

1 A bill to be entitled

2 An act relating to controlled substances; amending s.
3 893.135, F.S.; providing that a person who knowingly
4 sells, purchases, manufactures, delivers, or brings
5 into this state specified quantities of hydrocodone or
6 oxycodone, or who is knowingly in actual or
7 constructive possession of specified quantities of
8 hydrocodone or oxycodone, commits specified offenses;
9 providing criminal penalties; amending s. 921.0022,
10 F.S.; ranking the offenses of trafficking in
11 hydrocodone and trafficking in oxycodone for purposes
12 of the offense severity ranking chart of the Criminal
13 Punishment Code; reenacting ss. 775.087(2)(a) and
14 (3)(a) and 782.04(3) and (4), F.S., relating to
15 mandatory minimum sentences for the possession or use
16 of a weapon during the commission of certain offenses
17 and murder, respectively, to incorporate the
18 amendments made to s. 893.135, F.S., in references
19 thereto; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Paragraph (c) of subsection (1) of section
24 893.135, Florida Statutes, is amended to read:

25 893.135 Trafficking; mandatory sentences; suspension or
26 reduction of sentences; conspiracy to engage in trafficking.—

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

29 (c)1. A ~~Any~~ person who knowingly sells, purchases,
 30 manufactures, delivers, or brings into this state, or who is
 31 knowingly in actual or constructive possession of, 4 grams or
 32 more of any morphine, opium, ~~oxycodone, hydrocodone,~~
 33 hydromorphone, or any salt, derivative, isomer, or salt of an
 34 isomer thereof, including heroin, as described in s.
 35 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more
 36 of any mixture containing any such substance, but less than 30
 37 kilograms of such substance or mixture, commits a felony of the
 38 first degree, which felony shall be known as "trafficking in
 39 illegal drugs," punishable as provided in s. 775.082, s.
 40 775.083, or s. 775.084. If the quantity involved:

41 a. Is 4 grams or more, but less than 14 grams, such person
 42 shall be sentenced to a mandatory minimum term of imprisonment
 43 of 3 years, ~~and the defendant shall be ordered to pay a fine of~~
 44 \$50,000.

45 b. Is 14 grams or more, but less than 28 grams, such
 46 person shall be sentenced to a mandatory minimum term of
 47 imprisonment of 15 years, ~~and the defendant shall be ordered to~~
 48 pay a fine of \$100,000.

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

53 2. A person who knowingly sells, purchases, manufactures,
54 delivers, or brings into this state, or who is knowingly in
55 actual or constructive possession, of 14 grams or more of
56 hydrocodone, or 14 grams or more of any mixture containing any
57 such substance, commits a felony of the first degree, which
58 felony shall be known as "trafficking in hydrocodone,"
59 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

60 If the quantity involved:

61 a. Is 14 grams or more, but less than 28 grams, such
62 person shall be sentenced to a mandatory minimum term of
63 imprisonment of 3 years and shall be ordered to pay a fine of
64 \$50,000.

65 b. Is 28 grams or more, but less than 50 grams, such
66 person shall be sentenced to a mandatory minimum term of
67 imprisonment of 7 years and shall be ordered to pay a fine of
68 \$100,000.

69 c. Is 50 grams or more, but less than 200 grams, such
70 person shall be sentenced to a mandatory minimum term of
71 imprisonment of 15 years and shall be ordered to pay a fine of
72 \$500,000.

73 d. Is 200 grams or more, but less than 30 kilograms, such
74 person shall be sentenced to a mandatory minimum term of
75 imprisonment of 25 years and shall be ordered to pay a fine of
76 \$750,000.

77 e. Is 30 kilograms or more, such person shall be punished
78 by life imprisonment and is ineligible for any form of

79 discretionary early release except pardon, executive clemency,
 80 or conditional medical release under s. 947.149. However, if the
 81 court determines that, in addition to committing any act
 82 specified in this paragraph:

83 (I) The person intentionally killed an individual or
 84 counseled, commanded, induced, procured, or caused the
 85 intentional killing of an individual and such killing was the
 86 result; or

87 (II) The person's conduct in committing that act led to a
 88 natural, though not inevitable, lethal result,

89
 90 such person commits the capital felony of trafficking in
 91 hydrocodone, punishable as provided in ss. 775.082 and 921.142.
 92 A person sentenced under this sub-subparagraph shall also be
 93 sentenced to pay the maximum fine provided under this
 94 subparagraph.

95 f. A person who knowingly brings into this state 60
 96 kilograms or more and who knows that the probable result of such
 97 importation would be the death of a person, commits capital
 98 importation of hydrocodone, a capital felony punishable as
 99 provided in ss. 775.082 and 921.142. A person sentenced for a
 100 capital felony under this sub-subparagraph shall also be
 101 sentenced to pay the maximum fine provided under this
 102 subparagraph.

103 3. A person who knowingly sells, purchases, manufactures,
 104 delivers, or brings into this state, or who is knowingly in

105 actual or constructive possession of, 7 grams or more of
106 oxycodone, or 7 grams or more of any mixture containing any such
107 substance, commits a felony of the first degree, which felony
108 shall be known as "trafficking in oxycodone," punishable as
109 provided in s. 775.082, s. 775.083, or s. 775.084. If the
110 quantity involved:

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

114 b. Is 14 grams or more, but less than 25 grams, such
115 person shall be sentenced to a mandatory minimum term of
116 imprisonment of 7 years and shall be ordered to pay a fine of
117 \$100,000.

118 c. Is 25 grams or more, but less than 100 grams, such
119 person shall be sentenced to a mandatory minimum term of
120 imprisonment of 15 years and shall be ordered to pay a fine of
121 \$500,000.

122 d. Is 100 grams or more, but less than 30 kilograms, such
123 person shall be sentenced to a mandatory minimum term of
124 imprisonment of 25 years and shall be ordered to pay a fine of
125 \$750,000.

126 e. Is 30 kilograms or more, such person shall be punished
127 by life imprisonment and is ineligible for any form of
128 discretionary early release except pardon, executive clemency,
129 or conditional medical release under s. 947.149. However, if the
130 court determines that, in addition to committing any act

131 specified in this paragraph:

132 (I) The person intentionally killed an individual or
133 counseled, commanded, induced, procured, or caused the
134 intentional killing of an individual and such killing was the
135 result; or

136 (II) The person's conduct in committing that act led to a
137 natural, though not inevitable, lethal result,

138
139 such person commits the capital felony of trafficking in
140 oxycodone, punishable as provided in ss. 775.082 and 921.142. A
141 person sentenced under this sub-subparagraph shall also be
142 sentenced to pay the maximum fine provided under this
143 subparagraph.

144 f. A person who knowingly brings into this state 60
145 kilograms or more and who knows that the probable result of such
146 importation would be the death of a person, commits capital
147 importation of oxycodone, a capital felony punishable as
148 provided in ss. 775.082 and 921.142. A person sentenced for a
149 capital felony under this sub-subparagraph shall also be
150 sentenced to pay the maximum fine provided under this
151 subparagraph.

152 4. A 2.—Any person who knowingly sells, purchases,
153 manufactures, delivers, or brings into this state, or who is
154 knowingly in actual or constructive possession of, 30 kilograms
155 or more of any morphine, opium, ~~oxycodone, hydrocodone,~~
156 hydromorphone, or any salt, derivative, isomer, or salt of an

157 isomer thereof, including heroin, as described in s.
 158 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 159 more of any mixture containing any such substance, commits the
 160 first degree felony of trafficking in illegal drugs. A person
 161 who has been convicted of the first degree felony of trafficking
 162 in illegal drugs under this subparagraph shall be punished by
 163 life imprisonment and is ineligible for any form of
 164 discretionary early release except pardon or executive clemency
 165 or conditional medical release under s. 947.149. However, if the
 166 court determines that, in addition to committing any act
 167 specified in this paragraph:

168 a. The person intentionally killed an individual or
 169 counseled, commanded, induced, procured, or caused the
 170 intentional killing of an individual and such killing was the
 171 result; or

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

174
 175 such person commits the capital felony of trafficking in illegal
 176 drugs, punishable as provided in ss. 775.082 and 921.142. A ~~Any~~
 177 person sentenced for a capital felony under this paragraph shall
 178 also be sentenced to pay the maximum fine provided under
 179 subparagraph 1.

180 5. ~~A 3.~~ ~~Any~~ person who knowingly brings into this state
 181 60 kilograms or more of any morphine, opium, ~~oxycodone,~~
 182 ~~hydrocodone,~~ hydromorphone, or any salt, derivative, isomer, or

183 salt of an isomer thereof, including heroin, as described in s.
 184 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or
 185 more of any mixture containing any such substance, and who knows
 186 that the probable result of such importation would be the death
 187 of a ~~any~~ person, commits capital importation of illegal drugs, a
 188 capital felony punishable as provided in ss. 775.082 and
 189 921.142. A ~~Any~~ person sentenced for a capital felony under this
 190 paragraph shall also be sentenced to pay the maximum fine
 191 provided under subparagraph 1.

192 Section 2. Paragraphs (g), (h), and (i) of subsection (3)
 193 of section 921.0022, Florida Statutes, are amended to read:

194 921.0022 Criminal Punishment Code; offense severity
 195 ranking chart.—

196 (3) OFFENSE SEVERITY RANKING CHART

197 (g) LEVEL 7

198

Florida Statute	Felony Degree	Description
316.027(1)(b)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.

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202	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
203	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
204	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
205	409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
206	409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.

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207	456.065 (2)	3rd	Practicing a health care profession without a license.
208	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
209	458.327 (1)	3rd	Practicing medicine without a license.
210	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
211	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
212	461.012 (1)	3rd	Practicing podiatric medicine without a license.
213	462.17	3rd	Practicing naturopathy without a license.
214	463.015 (1)	3rd	Practicing optometry without a license.

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215	464.016(1)	3rd	Practicing nursing without a license.
216	465.015(2)	3rd	Practicing pharmacy without a license.
217	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
218	467.201	3rd	Practicing midwifery without a license.
219	468.366	3rd	Delivering respiratory care services without a license.
220	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
221	483.901(9)	3rd	Practicing medical physics without a license.
222	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.

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223	484.053	3rd	Dispensing hearing aids without a license.
224	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
225	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
226	560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
227	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

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228	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations.
229	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
230	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
231	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
232	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

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233	782.071	2nd	Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
234	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
235	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
236	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
237	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
238	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
	784.048 (7)	3rd	Aggravated stalking; violation

of court order.

239

784.07(2)(d) 1st Aggravated battery on law enforcement officer.

240

784.074(1)(a) 1st Aggravated battery on sexually violent predators facility staff.

241

784.08(2)(a) 1st Aggravated battery on a person 65 years of age or older.

242

784.081(1) 1st Aggravated battery on specified official or employee.

243

784.082(1) 1st Aggravated battery by detained person on visitor or other detainee.

244

784.083(1) 1st Aggravated battery on code inspector.

245

787.06(3)(a) 1st Human trafficking using coercion for labor and services.

246

247	787.06(3)(e)	1st	Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state.
248	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
249	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
250	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
251	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
252	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

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253	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
254	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
255	794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
256	796.03	2nd	Procuring any person under 16 years for prostitution.
257	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

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258	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
259	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
260	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
261	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
262	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
263	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law

enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

264

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

265

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

266

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

267

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

268

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

269

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270	812.131 (2) (a)	2nd	Robbery by sudden snatching.
271	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
272	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
273	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
274	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
275	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the

insolvency of that entity.

276

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

277

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

278

825.103 (2) (b) 2nd Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.

279

827.03 (2) (b) 2nd Neglect of a child causing great bodily harm, disability, or disfigurement.

280

827.04 (3) 3rd Impregnation of a child under 16 years of age by person 21 years of age or older.

281

837.05 (2) 3rd Giving false information about alleged capital felony to a law

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enforcement officer.

282

838.015 2nd Bribery.

283

838.016 2nd Unlawful compensation or reward
for official behavior.

284

838.021 (3) (a) 2nd Unlawful harm to a public
servant.

285

838.22 2nd Bid tampering.

286

843.0855 (2) 3rd Impersonation of a public
officer or employee.

287

843.0855 (3) 3rd Unlawful simulation of legal
process.

288

843.0855 (4) 3rd Intimidation of a public
officer or employee.

289

847.0135 (3) 3rd Solicitation of a child, via a
computer service, to commit an
unlawful sex act.

290

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291	847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
292	872.06	2nd	Abuse of a dead human body.
293	874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
294	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or

community center.

295

893.13(1)(e)1. 1st Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.

296

893.13(4)(a) 1st Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

297

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

298

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

299

893.135 1st Trafficking in illegal drugs,

300	(1) (c) 1.a.		more than 4 grams, less than 14 grams.
301	<u>893.135</u> (1) (c) 2.a.	<u>1st</u>	<u>Trafficking in hydrocodone, 14 grams or more, less than 28 grams.</u>
302	<u>893.135</u> (1) (c) 2.b.	<u>1st</u>	<u>Trafficking in hydrocodone, 28 grams or more, less than 50 grams.</u>
303	<u>893.135</u> (1) (c) 3.a.	<u>1st</u>	<u>Trafficking in oxycodone, 7 grams or more, less than 14 grams.</u>
304	<u>893.135</u> (1) (c) 3.b.	<u>1st</u>	<u>Trafficking in oxycodone, 14 grams or more, less than 25 grams.</u>
305	893.135 (1) (d) 1.	1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, more than 200 grams, less than

5 kilograms.

306

893.135 (1) (f) 1. 1st Trafficking in amphetamine,
more than 14 grams, less than
28 grams.

307

893.135 1st Trafficking in flunitrazepam, 4
(1) (g) 1.a. grams or more, less than 14
grams.

308

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

309

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

310

893.135 1st Trafficking in Phenethylamines,
(1) (k) 2.a. 10 grams or more, less than 200
grams.

311

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

of controlled substance.

312

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

313

896.104 (4) (a) 1. 3rd Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

314

943.0435 (4) (c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

315

943.0435 (8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

316

943.0435 (9) (a) 3rd Sexual offender; failure to comply with reporting requirements.

317

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318	943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
319	943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification.
320	944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
321	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
322	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure

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to respond to address
verification.

323

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

324

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

325

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

326

327 (h) LEVEL 8

328

Florida	Felony	
Statute	Degree	Description

329

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

330

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331	316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
332	327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
333	499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
334	499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
335	560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
336	560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.

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337	655.50 (10) (b) 2.	2nd	Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.
338	777.03 (2) (a)	1st	Accessory after the fact, capital felony.
339	782.04 (4)	2nd	Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.
340	782.051 (2)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3).
	782.071 (1) (b)	1st	Committing vehicular homicide

and failing to render aid or
give information.

341

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

342

787.06 (3) (b) 1st Human trafficking using
coercion for commercial sexual
activity.

343

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

344

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

345

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

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347	794.011 (5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
348	794.08 (3)	2nd	Female genital mutilation, removal of a victim younger than 18 years of age from this state.
349	800.04 (4)	2nd	Lewd or lascivious battery.
350	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
351	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
352	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more

property damage.

353

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

354

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

355

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

356

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

357

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

358

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

359

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360	817.535 (5) (a)	2nd	Filing false lien or other unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
361	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
362	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
363	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
364	825.103 (2) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.
365	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.

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366	837.021(2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.
367	860.121(2)(c)	1st	Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.
368	860.16	1st	Aircraft piracy.
369	893.13(1)(b)	1st	Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
370	893.13(2)(b)	1st	Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).
371	893.13(6)(c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

372	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
373	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
374	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
375	<u>893.135 (1) (c) 2.c.</u>	<u>1st</u>	<u>Trafficking in hydrocodone, 50 grams or more, less than 200 grams.</u>
376	<u>893.135 (1) (c) 3.c.</u>	<u>1st</u>	<u>Trafficking in oxycodone, 25 grams or more, less than 100 grams.</u>
377	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than 200 grams, less than 400 grams.
	893.135	1st	Trafficking in methaqualone,

378	(1) (e) 1.b.		more than 5 kilograms, less than 25 kilograms.
	893.135	1st	Trafficking in amphetamine,
	(1) (f) 1.b.		more than 28 grams, less than 200 grams.
379			
	893.135	1st	Trafficking in flunitrazepam,
	(1) (g) 1.b.		14 grams or more, less than 28 grams.
380			
	893.135	1st	Trafficking in gamma-
	(1) (h) 1.b.		hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.
381			
	893.135	1st	Trafficking in 1,4-Butanediol,
	(1) (j) 1.b.		5 kilograms or more, less than 10 kilograms.
382			
	893.135	1st	Trafficking in Phenethylamines,
	(1) (k) 2.b.		200 grams or more, less than 400 grams.
383			
	893.1351 (3)	1st	Possession of a place used to

manufacture controlled
 substance when minor is present
 or resides there.

384

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

385

895.03(2) 1st Acquire or maintain through
 racketeering activity any
 interest in or control of any
 enterprise or real property.

386

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

387

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

388

896.104(4)(a)2. 2nd Structuring transactions to
 evade reporting or registration
 requirements, financial

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

389

390 (i) LEVEL 9

391

Florida	Felony	
Statute	Degree	Description

392

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

393

327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
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394

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

395

499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
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396

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

397

560.125 (5) (c) 1st Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.

398

655.50 (10) (b) 3. 1st Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.

399

775.0844 1st Aggravated white collar crime.

400

782.04 (1) 1st Attempt, conspire, or solicit to commit premeditated murder.

401

782.04 (3) 1st, PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.

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403	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
404	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
405	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
406	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
407	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse,

sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.

408

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

409

787.06(3)(g) 1st,PBL Human trafficking for commercial sexual activity of a child under the age of 18.

410

787.06(4) 1st Selling or buying of minors into human trafficking.

411

790.161 1st Attempted capital destructive device offense.

412

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

413

794.011(2) 1st Attempted sexual battery;

victim less than 12 years of age.

414

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

415

794.011(4) 1st Sexual battery; victim 12 years or older, certain circumstances.

416

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

417

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

418

796.035 1st Selling or buying of minors into prostitution.

419

800.04(5)(b) Life Lewd or lascivious molestation;

victim less than 12 years;
offender 18 years or older.

420

812.13 (2) (a) 1st, PBL Robbery with firearm or other
deadly weapon.

421

812.133 (2) (a) 1st, PBL Carjacking; firearm or other
deadly weapon.

422

812.135 (2) (b) 1st Home-invasion robbery with
weapon.

423

817.535 (3) (b) 1st Filing false lien or other
unauthorized document; second
or subsequent offense; property
owner is a public officer or
employee.

424

817.535 (4) (a) 2. 1st Filing false claim or other
unauthorized document;
defendant is incarcerated or
under supervision.

425

817.535 (5) (b) 1st Filing false lien or other
unauthorized document; second

or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.

426

817.568 (7)

2nd,
PBL

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

427

827.03 (2) (a)

1st

Aggravated child abuse.

428

847.0145 (1)

1st

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

429

847.0145 (2)

1st

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

430

859.01

1st

Poisoning or introducing bacteria, radioactive materials, viruses, or chemical

compounds into food, drink,
 medicine, or water with intent
 to kill or injure another
 person.

431

893.135 1st Attempted capital trafficking
 offense.

432

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

433

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

434

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

435

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

436

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

kilograms

437

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

438

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

439

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

440

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

441

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

442

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

443

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

444

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

445

446 Section 3. For the purpose of incorporating the amendment
 447 made by this act to section 893.135, Florida Statutes, in
 448 references thereto, paragraph (a) of subsection (2) and
 449 paragraph (a) of subsection (3) of section 775.087, Florida
 450 Statutes, are reenacted to read:

451 775.087 Possession or use of weapon; aggravated battery;
 452 felony reclassification; minimum sentence.—

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

- 456 a. Murder;
- 457 b. Sexual battery;
- 458 c. Robbery;
- 459 d. Burglary;
- 460 e. Arson;
- 461 f. Aggravated assault;
- 462 g. Aggravated battery;
- 463 h. Kidnapping;
- 464 i. Escape;
- 465 j. Aircraft piracy;

466 k. Aggravated child abuse;
 467 l. Aggravated abuse of an elderly person or disabled
 468 adult;
 469 m. Unlawful throwing, placing, or discharging of a
 470 destructive device or bomb;
 471 n. Carjacking;
 472 o. Home-invasion robbery;
 473 p. Aggravated stalking;
 474 q. Trafficking in cannabis, trafficking in cocaine,
 475 capital importation of cocaine, trafficking in illegal drugs,
 476 capital importation of illegal drugs, trafficking in
 477 phencyclidine, capital importation of phencyclidine, trafficking
 478 in methaqualone, capital importation of methaqualone,
 479 trafficking in amphetamine, capital importation of amphetamine,
 480 trafficking in flunitrazepam, trafficking in gamma-
 481 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
 482 trafficking in Phenethylamines, or other violation of s.
 483 893.135(1); or
 484 r. Possession of a firearm by a felon
 485
 486 and during the commission of the offense, such person actually
 487 possessed a "firearm" or "destructive device" as those terms are
 488 defined in s. 790.001, shall be sentenced to a minimum term of
 489 imprisonment of 10 years, except that a person who is convicted
 490 for aggravated assault, possession of a firearm by a felon, or
 491 burglary of a conveyance shall be sentenced to a minimum term of

492 imprisonment of 3 years if such person possessed a "firearm" or
493 "destructive device" during the commission of the offense.
494 However, if an offender who is convicted of the offense of
495 possession of a firearm by a felon has a previous conviction of
496 committing or attempting to commit a felony listed in s.
497 775.084(1)(b)1. and actually possessed a firearm or destructive
498 device during the commission of the prior felony, the offender
499 shall be sentenced to a minimum term of imprisonment of 10
500 years.

501 2. Any person who is convicted of a felony or an attempt
502 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,
503 regardless of whether the use of a weapon is an element of the
504 felony, and during the course of the commission of the felony
505 such person discharged a "firearm" or "destructive device" as
506 defined in s. 790.001 shall be sentenced to a minimum term of
507 imprisonment of 20 years.

508 3. Any person who is convicted of a felony or an attempt
509 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,
510 regardless of whether the use of a weapon is an element of the
511 felony, and during the course of the commission of the felony
512 such person discharged a "firearm" or "destructive device" as
513 defined in s. 790.001 and, as the result of the discharge, death
514 or great bodily harm was inflicted upon any person, the
515 convicted person shall be sentenced to a minimum term of
516 imprisonment of not less than 25 years and not more than a term
517 of imprisonment of life in prison.

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

- 521 a. Murder;
- 522 b. Sexual battery;
- 523 c. Robbery;
- 524 d. Burglary;
- 525 e. Arson;
- 526 f. Aggravated assault;
- 527 g. Aggravated battery;
- 528 h. Kidnapping;
- 529 i. Escape;
- 530 j. Sale, manufacture, delivery, or intent to sell,
531 manufacture, or deliver any controlled substance;
- 532 k. Aircraft piracy;
- 533 l. Aggravated child abuse;
- 534 m. Aggravated abuse of an elderly person or disabled
535 adult;
- 536 n. Unlawful throwing, placing, or discharging of a
537 destructive device or bomb;
- 538 o. Carjacking;
- 539 p. Home-invasion robbery;
- 540 q. Aggravated stalking; or
- 541 r. Trafficking in cannabis, trafficking in cocaine,
542 capital importation of cocaine, trafficking in illegal drugs,
543 capital importation of illegal drugs, trafficking in

544 phencyclidine, capital importation of phencyclidine, trafficking
545 in methaqualone, capital importation of methaqualone,
546 trafficking in amphetamine, capital importation of amphetamine,
547 trafficking in flunitrazepam, trafficking in gamma-
548 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
549 trafficking in Phenethylamines, or other violation of s.
550 893.135(1);

551
552 and during the commission of the offense, such person possessed
553 a semiautomatic firearm and its high-capacity detachable box
554 magazine or a machine gun as defined in s. 790.001, shall be
555 sentenced to a minimum term of imprisonment of 15 years.

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

563 3. Any person who is convicted of a felony or an attempt
564 to commit a felony listed in subparagraph (a)1., regardless of
565 whether the use of a weapon is an element of the felony, and
566 during the course of the commission of the felony such person
567 discharged a semiautomatic firearm and its high-capacity box
568 magazine or a "machine gun" as defined in s. 790.001 and, as the
569 result of the discharge, death or great bodily harm was

570 | inflicted upon any person, the convicted person shall be
571 | sentenced to a minimum term of imprisonment of not less than 25
572 | years and not more than a term of imprisonment of life in
573 | prison.

574 | Section 4. For the purpose of incorporating the amendment
575 | made by this act to section 893.135, Florida Statutes, in
576 | references thereto, paragraph (a) of subsection (1) and
577 | subsections (3) and (4) of section 782.04, Florida Statutes, are
578 | reenacted to read:

579 | 782.04 Murder.—

580 | (1) (a) The unlawful killing of a human being:

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

583 | 2. When committed by a person engaged in the perpetration
584 | of, or in the attempt to perpetrate, any:

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

586 | b. Arson,

587 | c. Sexual battery,

588 | d. Robbery,

589 | e. Burglary,

590 | f. Kidnapping,

591 | g. Escape,

592 | h. Aggravated child abuse,

593 | i. Aggravated abuse of an elderly person or disabled

594 | adult,

595 | j. Aircraft piracy,

596 k. Unlawful throwing, placing, or discharging of a
 597 destructive device or bomb,
 598 l. Carjacking,
 599 m. Home-invasion robbery,
 600 n. Aggravated stalking,
 601 o. Murder of another human being,
 602 p. Resisting an officer with violence to his or her
 603 person,
 604 q. Aggravated fleeing or eluding with serious bodily
 605 injury or death,
 606 r. Felony that is an act of terrorism or is in furtherance
 607 of an act of terrorism; or
 608 3. Which resulted from the unlawful distribution of any
 609 substance controlled under s. 893.03(1), cocaine as described in
 610 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
 611 compound, derivative, or preparation of opium, or methadone by a
 612 person 18 years of age or older, when such drug is proven to be
 613 the proximate cause of the death of the user,
 614
 615 is murder in the first degree and constitutes a capital felony,
 616 punishable as provided in s. 775.082.
 617 (3) When a human being is killed during the perpetration
 618 of, or during the attempt to perpetrate, any:
 619 (a) Trafficking offense prohibited by s. 893.135(1),
 620 (b) Arson,
 621 (c) Sexual battery,

- 622 (d) Robbery,
- 623 (e) Burglary,
- 624 (f) Kidnapping,
- 625 (g) Escape,
- 626 (h) Aggravated child abuse,
- 627 (i) Aggravated abuse of an elderly person or disabled
- 628 adult,
- 629 (j) Aircraft piracy,
- 630 (k) Unlawful throwing, placing, or discharging of a
- 631 destructive device or bomb,
- 632 (l) Carjacking,
- 633 (m) Home-invasion robbery,
- 634 (n) Aggravated stalking,
- 635 (o) Murder of another human being,
- 636 (p) Aggravated fleeing or eluding with serious bodily
- 637 injury or death,
- 638 (q) Resisting an officer with violence to his or her
- 639 person, or
- 640 (r) Felony that is an act of terrorism or is in
- 641 furtherance of an act of terrorism,
- 642
- 643 by a person other than the person engaged in the perpetration of
- 644 or in the attempt to perpetrate such felony, the person
- 645 perpetrating or attempting to perpetrate such felony commits
- 646 murder in the second degree, which constitutes a felony of the
- 647 first degree, punishable by imprisonment for a term of years not

648 exceeding life or as provided in s. 775.082, s. 775.083, or s.
649 775.084.

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

- 654 (a) Trafficking offense prohibited by s. 893.135(1),
655 (b) Arson,
656 (c) Sexual battery,
657 (d) Robbery,
658 (e) Burglary,
659 (f) Kidnapping,
660 (g) Escape,
661 (h) Aggravated child abuse,
662 (i) Aggravated abuse of an elderly person or disabled
663 adult,
664 (j) Aircraft piracy,
665 (k) Unlawful throwing, placing, or discharging of a
666 destructive device or bomb,
667 (l) Unlawful distribution of any substance controlled
668 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
669 or opium or any synthetic or natural salt, compound, derivative,
670 or preparation of opium by a person 18 years of age or older,
671 when such drug is proven to be the proximate cause of the death
672 of the user,
673 (m) Carjacking,

674 (n) Home-invasion robbery,
 675 (o) Aggravated stalking,
 676 (p) Murder of another human being,
 677 (q) Aggravated fleeing or eluding with serious bodily
 678 injury or death,
 679 (r) Resisting an officer with violence to his or her
 680 person, or
 681 (s) Felony that is an act of terrorism or is in
 682 furtherance of an act of terrorism,
 683
 684 is murder in the third degree and constitutes a felony of the
 685 second degree, punishable as provided in s. 775.082, s. 775.083,
 686 or s. 775.084.
 687 Section 5. This act shall take effect July 1, 2014.