

By Senator Peaden

2-1690-04

1                                   A bill to be entitled  
2           An act relating to controlled substances;  
3           amending s. 893.033, F.S.; adding anhydrous  
4           ammonia to the listed essential chemicals that  
5           may be used to manufacture controlled  
6           substances; amending s. 893.06, F.S.; providing  
7           that it is a third-degree felony to store  
8           anhydrous ammonia in a container that does not  
9           meet certain safety standards; providing an  
10          exception; amending s. 893.13, F.S.; providing  
11          that it is a first-degree felony to  
12          manufacture, or to possess with intent to  
13          manufacture, methamphetamine or phencyclidine  
14          within 1,000 feet of any real property in which  
15          a child under the age of 16 years is present;  
16          requiring that the defendant be sentenced to a  
17          minimum term of imprisonment under certain  
18          circumstances; amending s. 893.135, F.S.;  
19          providing that possession of a specified weight  
20          of pseudoephedrine is a felony of the first  
21          degree; providing additional penalties;  
22          amending s. 893.149, F.S.; providing that  
23          possession of more than a specified weight of  
24          certain drugs creates a rebuttable presumption  
25          that the person intends to use the drug product  
26          as a precursor to certain controlled  
27          substances; providing that the rebuttable  
28          presumption does not apply to a person who  
29          lawfully possesses the drug product in the  
30          course of a legitimate business; reenacting s.  
31          775.087(2) and (3), F.S., relating to

1 possession and use of a weapon, reenacting s.  
2 782.04(1), (3), and (4), F.S., relating to  
3 murder, and reenacting s. 921.0022(3)(g), (h),  
4 and (i), F.S., relating to the Criminal  
5 Punishment Code, to incorporate the amendment  
6 to s. 893.135, F.S., in references thereto;  
7 providing an effective date.

8

9 Be It Enacted by the Legislature of the State of Florida:

10

11 Section 1. Subsection (2) of section 893.033, Florida  
12 Statutes, is amended to read:

13 893.033 Listed chemicals.--The chemicals listed in  
14 this section are included by whatever official, common, usual,  
15 chemical, or trade name designated.

16 (2) ESSENTIAL CHEMICALS.--The term "listed essential  
17 chemical" means a chemical that may be used as a solvent,  
18 reagent, or catalyst in manufacturing a controlled substance  
19 in violation of this chapter. The following are "listed  
20 essential chemicals":

21 (a) Acetic anhydride.

22 (b) Acetone.

23 (c) Anhydrous ammonia.

24 (d)~~(e)~~ 2-Butanone.

25 (e)~~(d)~~ Ethyl ether.

26 (f)~~(e)~~ Hydriodic acid.

27 (g)~~(f)~~ Potassium permanganate.

28 (h)~~(g)~~ Toluene.

29 Section 2. Section 893.06, Florida Statutes, is  
30 amended to read:

31

1           893.06 Distribution of controlled substances and  
2 anhydrous ammonia; order forms; labeling and packaging  
3 requirements.--

4           (1) Controlled substances in Schedules I and II shall  
5 be distributed by a duly licensed manufacturer, distributor,  
6 or wholesaler to a duly licensed manufacturer, wholesaler,  
7 distributor, practitioner, pharmacy, as defined in chapter  
8 465, hospital, or laboratory only pursuant to an order form.  
9 It shall be deemed a compliance with this subsection if the  
10 parties to the transaction have complied with federal law  
11 respecting the use of order forms.

12           (2) Possession or control of controlled substances  
13 obtained as authorized by this section is ~~shall be~~ lawful if  
14 in the regular course of business, occupation, profession,  
15 employment, or duty.

16           (3) A person in charge of a hospital or laboratory or  
17 in the employ of this state or of any other state, or of any  
18 political subdivision thereof, and a master or other proper  
19 officer of a ship or aircraft, who obtains controlled  
20 substances under ~~the provisions of~~ this section or otherwise,  
21 may ~~shall~~ not administer, dispense, or otherwise use such  
22 controlled substances within this state, except within the  
23 scope of her or his employment or official duty, and then only  
24 for scientific or medicinal purposes and subject to ~~the~~  
25 ~~provisions of~~ this chapter.

26           (4) It is ~~shall be~~ unlawful to distribute a controlled  
27 substance in a commercial container unless the ~~such~~ container  
28 bears a label showing the name and address of the  
29 manufacturer, the quantity, kind, and form of controlled  
30 substance contained therein, and the identifying symbol for  
31 the ~~such~~ substance, as required by federal law. No person

1 except a pharmacist, for the purpose of dispensing a  
2 prescription, or a practitioner, for the purpose of dispensing  
3 a controlled substance to a patient, shall alter, deface, or  
4 remove any labels so affixed.

5 (5)(a) It is unlawful to store anhydrous ammonia in a  
6 container that:

7 1. Is not approved by the United States Department of  
8 Transportation to hold anhydrous ammonia; or

9 2. Is not constructed to meet state and federal  
10 industrial health and safety standards for holding anhydrous  
11 ammonia.

12 (b) A person who violates paragraph (a) commits a  
13 felony of the third degree, punishable as provided in s.  
14 775.082, s. 775.083, or s. 775.084.

15 (c) Paragraph (a) does not apply to a public employee  
16 or private contractor authorized to dispose of hazardous  
17 wastes or toxic substances under chapter 403.

18 (d) A person who unlawfully possesses, stores, or  
19 tampers with anhydrous ammonia or anhydrous ammonia equipment  
20 is responsible for any damages arising from the unlawful  
21 behavior.

22 Section 3. Paragraph (g) is added to subsection (1) of  
23 section 893.13, Florida Statutes, to read:

24 893.13 Prohibited acts; penalties.--

25 (1)

26 (g) Except as authorized by this chapter, it is  
27 unlawful for any person to manufacture, or possess with intent  
28 to manufacture, methamphetamine or phencyclidine within 1,000  
29 feet of any real property in which a child under the age of 16  
30 years is present. A person who violates this paragraph commits  
31 a felony of the first degree, punishable as provided in s.

1 775.082, s. 775.083, or s. 775.084, and shall be sentenced to  
2 a minimum term of imprisonment of 3 calendar years. If, during  
3 the commission of the crime, the defendant causes a child  
4 under the age of 16 years to suffer great bodily harm, the  
5 defendant shall be sentenced to a minimum term of imprisonment  
6 of 7 calendar years.

7 Section 4. Paragraph (f) of subsection (1) of section  
8 893.135, Florida Statutes, is amended 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 (f)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, 14 grams or  
17 more of amphetamine, as described in s. 893.03(2)(c)2., or  
18 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
19 mixture containing amphetamine or methamphetamine, ~~or~~  
20 phenylacetone, phenylacetic acid, pseudoephedrine, or  
21 ephedrine in conjunction with other chemicals and equipment  
22 utilized in the manufacture of amphetamine or methamphetamine,  
23 commits a felony of the first degree, which felony shall be  
24 known as "trafficking in amphetamine," punishable as provided  
25 in s. 775.082, s. 775.083, or s. 775.084. If the quantity  
26 involved:

27 a. Is 14 grams or more, but less than 28 grams, the  
28 ~~such~~ 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 28 grams or more, but less than 200 grams, the  
2 ~~such~~ 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 200 grams or more, the ~~such~~ person shall be  
6 sentenced to a mandatory minimum term of imprisonment of 15  
7 calendar years and pay a fine of \$250,000.

8           2. Any person who knowingly manufactures or brings  
9 into this state 400 grams or more of amphetamine, as described  
10 in s. 893.03(2)(c)2., or methamphetamine, as described in s.  
11 893.03(2)(c)4., or of any mixture containing amphetamine ~~or~~  
12 methamphetamine, ~~or~~ phenylacetone, pseudoephedrine,  
13 phenylacetic acid, or ephedrine in conjunction with other  
14 chemicals and equipment used in the manufacture of amphetamine  
15 or methamphetamine, and who knows that the probable result of  
16 such manufacture or importation would be the death of any  
17 person commits capital manufacture or importation of  
18 amphetamine, a capital felony punishable as provided in ss.  
19 775.082 and 921.142. Any person sentenced for a capital felony  
20 under this paragraph shall also be sentenced to pay the  
21 maximum fine provided under subparagraph 1.

22           Section 5. Section 893.149, Florida Statutes, is  
23 amended to read:

24           893.149 Unlawful possession of listed chemical.--

25           (1) It is unlawful for any person to knowingly or  
26 intentionally:

27           (a) Possess a listed chemical with the intent to  
28 unlawfully manufacture a controlled substance;

29           (b) Possess or distribute a listed chemical knowing,  
30 or having reasonable cause to believe, that the listed  
31

1 chemical will be used to unlawfully manufacture a controlled  
2 substance.

3 (2) Except as provided in this subsection, if a person  
4 possesses a drug product containing more than 24 grams of  
5 ephedrine, pseudoephedrine, or phenylpropanolamine or their  
6 salts, isomers, or salts of isomers, a rebuttable presumption  
7 is created that the person intends to use the drug product as  
8 a precursor to methamphetamine or another controlled  
9 substance. The rebuttable presumption does not apply to a  
10 person who lawfully possesses the drug product in the course  
11 of a legitimate business.

12 (3)(2) Any person who violates this section is guilty  
13 of a felony of the second degree, punishable as provided in s.  
14 775.082, s. 775.083, or s. 775.084.

15 Section 6. For the purpose of incorporating the  
16 amendment made by this act to section 893.135, Florida  
17 Statutes, in a reference thereto, paragraph (a) of subsection  
18 (2) and paragraph (a) of subsection (3) of section 775.087,  
19 Florida Statutes, are reenacted to read:

20 775.087 Possession or use of weapon; aggravated  
21 battery; felony reclassification; minimum sentence.--

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

- 26 a. Murder;  
27 b. Sexual battery;  
28 c. Robbery;  
29 d. Burglary;  
30 e. Arson;  
31 f. Aggravated assault;

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



1 possessed a "firearm" or "destructive device" during the  
2 commission of the offense.

3           2. 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 shall be  
9 sentenced to a minimum term of imprisonment of 20 years.

10           3. Any person who is convicted of a felony or an  
11 attempt to commit a felony listed in sub-subparagraphs  
12 (a)1.a.-q., regardless of whether the use of a weapon is an  
13 element of the felony, and during the course of the commission  
14 of the felony such person discharged a "firearm" or  
15 "destructive device" as defined in s. 790.001 and, as the  
16 result of the discharge, death or great bodily harm was  
17 inflicted upon any person, the convicted person shall be  
18 sentenced to a minimum term of imprisonment of not less than  
19 25 years and not more than a term of imprisonment of life in  
20 prison.

21  
22 Notwithstanding s. 948.01, adjudication of guilt or imposition  
23 of sentence shall not be suspended, deferred, or withheld, and  
24 the defendant is not eligible for statutory gain-time under s.  
25 944.275 or any form of discretionary early release, other than  
26 pardon or executive clemency, or conditional medical release  
27 under s. 947.149, prior to serving the minimum sentence.

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

- 1 a. Murder;
- 2 b. Sexual battery;
- 3 c. Robbery;
- 4 d. Burglary;
- 5 e. Arson;
- 6 f. Aggravated assault;
- 7 g. Aggravated battery;
- 8 h. Kidnapping;
- 9 i. Escape;
- 10 j. Sale, manufacture, delivery, or intent to sell,
- 11 manufacture, or deliver any controlled substance;
- 12 k. Aircraft piracy;
- 13 l. Aggravated child abuse;
- 14 m. Aggravated abuse of an elderly person or disabled
- 15 adult;
- 16 n. Unlawful throwing, placing, or discharging of a
- 17 destructive device or bomb;
- 18 o. Carjacking;
- 19 p. Home-invasion robbery;
- 20 q. Aggravated stalking; or
- 21 r. Trafficking in cannabis, trafficking in cocaine,
- 22 capital importation of cocaine, trafficking in illegal drugs,
- 23 capital importation of illegal drugs, trafficking in
- 24 phencyclidine, capital importation of phencyclidine,
- 25 trafficking in methaqualone, capital importation of
- 26 methaqualone, trafficking in amphetamine, capital importation
- 27 of amphetamine, trafficking in flunitrazepam, trafficking in
- 28 gamma-hydroxybutyric acid (GHB), trafficking in
- 29 1,4-Butanediol, trafficking in Phenethylamines, or other
- 30 violation of s. 893.135(1);
- 31

1 and during the commission of the offense, such person  
2 possessed a semiautomatic firearm and its high-capacity  
3 detachable box magazine or a machine gun as defined in s.  
4 790.001, shall be sentenced to a minimum term of imprisonment  
5 of 15 years.

6           2. Any person who is convicted of a felony or an  
7 attempt to commit a felony listed in subparagraph (a)1.,  
8 regardless of whether the use of a weapon is an element of the  
9 felony, and during the course of the commission of the felony  
10 such person discharged a semiautomatic firearm and its  
11 high-capacity box magazine or a "machine gun" as defined in s.  
12 790.001 shall be sentenced to a minimum term of imprisonment  
13 of 20 years.

14           3. Any person who is convicted of a felony or an  
15 attempt to commit a felony listed in subparagraph (a)1.,  
16 regardless of whether the use of a weapon is an element of the  
17 felony, and during the course of the commission of the felony  
18 such person discharged a semiautomatic firearm and its  
19 high-capacity box magazine or a "machine gun" as defined in s.  
20 790.001 and, as the result of the discharge, death or great  
21 bodily harm was inflicted upon any person, the convicted  
22 person shall be sentenced to a minimum term of imprisonment of  
23 not less than 25 years and not more than a term of  
24 imprisonment of life in prison.

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

1           Section 7. For the purpose of incorporating the  
2 amendment made by this act to section 893.135, Florida  
3 Statutes, in a reference thereto, subsections (1), (3), and  
4 (4) of section 782.04, Florida Statutes, are reenacted to  
5 read:

6           782.04 Murder.--

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

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

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

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

13           b. Arson,

14           c. Sexual battery,

15           d. Robbery,

16           e. Burglary,

17           f. Kidnapping,

18           g. Escape,

19           h. Aggravated child abuse,

20           i. Aggravated abuse of an elderly person or disabled  
21 adult,

22           j. Aircraft piracy,

23           k. Unlawful throwing, placing, or discharging of a  
24 destructive device or bomb,

25           l. Carjacking,

26           m. Home-invasion robbery,

27           n. Aggravated stalking,

28           o. Murder of another human being,

29           p. Resisting an officer with violence to his or her  
30 person,

31

1           q. Felony that is an act of terrorism or is in  
2 furtherance of an act of terrorism; or

3           3. Which resulted from the unlawful distribution of  
4 any substance controlled under s. 893.03(1), cocaine as  
5 described in s. 893.03(2)(a)4., or opium or any synthetic or  
6 natural salt, compound, derivative, or preparation of opium by  
7 a person 18 years of age or older, when such drug is proven to  
8 be the proximate cause of the death of the user,

9  
10 is murder in the first degree and constitutes a capital  
11 felony, punishable as provided in s. 775.082.

12           (b) In all cases under this section, the procedure set  
13 forth in s. 921.141 shall be followed in order to determine  
14 sentence of death or life imprisonment.

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

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

18           (b) Arson,

19           (c) Sexual battery,

20           (d) Robbery,

21           (e) Burglary,

22           (f) Kidnapping,

23           (g) Escape,

24           (h) Aggravated child abuse,

25           (i) Aggravated abuse of an elderly person or disabled  
26 adult,

27           (j) Aircraft piracy,

28           (k) Unlawful throwing, placing, or discharging of a  
29 destructive device or bomb,

30           (l) Carjacking,

31           (m) Home-invasion robbery,

1           (n) Aggravated stalking,  
2           (o) Murder of another human being,  
3           (p) Resisting an officer with violence to his or her  
4 person, or  
5           (q) Felony that is an act of terrorism or is in  
6 furtherance of an act of terrorism,  
7  
8 by a person other than the person engaged in the perpetration  
9 of or in the attempt to perpetrate such felony, the person  
10 perpetrating or attempting to perpetrate such felony is guilty  
11 of murder in the second degree, which constitutes a felony of  
12 the first degree, punishable by imprisonment for a term of  
13 years not exceeding life or as provided in s. 775.082, s.  
14 775.083, or s. 775.084.  
15           (4) The unlawful killing of a human being, when  
16 perpetrated without any design to effect death, by a person  
17 engaged in the perpetration of, or in the attempt to  
18 perpetrate, any felony other than any:  
19           (a) Trafficking offense prohibited by s. 893.135(1),  
20           (b) Arson,  
21           (c) Sexual battery,  
22           (d) Robbery,  
23           (e) Burglary,  
24           (f) Kidnapping,  
25           (g) Escape,  
26           (h) Aggravated child abuse,  
27           (i) Aggravated abuse of an elderly person or disabled  
28 adult,  
29           (j) Aircraft piracy,  
30           (k) Unlawful throwing, placing, or discharging of a  
31 destructive device or bomb,

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

7           (m) Carjacking,

8           (n) Home-invasion robbery,

9           (o) Aggravated stalking,

10          (p) Murder of another human being,

11          (q) Resisting an officer with violence to his or her  
12 person, or

13          (r) Felony that is an act of terrorism or is in  
14 furtherance of an act of terrorism,

15  
16 is murder in the third degree and constitutes a felony of the  
17 second degree, punishable as provided in s. 775.082, s.  
18 775.083, or s. 775.084.

19           Section 8. For the purpose of incorporating the  
20 amendment made by this act to section 893.135, Florida  
21 Statutes, in a reference thereto, paragraphs (g), (h), and (i)  
22 of subsection (3) of section 921.0022, Florida Statutes, are  
23 reenacted to read:

24           921.0022 Criminal Punishment Code; offense severity  
25 ranking chart.--

26           (3) OFFENSE SEVERITY RANKING CHART

27  
28 Florida                   Felony  
29 Statute                   Degree                   Description  
30  
31

1			(g) LEVEL 7
2	316.027(1)(b)	2nd	Accident involving death, failure
3			to stop; leaving scene.
4	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
5			injury.
6	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
7			bodily injury.
8	402.319(2)	2nd	Misrepresentation and negligence
9			or intentional act resulting in
10			great bodily harm, permanent
11			disfiguration, permanent
12			disability, or death.
13	409.920(2)	3rd	Medicaid provider fraud.
14	456.065(2)	3rd	Practicing a health care
15			profession without a license.
16	456.065(2)	2nd	Practicing a health care
17			profession without a license
18			which results in serious bodily
19			injury.
20	458.327(1)	3rd	Practicing medicine without a
21			license.
22	459.013(1)	3rd	Practicing osteopathic medicine
23			without a license.
24	460.411(1)	3rd	Practicing chiropractic medicine
25			without a license.
26	461.012(1)	3rd	Practicing podiatric medicine
27			without a license.
28	462.17	3rd	Practicing naturopathy without a
29			license.
30	463.015(1)	3rd	Practicing optometry without a
31			license.



1	464.016(1)	3rd	Practicing nursing without a
2			license.
3	465.015(2)	3rd	Practicing pharmacy without a
4			license.
5	466.026(1)	3rd	Practicing dentistry or dental
6			hygiene without a license.
7	467.201	3rd	Practicing midwifery without a
8			license.
9	468.366	3rd	Delivering respiratory care
10			services without a license.
11	483.828(1)	3rd	Practicing as clinical laboratory
12			personnel without a license.
13	483.901(9)	3rd	Practicing medical physics
14			without a license.
15	484.013(1)(c)	3rd	Preparing or dispensing optical
16			devices without a prescription.
17	484.053	3rd	Dispensing hearing aids without a
18			license.
19	494.0018(2)	1st	Conviction of any violation of
20			ss. 494.001-494.0077 in which the
21			total money and property
22			unlawfully obtained exceeded
23			\$50,000 and there were five or
24			more victims.
25	560.123(8)(b)1.	3rd	Failure to report currency or
26			payment instruments exceeding
27			\$300 but less than \$20,000 by
28			money transmitter.
29			
30			
31			

1	560.125(5)(a)	3rd	Money transmitter business by
2			unauthorized person, currency or
3			payment instruments exceeding
4			\$300 but less than \$20,000.
5	655.50(10)(b)1.	3rd	Failure to report financial
6			transactions exceeding \$300 but
7			less than \$20,000 by financial
8			institution.
9	782.051(3)	2nd	Attempted felony murder of a
10			person by a person other than the
11			perpetrator or the perpetrator of
12			an attempted felony.
13	782.07(1)	2nd	Killing of a human being by the
14			act, procurement, or culpable
15			negligence of another
16			(manslaughter).
17	782.071	2nd	Killing of human being or viable
18			fetus by the operation of a motor
19			vehicle in a reckless manner
20			(vehicular homicide).
21	782.072	2nd	Killing of a human being by the
22			operation of a vessel in a
23			reckless manner (vessel
24			homicide).
25	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
26			causing great bodily harm or
27			disfigurement.
28	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
29			weapon.
30	784.045(1)(b)	2nd	Aggravated battery; perpetrator
31			aware victim pregnant.

1	784.048(4)	3rd	Aggravated stalking; violation of
2			injunction or court order.
3	784.07(2)(d)	1st	Aggravated battery on law
4			enforcement officer.
5	784.074(1)(a)	1st	Aggravated battery on sexually
6			violent predators facility staff.
7	784.08(2)(a)	1st	Aggravated battery on a person 65
8			years of age or older.
9	784.081(1)	1st	Aggravated battery on specified
10			official or employee.
11	784.082(1)	1st	Aggravated battery by detained
12			person on visitor or other
13			detainee.
14	784.083(1)	1st	Aggravated battery on code
15			inspector.
16	790.07(4)	1st	Specified weapons violation
17			subsequent to previous conviction
18			of s. 790.07(1) or (2).
19	790.16(1)	1st	Discharge of a machine gun under
20			specified circumstances.
21	790.165(2)	2nd	Manufacture, sell, possess, or
22			deliver hoax bomb.
23	790.165(3)	2nd	Possessing, displaying, or
24			threatening to use any hoax bomb
25			while committing or attempting to
26			commit a felony.
27	790.166(3)	2nd	Possessing, selling, using, or
28			attempting to use a hoax weapon
29			of mass destruction.
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1	790.166(4)	2nd	Possessing, displaying, or
2			threatening to use a hoax weapon
3			of mass destruction while
4			committing or attempting to
5			commit a felony.
6	796.03	2nd	Procuring any person under 16
7			years for prostitution.
8	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
9			victim less than 12 years of age;
10			offender less than 18 years.
11	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
12			victim 12 years of age or older
13			but less than 16 years; offender
14			18 years or older.
15	806.01(2)	2nd	Maliciously damage structure by
16			fire or explosive.
17	810.02(3)(a)	2nd	Burglary of occupied dwelling;
18			unarmed; no assault or battery.
19	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
20			unarmed; no assault or battery.
21	810.02(3)(d)	2nd	Burglary of occupied conveyance;
22			unarmed; no assault or battery.
23	812.014(2)(a)	1st	Property stolen, valued at
24			\$100,000 or more; cargo stolen
25			valued at \$50,000 or more;
26			property stolen while causing
27			other property damage; 1st degree
28			grand theft.
29	812.014(2)(b)3.	2nd	Property stolen, emergency
30			medical equipment; 2nd degree
31			grand theft.

1	812.0145(2)(a)	1st	Theft from person 65 years of age
2			or older; \$50,000 or more.
3	812.019(2)	1st	Stolen property; initiates,
4			organizes, plans, etc., the theft
5			of property and traffics in
6			stolen property.
7	812.131(2)(a)	2nd	Robbery by sudden snatching.
8	812.133(2)(b)	1st	Carjacking; no firearm, deadly
9			weapon, or other weapon.
10	817.234(8)(a)	2nd	Solicitation of motor vehicle
11			accident victims with intent to
12			defraud.
13	817.234(9)	2nd	Organizing, planning, or
14			participating in an intentional
15			motor vehicle collision.
16	817.234(11)(c)	1st	Insurance fraud; property value
17			\$100,000 or more.
18	817.2341(2)(b)&		
19	(3)(b)	1st	Making false entries of material
20			fact or false statements
21			regarding property values
22			relating to the solvency of an
23			insuring entity which are a
24			significant cause of the
25			insolvency of that entity.
26	825.102(3)(b)	2nd	Neglecting an elderly person or
27			disabled adult causing great
28			bodily harm, disability, or
29			disfigurement.
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1	825.103(2)(b)	2nd	Exploiting an elderly person or
2			disabled adult and property is
3			valued at \$20,000 or more, but
4			less than \$100,000.
5	827.03(3)(b)	2nd	Neglect of a child causing great
6			bodily harm, disability, or
7			disfigurement.
8	827.04(3)	3rd	Impregnation of a child under 16
9			years of age by person 21 years
10			of age or older.
11	837.05(2)	3rd	Giving false information about
12			alleged capital felony to a law
13			enforcement officer.
14	838.015	2nd	Bribery.
15	838.016	2nd	Unlawful compensation or reward
16			for official behavior.
17	838.021(3)(a)	2nd	Unlawful harm to a public
18			servant.
19	838.22	2nd	Bid tampering.
20	872.06	2nd	Abuse of a dead human body.
21	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
22			cocaine (or other drug prohibited
23			under s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4.) within 1,000 feet of a
26			child care facility, school, or
27			state, county, or municipal park
28			or publicly owned recreational
29			facility or community center.
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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 25 lbs., less than 2,000
15			lbs.
16	893.135 (1)(b)1.a.1st		Trafficking in cocaine, more than
17			28 grams, less than 200 grams.
18	893.135 (1)(c)1.a.1st		Trafficking in illegal drugs,
19			more than 4 grams, less than 14
20			grams.
21	893.135 (1)(d)1.	1st	Trafficking in phencyclidine,
22			more than 28 grams, less than 200
23			grams.
24	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
25			than 200 grams, less than 5
26			kilograms.
27	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
28			than 14 grams, less than 28
29			grams.
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1	893.135	(1)(g)1.a.1st	Trafficking in flunitrazepam, 4
2			grams or more, less than 14
3			grams.
4	893.135	(1)(h)1.a.1st	Trafficking in
5			gamma-hydroxybutyric acid (GHB),
6			1 kilogram or more, less than 5
7			kilograms.
8	893.135	(1)(j)1.a.1st	Trafficking in 1,4-Butanediol, 1
9			kilogram or more, less than 5
10			kilograms.
11	893.135	(1)(k)2.a.1st	Trafficking in Phenethylamines,
12			10 grams or more, less than 200
13			grams.
14	896.101(5)(a)	3rd	Money laundering, financial
15			transactions exceeding \$300 but
16			less than \$20,000.
17	896.104(4)(a)1.	3rd	Structuring transactions to evade
18			reporting or registration
19			requirements, financial
20			transactions exceeding \$300 but
21			less than \$20,000.
22			(h) LEVEL 8
23	316.193	(3)(c)3.a.2nd	DUI manslaughter.
24	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
25	499.0051(7)	1st	Forgery of prescription or legend
26			drug labels.
27	499.0052	1st	Trafficking in contraband legend
28			drugs.
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1	560.123(8)(b)2.	2nd	Failure to report currency or
2			payment instruments totaling or
3			exceeding \$20,000, but less than
4			\$100,000 by money transmitter.
5	560.125(5)(b)	2nd	Money transmitter business by
6			unauthorized person, currency or
7			payment instruments totaling or
8			exceeding \$20,000, but less than
9			\$100,000.
10	655.50(10)(b)2.	2nd	Failure to report financial
11			transactions totaling or
12			exceeding \$20,000, but less than
13			\$100,000 by financial
14			institutions.
15	777.03(2)(a)	1st	Accessory after the fact, capital
16			felony.
17	782.04(4)	2nd	Killing of human without design
18			when engaged in act or attempt of
19			any felony other than arson,
20			sexual battery, robbery,
21			burglary, kidnapping, aircraft
22			piracy, or unlawfully discharging
23			bomb.
24	782.051(2)	1st	Attempted felony murder while
25			perpetrating or attempting to
26			perpetrate a felony not
27			enumerated in s. 782.04(3).
28	782.071(1)(b)	1st	Committing vehicular homicide and
29			failing to render aid or give
30			information.
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1	782.072(2)	1st	Committing vessel homicide and
2			failing to render aid or give
3			information.
4	790.161(3)	1st	Discharging a destructive device
5			which results in bodily harm or
6			property damage.
7	794.011(5)	2nd	Sexual battery, victim 12 years
8			or over, offender does not use
9			physical force likely to cause
10			serious injury.
11	800.04(4)	2nd	Lewd or lascivious battery.
12	806.01(1)	1st	Maliciously damage dwelling or
13			structure by fire or explosive,
14			believing person in structure.
15	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
16	810.02(2)(b)	1st,PBL	Burglary; armed with explosives
17			or dangerous weapon.
18	810.02(2)(c)	1st	Burglary of a dwelling or
19			structure causing structural
20			damage or \$1,000 or more property
21			damage.
22	812.13(2)(b)	1st	Robbery with a weapon.
23	812.135(2)	1st	Home-invasion robbery.
24	817.568(6)	2nd	Fraudulent use of personal
25			identification information of an
26			individual under the age of 18.
27	825.102(2)	2nd	Aggravated abuse of an elderly
28			person or disabled adult.
29	825.1025(2)	2nd	Lewd or lascivious battery upon
30			an elderly person or disabled
31			adult.

1	825.103(2)(a)	1st	Exploiting an elderly person or
2			disabled adult and property is
3			valued at \$100,000 or more.
4	837.02(2)	2nd	Perjury in official proceedings
5			relating to prosecution of a
6			capital felony.
7	837.021(2)	2nd	Making contradictory statements
8			in official proceedings relating
9			to prosecution of a capital
10			felony.
11	860.121(2)(c)	1st	Shooting at or throwing any
12			object in path of railroad
13			vehicle resulting in great bodily
14			harm.
15	860.16	1st	Aircraft piracy.
16	893.13(1)(b)	1st	Sell or deliver in excess of 10
17			grams of any substance specified
18			in s. 893.03(1)(a) or (b).
19	893.13(2)(b)	1st	Purchase in excess of 10 grams of
20			any substance specified in s.
21			893.03(1)(a) or (b).
22	893.13(6)(c)	1st	Possess in excess of 10 grams of
23			any substance specified in s.
24			893.03(1)(a) or (b).
25	893.135(1)(a)2.	1st	Trafficking in cannabis, more
26			than 2,000 lbs., less than 10,000
27			lbs.
28	893.135 (1)(b)1.b.1st		Trafficking in cocaine, more than
29			200 grams, less than 400 grams.
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1	893.135	(1)(c)1.b.1st	Trafficking in illegal drugs,
2			more than 14 grams, less than 28
3			grams.
4	893.135	(1)(d)1.b.1st	Trafficking in phencyclidine,
5			more than 200 grams, less than
6			400 grams.
7	893.135	(1)(e)1.b.1st	Trafficking in methaqualone, more
8			than 5 kilograms, less than 25
9			kilograms.
10	893.135	(1)(f)1.b.1st	Trafficking in amphetamine, more
11			than 28 grams, less than 200
12			grams.
13	893.135	(1)(g)1.b.1st	Trafficking in flunitrazepam, 14
14			grams or more, less than 28
15			grams.
16	893.135	(1)(h)1.b.1st	Trafficking in
17			gamma-hydroxybutyric acid (GHB),
18			5 kilograms or more, less than 10
19			kilograms.
20	893.135	(1)(j)1.b.1st	Trafficking in 1,4-Butanediol, 5
21			kilograms or more, less than 10
22			kilograms.
23	893.135	(1)(k)2.b.1st	Trafficking in Phenethylamines,
24			200 grams or more, less than 400
25			grams.
26	895.03(1)	1st	Use or invest proceeds derived
27			from pattern of racketeering
28			activity.
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1	895.03(2)	1st	Acquire or maintain through
2			racketeering activity any
3			interest in or control of any
4			enterprise or real property.
5	895.03(3)	1st	Conduct or participate in any
6			enterprise through pattern of
7			racketeering activity.
8	896.101(5)(b)	2nd	Money laundering, financial
9			transactions totaling or
10			exceeding \$20,000, but less than
11			\$100,000.
12	896.104(4)(a)2.	2nd	Structuring transactions to evade
13			reporting or registration
14			requirements, financial
15			transactions totaling or
16			exceeding \$20,000 but less than
17			\$100,000.
18			(i) LEVEL 9
19	316.193 (3)(c)3.b.1st		DUI manslaughter; failing to
20			render aid or give information.
21	327.35(3)(c)3.b.	1st	BUI manslaughter; failing to
22			render aid or give information.
23	499.0053	1st	Sale or purchase of contraband
24			legend drugs resulting in great
25			bodily harm.
26	560.123(8)(b)3.	1st	Failure to report currency or
27			payment instruments totaling or
28			exceeding \$100,000 by money
29			transmitter.
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1	560.125(5)(c)	1st	Money transmitter business by
2			unauthorized person, currency, or
3			payment instruments totaling or
4			exceeding \$100,000.
5	655.50(10)(b)3.	1st	Failure to report financial
6			transactions totaling or
7			exceeding \$100,000 by financial
8			institution.
9	775.0844	1st	Aggravated white collar crime.
10	782.04(1)	1st	Attempt, conspire, or solicit to
11			commit premeditated murder.
12	782.04(3)	1st,PBL	Accomplice to murder in
13			connection with arson, sexual
14			battery, robbery, burglary, and
15			other specified felonies.
16	782.051(1)	1st	Attempted felony murder while
17			perpetrating or attempting to
18			perpetrate a felony enumerated in
19			s. 782.04(3).
20	782.07(2)	1st	Aggravated manslaughter of an
21			elderly person or disabled adult.
22	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or
23			reward or as a shield or hostage.
24	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit
25			or facilitate commission of any
26			felony.
27	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to
28			interfere with performance of any
29			governmental or political
30			function.
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1	787.02(3)(a)	1st	False imprisonment; child under
2			age 13; perpetrator also commits
3			aggravated child abuse, sexual
4			battery, or lewd or lascivious
5			battery, molestation, conduct, or
6			exhibition.
7	790.161	1st	Attempted capital destructive
8			device offense.
9	790.166(2)	1st,PBL	Possessing, selling, using, or
10			attempting to use a weapon of
11			mass destruction.
12	794.011(2)	1st	Attempted sexual battery; victim
13			less than 12 years of age.
14	794.011(2)	Life	Sexual battery; offender younger
15			than 18 years and commits sexual
16			battery on a person less than 12
17			years.
18	794.011(4)	1st	Sexual battery; victim 12 years
19			or older, certain circumstances.
20	794.011(8)(b)	1st	Sexual battery; engage in sexual
21			conduct with minor 12 to 18 years
22			by person in familial or
23			custodial authority.
24	800.04(5)(b)	1st	Lewd or lascivious molestation;
25			victim less than 12 years;
26			offender 18 years or older.
27	812.13(2)(a)	1st,PBL	Robbery with firearm or other
28			deadly weapon.
29	812.133(2)(a)	1st,PBL	Carjacking; firearm or other
30			deadly weapon.
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1	817.568(7)	2nd,PBL	Fraudulent use of personal
2			identification information of an
3			individual under the age of 18 by
4			his or her parent, legal
5			guardian, or person exercising
6			custodial authority.
7	827.03(2)	1st	Aggravated child abuse.
8	847.0145(1)	1st	Selling, or otherwise
9			transferring custody or control,
10			of a minor.
11	847.0145(2)	1st	Purchasing, or otherwise
12			obtaining custody or control, of
13			a minor.
14	859.01	1st	Poisoning or introducing
15			bacteria, radioactive materials,
16			viruses, or chemical compounds
17			into food, drink, medicine, or
18			water with intent to kill or
19			injure another person.
20	893.135	1st	Attempted capital trafficking
21			offense.
22	893.135(1)(a)3.	1st	Trafficking in cannabis, more
23			than 10,000 lbs.
24	893.135 (1)(b)1.c.	1st	Trafficking in cocaine, more than
25			400 grams, less than 150
26			kilograms.
27	893.135 (1)(c)1.c.	1st	Trafficking in illegal drugs,
28			more than 28 grams, less than 30
29			kilograms.
30	893.135 (1)(d)1.c.	1st	Trafficking in phencyclidine,
31			more than 400 grams.



1	893.135	(1)(e)1.c.1st	Trafficking in methaqualone, more
2			than 25 kilograms.
3	893.135	(1)(f)1.c.1st	Trafficking in amphetamine, more
4			than 200 grams.
5	893.135	(1)(h)1.c.1st	Trafficking in
6			gamma-hydroxybutyric acid (GHB),
7			10 kilograms or more.
8	893.135	(1)(j)1.c.1st	Trafficking in 1,4-Butanediol, 10
9			kilograms or more.
10	893.135	(1)(k)2.c.1st	Trafficking in Phenethylamines,
11			400 grams or more.
12	896.101(5)(c)	1st	Money laundering, financial
13			instruments totaling or exceeding
14			\$100,000.
15	896.104(4)(a)3.	1st	Structuring transactions to evade
16			reporting or registration
17			requirements, financial
18			transactions totaling or
19			exceeding \$100,000.
20			Section 9. This act shall take effect July 1, 2004.
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SENATE SUMMARY

Adds anhydrous ammonia to the listed essential chemicals that may be used to manufacture controlled substances. Provides that it is a third-degree felony to store anhydrous ammonia in a container that does not meet certain safety standards. Provides that it is a first-degree felony to manufacture, or possess with intent to manufacture, methamphetamine or phencyclidine within 1,000 feet of any real property in which a child under the age of 16 years is present. Requires that the defendant be sentenced to a minimum term of imprisonment under certain circumstances. Provides that possession of a specified weight of pseudoephedrine is a felony of the first degree. Provides additional penalties. Provides that possession of more than a specified weight of certain drugs creates a rebuttable presumption that the person intends to use the drug product as a precursor to certain controlled substances. Provides that the rebuttable presumption does not apply to a person who lawfully possesses the drug product in the course of a legitimate business.