "Harm" to a child's health or welfare can occur
10 when any person:

11 (a) Inflicts or allows to be inflicted upon the child
12 physical, mental, or emotional injury. In determining whether
13 harm has occurred, the following factors must be considered in
14 evaluating any physical, mental, or emotional injury to a
15 child: the age of the child; any prior history of injuries to
16 the child; the location of the injury on the body of the
17 child; the multiplicity of the injury; and the type of trauma
18 inflicted. Such injury includes, but is not limited to:

19 1. Willful acts that produce the following specific
20 injuries:

- 21 a. Sprains, dislocations, or cartilage damage.
22 b. Bone or skull fractures.
23 c. Brain or spinal cord damage.
24 d. Intracranial hemorrhage or injury to other internal
25 organs.
26 e. Asphyxiation, suffocation, or drowning.
27 f. Injury resulting from the use of a deadly weapon.
28 g. Burns or scalding.
29 h. Cuts, lacerations, punctures, or bites.
30 i. Permanent or temporary disfigurement.
31

1 j. Permanent or temporary loss or impairment of a body
2 part or function.

3

4 As used in this subparagraph, the term "willful" refers to the
5 intent to perform an action, not to the intent to achieve a
6 result or to cause an injury.

7 2. Purposely giving a child poison, alcohol, drugs, or
8 other substances that substantially affect the child's
9 behavior, motor coordination, or judgment or that result in
10 sickness or internal injury. For the purposes of this
11 subparagraph, the term "drugs" means prescription drugs not
12 prescribed for the child or not administered as prescribed,
13 and controlled substances as outlined in Schedule I or
14 Schedule II of s. 893.03.

15 3. Leaving a child without adult supervision or
16 arrangement appropriate for the child's age or mental or
17 physical condition, so that the child is unable to care for
18 the child's own needs or another's basic needs or is unable to
19 exercise good judgment in responding to any kind of physical
20 or emotional crisis.

21 4. Inappropriate or excessively harsh disciplinary
22 action that is likely to result in physical injury, mental
23 injury as defined in this section, or emotional injury. The
24 significance of any injury must be evaluated in light of the
25 following factors: the age of the child; any prior history of
26 injuries to the child; the location of the injury on the body
27 of the child; the multiplicity of the injury; and the type of
28 trauma inflicted. Corporal discipline may be considered
29 excessive or abusive when it results in any of the following
30 or other similar injuries:

31 a. Sprains, dislocations, or cartilage damage.

- 1 b. Bone or skull fractures.
2 c. Brain or spinal cord damage.
3 d. Intracranial hemorrhage or injury to other internal
4 organs.
5 e. Asphyxiation, suffocation, or drowning.
6 f. Injury resulting from the use of a deadly weapon.
7 g. Burns or scalding.
8 h. Cuts, lacerations, punctures, or bites.
9 i. Permanent or temporary disfigurement.
10 j. Permanent or temporary loss or impairment of a body
11 part or function.
12 k. Significant bruises or welts.
13 (g) Exposes a child to a controlled substance or
14 alcohol. Exposure to a controlled substance or alcohol is
15 established by:
16 1. Use by the mother of a controlled substance or
17 alcohol during pregnancy when the child, at birth, is
18 demonstrably adversely affected by such usage; or
19 2. Continued chronic and severe use of a controlled
20 substance or alcohol by a parent when the child is
21 demonstrably adversely affected by such usage.
22
23 As used in this paragraph, the term "controlled substance"
24 means prescription drugs not prescribed for the parent or not
25 administered as prescribed and controlled substances as
26 outlined in Schedule I or Schedule II of s. 893.03.
27 316.193 Driving under the influence; penalties.--
28 (5) The court shall place all offenders convicted of
29 violating this section on monthly reporting probation and
30 shall require completion of a substance abuse course conducted
31 by a DUI program licensed by the department under s. 322.292,

1 which must include a psychosocial evaluation of the offender.
2 If the DUI program refers the offender to an authorized
3 substance abuse treatment provider for substance abuse
4 treatment, in addition to any sentence or fine imposed under
5 this section, completion of all such education, evaluation,
6 and treatment is a condition of reporting probation. The
7 offender shall assume reasonable costs for such education,
8 evaluation, and treatment. The referral to treatment resulting
9 from a psychosocial evaluation shall not be waived without a
10 supporting independent psychosocial evaluation conducted by an
11 authorized substance abuse treatment provider appointed by the
12 court, which shall have access to the DUI program's
13 psychosocial evaluation before the independent psychosocial
14 evaluation is conducted. The court shall review the results
15 and recommendations of both evaluations before determining the
16 request for waiver. The offender shall bear the full cost of
17 this procedure. The term "substance abuse" means the abuse of
18 alcohol or any substance named or described in Schedules I
19 through V of s. 893.03. If an offender referred to treatment
20 under this subsection fails to report for or complete such
21 treatment or fails to complete the DUI program substance abuse
22 education course and evaluation, the DUI program shall notify
23 the court and the department of the failure. Upon receipt of
24 the notice, the department shall cancel the offender's driving
25 privilege, notwithstanding the terms of the court order or any
26 suspension or revocation of the driving privilege. The
27 department may temporarily reinstate the driving privilege on
28 a restricted basis upon verification from the DUI program that
29 the offender is currently participating in treatment and the
30 DUI education course and evaluation requirement has been
31 completed. If the DUI program notifies the department of the

1 second failure to complete treatment, the department shall
2 reinstate the driving privilege only after notice of
3 completion of treatment from the DUI program. The
4 organization that conducts the substance abuse education and
5 evaluation may not provide required substance abuse treatment
6 unless a waiver has been granted to that organization by the
7 department. A waiver may be granted only if the department
8 determines, in accordance with its rules, that the service
9 provider that conducts the substance abuse education and
10 evaluation is the most appropriate service provider and is
11 licensed under chapter 397 or is exempt from such licensure. A
12 statistical referral report shall be submitted quarterly to
13 the department by each organization authorized to provide
14 services under this section.

15 327.35 Boating under the influence; penalties;
16 "designated drivers".--

17 (5) In addition to any sentence or fine, the court
18 shall place any offender convicted of violating this section
19 on monthly reporting probation and shall require attendance at
20 a substance abuse course specified by the court; and the
21 agency conducting the course may refer the offender to an
22 authorized service provider for substance abuse evaluation and
23 treatment, in addition to any sentence or fine imposed under
24 this section. The offender shall assume reasonable costs for
25 such education, evaluation, and treatment, with completion of
26 all such education, evaluation, and treatment being a
27 condition of reporting probation. Treatment resulting from a
28 psychosocial evaluation may not be waived without a supporting
29 psychosocial evaluation conducted by an agency appointed by
30 the court and with access to the original evaluation. The
31 offender shall bear the cost of this procedure. The term

1 "substance abuse" means the abuse of alcohol or any substance
2 named or described in Schedules I-V of s. 893.03.

3 440.102 Drug-free workplace program requirements.--The
4 following provisions apply to a drug-free workplace program
5 implemented pursuant to law or to rules adopted by the Agency
6 for Health Care Administration:

7 (11) PUBLIC EMPLOYEES IN SAFETY-SENSITIVE OR
8 SPECIAL-RISK POSITIONS.--

9 (b) An employee who is employed by a public employer
10 in a special-risk position may be discharged or disciplined by
11 a public employer for the first positive confirmed test result
12 if the drug confirmed is an illicit drug under s. 893.03. A
13 special-risk employee who is participating in an employee
14 assistance program or drug rehabilitation program may not be
15 allowed to continue to work in any special-risk or
16 safety-sensitive position of the public employer, but may be
17 assigned to a position other than a safety-sensitive position
18 or placed on leave while the employee is participating in the
19 program. However, the employee shall be permitted to use any
20 accumulated annual leave credits before leave may be ordered
21 without pay.

22 458.326 Intractable pain; authorized treatment.--

23 (3) Notwithstanding any other provision of law, a
24 physician may prescribe or administer any controlled substance
25 under Schedules II-V, as provided for in s. 893.03, to a
26 person for the treatment of intractable pain, provided the
27 physician does so in accordance with that level of care,
28 skill, and treatment recognized by a reasonably prudent
29 physician under similar conditions and circumstances.

30 465.035 Dispensing of medicinal drugs pursuant to
31 facsimile of prescription.--

1 (2) Controlled substances listed in Schedule II as
2 defined in s. 893.03(2) may be dispensed as provided in this
3 section to the extent allowed by 21 C.F.R. s. 1306.11.
4 782.04 Murder.--
5 (1)(a) The unlawful killing of a human being:
6 1. When perpetrated from a premeditated design to
7 effect the death of the person killed or any human being;
8 2. When committed by a person engaged in the
9 perpetration of, or in the attempt to perpetrate, any:
10 a. Trafficking offense prohibited by s. 893.135(1),
11 b. Arson,
12 c. Sexual battery,
13 d. Robbery,
14 e. Burglary,
15 f. Kidnapping,
16 g. Escape,
17 h. Aggravated child abuse,
18 i. Aggravated abuse of an elderly person or disabled
19 adult,
20 j. Aircraft piracy,
21 k. Unlawful throwing, placing, or discharging of a
22 destructive device or bomb,
23 l. Carjacking,
24 m. Home-invasion robbery,
25 n. Aggravated stalking,
26 o. Murder of another human being; or
27 3. Which resulted from the unlawful distribution of
28 any substance controlled under s. 893.03(1), cocaine as
29 described in s. 893.03(2)(a)4., or opium or any synthetic or
30 natural salt, compound, derivative, or preparation of opium by
31

1 a person 18 years of age or older, when such drug is proven to
2 be the proximate cause of the death of the user,
3
4 is murder in the first degree and constitutes a capital
5 felony, punishable as provided in s. 775.082.

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

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

16
17 is murder in the third degree and constitutes a felony of the
18 second degree, punishable as provided in s. 775.082, s.
19 775.083, or s. 775.084.

20 817.563 Controlled substance named or described in s.
21 893.03; sale of substance in lieu thereof.--It is unlawful for
22 any person to agree, consent, or in any manner offer to
23 unlawfully sell to any person a controlled substance named or
24 described in s. 893.03 and then sell to such person any other
25 substance in lieu of such controlled substance. Any person who
26 violates this section with respect to:

27 (1) A controlled substance named or described in s.
28 893.03(1), (2), (3), or (4) is guilty of a felony of the third
29 degree, punishable as provided in s. 775.082, s. 775.083, or
30 s. 775.084.

31

1 (2) A controlled substance named or described in s.
2 893.03(5) is guilty of a misdemeanor of the second degree,
3 punishable as provided in s. 775.082 or s. 775.083.
4 831.31 Counterfeit controlled substance; sale,
5 manufacture, delivery, or possession with intent to sell,
6 manufacture, or deliver.--
7 (1) It is unlawful for any person to sell,
8 manufacture, or deliver, or to possess with intent to sell,
9 manufacture, or deliver, a counterfeit controlled substance.
10 Any person who violates this subsection with respect to:
11 (a) A controlled substance named or described in s.
12 893.03(1), (2), (3), or (4) is guilty of a felony of the third
13 degree, punishable as provided in s. 775.082, s. 775.083, or
14 s. 775.084.
15 (2) For purposes of this section, "counterfeit
16 controlled substance" means:
17 (a) A controlled substance named or described in s.
18 893.03 which, or the container or labeling of which, without
19 authorization bears the trademark, trade name, or other
20 identifying mark, imprint, or number, or any likeness thereof,
21 of a manufacturer other than the person who in fact
22 manufactured the controlled substance; or
23 (b) Any substance which is falsely identified as a
24 controlled substance named or described in s. 893.03.
25 856.015 Open house parties.--
26 (1) Definitions.--As used in this section:
27 (d) "Drug" means a controlled substance, as that term
28 is defined in ss. 893.02(4) and 893.03.
29 893.02 Definitions.--The following words and phrases
30 as used in this chapter shall have the following meanings,
31 unless the context otherwise requires:

1 (4) "Controlled substance" means any substance named
2 or described in Schedules I-V of s. 893.03. Laws controlling
3 the manufacture, distribution, preparation, dispensing, or
4 administration of such substances are drug abuse laws.

5 893.0356 Control of new substances; findings of fact;
6 "controlled substance analog" defined.--

7 (2)(a) As used in this section, "controlled substance
8 analog" means a substance which, due to its chemical structure
9 and potential for abuse, meets the following criteria:

10 1. Is substantially similar to that of a controlled
11 substance listed in Schedule I or Schedule II of s. 893.03;
12 and

13 2. Has a stimulant, depressant, or hallucinogenic
14 effect on the central nervous system or is represented or
15 intended to have a stimulant, depressant, or hallucinogenic
16 effect on the central nervous system substantially similar to
17 or greater than that of a controlled substance listed in
18 Schedule I or Schedule II of s. 893.03.

19 (5) A controlled substance analog shall, for purposes
20 of drug abuse prevention and control, be treated as a
21 controlled substance in Schedule I of s. 893.03.

22 893.12 Contraband; seizure, forfeiture, sale.--

23 (2)

24 (b) All real property, including any right, title,
25 leasehold interest, and other interest in the whole of any lot
26 or tract of land and any appurtenances or improvements, which
27 real property is used, or intended to be used, in any manner
28 or part, to commit or to facilitate the commission of, or
29 which real property is acquired with proceeds obtained as a
30 result of, a violation of any provision of this chapter
31 related to a controlled substance described in s. 893.03(1) or

1 (2) may be seized and forfeited as provided by the Florida
2 Contraband Forfeiture Act except that no property shall be
3 forfeited under this paragraph to the extent of an interest of
4 an owner or lienholder by reason of any act or omission
5 established by that owner or lienholder to have been committed
6 or omitted without the knowledge or consent of that owner or
7 lienholder.

8 (c) All moneys, negotiable instruments, securities,
9 and other things of value furnished or intended to be
10 furnished by any person in exchange for a controlled substance
11 described in s. 893.03(1) or (2) or a listed chemical in
12 violation of any provision of this chapter, all proceeds
13 traceable to such an exchange, and all moneys, negotiable
14 instruments, and securities used or intended to be used to
15 facilitate any violation of any provision of this chapter or
16 which are acquired with proceeds obtained in violation of any
17 provision of this chapter may be seized and forfeited as
18 provided by the Florida Contraband Forfeiture Act, except that
19 no property shall be forfeited under this paragraph to the
20 extent of an interest of an owner or lienholder by reason of
21 any act or omission established by that owner or lienholder to
22 have been committed or omitted without the knowledge or
23 consent of that owner or lienholder.

24 (d) All books, records, and research, including
25 formulas, microfilm, tapes, and data which are used, or
26 intended for use, or which are acquired with proceeds
27 obtained, in violation of any provision of this chapter
28 related to a controlled substance described in s. 893.03(1) or
29 (2) or a listed chemical may be seized and forfeited as
30 provided by the Florida Contraband Forfeiture Act.

31 893.13 Prohibited acts; penalties.--

1 (1)(a) Except as authorized by this chapter and
2 chapter 499, it is unlawful for any person to sell,
3 manufacture, or deliver, or possess with intent to sell,
4 manufacture, or deliver, a controlled substance. Any person
5 who violates this provision with respect to:

6 1. A controlled substance named or described in s.
7 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
8 commits a felony of the second degree, punishable as provided
9 in s. 775.082, s. 775.083, or s. 775.084.

10 2. A controlled substance named or described in s.
11 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
12 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a
13 felony of the third degree, punishable as provided in s.
14 775.082, s. 775.083, or s. 775.084.

15 3. A controlled substance named or described in s.
16 893.03(5) commits a misdemeanor of the first degree,
17 punishable as provided in s. 775.082 or s. 775.083.

18 (c) Except as authorized by this chapter, it is
19 unlawful for any person to sell, manufacture, or deliver, or
20 possess with intent to sell, manufacture, or deliver a
21 controlled substance in, on, or within 1,000 feet of the real
22 property comprising a child care facility as defined in s.
23 402.302 or a public or private elementary, middle, or
24 secondary school between the hours of 6 a.m. and 12 a.m. Any
25 person who violates this paragraph with respect to:

26 1. A controlled substance named or described in s.
27 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
28 commits a felony of the first degree, punishable as provided
29 in s. 775.082, s. 775.083, or s. 775.084. The defendant must
30 be sentenced to a minimum term of imprisonment of 3 calendar
31 years unless the offense was committed within 1,000 feet of

1 the real property comprising a child care facility as defined
2 in s. 402.302.

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

8 3. Any other controlled substance, except as lawfully
9 sold, manufactured, or delivered, must be sentenced to pay a
10 \$500 fine and to serve 100 hours of public service in addition
11 to any other penalty prescribed by law.

12

13 This paragraph does not apply to a child care facility unless
14 the owner or operator of the facility posts a sign that is not
15 less than 2 square feet in size with a word legend identifying
16 the facility as a licensed child care facility and that is
17 posted on the property of the child care facility in a
18 conspicuous place where the sign is reasonably visible to the
19 public.

20 (d) Except as authorized by this chapter, it is
21 unlawful for any person to sell, manufacture, or deliver, or
22 possess with intent to sell, manufacture, or deliver, a
23 controlled substance in, on, or within 200 feet of the real
24 property comprising a public or private college, university,
25 or other postsecondary educational institution, or within 200
26 feet of any public park. Any person who violates this
27 paragraph with respect to:

28 1. A controlled substance named or described in s.
29 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
30 commits a felony of the first degree, punishable as provided
31 in s. 775.082, s. 775.083, or s. 775.084.

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

6 3. Any other controlled substance, except as lawfully
7 sold, manufactured, or delivered, must be sentenced to pay a
8 \$500 fine and to serve 100 hours of public service in addition
9 to any other penalty prescribed by law.

10 (e) Except as authorized by this chapter, it is
11 unlawful for any person to sell, manufacture, or deliver, or
12 possess with intent to sell, manufacture, or deliver, a
13 controlled substance not authorized by law in, on, or within
14 1,000 feet of a physical place for worship at which a church
15 or religious organization regularly conducts religious
16 services or within 1,000 feet of a convenience business as
17 defined in s. 812.171. Any person who violates this paragraph
18 with respect to:

19 1. A controlled substance named or described in s.
20 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
21 commits a felony of the first degree, punishable as provided
22 in s. 775.082, s. 775.083, or s. 775.084.

23 2. A controlled substance named or described in s.
24 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
25 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a
26 felony of the second degree, punishable as provided in s.
27 775.082, s. 775.083, or s. 775.084.

28 3. Any other controlled substance, except as lawfully
29 sold, manufactured, or delivered, must be sentenced to pay a
30 \$500 fine and to serve 100 hours of public service in addition
31 to any other penalty prescribed by law.

1 (f) Except as authorized by this chapter, it is
2 unlawful for any person to sell, manufacture, or deliver, or
3 possess with intent to sell, manufacture, or deliver, a
4 controlled substance in, on, or within 200 feet of the real
5 property comprising a public housing facility at any time. For
6 purposes of this section, the term "real property comprising a
7 public housing facility" means real property, as defined in s.
8 421.03(12), of a public corporation created as a housing
9 authority pursuant to part I of chapter 421. Any person who
10 violates this paragraph with respect to:

11 1. A controlled substance named or described in s.
12 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
13 commits a felony of the first degree, punishable as provided
14 in s. 775.082, s. 775.083, or s. 775.084.

15 2. A controlled substance named or described in s.
16 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
17 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a
18 felony of the second degree, punishable as provided in s.
19 775.082, s. 775.083, or s. 775.084.

20 3. Any other controlled substance, except as lawfully
21 sold, manufactured, or delivered, must be sentenced to pay a
22 \$500 fine and to serve 100 hours of public service in addition
23 to any other penalty prescribed by law.

24 (2)(a) Except as authorized by this chapter and
25 chapter 499, it is unlawful for any person to purchase, or
26 possess with intent to purchase, a controlled substance. Any
27 person who violates this provision with respect to:

28 1. A controlled substance named or described in s.
29 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
30 commits a felony of the second degree, punishable as provided
31 in s. 775.082, s. 775.083, or s. 775.084.

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

6 3. A controlled substance named or described in s.
7 893.03(5) commits a misdemeanor of the first degree,
8 punishable as provided in s. 775.082 or s. 775.083.

9 (4) Except as authorized by this chapter, it is
10 unlawful for any person 18 years of age or older to deliver
11 any controlled substance to a person under the age of 18
12 years, or to use or hire a person under the age of 18 years as
13 an agent or employee in the sale or delivery of such a
14 substance, or to use such person to assist in avoiding
15 detection or apprehension for a violation of this chapter. Any
16 person who violates this provision with respect to:

17 (a) A controlled substance named or described in s.
18 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
19 commits a felony of the first degree, punishable as provided
20 in s. 775.082, s. 775.083, or s. 775.084.

21 (b) A controlled substance named or described in s.
22 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
23 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a
24 felony of the second degree, punishable as provided in s.
25 775.082, s. 775.083, or s. 775.084.

26
27 Imposition of sentence may not be suspended or deferred, nor
28 shall the person so convicted be placed on probation.

29 (5) It is unlawful for any person to bring into this
30 state any controlled substance unless the possession of such
31 controlled substance is authorized by this chapter or unless

1 such person is licensed to do so by the appropriate federal
2 agency. Any person who violates this provision with respect
3 to:

4 (a) A controlled substance named or described in s.
5 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
6 commits a felony of the second degree, punishable as provided
7 in s. 775.082, s. 775.083, or s. 775.084.

8 (b) A controlled substance named or described in s.
9 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
10 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a
11 felony of the third degree, punishable as provided in s.
12 775.082, s. 775.083, or s. 775.084.

13 (7)(a) It is unlawful for any person:

14 1. To distribute or dispense a controlled substance in
15 violation of this chapter.

16 2. To refuse or fail to make, keep, or furnish any
17 record, notification, order form, statement, invoice, or
18 information required under this chapter.

19 3. To refuse an entry into any premises for any
20 inspection or to refuse to allow any inspection authorized by
21 this chapter.

22 4. To distribute a controlled substance named or
23 described in s. 893.03(1) or (2) except pursuant to an order
24 form as required by s. 893.06.

25 5. To keep or maintain any store, shop, warehouse,
26 dwelling, building, vehicle, boat, aircraft, or other
27 structure or place which is resorted to by persons using
28 controlled substances in violation of this chapter for the
29 purpose of using these substances, or which is used for
30 keeping or selling them in violation of this chapter.
31

1 6. To use to his or her own personal advantage, or to
2 reveal, any information obtained in enforcement of this
3 chapter except in a prosecution or administrative hearing for
4 a violation of this chapter.

5 7. To withhold information from a practitioner from
6 whom the person seeks to obtain a controlled substance or a
7 prescription for a controlled substance that the person has
8 received a controlled substance or a prescription for a
9 controlled substance of like therapeutic use from another
10 practitioner within the last 30 days.

11 8. To possess a prescription form which has not been
12 completed and signed by the practitioner whose name appears
13 printed thereon, unless the person is that practitioner, is an
14 agent or employee of that practitioner, is a pharmacist, or is
15 a supplier of prescription forms who is authorized by that
16 practitioner to possess those forms.

17 9. To acquire or obtain, or attempt to acquire or
18 obtain, possession of a controlled substance by
19 misrepresentation, fraud, forgery, deception, or subterfuge.

20 10. To affix any false or forged label to a package or
21 receptacle containing a controlled substance.

22 11. To furnish false or fraudulent material
23 information in, or omit any material information from, any
24 report or other document required to be kept or filed under
25 this chapter or any record required to be kept by this
26 chapter.

27 Section 7. Subsection (1) of section 893.033, Florida
28 Statutes, is amended to read:

29 893.033 Listed chemicals.--The chemicals listed in
30 this section are included by whatever official, common, usual,
31 chemical, or trade name designated.

- 1 (1) PRECURSOR CHEMICALS.--The term "listed precursor
2 chemical" means a chemical that may be used in manufacturing a
3 controlled substance in violation of this chapter and is
4 critical to the creation of the controlled substance, and such
5 term includes any salt, optical isomer, or salt of an optical
6 isomer, whenever the existence of such salt, optical isomer,
7 or salt of optical isomer is possible within the specific
8 chemical designation. The following are "listed precursor
9 chemicals":
- 10 (a) Anthranilic acid.
11 (b) Benzyl chloride.
12 (c) Benzyl cyanide.
13 (d) Chloroephedrine.
14 (e) Chloropseudoephedrine.
15 (f)~~(d)~~ Ephedrine.
16 (g)~~(e)~~ Ergonovine.
17 (h)~~(f)~~ Ergotamine.
18 (i)~~(g)~~ Ethylamine.
19 (j)~~(h)~~ Isosafrole.
20 (k)~~(i)~~ Methylamine.
21 (l)~~(j)~~ 3, 4-Methylenedioxyphenyl-2-propanone.
22 (m)~~(k)~~ N-acetylanthranilic acid.
23 (n)~~(l)~~ N-ethylephedrine.
24 (o)~~(m)~~ N-ethylpseudoephedrine.
25 (p)~~(n)~~ N-methylephedrine.
26 (q)~~(o)~~ N-methylpseudoephedrine.
27 (r)~~(p)~~ Norpseudoephedrine.
28 (s)~~(q)~~ Phenylacetic acid.
29 (t)~~(r)~~ Phenylpropanolamine.
30 (u)~~(s)~~ Piperidine.
31 (v)~~(t)~~ Piperonal.

1 (w)~~(u)~~ Propionic anhydride.

2 (x)~~(v)~~ Pseudoephedrine.

3 (y)~~(w)~~ Safrole.

4 Section 8. Paragraph (h) of subsection (1) of section
5 893.135, Florida Statutes, is amended, present paragraphs (i)
6 and (j) of said subsection are redesignated as paragraphs (j)
7 and (k), respectively, and amended, and new paragraphs (i) and
8 (l) are added to said subsection, to read:

9 893.135 Trafficking; mandatory sentences; suspension
10 or reduction of sentences; conspiracy to engage in
11 trafficking.--

12 (1) Except as authorized in this chapter or in chapter
13 499 and notwithstanding the provisions of s. 893.13:

14 (h)1. Any person who knowingly sells, purchases,
15 manufactures, delivers, or brings into this state, or who is
16 knowingly in actual or constructive possession of, 1 kilogram
17 or more of gamma-hydroxybutyric acid (GHB), as described in s.
18 893.03(1)(d)~~(2)(b)~~, or any mixture containing
19 gamma-hydroxybutyric acid (GHB), commits a felony of the first
20 degree, which felony shall be known as "trafficking in
21 gamma-hydroxybutyric acid (GHB)," punishable as provided in s.
22 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

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

31

1 c. Is 10 kilograms or more, such person shall be
2 sentenced to a mandatory minimum term of imprisonment of 15
3 calendar years and pay a fine of \$250,000.

4 2. Any person who knowingly manufactures or brings
5 into this state 150 kilograms or more of gamma-hydroxybutyric
6 acid (GHB), as described in s. 893.03(1)(d)~~(2)(b)~~, or any
7 mixture containing gamma-hydroxybutyric acid (GHB), and who
8 knows that the probable result of such manufacture or
9 importation would be the death of any person commits capital
10 manufacture or importation of gamma-hydroxybutyric acid (GHB),
11 a capital felony punishable as provided in ss. 775.082 and
12 921.142. Any person sentenced for a capital felony under this
13 paragraph shall also be sentenced to pay the maximum fine
14 provided under subparagraph 1.

15 (i)1. Any person who knowingly sells, purchases,
16 manufactures, delivers, or brings into this state, or who is
17 knowingly in actual or constructive possession of, 1 kilogram
18 or more of gamma-butyrolactone (GBL), as described in s.
19 893.03(1)(d), or any mixture containing gamma-butyrolactone
20 (GBL), commits a felony of the first degree, which felony
21 shall be known as "trafficking in gamma-butyrolactone (GBL),"
22 punishable as provided in s. 775.082, s. 775.083, or s.
23 775.084. If the quantity involved:

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

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

1 c. Is 10 kilograms or more, such person shall be
2 sentenced to a mandatory minimum term of imprisonment of 15
3 calendar years and pay a fine of \$250,000.

4 2. Any person who knowingly manufactures or brings
5 into the state 150 kilograms or more of gamma-butyrolactone
6 (GBL), as described in s. 893.03(1)(d), or any mixture
7 containing gamma-butyrolactone (GBL), and who knows that the
8 probable result of such manufacture or importation would be
9 the death of any person commits capital manufacture or
10 importation of gamma-butyrolactone (GBL), a capital felony
11 punishable as provided in ss. 775.082 and 921.142. Any person
12 sentenced for a capital felony under this paragraph shall also
13 be sentenced to pay the maximum fine provided under
14 subparagraph 1.

15 (j)(i)1. Any person who knowingly sells, purchases,
16 manufactures, delivers, or brings into this state, or who is
17 knowingly in actual or constructive possession of, 1 kilogram
18 or more of 1,4-Butanediol as described in s.
19 893.03(1)(d)~~(2)(b)~~, or of any mixture containing
20 1,4-Butanediol, commits a felony of the first degree, which
21 felony shall be known as "trafficking in 1,4-Butanediol,"
22 punishable as provided in s. 775.082, s. 775.083, or s.
23 775.084. If the quantity involved:

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

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

1 c. Is 10 kilograms or more, such person shall be
2 sentenced to a mandatory minimum term of imprisonment of 15
3 calendar years and pay a fine of \$500,000.

4 2. Any person who knowingly manufactures or brings
5 into this state 150 kilograms or more of 1,4-Butanediol as
6 described in s. 893.03(1)(d)~~(2)(b)~~, or any mixture containing
7 1,4-Butanediol, and who knows that the probable result of such
8 manufacture or importation would be the death of any person
9 commits capital manufacture or importation of 1,4-Butanediol,
10 a capital felony punishable as provided in ss. 775.082 and
11 921.142. Any person sentenced for a capital felony under this
12 paragraph shall also be sentenced to pay the maximum fine
13 provided under subparagraph 1.

14 (k)~~(j)~~1. Any person who knowingly sells, purchases,
15 manufactures, delivers, or brings into this state, or who is
16 knowingly in actual or constructive possession of, 10 grams or
17 more of any of the following substances described in s.
18 893.03(1)(a) or (c):

- 19 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 20 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 21 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 22 d. 2,5-Dimethoxyamphetamine;
- 23 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 24 f. N-ethylamphetamine;
- 25 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 26 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 27 i. 4-methoxyamphetamine;
- 28 j. 4-methoxymethamphetamine;
- 29 k.~~j.~~ 4-Methyl-2,5-dimethoxyamphetamine;
- 30 l.~~k.~~ 3,4-Methylenedioxy-N-ethylamphetamine;
- 31 m.~~l.~~ 3,4-Methylenedioxyamphetamine;

1 ~~n.m.~~ N,N-dimethylamphetamine; or
2 o.n. 3,4,5-Trimethoxyamphetamine,
3
4 individually or in any combination of or any mixture
5 containing any substance listed in sub-subparagraphs a.-o.
6 ~~a.-n.~~, commits a felony of the first degree, which felony
7 shall be known as "trafficking in Phenethylamines," punishable
8 as provided in s. 775.082, s. 775.083, or s. 775.084.
9 2. If the quantity involved:
10 a. Is 10 grams or more but less than 200 grams, such
11 person shall be sentenced to a mandatory minimum term of
12 imprisonment of 3 years, and the defendant shall be ordered to
13 pay a fine of \$50,000.
14 b. Is 200 grams or more, but less than 400 grams, such
15 person shall be sentenced to a mandatory minimum term of
16 imprisonment of 7 years, and the defendant shall be ordered to
17 pay a fine of \$100,000.
18 c. Is 400 grams or more, such person shall be
19 sentenced to a mandatory minimum term of imprisonment of 15
20 calendar years and pay a fine of \$250,000.
21 3. Any person who knowingly manufactures or brings
22 into this state 30 kilograms or more of any of the following
23 substances described in s. 893.03(1)(a) or (c):
24 a. 3,4-Methylenedioxymethamphetamine (MDMA);
25 b. 4-Bromo-2,5-dimethoxyamphetamine;
26 c. 4-Bromo-2,5-dimethoxyphenethylamine;
27 d. 2,5-Dimethoxyamphetamine;
28 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
29 f. N-ethylamphetamine;
30 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
31 h. 5-Methoxy-3,4-methylenedioxyamphetamine;

- 1 i. 4-methoxyamphetamine;
2 j. 4-methoxymethamphetamine;
3 ~~k. j.~~ 4-Methyl-2,5-dimethoxyamphetamine;
4 ~~l. k.~~ 3,4-Methylenedioxy-N-ethylamphetamine;
5 ~~m. l.~~ 3,4-Methylenedioxyamphetamine;
6 ~~n. m.~~ N,N-dimethylamphetamine; or
7 ~~o. n.~~ 3,4,5-Trimethoxyamphetamine,
8

9 individually or in any combination of or any mixture
10 containing any substance listed in sub-subparagraphs a.-o.
11 ~~a.-n.~~, and who knows that the probable result of such
12 manufacture or importation would be the death of any person
13 commits capital manufacture or importation of Phenethylamines,
14 a capital felony punishable as provided in ss. 775.082 and
15 921.142. Any person sentenced for a capital felony under this
16 paragraph shall also be sentenced to pay the maximum fine
17 provided under subparagraph 1.

18 (1)1. Any person who knowingly sells, purchases,
19 manufactures, delivers, or brings into this state, or who is
20 knowingly in actual or constructive possession of, 1 gram or
21 more of lysergic acid diethylamide (LSD) as described in s.
22 893.03(1)(c), or of any mixture containing lysergic acid
23 diethylamide (LSD), commits a felony of the first degree,
24 which felony shall be known as "trafficking in lysergic acid
25 diethylamide (LSD)," punishable as provided in s. 775.082, s.
26 775.083, or s. 775.084. If the quantity involved:

27 a. Is 1 gram or more, but less than 5 grams, such
28 person shall be sentenced to a mandatory minimum term of
29 imprisonment of 3 years, and the defendant shall be ordered to
30 pay a fine of \$50,000.
31

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

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

8 2. Any person who knowingly manufactures or brings
9 into this state 7 grams or more of lysergic acid diethylamide
10 (LSD) as described in s. 893.03(1)(c), or any mixture
11 containing lysergic acid diethylamide (LSD), and who knows
12 that the probable result of such manufacture or importation
13 would be the death of any person commits capital manufacture
14 or importation of lysergic acid diethylamide (LSD), a capital
15 felony punishable as provided in ss. 775.082 and 921.142. Any
16 person sentenced for a capital felony under this paragraph
17 shall also be sentenced to pay the maximum fine provided under
18 subparagraph 1.

19 Section 9. For the purpose of incorporating the
20 amendment to section 893.135, Florida Statutes, in references
21 thereto, the sections or subdivisions of Florida Statutes set
22 forth below are reenacted to read:

23 397.451 Background checks of service provider
24 personnel who have direct contact with unmarried minor clients
25 or clients who are developmentally disabled.--

26 (7) DISQUALIFICATION FROM RECEIVING STATE
27 FUNDS.--State funds may not be disseminated to any service
28 provider owned or operated by an owner or director who has
29 been convicted of, has entered a plea of guilty or nolo
30 contendere to, or has had adjudication withheld for, a
31 violation of s. 893.135 pertaining to trafficking in

1 controlled substances, or a violation of the law of another
2 state, the District of Columbia, the United States or any
3 possession or territory thereof, or any foreign jurisdiction
4 which is substantially similar in elements and penalties to a
5 trafficking offense in this state, unless the owner's or
6 director's civil rights have been restored.

7 414.095 Determining eligibility for temporary cash
8 assistance.--

9 (1) ELIGIBILITY.--An applicant must meet eligibility
10 requirements of this section before receiving services or
11 temporary cash assistance under this chapter, except that an
12 applicant shall be required to register for work and engage in
13 work activities in accordance with s. 445.024, as designated
14 by the regional workforce board, and may receive support
15 services or child care assistance in conjunction with such
16 requirement. The department shall make a determination of
17 eligibility based on the criteria listed in this chapter. The
18 department shall monitor continued eligibility for temporary
19 cash assistance through periodic reviews consistent with the
20 food stamp eligibility process. Benefits shall not be denied
21 to an individual solely based on a felony drug conviction,
22 unless the conviction is for trafficking pursuant to s.
23 893.135. To be eligible under this section, an individual
24 convicted of a drug felony must be satisfactorily meeting the
25 requirements of the temporary cash assistance program,
26 including all substance abuse treatment requirements. Within
27 the limits specified in this chapter, the state opts out of
28 the provision of Pub. L. No. 104-193, s. 115, that eliminates
29 eligibility for temporary cash assistance and food stamps for
30 any individual convicted of a controlled substance felony.

31 772.12 Drug Dealer Liability Act.--

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

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

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

11 2. A violation of s. 893.135; and

12 775.087 Possession or use of weapon; aggravated
13 battery; felony reclassification; minimum sentence.--

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

18 a. Murder;

19 b. Sexual battery;

20 c. Robbery;

21 d. Burglary;

22 e. Arson;

23 f. Aggravated assault;

24 g. Aggravated battery;

25 h. Kidnapping;

26 i. Escape;

27 j. Aircraft piracy;

28 k. Aggravated child abuse;

29 l. Aggravated abuse of an elderly person or disabled

30 adult;

31

1 m. Unlawful throwing, placing, or discharging of a
2 destructive device or bomb;
3 n. Carjacking;
4 o. Home-invasion robbery;
5 p. Aggravated stalking;
6 q. Trafficking in cannabis, trafficking in cocaine,
7 capital importation of cocaine, trafficking in illegal drugs,
8 capital importation of illegal drugs, trafficking in
9 phencyclidine, capital importation of phencyclidine,
10 trafficking in methaqualone, capital importation of
11 methaqualone, trafficking in amphetamine, capital importation
12 of amphetamine, trafficking in flunitrazepam, trafficking in
13 gamma-hydroxybutyric acid (GHB), trafficking in
14 1,4-Butanediol, trafficking in Phenethylamines, or other
15 violation of s. 893.135(1); or
16 r. Possession of a firearm by a felon
17
18 and during the commission of the offense, such person actually
19 possessed a "firearm" or "destructive device" as those terms
20 are defined in s. 790.001, shall be sentenced to a minimum
21 term of imprisonment of 10 years, except that a person who is
22 convicted for aggravated assault, possession of a firearm by a
23 felon, or burglary of a conveyance shall be sentenced to a
24 minimum term of imprisonment of 3 years if such person
25 possessed a "firearm" or "destructive device" during the
26 commission of the offense.
27 2. Any person who is convicted of a felony or an
28 attempt to commit a felony listed in sub-subparagraphs
29 (a)1.a.-q., regardless of whether the use of a weapon is an
30 element of the felony, and during the course of the commission
31 of the felony such person discharged a "firearm" or

1 "destructive device" as defined in s. 790.001 shall be
2 sentenced to a minimum term of imprisonment of 20 years.
3 3. Any person who is convicted of a felony or an
4 attempt to commit a felony listed in sub-subparagraphs
5 (a)1.a.-q., regardless of whether the use of a weapon is an
6 element of the felony, and during the course of the commission
7 of the felony such person discharged a "firearm" or
8 "destructive device" as defined in s. 790.001 and, as the
9 result of the discharge, death or great bodily harm was
10 inflicted upon any person, the convicted person shall be
11 sentenced to a minimum term of imprisonment of not less than
12 25 years and not more than a term of imprisonment of life in
13 prison.

14 (b) Subparagraph (a)1., subparagraph (a)2., or
15 subparagraph (a)3. does not prevent a court from imposing a
16 longer sentence of incarceration as authorized by law in
17 addition to the minimum mandatory sentence, or from imposing a
18 sentence of death pursuant to other applicable law.
19 Subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3.
20 does not authorize a court to impose a lesser sentence than
21 otherwise required by law.

22
23 Notwithstanding s. 948.01, adjudication of guilt or imposition
24 of sentence shall not be suspended, deferred, or withheld, and
25 the defendant is not eligible for statutory gain-time under s.
26 944.275 or any form of discretionary early release, other than
27 pardon or executive clemency, or conditional medical release
28 under s. 947.149, prior to serving the minimum sentence.

29 (c) If the minimum mandatory terms of imprisonment
30 imposed pursuant to this section exceed the maximum sentences
31 authorized by s. 775.082, s. 775.084, or the Criminal

1 Punishment Code under chapter 921, then the mandatory minimum
2 sentence must be imposed. If the mandatory minimum terms of
3 imprisonment pursuant to this section are less than the
4 sentences that could be imposed as authorized by s. 775.082,
5 s. 775.084, or the Criminal Punishment Code under chapter 921,
6 then the sentence imposed by the court must include the
7 mandatory minimum term of imprisonment as required in this
8 section.

9 (d) It is the intent of the Legislature that offenders
10 who actually possess, carry, display, use, threaten to use, or
11 attempt to use firearms or destructive devices be punished to
12 the fullest extent of the law, and the minimum terms of
13 imprisonment imposed pursuant to this subsection shall be
14 imposed for each qualifying felony count for which the person
15 is convicted. The court shall impose any term of imprisonment
16 provided for in this subsection consecutively to any other
17 term of imprisonment imposed for any other felony offense.

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

- 22 a. Murder;
- 23 b. Sexual battery;
- 24 c. Robbery;
- 25 d. Burglary;
- 26 e. Arson;
- 27 f. Aggravated assault;
- 28 g. Aggravated battery;
- 29 h. Kidnapping;
- 30 i. Escape;

31

1 j. Sale, manufacture, delivery, or intent to sell,
2 manufacture, or deliver any controlled substance;
3 k. Aircraft piracy;
4 l. Aggravated child abuse;
5 m. Aggravated abuse of an elderly person or disabled
6 adult;
7 n. Unlawful throwing, placing, or discharging of a
8 destructive device or bomb;
9 o. Carjacking;
10 p. Home-invasion robbery;
11 q. Aggravated stalking; or
12 r. Trafficking in cannabis, trafficking in cocaine,
13 capital importation of cocaine, trafficking in illegal drugs,
14 capital importation of illegal drugs, trafficking in
15 phencyclidine, capital importation of phencyclidine,
16 trafficking in methaqualone, capital importation of
17 methaqualone, trafficking in amphetamine, capital importation
18 of amphetamine, trafficking in flunitrazepam, trafficking in
19 gamma-hydroxybutyric acid (GHB), trafficking in
20 1,4-Butanediol, trafficking in Phenethylamines, or other
21 violation of s. 893.135(1);
22
23 and during the commission of the offense, such person
24 possessed a semiautomatic firearm and its high-capacity
25 detachable box magazine or a machine gun as defined in s.
26 790.001, shall be sentenced to a minimum term of imprisonment
27 of 15 years.
28 2. Any person who is convicted of a felony or an
29 attempt to commit a felony listed in subparagraph (a)1.,
30 regardless of whether the use of a weapon is an element of the
31 felony, and during the course of the commission of the felony

1 such person discharged a semiautomatic firearm and its
2 high-capacity box magazine or a "machine gun" as defined in s.
3 790.001 shall be sentenced to a minimum term of imprisonment
4 of 20 years.

5 3. Any person who is convicted of a felony or an
6 attempt to commit a felony listed in subparagraph (a)1.,
7 regardless of whether the use of a weapon is an element of the
8 felony, and during the course of the commission of the felony
9 such person discharged a semiautomatic firearm and its
10 high-capacity box magazine or a "machine gun" as defined in s.
11 790.001 and, as the result of the discharge, death or great
12 bodily harm was inflicted upon any person, the convicted
13 person shall be sentenced to a minimum term of imprisonment of
14 not less than 25 years and not more than a term of
15 imprisonment of life in prison.

16 (b) Subparagraph (a)1., subparagraph (a)2., or
17 subparagraph (a)3. does not prevent a court from imposing a
18 longer sentence of incarceration as authorized by law in
19 addition to the minimum mandatory sentence, or from imposing a
20 sentence of death pursuant to other applicable law.
21 Subparagraph (a)1., subparagraph (a)2., or subparagraph (a)3.
22 does not authorize a court to impose a lesser sentence than
23 otherwise required by law.

24
25 Notwithstanding s. 948.01, adjudication of guilt or imposition
26 of sentence shall not be suspended, deferred, or withheld, and
27 the defendant is not eligible for statutory gain-time under s.
28 944.275 or any form of discretionary early release, other than
29 pardon or executive clemency, or conditional medical release
30 under s. 947.149, prior to serving the minimum sentence.

31

1 (c) If the minimum mandatory terms of imprisonment
2 imposed pursuant to this section exceed the maximum sentences
3 authorized by s. 775.082, s. 775.084, or the Criminal
4 Punishment Code under chapter 921, then the mandatory minimum
5 sentence must be imposed. If the mandatory minimum terms of
6 imprisonment pursuant to this section are less than the
7 sentences that could be imposed as authorized by s. 775.082,
8 s. 775.084, or the Criminal Punishment Code under chapter 921,
9 then the sentence imposed by the court must include the
10 mandatory minimum term of imprisonment as required in this
11 section.

12 (d) It is the intent of the Legislature that offenders
13 who possess, carry, display, use, threaten to use, or attempt
14 to use a semiautomatic firearm and its high-capacity
15 detachable box magazine or a machine gun as defined in s.
16 790.001 be punished to the fullest extent of the law, and the
17 minimum terms of imprisonment imposed pursuant to this
18 subsection shall be imposed for each qualifying felony count
19 for which the person is convicted. The court shall impose any
20 term of imprisonment provided for in this subsection
21 consecutively to any other term of imprisonment imposed for
22 any other felony offense.

23 (e) As used in this subsection, the term:

24 1. "High-capacity detachable box magazine" means any
25 detachable box magazine, for use in a semiautomatic firearm,
26 which is capable of being loaded with more than 20 centerfire
27 cartridges.

28 2. "Semiautomatic firearm" means a firearm which is
29 capable of firing a series of rounds by separate successive
30 depressions of the trigger and which uses the energy of
31 discharge to perform a portion of the operating cycle.

1 782.04 Murder.--
2 (1)(a) The unlawful killing of a human being:
3 1. When perpetrated from a premeditated design to
4 effect the death of the person killed or any human being;
5 2. When committed by a person engaged in the
6 perpetration of, or in the attempt to perpetrate, any:
7 a. Trafficking offense prohibited by s. 893.135(1),
8 b. Arson,
9 c. Sexual battery,
10 d. Robbery,
11 e. Burglary,
12 f. Kidnapping,
13 g. Escape,
14 h. Aggravated child abuse,
15 i. Aggravated abuse of an elderly person or disabled
16 adult,
17 j. Aircraft piracy,
18 k. Unlawful throwing, placing, or discharging of a
19 destructive device or bomb,
20 l. Carjacking,
21 m. Home-invasion robbery,
22 n. Aggravated stalking,
23 o. Murder of another human being; or
24 3. Which resulted from the unlawful distribution of
25 any substance controlled under s. 893.03(1), cocaine as
26 described in s. 893.03(2)(a)4., or opium or any synthetic or
27 natural salt, compound, derivative, or preparation of opium by
28 a person 18 years of age or older, when such drug is proven to
29 be the proximate cause of the death of the user,
30
31

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

3 (3) When a person is killed in the perpetration of, or
4 in the attempt to perpetrate, any:

5 (a) Trafficking offense prohibited by s. 893.135(1),
6
7 by a person other than the person engaged in the perpetration
8 of or in the attempt to perpetrate such felony, the person
9 perpetrating or attempting to perpetrate such felony is guilty
10 of murder in the second degree, which constitutes a felony of
11 the first degree, punishable by imprisonment for a term of
12 years not exceeding life or as provided in s. 775.082, s.
13 775.083, or s. 775.084.

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

18 (a) Trafficking offense prohibited by s. 893.135(1),
19
20 is murder in the third degree and constitutes a felony of the
21 second degree, punishable as provided in s. 775.082, s.
22 775.083, or s. 775.084.

23 893.1351 Lease or rent for the purpose of trafficking
24 in a controlled substance.--

25 (1) A person may not lease or rent any place,
26 structure, or part thereof, trailer, or other conveyance, with
27 the knowledge that such place, structure, trailer, or
28 conveyance will be used for the purpose of trafficking in a
29 controlled substance, as provided in s. 893.135, or the sale
30 of a controlled substance, as provided in s. 893.13.
31

1 903.133 Bail on appeal; prohibited for certain felony
2 convictions.--Notwithstanding the provisions of s. 903.132, no
3 person adjudged guilty of a felony of the first degree for a
4 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
5 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
6 violation of s. 794.011(2) or (3), shall be admitted to bail
7 pending review either by posttrial motion or appeal.

8 907.041 Pretrial detention and release.--

9 (4) PRETRIAL DETENTION.--

10 (c) The court may order pretrial detention if it finds
11 a substantial probability, based on a defendant's past and
12 present patterns of behavior, the criteria in s. 903.046, and
13 any other relevant facts, that any of the following
14 circumstances exists:

15 1. The defendant has previously violated conditions of
16 release and that no further conditions of release are
17 reasonably likely to assure the defendant's appearance at
18 subsequent proceedings;

19 2. The defendant, with the intent to obstruct the
20 judicial process, has threatened, intimidated, or injured any
21 victim, potential witness, juror, or judicial officer, or has
22 attempted or conspired to do so, and that no condition of
23 release will reasonably prevent the obstruction of the
24 judicial process;

25 3. The defendant is charged with trafficking in
26 controlled substances as defined by s. 893.135, that there is
27 a substantial probability that the defendant has committed the
28 offense, and that no conditions of release will reasonably
29 assure the defendant's appearance at subsequent criminal
30 proceedings; or

31

1 4. The defendant is charged with DUI manslaughter, as
2 defined by s. 316.193, and that there is a substantial
3 probability that the defendant committed the crime and that
4 the defendant poses a threat of harm to the community;
5 conditions that would support a finding by the court pursuant
6 to this subparagraph that the defendant poses a threat of harm
7 to the community include, but are not limited to, any of the
8 following:

9 a. The defendant has previously been convicted of any
10 crime under s. 316.193, or of any crime in any other state or
11 territory of the United States that is substantially similar
12 to any crime under s. 316.193;

13 b. The defendant was driving with a suspended driver's
14 license when the charged crime was committed; or

15 c. The defendant has previously been found guilty of,
16 or has had adjudication of guilt withheld for, driving while
17 the defendant's driver's license was suspended or revoked in
18 violation of s. 322.34;

19 5. The defendant poses the threat of harm to the
20 community. The court may so conclude, if it finds that the
21 defendant is presently charged with a dangerous crime, that
22 there is a substantial probability that the defendant
23 committed such crime, that the factual circumstances of the
24 crime indicate a disregard for the safety of the community,
25 and that there are no conditions of release reasonably
26 sufficient to protect the community from the risk of physical
27 harm to persons.

28 6. The defendant was on probation, parole, or other
29 release pending completion of sentence or on pretrial release
30 for a dangerous crime at the time the current offense was
31 committed; or

1 7. The defendant has violated one or more conditions
2 of pretrial release or bond for the offense currently before
3 the court and the violation, in the discretion of the court,
4 supports a finding that no conditions of release can
5 reasonably protect the community from risk of physical harm to
6 persons or assure the presence of the accused at trial.

7 921.0024 Criminal Punishment Code; worksheet
8 computations; scoresheets.--

9 (1)

10 (b) WORKSHEET KEY:

11
12 Legal status points are assessed when any form of legal status
13 existed at the time the offender committed an offense before
14 the court for sentencing. Four (4) sentence points are
15 assessed for an offender's legal status.

16
17 Community sanction violation points are assessed when a
18 community sanction violation is before the court for
19 sentencing. Six (6) sentence points are assessed for each
20 community sanction violation, and each successive community
21 sanction violation; however, if the community sanction
22 violation includes a new felony conviction before the
23 sentencing court, twelve (12) community sanction violation
24 points are assessed for such violation, and for each
25 successive community sanction violation involving a new felony
26 conviction. Multiple counts of community sanction violations
27 before the sentencing court shall not be a basis for
28 multiplying the assessment of community sanction violation
29 points.

1 Prior serious felony points: If the offender has a primary
2 offense or any additional offense ranked in level 8, level 9,
3 or level 10, and one or more prior serious felonies, a single
4 assessment of 30 points shall be added. For purposes of this
5 section, a prior serious felony is an offense in the
6 offender's prior record that is ranked in level 8, level 9, or
7 level 10 under s. 921.0022 or s. 921.0023 and for which the
8 offender is serving a sentence of confinement, supervision, or
9 other sanction or for which the offender's date of release
10 from confinement, supervision, or other sanction, whichever is
11 later, is within 3 years before the date the primary offense
12 or any additional offense was committed.

13

14 Prior capital felony points: If the offender has one or more
15 prior capital felonies in the offender's criminal record,
16 points shall be added to the subtotal sentence points of the
17 offender equal to twice the number of points the offender
18 receives for the primary offense and any additional offense.
19 A prior capital felony in the offender's criminal record is a
20 previous capital felony offense for which the offender has
21 entered a plea of nolo contendere or guilty or has been found
22 guilty; or a felony in another jurisdiction which is a capital
23 felony in that jurisdiction, or would be a capital felony if
24 the offense were committed in this state.

25

26 Possession of a firearm, semiautomatic firearm, or machine
27 gun: If the offender is convicted of committing or attempting
28 to commit any felony other than those enumerated in s.
29 775.087(2) while having in his or her possession: a firearm as
30 defined in s. 790.001(6), an additional 18 sentence points are
31 assessed; or if the offender is convicted of committing or

1 attempting to commit any felony other than those enumerated in
2 s. 775.087(3) while having in his or her possession a
3 semiautomatic firearm as defined in s. 775.087(3) or a machine
4 gun as defined in s. 790.001(9), an additional 25 sentence
5 points are assessed.

6
7 Sentencing multipliers:

8
9 Drug trafficking: If the primary offense is drug trafficking
10 under s. 893.135, the subtotal sentence points are multiplied,
11 at the discretion of the court, for a level 7 or level 8
12 offense, by 1.5. The state attorney may move the sentencing
13 court to reduce or suspend the sentence of a person convicted
14 of a level 7 or level 8 offense, if the offender provides
15 substantial assistance as described in s. 893.135(4).

16
17 Law enforcement protection: If the primary offense is a
18 violation of the Law Enforcement Protection Act under s.
19 775.0823(2), the subtotal sentence points are multiplied by
20 2.5. If the primary offense is a violation of s. 775.0823(3),
21 (4), (5), (6), (7), or (8), the subtotal sentence points are
22 multiplied by 2.0. If the primary offense is a violation of s.
23 784.07(3) or s. 775.0875(1), or of the Law Enforcement
24 Protection Act under s. 775.0823(9) or (10), the subtotal
25 sentence points are multiplied by 1.5.

26
27 Grand theft of a motor vehicle: If the primary offense is
28 grand theft of the third degree involving a motor vehicle and
29 in the offender's prior record, there are three or more grand
30 thefts of the third degree involving a motor vehicle, the
31 subtotal sentence points are multiplied by 1.5.

1
2 Criminal street gang member: If the offender is convicted of
3 the primary offense and is found to have been a member of a
4 criminal street gang at the time of the commission of the
5 primary offense pursuant to s. 874.04, the subtotal sentence
6 points are multiplied by 1.5.

7
8 Domestic violence in the presence of a child: If the offender
9 is convicted of the primary offense and the primary offense is
10 a crime of domestic violence, as defined in s. 741.28, which
11 was committed in the presence of a child under 16 years of age
12 who is a family household member as defined in s. 741.28(2)
13 with the victim or perpetrator, the subtotal sentence points
14 are multiplied by 1.5.

15 921.141 Sentence of death or life imprisonment for
16 capital felonies; further proceedings to determine sentence.--

17 (8) APPLICABILITY.--This section does not apply to a
18 person convicted or adjudicated guilty of a capital drug
19 trafficking felony under s. 893.135.

20 921.142 Sentence of death or life imprisonment for
21 capital drug trafficking felonies; further proceedings to
22 determine sentence.--

23 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.--Upon
24 conviction or adjudication of guilt of a defendant of a
25 capital felony under s. 893.135, the court shall conduct a
26 separate sentencing proceeding to determine whether the
27 defendant should be sentenced to death or life imprisonment as
28 authorized by s. 775.082. The proceeding shall be conducted
29 by the trial judge before the trial jury as soon as
30 practicable. If, through impossibility or inability, the
31 trial jury is unable to reconvene for a hearing on the issue

1 of penalty, having determined the guilt of the accused, the
2 trial judge may summon a special juror or jurors as provided
3 in chapter 913 to determine the issue of the imposition of the
4 penalty. If the trial jury has been waived, or if the
5 defendant pleaded guilty, the sentencing proceeding shall be
6 conducted before a jury impaneled for that purpose, unless
7 waived by the defendant. In the proceeding, evidence may be
8 presented as to any matter that the court deems relevant to
9 the nature of the crime and the character of the defendant and
10 shall include matters relating to any of the aggravating or
11 mitigating circumstances enumerated in subsections (6) and
12 (7). Any such evidence which the court deems to have
13 probative value may be received, regardless of its
14 admissibility under the exclusionary rules of evidence,
15 provided the defendant is accorded a fair opportunity to rebut
16 any hearsay statements. However, this subsection shall not be
17 construed to authorize the introduction of any evidence
18 secured in violation of the Constitution of the United States
19 or the Constitution of the State of Florida. The state and the
20 defendant or the defendant's counsel shall be permitted to
21 present argument for or against sentence of death.

22 943.0585 Court-ordered expunction of criminal history
23 records.--The courts of this state have jurisdiction over
24 their own procedures, including the maintenance, expunction,
25 and correction of judicial records containing criminal history
26 information to the extent such procedures are not inconsistent
27 with the conditions, responsibilities, and duties established
28 by this section. Any court of competent jurisdiction may
29 order a criminal justice agency to expunge the criminal
30 history record of a minor or an adult who complies with the
31 requirements of this section. The court shall not order a

1 criminal justice agency to expunge a criminal history record
2 until the person seeking to expunge a criminal history record
3 has applied for and received a certificate of eligibility for
4 expunction pursuant to subsection (2). A criminal history
5 record that relates to a violation of chapter 794, s. 800.04,
6 s. 817.034, s. 827.071, chapter 839, s. 893.135, or a
7 violation enumerated in s. 907.041 may not be expunged,
8 without regard to whether adjudication was withheld, if the
9 defendant was found guilty of or pled guilty or nolo
10 contendere to the offense, or if the defendant, as a minor,
11 was found to have committed, or pled guilty or nolo contendere
12 to committing, the offense as a delinquent act. The court may
13 only order expunction of a criminal history record pertaining
14 to one arrest or one incident of alleged criminal activity,
15 except as provided in this section. The court may, at its sole
16 discretion, order the expunction of a criminal history record
17 pertaining to more than one arrest if the additional arrests
18 directly relate to the original arrest. If the court intends
19 to order the expunction of records pertaining to such
20 additional arrests, such intent must be specified in the
21 order. A criminal justice agency may not expunge any record
22 pertaining to such additional arrests if the order to expunge
23 does not articulate the intention of the court to expunge a
24 record pertaining to more than one arrest. This section does
25 not prevent the court from ordering the expunction of only a
26 portion of a criminal history record pertaining to one arrest
27 or one incident of alleged criminal activity. Notwithstanding
28 any law to the contrary, a criminal justice agency may comply
29 with laws, court orders, and official requests of other
30 jurisdictions relating to expunction, correction, or
31 confidential handling of criminal history records or

1 information derived therefrom. This section does not confer
2 any right to the expunction of any criminal history record,
3 and any request for expunction of a criminal history record
4 may be denied at the sole discretion of the court.

5 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY
6 RECORD.--Each petition to a court to expunge a criminal
7 history record is complete only when accompanied by:

8 (a) A certificate of eligibility for expunction issued
9 by the department pursuant to subsection (2).

10 (b) The petitioner's sworn statement attesting that
11 the petitioner:

12 1. Has never, prior to the date on which the petition
13 is filed, been adjudicated guilty of a criminal offense or
14 comparable ordinance violation or adjudicated delinquent for
15 committing a felony or a misdemeanor specified in s.
16 943.051(3)(b).

17 2. Has not been adjudicated guilty of, or adjudicated
18 delinquent for committing, any of the acts stemming from the
19 arrest or alleged criminal activity to which the petition
20 pertains.

21 3. Has never secured a prior sealing or expunction of
22 a criminal history record under this section, former s.
23 893.14, former s. 901.33, or former s. 943.058, or from any
24 jurisdiction outside the state.

25 4. Is eligible for such an expunction to the best of
26 his or her knowledge or belief and does not have any other
27 petition to expunge or any petition to seal pending before any
28 court.

29

30 Any person who knowingly provides false information on such
31 sworn statement to the court commits a felony of the third

1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084.

3 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.--Prior
4 to petitioning the court to expunge a criminal history record,
5 a person seeking to expunge a criminal history record shall
6 apply to the department for a certificate of eligibility for
7 expunction. The department shall, by rule adopted pursuant to
8 chapter 120, establish procedures pertaining to the
9 application for and issuance of certificates of eligibility
10 for expunction. The department shall issue a certificate of
11 eligibility for expunction to a person who is the subject of a
12 criminal history record if that person:

13 (a) Has obtained, and submitted to the department, a
14 written, certified statement from the appropriate state
15 attorney or statewide prosecutor which indicates:

16 1. That an indictment, information, or other charging
17 document was not filed or issued in the case.

18 2. That an indictment, information, or other charging
19 document, if filed or issued in the case, was dismissed or
20 nolle prosequi by the state attorney or statewide prosecutor,
21 or was dismissed by a court of competent jurisdiction.

22 3. That the criminal history record does not relate to
23 a violation of chapter 794, s. 800.04, s. 817.034, s. 827.071,
24 chapter 839, s. 893.135, or a violation enumerated in s.
25 907.041, where the defendant was found guilty of, or pled
26 guilty or nolo contendere to any such offense, or that the
27 defendant, as a minor, was found to have committed, or pled
28 guilty or nolo contendere to committing, such an offense as a
29 delinquent act, without regard to whether adjudication was
30 withheld.

31

1 (b) Remits a \$75 processing fee to the department for
2 placement in the Department of Law Enforcement Operating Trust
3 Fund, unless such fee is waived by the executive director.

4 (c) Has submitted to the department a certified copy
5 of the disposition of the charge to which the petition to
6 expunge pertains.

7 (d) Has never, prior to the date on which the
8 application for a certificate of eligibility is filed, been
9 adjudicated guilty of a criminal offense or comparable
10 ordinance violation or adjudicated delinquent for committing a
11 felony or a misdemeanor specified in s. 943.051(3)(b).

12 (e) Has not been adjudicated guilty of, or adjudicated
13 delinquent for committing, any of the acts stemming from the
14 arrest or alleged criminal activity to which the petition to
15 expunge pertains.

16 (f) Has never secured a prior sealing or expunction of
17 a criminal history record under this section, former s.
18 893.14, former s. 901.33, or former s. 943.058.

19 (g) Is no longer under court supervision applicable to
20 the disposition of the arrest or alleged criminal activity to
21 which the petition to expunge pertains.

22 (h) Is not required to wait a minimum of 10 years
23 prior to being eligible for an expunction of such records
24 because all charges related to the arrest or criminal activity
25 to which the petition to expunge pertains were dismissed prior
26 to trial, adjudication, or the withholding of adjudication.
27 Otherwise, such criminal history record must be sealed under
28 this section, former s. 893.14, former s. 901.33, or former s.
29 943.058 for at least 10 years before such record is eligible
30 for expunction.

31 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.--

1 (a) In judicial proceedings under this section, a copy
2 of the completed petition to expunge shall be served upon the
3 appropriate state attorney or the statewide prosecutor and
4 upon the arresting agency; however, it is not necessary to
5 make any agency other than the state a party. The appropriate
6 state attorney or the statewide prosecutor and the arresting
7 agency may respond to the court regarding the completed
8 petition to expunge.

9 (b) If relief is granted by the court, the clerk of
10 the court shall certify copies of the order to the appropriate
11 state attorney or the statewide prosecutor and the arresting
12 agency. The arresting agency is responsible for forwarding the
13 order to any other agency to which the arresting agency
14 disseminated the criminal history record information to which
15 the order pertains. The department shall forward the order to
16 expunge to the Federal Bureau of Investigation. The clerk of
17 the court shall certify a copy of the order to any other
18 agency which the records of the court reflect has received the
19 criminal history record from the court.

20 (c) For an order to expunge entered by a court prior
21 to July 1, 1992, the department shall notify the appropriate
22 state attorney or statewide prosecutor of an order to expunge
23 which is contrary to law because the person who is the subject
24 of the record has previously been convicted of a crime or
25 comparable ordinance violation or has had a prior criminal
26 history record sealed or expunged. Upon receipt of such
27 notice, the appropriate state attorney or statewide prosecutor
28 shall take action, within 60 days, to correct the record and
29 petition the court to void the order to expunge. The
30 department shall seal the record until such time as the order
31 is voided by the court.

1 (d) On or after July 1, 1992, the department or any
2 other criminal justice agency is not required to act on an
3 order to expunge entered by a court when such order does not
4 comply with the requirements of this section. Upon receipt of
5 such an order, the department must notify the issuing court,
6 the appropriate state attorney or statewide prosecutor, the
7 petitioner or the petitioner's attorney, and the arresting
8 agency of the reason for noncompliance. The appropriate state
9 attorney or statewide prosecutor shall take action within 60
10 days to correct the record and petition the court to void the
11 order. No cause of action, including contempt of court, shall
12 arise against any criminal justice agency for failure to
13 comply with an order to expunge when the petitioner for such
14 order failed to obtain the certificate of eligibility as
15 required by this section or such order does not otherwise
16 comply with the requirements of this section.

17 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any
18 criminal history record of a minor or an adult which is
19 ordered expunged by a court of competent jurisdiction pursuant
20 to this section must be physically destroyed or obliterated by
21 any criminal justice agency having custody of such record;
22 except that any criminal history record in the custody of the
23 department must be retained in all cases. A criminal history
24 record ordered expunged that is retained by the department is
25 confidential and exempt from the provisions of s. 119.07(1)
26 and s. 24(a), Art. I of the State Constitution and not
27 available to any person or entity except upon order of a court
28 of competent jurisdiction. A criminal justice agency may
29 retain a notation indicating compliance with an order to
30 expunge.

31

1 (a) The person who is the subject of a criminal
2 history record that is expunged under this section or under
3 other provisions of law, including former s. 893.14, former s.
4 901.33, and former s. 943.058, may lawfully deny or fail to
5 acknowledge the arrests covered by the expunged record, except
6 when the subject of the record:

7 1. Is a candidate for employment with a criminal
8 justice agency;

9 2. Is a defendant in a criminal prosecution;

10 3. Concurrently or subsequently petitions for relief
11 under this section or s. 943.059;

12 4. Is a candidate for admission to The Florida Bar;

13 5. Is seeking to be employed or licensed by or to
14 contract with the Department of Children and Family Services
15 or the Department of Juvenile Justice or to be employed or
16 used by such contractor or licensee in a sensitive position
17 having direct contact with children, the developmentally
18 disabled, the aged, or the elderly as provided in s.
19 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
20 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
21 985.407, or chapter 400; or

22 6. Is seeking to be employed or licensed by the Office
23 of Teacher Education, Certification, Staff Development, and
24 Professional Practices of the Department of Education, any
25 district school board, or any local governmental entity that
26 licenses child care facilities.

27 (b) Subject to the exceptions in paragraph (a), a
28 person who has been granted an expunction under this section,
29 former s. 893.14, former s. 901.33, or former s. 943.058 may
30 not be held under any provision of law of this state to commit
31 perjury or to be otherwise liable for giving a false statement

1 by reason of such person's failure to recite or acknowledge an
2 expunged criminal history record.

3 (c) Information relating to the existence of an
4 expunged criminal history record which is provided in
5 accordance with paragraph (a) is confidential and exempt from
6 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
7 State Constitution, except that the department shall disclose
8 the existence of a criminal history record ordered expunged to
9 the entities set forth in subparagraphs (a)1., 4., 5., and 6.
10 for their respective licensing and employment purposes, and to
11 criminal justice agencies for their respective criminal
12 justice purposes. It is unlawful for any employee of an
13 entity set forth in subparagraph (a)1., subparagraph (a)4.,
14 subparagraph (a)5., or subparagraph (a)6. to disclose
15 information relating to the existence of an expunged criminal
16 history record of a person seeking employment or licensure
17 with such entity or contractor, except to the person to whom
18 the criminal history record relates or to persons having
19 direct responsibility for employment or licensure decisions.
20 Any person who violates this paragraph commits a misdemeanor
21 of the first degree, punishable as provided in s. 775.082 or
22 s. 775.083.

23 (5) STATUTORY REFERENCES.--Any reference to any other
24 chapter, section, or subdivision of the Florida Statutes in
25 this section constitutes a general reference under the
26 doctrine of incorporation by reference.

27 943.059 Court-ordered sealing of criminal history
28 records.--The courts of this state shall continue to have
29 jurisdiction over their own procedures, including the
30 maintenance, sealing, and correction of judicial records
31 containing criminal history information to the extent such

1 | procedures are not inconsistent with the conditions,
2 | responsibilities, and duties established by this section. Any
3 | court of competent jurisdiction may order a criminal justice
4 | agency to seal the criminal history record of a minor or an
5 | adult who complies with the requirements of this section. The
6 | court shall not order a criminal justice agency to seal a
7 | criminal history record until the person seeking to seal a
8 | criminal history record has applied for and received a
9 | certificate of eligibility for sealing pursuant to subsection
10 | (2). A criminal history record that relates to a violation of
11 | chapter 794, s. 800.04, s. 817.034, s. 827.071, chapter 839,
12 | s. 893.135, or a violation enumerated in s. 907.041 may not be
13 | sealed, without regard to whether adjudication was withheld,
14 | if the defendant was found guilty of or pled guilty or nolo
15 | contendere to the offense, or if the defendant, as a minor,
16 | was found to have committed or pled guilty or nolo contendere
17 | to committing the offense as a delinquent act. The court may
18 | only order sealing of a criminal history record pertaining to
19 | one arrest or one incident of alleged criminal activity,
20 | except as provided in this section. The court may, at its sole
21 | discretion, order the sealing of a criminal history record
22 | pertaining to more than one arrest if the additional arrests
23 | directly relate to the original arrest. If the court intends
24 | to order the sealing of records pertaining to such additional
25 | arrests, such intent must be specified in the order. A
26 | criminal justice agency may not seal any record pertaining to
27 | such additional arrests if the order to seal does not
28 | articulate the intention of the court to seal records
29 | pertaining to more than one arrest. This section does not
30 | prevent the court from ordering the sealing of only a portion
31 | of a criminal history record pertaining to one arrest or one

1 incident of alleged criminal activity. Notwithstanding any law
2 to the contrary, a criminal justice agency may comply with
3 laws, court orders, and official requests of other
4 jurisdictions relating to sealing, correction, or confidential
5 handling of criminal history records or information derived
6 therefrom. This section does not confer any right to the
7 sealing of any criminal history record, and any request for
8 sealing a criminal history record may be denied at the sole
9 discretion of the court.

10 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.--Each
11 petition to a court to seal a criminal history record is
12 complete only when accompanied by:

13 (a) A certificate of eligibility for sealing issued by
14 the department pursuant to subsection (2).

15 (b) The petitioner's sworn statement attesting that
16 the petitioner:

17 1. Has never, prior to the date on which the petition
18 is filed, been adjudicated guilty of a criminal offense or
19 comparable ordinance violation or adjudicated delinquent for
20 committing a felony or a misdemeanor specified in s.
21 943.051(3)(b).

22 2. Has not been adjudicated guilty of or adjudicated
23 delinquent for committing any of the acts stemming from the
24 arrest or alleged criminal activity to which the petition to
25 seal pertains.

26 3. Has never secured a prior sealing or expunction of
27 a criminal history record under this section, former s.
28 893.14, former s. 901.33, former s. 943.058, or from any
29 jurisdiction outside the state.

30 4. Is eligible for such a sealing to the best of his
31 or her knowledge or belief and does not have any other

1 petition to seal or any petition to expunge pending before any
2 court.

3

4 Any person who knowingly provides false information on such
5 sworn statement to the court commits a felony of the third
6 degree, punishable as provided in s. 775.082, s. 775.083, or
7 s. 775.084.

8 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.--Prior to
9 petitioning the court to seal a criminal history record, a
10 person seeking to seal a criminal history record shall apply
11 to the department for a certificate of eligibility for
12 sealing. The department shall, by rule adopted pursuant to
13 chapter 120, establish procedures pertaining to the
14 application for and issuance of certificates of eligibility
15 for sealing. The department shall issue a certificate of
16 eligibility for sealing to a person who is the subject of a
17 criminal history record provided that such person:

18 (a) Has submitted to the department a certified copy
19 of the disposition of the charge to which the petition to seal
20 pertains.

21 (b) Remits a \$75 processing fee to the department for
22 placement in the Department of Law Enforcement Operating Trust
23 Fund, unless such fee is waived by the executive director.

24 (c) Has never, prior to the date on which the
25 application for a certificate of eligibility is filed, been
26 adjudicated guilty of a criminal offense or comparable
27 ordinance violation or adjudicated delinquent for committing a
28 felony or a misdemeanor specified in s. 943.051(3)(b).

29 (d) Has not been adjudicated guilty of or adjudicated
30 delinquent for committing any of the acts stemming from the
31

1 arrest or alleged criminal activity to which the petition to
2 seal pertains.

3 (e) Has never secured a prior sealing or expunction of
4 a criminal history record under this section, former s.
5 893.14, former s. 901.33, or former s. 943.058.

6 (f) Is no longer under court supervision applicable to
7 the disposition of the arrest or alleged criminal activity to
8 which the petition to seal pertains.

9 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.--

10 (a) In judicial proceedings under this section, a copy
11 of the completed petition to seal shall be served upon the
12 appropriate state attorney or the statewide prosecutor and
13 upon the arresting agency; however, it is not necessary to
14 make any agency other than the state a party. The appropriate
15 state attorney or the statewide prosecutor and the arresting
16 agency may respond to the court regarding the completed
17 petition to seal.

18 (b) If relief is granted by the court, the clerk of
19 the court shall certify copies of the order to the appropriate
20 state attorney or the statewide prosecutor and to the
21 arresting agency. The arresting agency is responsible for
22 forwarding the order to any other agency to which the
23 arresting agency disseminated the criminal history record
24 information to which the order pertains. The department shall
25 forward the order to seal to the Federal Bureau of
26 Investigation. The clerk of the court shall certify a copy of
27 the order to any other agency which the records of the court
28 reflect has received the criminal history record from the
29 court.

30 (c) For an order to seal entered by a court prior to
31 July 1, 1992, the department shall notify the appropriate

1 state attorney or statewide prosecutor of any order to seal
2 which is contrary to law because the person who is the subject
3 of the record has previously been convicted of a crime or
4 comparable ordinance violation or has had a prior criminal
5 history record sealed or expunged. Upon receipt of such
6 notice, the appropriate state attorney or statewide prosecutor
7 shall take action, within 60 days, to correct the record and
8 petition the court to void the order to seal. The department
9 shall seal the record until such time as the order is voided
10 by the court.

11 (d) On or after July 1, 1992, the department or any
12 other criminal justice agency is not required to act on an
13 order to seal entered by a court when such order does not
14 comply with the requirements of this section. Upon receipt of
15 such an order, the department must notify the issuing court,
16 the appropriate state attorney or statewide prosecutor, the
17 petitioner or the petitioner's attorney, and the arresting
18 agency of the reason for noncompliance. The appropriate state
19 attorney or statewide prosecutor shall take action within 60
20 days to correct the record and petition the court to void the
21 order. No cause of action, including contempt of court, shall
22 arise against any criminal justice agency for failure to
23 comply with an order to seal when the petitioner for such
24 order failed to obtain the certificate of eligibility as
25 required by this section or when such order does not comply
26 with the requirements of this section.

27 (e) An order sealing a criminal history record
28 pursuant to this section does not require that such record be
29 surrendered to the court, and such record shall continue to be
30 maintained by the department and other criminal justice
31 agencies.

1 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A
2 criminal history record of a minor or an adult which is
3 ordered sealed by a court of competent jurisdiction pursuant
4 to this section is confidential and exempt from the provisions
5 of s. 119.07(1) and s. 24(a), Art. I of the State Constitution
6 and is available only to the person who is the subject of the
7 record, to the subject's attorney, to criminal justice
8 agencies for their respective criminal justice purposes, or to
9 those entities set forth in subparagraphs (a)1., 4., 5., and
10 6. for their respective licensing and employment purposes.

11 (a) The subject of a criminal history record sealed
12 under this section or under other provisions of law, including
13 former s. 893.14, former s. 901.33, and former s. 943.058, may
14 lawfully deny or fail to acknowledge the arrests covered by
15 the sealed record, except when the subject of the record:

- 16 1. Is a candidate for employment with a criminal
17 justice agency;
- 18 2. Is a defendant in a criminal prosecution;
- 19 3. Concurrently or subsequently petitions for relief
20 under this section or s. 943.0585;
- 21 4. Is a candidate for admission to The Florida Bar;
- 22 5. Is seeking to be employed or licensed by or to
23 contract with the Department of Children and Family Services
24 or the Department of Juvenile Justice or to be employed or
25 used by such contractor or licensee in a sensitive position
26 having direct contact with children, the developmentally
27 disabled, the aged, or the elderly as provided in s.
28 110.1127(3), s. 393.063(15), s. 394.4572(1), s. 397.451, s.
29 402.302(3), s. 402.313(3), s. 409.175(2)(i), s. 415.102(4), s.
30 415.103, s. 985.407, or chapter 400; or

31

1 6. Is seeking to be employed or licensed by the Office
2 of Teacher Education, Certification, Staff Development, and
3 Professional Practices of the Department of Education, any
4 district school board, or any local governmental entity which
5 licenses child care facilities.

6 (b) Subject to the exceptions in paragraph (a), a
7 person who has been granted a sealing under this section,
8 former s. 893.14, former s. 901.33, or former s. 943.058 may
9 not be held under any provision of law of this state to commit
10 perjury or to be otherwise liable for giving a false statement
11 by reason of such person's failure to recite or acknowledge a
12 sealed criminal history record.

13 (c) Information relating to the existence of a sealed
14 criminal record provided in accordance with the provisions of
15 paragraph (a) is confidential and exempt from the provisions
16 of s. 119.07(1) and s. 24(a), Art. I of the State
17 Constitution, except that the department shall disclose the
18 sealed criminal history record to the entities set forth in
19 subparagraphs (a)1., 4., 5., and 6. for their respective
20 licensing and employment purposes. It is unlawful for any
21 employee of an entity set forth in subparagraph (a)1.,
22 subparagraph (a)4., subparagraph (a)5., or subparagraph (a)6.
23 to disclose information relating to the existence of a sealed
24 criminal history record of a person seeking employment or
25 licensure with such entity or contractor, except to the person
26 to whom the criminal history record relates or to persons
27 having direct responsibility for employment or licensure
28 decisions. Any person who violates the provisions of this
29 paragraph commits a misdemeanor of the first degree,
30 punishable as provided in s. 775.082 or s. 775.083.

31

1 (5) STATUTORY REFERENCES.--Any reference to any other
2 chapter, section, or subdivision of the Florida Statutes in
3 this section constitutes a general reference under the
4 doctrine of incorporation by reference.

5 Section 10. Paragraphs (g), (h), and (i) of subsection
6 (3) of section 921.0022, Florida Statutes, are amended to
7 read:

8 921.0022 Criminal Punishment Code; offense severity
9 ranking chart.--

10 (3) OFFENSE SEVERITY RANKING CHART

11	12 Florida	13 Felony	
14	Statute	Degree	Description
15			(g) LEVEL 7
16	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
17			injury.
18	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
19			bodily injury.
20	402.319(2)	2nd	Misrepresentation and negligence
21			or intentional act resulting in
22			great bodily harm, permanent
23			disfiguration, permanent
24			disability, or death.
25	409.920(2)	3rd	Medicaid provider fraud.
26	456.065(2)	3rd	Practicing a health care
27			profession without a license.
28	456.065(2)	2nd	Practicing a health care
29			profession without a license
30			which results in serious bodily
31			injury.

1	458.327(1)	3rd	Practicing medicine without a
2			license.
3	459.013(1)	3rd	Practicing osteopathic medicine
4			without a license.
5	460.411(1)	3rd	Practicing chiropractic medicine
6			without a license.
7	461.012(1)	3rd	Practicing podiatric medicine
8			without a license.
9	462.17	3rd	Practicing naturopathy without a
10			license.
11	463.015(1)	3rd	Practicing optometry without a
12			license.
13	464.016(1)	3rd	Practicing nursing without a
14			license.
15	465.015(2)	3rd	Practicing pharmacy without a
16			license.
17	466.026(1)	3rd	Practicing dentistry or dental
18			hygiene without a license.
19	467.201	3rd	Practicing midwifery without a
20			license.
21	468.366	3rd	Delivering respiratory care
22			services without a license.
23	483.828(1)	3rd	Practicing as clinical laboratory
24			personnel without a license.
25	483.901(9)	3rd	Practicing medical physics
26			without a license.
27	484.053	3rd	Dispensing hearing aids without a
28			license.
29			
30			
31			

1	494.0018(2)	1st	Conviction of any violation of
2			ss. 494.001-494.0077 in which the
3			total money and property
4			unlawfully obtained exceeded
5			\$50,000 and there were five or
6			more victims.
7	560.123(8)(b)1.	3rd	Failure to report currency or
8			payment instruments exceeding
9			\$300 but less than \$20,000 by
10			money transmitter.
11	560.125(5)(a)	3rd	Money transmitter business by
12			unauthorized person, currency or
13			payment instruments exceeding
14			\$300 but less than \$20,000.
15	655.50(10)(b)1.	3rd	Failure to report financial
16			transactions exceeding \$300 but
17			less than \$20,000 by financial
18			institution.
19	782.051(3)	2nd	Attempted felony murder of a
20			person by a person other than the
21			perpetrator or the perpetrator of
22			an attempted felony.
23	782.07(1)	2nd	Killing of a human being by the
24			act, procurement, or culpable
25			negligence of another
26			(manslaughter).
27	782.071	2nd	Killing of human being or viable
28			fetus by the operation of a motor
29			vehicle in a reckless manner
30			(vehicular homicide).
31			

1	782.072	2nd	Killing of a human being by the
2			operation of a vessel in a
3			reckless manner (vessel
4			homicide).
5	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
6			causing great bodily harm or
7			disfigurement.
8	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
9			weapon.
10	784.045(1)(b)	2nd	Aggravated battery; perpetrator
11			aware victim pregnant.
12	784.048(4)	3rd	Aggravated stalking; violation of
13			injunction or court order.
14	784.07(2)(d)	1st	Aggravated battery on law
15			enforcement officer.
16	784.08(2)(a)	1st	Aggravated battery on a person 65
17			years of age or older.
18	784.081(1)	1st	Aggravated battery on specified
19			official or employee.
20	784.082(1)	1st	Aggravated battery by detained
21			person on visitor or other
22			detainee.
23	784.083(1)	1st	Aggravated battery on code
24			inspector.
25	790.07(4)	1st	Specified weapons violation
26			subsequent to previous conviction
27			of s. 790.07(1) or (2).
28	790.16(1)	1st	Discharge of a machine gun under
29			specified circumstances.
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1	790.166(3)	2nd	Possessing, selling, using, or
2			attempting to use a hoax weapon
3			of mass destruction.
4	796.03	2nd	Procuring any person under 16
5			years for prostitution.
6	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
7			victim less than 12 years of age;
8			offender less than 18 years.
9	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
10			victim 12 years of age or older
11			but less than 16 years; offender
12			18 years or older.
13	806.01(2)	2nd	Maliciously damage structure by
14			fire or explosive.
15	810.02(3)(a)	2nd	Burglary of occupied dwelling;
16			unarmed; no assault or battery.
17	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
18			unarmed; no assault or battery.
19	810.02(3)(d)	2nd	Burglary of occupied conveyance;
20			unarmed; no assault or battery.
21	812.014(2)(a)	1st	Property stolen, valued at
22			\$100,000 or more; property stolen
23			while causing other property
24			damage; 1st degree grand theft.
25	812.019(2)	1st	Stolen property; initiates,
26			organizes, plans, etc., the theft
27			of property and traffics in
28			stolen property.
29	812.131(2)(a)	2nd	Robbery by sudden snatching.
30	812.133(2)(b)	1st	Carjacking; no firearm, deadly
31			weapon, or other weapon.

1	825.102(3)(b)	2nd	Neglecting an elderly person or
2			disabled adult causing great
3			bodily harm, disability, or
4			disfigurement.
5	825.1025(2)	2nd	Lewd or lascivious battery upon
6			an elderly person or disabled
7			adult.
8	825.103(2)(b)	2nd	Exploiting an elderly person or
9			disabled adult and property is
10			valued at \$20,000 or more, but
11			less than \$100,000.
12	827.03(3)(b)	2nd	Neglect of a child causing great
13			bodily harm, disability, or
14			disfigurement.
15	827.04(3)	3rd	Impregnation of a child under 16
16			years of age by person 21 years
17			of age or older.
18	837.05(2)	3rd	Giving false information about
19			alleged capital felony to a law
20			enforcement officer.
21	872.06	2nd	Abuse of a dead human body.
22	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
23			cocaine (or other drug prohibited
24			under s. 893.03(1)(a), (1)(b),
25			(1)(d), (2)(a), (2)(b), or
26			(2)(c)4.) within 1,000 feet of a
27			child care facility or school.
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1	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
2			cocaine or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), (2)(b), or
5			(2)(c)4., within 1,000 feet of
6			property used for religious
7			services or a specified business
8			site.
9	893.13(4)(a)	1st	Deliver to minor cocaine (or
10			other s. 893.03(1)(a), (1)(b),
11			(1)(d), (2)(a), (2)(b), or
12			(2)(c)4. drugs).
13	893.135(1)(a)1.	1st	Trafficking in cannabis, more
14			than 50 lbs., less than 2,000
15			lbs.
16	893.135		
17	(1)(b)1.a.	1st	Trafficking in cocaine, more than
18			28 grams, less than 200 grams.
19	893.135		
20	(1)(c)1.a.	1st	Trafficking in illegal drugs,
21			more than 4 grams, less than 14
22			grams.
23	893.135		
24	(1)(d)1.	1st	Trafficking in phencyclidine,
25			more than 28 grams, less than 200
26			grams.
27	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
28			than 200 grams, less than 5
29			kilograms.
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1	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
2			than 14 grams, less than 28
3			grams.
4	893.135		
5	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
6			grams or more, less than 14
7			grams.
8	893.135		
9	(1)(h)1.a.	1st	Trafficking in
10			gamma-hydroxybutyric acid (GHB),
11			1 kilogram or more, less than 5
12			kilograms.
13	<u>893.135</u>		
14	<u>(1)(i)1.a.</u>	<u>1st</u>	<u>Trafficking in</u>
15			<u>gamma-butyrolactone (GBL), 1</u>
16			<u>kilogram or more, less than 5</u>
17			<u>kilograms.</u>
18	893.135		
19	(1) (j) (i) 1.a.	1st	Trafficking in 1,4-Butanediol, 1
20			kilogram or more, less than 5
21			kilograms.
22	893.135		
23	(1) (k) (j) 2.a.	1st	Trafficking in Phenethylamines,
24			10 grams or more, less than 200
25			grams.
26	<u>893.135</u>		
27	<u>(1)(l)1.a.</u>	<u>1st</u>	<u>Trafficking in lysergic acid</u>
28			<u>diethylamide (LSD), 1 gram or</u>
29			<u>more, less than 5 grams.</u>
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1	896.101(5)(a)	3rd	Money laundering, financial
2			transactions exceeding \$300 but
3			less than \$20,000.
4	896.104(4)(a)1.	3rd	Structuring transactions to evade
5			reporting or registration
6			requirements, financial
7			transactions exceeding \$300 but
8			less than \$20,000.
9			(h) LEVEL 8
10	316.193		
11	(3)(c)3.a.	2nd	DUI manslaughter.
12	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
13	560.123(8)(b)2.	2nd	Failure to report currency or
14			payment instruments totaling or
15			exceeding \$20,000, but less than
16			\$100,000 by money transmitter.
17	560.125(5)(b)	2nd	Money transmitter business by
18			unauthorized person, currency or
19			payment instruments totaling or
20			exceeding \$20,000, but less than
21			\$100,000.
22	655.50(10)(b)2.	2nd	Failure to report financial
23			transactions totaling or
24			exceeding \$20,000, but less than
25			\$100,000 by financial
26			institutions.
27	777.03(2)(a)	1st	Accessory after the fact, capital
28			felony.
29			
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1	782.04(4)	2nd	Killing of human without design
2			when engaged in act or attempt of
3			any felony other than arson,
4			sexual battery, robbery,
5			burglary, kidnapping, aircraft
6			piracy, or unlawfully discharging
7			bomb.
8	782.051(2)	1st	Attempted felony murder while
9			perpetrating or attempting to
10			perpetrate a felony not
11			enumerated in s. 782.04(3).
12	782.071(2)	1st	Committing vehicular homicide and
13			failing to render aid or give
14			information.
15	782.072(2)	1st	Committing vessel homicide and
16			failing to render aid or give
17			information.
18	790.161(3)	1st	Discharging a destructive device
19			which results in bodily harm or
20			property damage.
21	794.011(5)	2nd	Sexual battery, victim 12 years
22			or over, offender does not use
23			physical force likely to cause
24			serious injury.
25	800.04(4)	2nd	Lewd or lascivious battery.
26	806.01(1)	1st	Maliciously damage dwelling or
27			structure by fire or explosive,
28			believing person in structure.
29	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
30	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
31			or dangerous weapon.

1	810.02(2)(c)	1st	Burglary of a dwelling or
2			structure causing structural
3			damage or \$1,000 or more property
4			damage.
5	812.13(2)(b)	1st	Robbery with a weapon.
6	812.135(2)	1st	Home-invasion robbery.
7	825.102(2)	2nd	Aggravated abuse of an elderly
8			person or disabled adult.
9	825.103(2)(a)	1st	Exploiting an elderly person or
10			disabled adult and property is
11			valued at \$100,000 or more.
12	837.02(2)	2nd	Perjury in official proceedings
13			relating to prosecution of a
14			capital felony.
15	837.021(2)	2nd	Making contradictory statements
16			in official proceedings relating
17			to prosecution of a capital
18			felony.
19	860.121(2)(c)	1st	Shooting at or throwing any
20			object in path of railroad
21			vehicle resulting in great bodily
22			harm.
23	860.16	1st	Aircraft piracy.
24	893.13(1)(b)	1st	Sell or deliver in excess of 10
25			grams of any substance specified
26			in s. 893.03(1)(a) or (b).
27	893.13(2)(b)	1st	Purchase in excess of 10 grams of
28			any substance specified in s.
29			893.03(1)(a) or (b).
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1	893.13(6)(c)	1st	Possess in excess of 10 grams of
2			any substance specified in s.
3			893.03(1)(a) or (b).
4	893.135(1)(a)2.	1st	Trafficking in cannabis, more
5			than 2,000 lbs., less than 10,000
6			lbs.
7	893.135		
8	(1)(b)1.b.	1st	Trafficking in cocaine, more than
9			200 grams, less than 400 grams.
10	893.135		
11	(1)(c)1.b.	1st	Trafficking in illegal drugs,
12			more than 14 grams, less than 28
13			grams.
14	893.135		
15	(1)(d)1.b.	1st	Trafficking in phencyclidine,
16			more than 200 grams, less than
17			400 grams.
18	893.135		
19	(1)(e)1.b.	1st	Trafficking in methaqualone, more
20			than 5 kilograms, less than 25
21			kilograms.
22	893.135		
23	(1)(f)1.b.	1st	Trafficking in amphetamine, more
24			than 28 grams, less than 200
25			grams.
26	893.135		
27	(1)(g)1.b.	1st	Trafficking in flunitrazepam, 14
28			grams or more, less than 28
29			grams.
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1 893.135
2 (1)(h)1.b. 1st Trafficking in
3 gamma-hydroxybutyric acid (GHB),
4 5 kilograms or more, less than 10
5 kilograms.
6 893.135
7 (1)(i)1.b. 1st Trafficking in
8 gamma-butyrolactone (GBL), 5
9 kilograms or more, less than 10
10 kilograms.
11 893.135
12 (1)(j)~~(i)~~1.b. 1st Trafficking in 1,4-Butanediol, 5
13 kilograms or more, less than 10
14 kilograms.
15 893.135
16 (1)(k)~~(j)~~2.b. 1st Trafficking in Phenethylamines,
17 200 grams or more, less than 400
18 grams.
19 893.135
20 (1)(l)1.b. 1st Trafficking in lysergic acid
21 diethylamide (LSD), 5 grams or
22 more, less than 7 grams.
23 895.03(1) 1st Use or invest proceeds derived
24 from pattern of racketeering
25 activity.
26 895.03(2) 1st Acquire or maintain through
27 racketeering activity any
28 interest in or control of any
29 enterprise or real property.
30
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1	895.03(3)	1st	Conduct or participate in any
2			enterprise through pattern of
3			racketeering activity.
4	896.101(5)(b)	2nd	Money laundering, financial
5			transactions totaling or
6			exceeding \$20,000, but less than
7			\$100,000.
8	896.104(4)(a)2.	2nd	Structuring transactions to evade
9			reporting or registration
10			requirements, financial
11			transactions totaling or
12			exceeding \$20,000 but less than
13			\$100,000.
14			(i) LEVEL 9
15	316.193		
16	(3)(c)3.b.	1st	DUI manslaughter; failing to
17			render aid or give information.
18	560.123(8)(b)3.	1st	Failure to report currency or
19			payment instruments totaling or
20			exceeding \$100,000 by money
21			transmitter.
22	560.125(5)(c)	1st	Money transmitter business by
23			unauthorized person, currency, or
24			payment instruments totaling or
25			exceeding \$100,000.
26	655.50(10)(b)3.	1st	Failure to report financial
27			transactions totaling or
28			exceeding \$100,000 by financial
29			institution.
30	782.04(1)	1st	Attempt, conspire, or solicit to
31			commit premeditated murder.

1	782.04(3)	1st,PBL	Accomplice to murder in
2			connection with arson, sexual
3			battery, robbery, burglary, and
4			other specified felonies.
5	782.051(1)	1st	Attempted felony murder while
6			perpetrating or attempting to
7			perpetrate a felony enumerated in
8			s. 782.04(3).
9	782.07(2)	1st	Aggravated manslaughter of an
10			elderly person or disabled adult.
11	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
12			reward or as a shield or hostage.
13	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
14			or facilitate commission of any
15			felony.
16	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
17			interfere with performance of any
18			governmental or political
19			function.
20	787.02(3)(a)	1st	False imprisonment; child under
21			age 13; perpetrator also commits
22			aggravated child abuse, sexual
23			battery, or lewd or lascivious
24			battery, molestation, conduct, or
25			exhibition.
26	790.161	1st	Attempted capital destructive
27			device offense.
28	790.166(2)	1st,PBL	Possessing, selling, using, or
29			attempting to use a weapon of
30			mass destruction.
31			

1	794.011(2)	1st	Attempted sexual battery; victim
2			less than 12 years of age.
3	794.011(2)	Life	Sexual battery; offender younger
4			than 18 years and commits sexual
5			battery on a person less than 12
6			years.
7	794.011(4)	1st	Sexual battery; victim 12 years
8			or older, certain circumstances.
9	794.011(8)(b)	1st	Sexual battery; engage in sexual
10			conduct with minor 12 to 18 years
11			by person in familial or
12			custodial authority.
13	800.04(5)(b)	1st	Lewd or lascivious molestation;
14			victim less than 12 years;
15			offender 18 years or older.
16	812.13(2)(a)	1st,PBL	Robbery with firearm or other
17			deadly weapon.
18	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
19			deadly weapon.
20	827.03(2)	1st	Aggravated child abuse.
21	847.0145(1)	1st	Selling, or otherwise
22			transferring custody or control,
23			of a minor.
24	847.0145(2)	1st	Purchasing, or otherwise
25			obtaining custody or control, of
26			a minor.
27	859.01	1st	Poisoning food, drink, medicine,
28			or water with intent to kill or
29			injure another person.
30	893.135	1st	Attempted capital trafficking
31			offense.

1	893.135(1)(a)3.	1st	Trafficking in cannabis, more
2			than 10,000 lbs.
3	893.135		
4	(1)(b)1.c.	1st	Trafficking in cocaine, more than
5			400 grams, less than 150
6			kilograms.
7	893.135		
8	(1)(c)1.c.	1st	Trafficking in illegal drugs,
9			more than 28 grams, less than 30
10			kilograms.
11	893.135		
12	(1)(d)1.c.	1st	Trafficking in phencyclidine,
13			more than 400 grams.
14	893.135		
15	(1)(e)1.c.	1st	Trafficking in methaqualone, more
16			than 25 kilograms.
17	893.135		
18	(1)(f)1.c.	1st	Trafficking in amphetamine, more
19			than 200 grams.
20	893.135		
21	(1)(h)1.c.	1st	Trafficking in
22			gamma-hydroxybutyric acid (GHB),
23			10 kilograms or more.
24	<u>893.135</u>		
25	<u>(1)(i)1.c.</u>	<u>1st</u>	<u>Trafficking in</u>
26			<u>gamma-butyrolactone (GBL), 10</u>
27			<u>kilograms or more.</u>
28	893.135		
29	(1) <u>(j)</u> (i) 1.c.	1st	Trafficking in 1,4-Butanediol, 10
30			kilograms or more.
31			

1 893.135
2 (1)(k)~~(j)~~2.c. 1st Trafficking in Phenethylamines,
3 400 grams or more.
4 893.135
5 (1)(l)1.c. 1st Trafficking in lysergic acid
6 diethylamide (LSD), 7 grams or
7 more.
8 896.101(5)(c) 1st Money laundering, financial
9 instruments totaling or exceeding
10 \$100,000.
11 896.104(4)(a)3. 1st Structuring transactions to evade
12 reporting or registration
13 requirements, financial
14 transactions totaling or
15 exceeding \$100,000.
16 Section 11. Except as otherwise provided herein, this
17 act shall take effect July 1, 2001.
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