

**SB 746** by **Stargel**; (Identical to H 7017) Terms of Courts

**SB 294** by **Bradley**; (Identical to H 0619) Controlled Substances

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**  
**APPROPRIATIONS SUBCOMMITTEE ON CRIMINAL AND**  
**CIVIL JUSTICE**  
**Senator Bradley, Chair**  
**Senator Joyner, Vice Chair**

**MEETING DATE:** Wednesday, March 13, 2013  
**TIME:** 9:00 a.m.—12:00 noon  
**PLACE:** Mallory Horne Committee Room, 37 Senate Office Building

**MEMBERS:** Senator Bradley, Chair; Senator Joyner, Vice Chair; Senators Altman, Braynon, Clemens, Dean, Diaz de la Portilla, Flores, Garcia, Grimsley, Hays, Smith, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 746</b> Stargel (Identical H 7017)	Terms of Courts; Repealing provisions relating to regular terms of the Supreme Court; repealing provisions relating to requiring a judge to attend the first day of each term of the circuit court; repealing provisions relating to a requirement for a judge to state a reason for nonattendance; allowing the Supreme Court to set terms of court for the Supreme Court, district courts of appeal, and circuit courts; authorizing appellate courts to withdraw a mandate within 120 days after its issuance, etc.  JU 03/06/2013 Favorable ACJ 03/13/2013 AP	
2	<b>SB 294</b> Bradley (Identical H 619)	Controlled Substances; Adding to the list of Schedule I controlled substances certain specified materials, compounds, mixtures, or preparations that contain hallucinogenic substances, or any of their salts, isomers, and salts of isomers, if the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation; providing reduced penalties for possession of 3 grams or less of specified controlled substances; providing criminal penalties for a person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, a specified quantity of specified controlled substances, etc.  CJ 02/05/2013 Favorable JU 03/06/2013 Favorable ACJ 03/13/2013 AP	
TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION

**Senate Confirmation Hearing:** A public hearing will be held for consideration of the below-named executive appointment to the office indicated.

**Secretary of Corrections**

3	Crews, Michael D. (Tallahassee)	Pleasure of Governor
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**COMMITTEE MEETING EXPANDED AGENDA**

Appropriations Subcommittee on Criminal and Civil Justice  
Wednesday, March 13, 2013, 9:00 a.m.—12:00 noon

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
		Update on Florida's Domestic Security Funding Recommendations for Fiscal Year 2013-14	
4	Other Related Meeting Documents		

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**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

BILL: SB 746

INTRODUCER: Senator Stargel

SUBJECT: Terms of Courts

DATE: March 7, 2013                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Cibula	JU	<b>Favorable</b>
2.	Harkness	Sadberry	ACJ	<b>Favorable</b>
3.			AP	
4.				
5.				
6.				

**I. Summary:**

SB 746 allows the Supreme Court to set terms of court for the Supreme Court, district courts of appeal, and circuit courts and allows an appellate court to withdraw a mandate within 120 days of issuance.

This bill has an indeterminate, but negligible, fiscal impact .

This bill repeals obsolete language that includes specific references to terms of court, including provisions for:

- Regular terms of court for the Florida Supreme Court;
- Terms of the circuit courts;
- A judge’s attendance at the first day of a term;
- A judge’s stated reason for nonattendance;
- The penalty for nonattendance of a judge;
- Adjournment of court upon nonattendance of a judge;
- Calling the docket at the end of a term;
- The clerk of circuit court, or his or her deputy clerk, to reside at the county seat or within two miles of the county seat;
- The term of the district courts of appeal;
- Criminal trials to be heard in the term of court prior to civil cases; and
- Persons in custody to be arraigned and tried in the term of court unless good cause is shown.

In addition, this bill also makes conforming changes to sections of law that refer to terms of courts.

The effective date of this bill is January 1, 2014.

This bill substantially amends the following sections of the Florida Statutes: 26.46, 27.04, 30.12, 30.15, 34.13, 35.05, 38.23, 112.19, 206.215, 450.121, 831.10, 831.17, 877.08, 902.19, 903.32, 905.01, 905.09, 905.095, 914.03, 924.065, and 932.47.

This bill creates sections 43.43 and 43.44, Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 25.051, 26.21, 26.22, 26.23, 26.24, 26.25, 26.26, 26.27, 26.28, 26.29, 26.30, 26.31, 26.32, 26.33, 26.34, 26.35, 26.36, 26.361, 26.362, 26.363, 26.364, 26.365, 26.37, 26.38, 26.39, 26.40, 26.42, 35.10, 35.11, 907.05, and 907.055.

## II. Present Situation:

Article V of the Florida Constitution establishes the judicial branch of government, including prescribing the various courts in which judicial power is vested. The Florida State Courts System consists of all officers, employees, and divisions of the following courts.<sup>1</sup>

- The Supreme Court, the highest state appellate court, has seven justices and statewide jurisdiction. The Chief Justice is the administrator of the state courts system. The Court also regulates admission of lawyers to The Florida Bar and the discipline of judges and lawyers.
- The district courts of appeal and the state appellate courts have jurisdiction within the limits of their five geographic districts and have approximately 61 judges.
- The circuit courts, the highest level trial court in each of the 20 judicial circuits have approximately 599 judges. The circuit courts hear, for example, felony cases, family law matters, and civil cases in which the matter in controversy exceeds \$15,000.
- The county courts, the lowest level trial courts, have approximately 322 judges; each county has at least one judge. The county courts hear, for example, misdemeanor cases, small claims cases, and civil cases in which the matter in controversy does not exceed \$15,000.

Terms of courts were developed to ensure that circuit judges showed up to conduct court business in the past when riding the circuit involved traversing potentially difficult terrain from one county seat to the next.<sup>2</sup> The state constitution required terms of court until the substantial rewrite of Article V of the State Constitution in 1957.<sup>3</sup>

<sup>1</sup> Office of Program Policy Analysis and Government Accountability, Fla. Legislature, Government Program Summaries, *State Courts System* (last updated Jan. 2, 2013), <http://www.oppaga.state.fl.us/profiles/1072/> (last visited Feb. 22, 2013).

<sup>2</sup> See George S. Reynolds III, *The First One Hundred Years 1868-1968*, <http://2ndcircuit.leoncountyfl.gov/courtHistory/firsthundred.php> (describing the history of the Second Judicial Circuit, including how the terms of court provided for the circuit judge to travel down the Apalachicola River, and were changed to accommodate the arrival of steamboat service along the river) (last visited Feb. 22, 2013).

<sup>3</sup> Article V, s. 8 of the Constitution of 1885 included this sentence: "Such Judge shall hold at least two terms of his court in each county within his Circuit every year, at such times and places as shall be prescribed by law, and may hold special terms.", <http://www.law.fsu.edu/crc/conhist/1885con.html> (last visited Feb. 22, 2013).

Current law mandates a minimum of two terms of court each for the Supreme Court, circuit courts, and district courts of appeal. Enacted in 1957, s. 25.051, F.S., requires the Supreme Court to hold two terms in each year, in the Supreme Court Building, commencing respectively on the first day of January and July, or the first day thereafter if that day is a Sunday or holiday. Sections 26.21-26.365, F.S., require at least two regular terms of the circuit court to be held in each county each year and allow for special terms as needed. There is a separate statute for each of the 20 circuits which provides for the starting day of each term. Enacted in 1957, ss. 35.10 and 35.11, F.S., require the district courts of appeal to hold two regular terms each year at their headquarters and allow for special terms as needed. The regular terms of the district courts of appeal commence on the second Tuesday in January and July.

Today, terms of court seem an archaic concept. Circuit judges come and go from each of the counties as needed, and far more often than once every six months. Reference to terms of court is still relevant, however, for two purposes: designating the terms of local grand juries and limiting withdrawal of an appellate mandate. Historically, although not explicitly required by statute, the term of a grand jury coincided with the term of the court. In the appellate courts, the terms of court limit an appellate court's ability to withdraw a mandate, a rare procedure.<sup>4</sup>

In addition to repealing statutes establishing the terms of court, this bill repeals a number of statutory provisions incidental to the terms of court concept. The present situation for the relevant provisions is discussed in the "Effect of Proposed Changes" section of this bill analysis, below.

### **III. Effect of Proposed Changes:**

#### **Repeal of Terms of Court**

The bill repeals the statutes that set out the court system's regular and special terms of court. This includes the repeal of s. 25.051, F.S., requiring the Supreme Court to hold two terms in each year; ss. 26.21-26.365, F.S., requiring at least two regular terms of the circuit court to be held in each county each year and allowing for special terms as needed; and ss. 35.10 and 35.11, F.S., requiring the district courts of appeal to hold two regular terms each year and allowing for special terms as needed.

#### ***Authorization for the Florida Supreme Court to Establish Terms of Court***

This bill authorizes the Florida Supreme Court to establish terms of court for the Supreme Court and for the lower courts. Finalization of cases is addressed through permitting "the supreme court to establish, by rule, new terms of court, to authorize the district courts of appeal and circuit courts to independently set their own terms, or to dispense with terms of court altogether."

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<sup>4</sup> A mandate is "[a]n order from an appellate court directing a lower court to take a specified action." BLACK'S LAW DICTIONARY (9th ed. 2009).

### **Convening Grand Juries**

*Present Situation:* Section 905.01, F.S., currently permits circuit court chief judges to “dispense with the convening of grand juries by written order directing clerks of court not to summon jurors.”<sup>5</sup>

*Effect of the Bill:* Section 19 amends s. 905.01, F.S., addressing the authority to convene grand juries. Specifically, the bill requires circuit court chief judges to regularly order the convening of grand juries for terms of six months.

### **Timeframe for Withdrawal of Mandate by Appellate Court**

*Present Situation:* Under current law, a mandate may only be withdrawn during the current term of the appellate court. In effect, some appellate court opinions are subject to withdrawal for nearly six months while others may be subject to withdrawal only for a few days. The Florida Supreme Court in 1932 explained the scope and limits of the power to withdraw:

But, be that as it may, a majority of the court have reached the conclusion that the correct rule, which should be recognized and applied in such situation, is that the jurisdiction of this court, like the jurisdiction of courts generally, persists to the end of the term, and then terminates, but that, during the term at which a judgment of this court is rendered, this court has jurisdiction and power which it may exercise, as the circumstances and justice of the case may require, to reconsider, revise, reform, or modify its own judgments for the purpose of making the same accord with law and justice, and that it has power to recall its own mandate for the purpose of enabling it to exercise such jurisdiction and power in a proper case.<sup>6</sup>

*Effect of the Bill:* Section 10 creates s. 43.44, F.S., which provides that an appellate court may withdraw a mandate for up to 120 days after it is filed with a lower court.

### **Repeal of Incidental Provisions**

This bill repeals a number of statutory provisions incidental to the terms of court concept.

### ***Judge to Attend First Day of Term***

*Present Situation:* Initially enacted in 1849, s. 26.37, F.S., requires every judge of a circuit court, unless prevented by sickness or other providential causes, to attend the first day of each term of the circuit court. If the judge fails to attend, he or she is subject to a \$100 deduction from his or her salary.

*Effect of the Bill:* Section 1 repeals s. 26.37, F.S.

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<sup>5</sup>*Id.*

<sup>6</sup> *Chapman v. St. Stephens Protestant Episcopal Church, Inc.*, 138 So. 630, 632 (Fla. 1932). The *Chapman* case specifically provides that the power to withdraw a mandate may be limited by statute.

***Judge's Reason for Nonattendance***

*Present Situation:* Initially enacted in 1849, s. 26.38, F.S., requires a judge who misses the first day of each term to state the reasons for such failure in writing to be handed to the clerk of the court.

*Effect of the Bill:* Section 1 repeals s. 26.38, F.S.

***Penalty for Nonattendance of Judge***

*Present Situation:* Initially enacted in 1849, s. 26.39, F.S., requires the clerk of court to notify the Chief Financial Officer (CFO) of the state when a judge fails to attend the first day of the term of court. The CFO is then directed to deduct \$100 from the judge's pay for every such default.

*Effect of the Bill:* Section 1 repeals s. 26.39, F.S.

***Adjournment of Court upon Nonattendance***

*Present Situation:* Enacted in 1828, s. 26.40, F.S., requires that, whenever a judge does not attend on the first day of any term, the court shall stand adjourned until 12 o'clock on the second day. If the judge does not attend court at that time, the clerk must continue all causes and adjourn the court to such time as the judge may appoint or to the next regular term.

*Effect of the Bill:* Section 1 repeals s. 26.40, F.S.

***Calling Docket at End of Term***

*Present Situation:* Enacted in 1828, s. 26.42, F.S., requires a judge, after other court business of the term has been completed, to call the remaining cases on the docket and make such orders and entries as necessary.

*Effect of the Bill:* Section 1 repeals s. 26.42, F.S.

***Order of Cases Tried in Circuit Court***

*Present Situation:* Enacted in 1939, s. 907.05, F.S., requires that criminal trials be heard in the term of court prior to civil cases, if they can be tried without injury to the interests of the state or defendant.

*Effect of the Bill:* Section 1 repeals s. 907.05, F.S.

***Trial of Persons in Custody***

*Present Situation:* Enacted in 1939, s. 907.055, F.S., requires that persons in custody be arraigned and tried in the term of court when the indictment or information for a felony is filed, unless good cause is shown for a continuance.

*Effect of the Bill:* Section 1 repeals s. 907.055, F.S.

### **Conforming Provisions**

This bill amends multiple statutes that currently use the language of terms of court. Sections 2-8 and 11-24 of the bill consist of conforming provisions made to the following sections of the Florida Statutes: 26.46, regarding jurisdiction of a resident judge; 27.04, regarding witnesses in a criminal case; 30.12, regarding the power to appoint a sheriff; 30.15, regarding powers, duties, and obligations of the sheriff; 34.13, regarding methods of prosecution; 35.05, regarding the headquarters of a district court of appeal; 38.23, regarding contempt of court; 112.19, regarding law enforcement officers; 206.215, regarding court costs; 450.121, regarding child labor law; 831.10, regarding forged bills; 831.17, regarding second or subsequent offenses for possession of counterfeit coins; 877.08, regarding coin-operated machines; 902.19, regarding when a prosecutor is liable for costs; 903.32, regarding defects in a criminal bond; 905.01, regarding grand jury terms; 905.09, regarding discharge and recall of a grand jury; 905.095, regarding extension of a grand jury term; 914.03, regarding attendance of witnesses; 924.065, regarding appearance bonds; and 932.47, F.S., regarding an information filed by a prosecuting attorney.

### **Effective Date**

The bill provides an effective date of January 1, 2014.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

This bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

### **B. Public Records/Open Meetings Issues:**

None.

### **C. Trust Funds Restrictions:**

None.

## **V. Fiscal Impact Statement:**

### **A. Tax/Fee Issues:**

None.

### **B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Office of the State Courts Administrator (OSCA) indicates that the bill will not have a fiscal impact on court workload. The effect on judicial time will be limited to the administrative responsibilities of chief judges. OSCA does, however, anticipate a nominal near-term impact on court operations due to the mandate changes for appellate courts.<sup>7</sup> An exact fiscal impact on expenditures of the State Courts System is unknown as of the date of this analysis.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>7</sup> Fla. Office of the State Courts Administrator, *SB 746 2013 Judicial Impact Statement* (Feb. 14, 2013).

By Senator Stargel

15-00441A-13

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1 A bill to be entitled  
 2 An act relating to terms of courts; repealing s.  
 3 25.051, F.S., relating to regular terms of the Supreme  
 4 Court; repealing s. 26.21, F.S., relating to terms of  
 5 the circuit courts; repealing s. 26.22, F.S., relating  
 6 to terms of the First Judicial Circuit; repealing s.  
 7 26.23, F.S., relating to terms of the Second Judicial  
 8 Circuit; repealing s. 26.24, F.S., relating to terms  
 9 of the Third Judicial Circuit; repealing s. 26.25,  
 10 F.S., relating to terms of the Fourth Judicial  
 11 Circuit; repealing s. 26.26, F.S., relating to terms  
 12 of the Fifth Judicial Circuit; repealing s. 26.27,  
 13 F.S., relating to terms of the Sixth Judicial Circuit;  
 14 repealing s. 26.28, F.S., relating to terms of the  
 15 Seventh Judicial Circuit; repealing s. 26.29, F.S.,  
 16 relating to terms of the Eighth Judicial Circuit;  
 17 repealing s. 26.30, F.S., relating to terms of the  
 18 Ninth Judicial Circuit; repealing s. 26.31, F.S.,  
 19 relating to terms of the Tenth Judicial Circuit;  
 20 repealing s. 26.32, F.S., relating to terms of the  
 21 Eleventh Judicial Circuit; repealing s. 26.33, F.S.,  
 22 relating to terms of the Twelfth Judicial Circuit;  
 23 repealing s. 26.34, F.S., relating to terms of the  
 24 Thirteenth Judicial Circuit; repealing s. 26.35, F.S.,  
 25 relating to terms of the Fourteenth Judicial Circuit;  
 26 repealing s. 26.36, F.S., relating to terms of the  
 27 Fifteenth Judicial Circuit; repealing s. 26.361, F.S.,  
 28 relating to terms of the Sixteenth Judicial Circuit;  
 29 repealing s. 26.362, F.S., relating to terms of the

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30 Seventeenth Judicial Circuit; repealing s. 26.363,  
 31 F.S., relating to terms of the Eighteenth Judicial  
 32 Circuit; repealing s. 26.364, F.S., relating to terms  
 33 of the Nineteenth Judicial Circuit; repealing s.  
 34 26.365, F.S., relating to terms of the Twentieth  
 35 Judicial Circuit; repealing s. 26.37, F.S., relating  
 36 to requiring a judge to attend the first day of each  
 37 term of the circuit court; repealing s. 26.38, F.S.,  
 38 relating to a requirement for a judge to state a  
 39 reason for nonattendance; repealing s. 26.39, F.S.,  
 40 relating to the penalty for nonattendance of the  
 41 judge; repealing s. 26.40, F.S., relating to  
 42 adjournment of the circuit court upon nonattendance of  
 43 the judge; repealing s. 26.42, F.S., relating to  
 44 calling all cases on the docket at the end of each  
 45 term; repealing s. 35.10, F.S., relating to regular  
 46 terms of the district courts of appeal; repealing s.  
 47 35.11, F.S., relating to special terms of the district  
 48 courts of appeal; repealing s. 907.05, F.S., relating  
 49 to a requirement that criminal trials be heard in the  
 50 term of court before civil cases; repealing s.  
 51 907.055, F.S., relating to a requirement that persons  
 52 in custody be arraigned and tried in the term of court  
 53 unless good cause is shown; amending ss. 26.46, 27.04,  
 54 30.12, 30.15, 34.13, 35.05, and 38.23, F.S.;  
 55 conforming provisions to changes made by the act;  
 56 creating s. 43.43, F.S.; allowing the Supreme Court to  
 57 set terms of court for the Supreme Court, district  
 58 courts of appeal, and circuit courts; creating s.

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59 43.44, F.S.; authorizing appellate courts to withdraw  
60 a mandate within 120 days after its issuance; amending  
61 ss. 112.19, 206.215, 450.121, 831.10, 831.17, 877.08,  
62 902.19, 903.32, 905.01, 905.09, 905.095, 914.03,  
63 924.065, and 932.47, F.S.; conforming provisions to  
64 changes made by the act; providing an effective date.

65  
66 Be It Enacted by the Legislature of the State of Florida:

67  
68 Section 1. Sections 25.051, 26.21, 26.22, 26.23, 26.24,  
69 26.25, 26.26, 26.27, 26.28, 26.29, 26.30, 26.31, 26.32, 26.33,  
70 26.34, 26.35, 26.36, 26.361, 26.362, 26.363, 26.364, 26.365,  
71 26.37, 26.38, 26.39, 26.40, 26.42, 35.10, 35.11, 907.05, and  
72 907.055, Florida Statutes, are repealed.

73 Section 2. Section 26.46, Florida Statutes, is amended to  
74 read:

75 26.46 Jurisdiction of resident judge after assignment.—If  
76 ~~When~~ a circuit judge is assigned to another circuit, none of the  
77 circuit judges in that ~~such~~ other circuit shall, because of the  
78 ~~such~~ assignment, be deprived of or affected in his or her  
79 jurisdiction other than to the extent essential so as not to  
80 conflict with the authority of the temporarily assigned circuit  
81 judge as to the particular case or cases or class of cases, ~~or~~  
82 ~~in presiding at the particular term or part of term named or~~  
83 ~~specified in the assignment.~~

84 Section 3. Section 27.04, Florida Statutes, is amended to  
85 read:

86 27.04 Summoning and examining witnesses for state.—The  
87 state attorney shall have summoned all witnesses required on

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88 behalf of the state; and he or she is allowed the process of his  
89 or her court to summon witnesses from throughout the state to  
90 appear before the state attorney ~~in or out of term time~~ at such  
91 convenient places in the state attorney's judicial circuit and  
92 at such convenient times as may be designated in the summons, to  
93 testify before him or her as to any violation of the law upon  
94 which they may be interrogated, and he or she is empowered to  
95 administer oaths to all witnesses summoned to testify by the  
96 process of his or her court or who may voluntarily appear before  
97 the state attorney to testify as to any violation or violations  
98 of the law.

99 Section 4. Section 30.12, Florida Statutes, is amended to  
100 read:

101 30.12 Power to appoint sheriff.—~~If whenever~~ any sheriff in  
102 the state fails ~~shall fail~~ to attend, in person or by deputy,  
103 ~~any term of~~ the circuit court or county court of the county,  
104 from sickness, death, or other cause, the judge attending the  
105 ~~said~~ court may appoint an interim a sheriff, who shall assume  
106 all the responsibilities, perform all the duties, and receive  
107 the same compensation as if he or she had been duly appointed  
108 sheriff, ~~for only the said term of nonattendance court~~ and no  
109 longer.

110 Section 5. Paragraph (c) of subsection (1) of section  
111 30.15, Florida Statutes, is amended to read:

112 30.15 Powers, duties, and obligations.—

113 (1) Sheriffs, in their respective counties, in person or by  
114 deputy, shall:

115 (c) Attend all sessions ~~terms~~ of the circuit court and  
116 county court held in their counties.

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117 Section 6. Subsection (2) of section 34.13, Florida  
118 Statutes, is amended to read:

119 34.13 Method of prosecution.—

120 (2) Upon the finding of indictments by the grand jury for  
121 crimes cognizable by the county court, the clerk of the court,  
122 without any order therefor, shall docket the same on the trial  
123 docket of the county court ~~on or before the first day of its~~  
124 ~~next succeeding term.~~

125 Section 7. Subsection (2) of section 35.05, Florida  
126 Statutes, is amended to read:

127 35.05 Headquarters.—

128 (2) A district court of appeal may designate other  
129 locations within its district as branch headquarters for the  
130 conduct of the business of the court ~~in special or regular term~~  
131 and as the official headquarters of its officers or employees  
132 pursuant to s. 112.061.

133 Section 8. Section 38.23, Florida Statutes, is amended to  
134 read:

135 38.23 ~~Contempt~~ ~~Contempts~~ defined.—A refusal to obey any  
136 legal order, mandate or decree, made or given by any judge  
137 ~~either in term time or in vacation~~ relative to any of the  
138 business of ~~the said court~~, after due notice thereof, is shall  
139 ~~be considered a contempt, punishable and punished~~ accordingly.  
140 ~~But nothing said or written, or published, in vacation, to or of~~  
141 ~~any judge, or of any decision made by a judge, shall in any case~~  
142 ~~be construed to be a contempt.~~

143 Section 9. Section 43.43, Florida Statutes, is created to  
144 read:

145 43.43 Terms of courts.—The Supreme Court may establish

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146 terms of court for the Supreme Court, the district courts of  
147 appeal, and the circuit courts; may authorize district courts of  
148 appeal and circuit courts to establish their own terms of court;  
149 or may dispense with terms of court.

150 Section 10. Section 43.44, Florida Statutes, is created to  
151 read:

152 43.44 Mandate of an appeals court.—An appellate court may,  
153 as the circumstances and justice of the case may require,  
154 reconsider, revise, reform, or modify its own opinions and  
155 orders for the purpose of making the same accord with law and  
156 justice. Accordingly, an appellate court may recall its own  
157 mandate for the purpose of allowing it to exercise such  
158 jurisdiction and power in a proper case. A mandate may not be  
159 recalled more than 120 days after it has been issued.

160 Section 11. Paragraph (b) of subsection (1) of section  
161 112.19, Florida Statutes, is amended to read:

162 112.19 Law enforcement, correctional, and correctional  
163 probation officers; death benefits.—

164 (1) Whenever used in this section, the term:

165 (b) "Law enforcement, correctional, or correctional  
166 probation officer" means any officer as defined in s. 943.10(14)  
167 or employee of the state or any political subdivision of the  
168 state, including any law enforcement officer, correctional  
169 officer, correctional probation officer, state attorney  
170 investigator, or public defender investigator, whose duties  
171 require such officer or employee to investigate, pursue,  
172 apprehend, arrest, transport, or maintain custody of persons who  
173 are charged with, suspected of committing, or convicted of a  
174 crime; and the term includes any member of a bomb disposal unit

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 175 whose primary responsibility is the location, handling, and  
 176 disposal of explosive devices. The term also includes any full-  
 177 time officer or employee of the state or any political  
 178 subdivision of the state, certified pursuant to chapter 943,  
 179 whose duties require such officer to serve process or to attend  
 180 a session ~~terms~~ of a circuit or county court as bailiff.

181 Section 12. Subsection (2) of section 206.215, Florida  
 182 Statutes, is amended to read:

183 206.215 Costs and expenses of proceedings.-

184 (2) The clerks of the courts performing duties under the  
 185 provisions aforesaid shall receive the same fees as prescribed  
 186 by the general law for the performance of similar duties, and  
 187 witnesses attending any investigation pursuant to subpoena shall  
 188 receive the same mileage and per diem as if attending as a  
 189 witness before the circuit court ~~in term time~~.

190 Section 13. Subsection (4) of section 450.121, Florida  
 191 Statutes, is amended to read:

192 450.121 Enforcement of Child Labor Law.-

193 (4) Grand juries ~~shall~~ have inquisitorial powers to  
 194 investigate violations of this chapter; also, trial court judges  
 195 shall specially charge the grand jury, ~~at the beginning of each~~  
 196 ~~term of the court~~, to investigate violations of this chapter.

197 Section 14. Section 831.10, Florida Statutes, is amended to  
 198 read:

199 831.10 Second conviction of uttering forged bills.-A person  
 200 ~~previously~~ ~~whoever~~, ~~having been~~ convicted of violating the  
 201 ~~offense mentioned in~~ s. 831.09 who is again convicted of that  
 202 ~~the like~~ offense committed after the former conviction, and on  
 203 ~~whoever is at the same term of the court convicted upon~~ three

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 204 distinct charges of such offense committed within a 6-month  
 205 period, shall be deemed a common utterer of counterfeit bills,  
 206 and shall be punished as provided in s. 775.084.

207 Section 15. Section 831.17, Florida Statutes, is amended to  
 208 read:

209 831.17 Violation of s. 831.16; second or subsequent  
 210 ~~conviction.-A person previously~~ ~~whoever having been~~ convicted of  
 211 violating either of the offenses mentioned in s. 831.16 ~~who~~, is  
 212 again convicted of violating that statute either of the same  
 213 ~~offenses~~, committed after the former conviction on, ~~and whoever~~  
 214 ~~is at the same term of the court convicted upon~~ three distinct  
 215 charges of such offense committed within a 6-month period ~~said~~  
 216 ~~offenses~~, commits a felony of the second degree, punishable as  
 217 provided in s. 775.082, s. 775.083, or s. 775.084.

218 Section 16. Subsection (4) of section 877.08, Florida  
 219 Statutes, is amended to read:

220 877.08 Coin-operated vending machines and parking meters;  
 221 defined; prohibited acts, penalties.-

222 (4) Whoever violates ~~the provisions of~~ subsection (3) a  
 223 second or subsequent time commits, ~~and is convicted of such~~  
 224 ~~second separate offense~~, either at the same term or a ~~subsequent~~  
 225 ~~term of court~~, shall be guilty of a felony of the third degree,  
 226 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

227 Section 17. Subsection (1) of section 902.19, Florida  
 228 Statutes, is amended to read:

229 902.19 When prosecutor liable for costs.-

230 (1) If ~~When~~ a person makes a complaint before a county  
 231 court judge that a crime has been committed and is recognized by  
 232 the county court judge to appear before ~~at the next term of the~~

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233 court having jurisdiction to give evidence of the crime and  
 234 fails to appear, the person ~~is shall be~~ liable for all costs  
 235 occasioned by his or her complaint, and the county court judge  
 236 may ~~enter obtain~~ a judgment and execution for the costs as in  
 237 other cases.

238 Section 18. Subsection (2) of section 903.32, Florida  
 239 Statutes, is amended to read:

240 903.32 Defects in bond.—

241 (2) If no day, or an impossible day, is stated in a bond  
 242 for the defendant's appearance before a trial court judge for a  
 243 hearing or trial, the defendant shall be bound to appear 10 days  
 244 after receipt of notice to appear by the defendant, the  
 245 defendant's counsel, or any surety on the undertaking. ~~If no~~  
 246 ~~day, or an impossible day, is stated in a bond for the~~  
 247 ~~defendant's appearance for trial, the defendant shall be bound~~  
 248 ~~to appear on the first day of the next term of court that will~~  
 249 ~~commence more than 3 days after the undertaking is given.~~

250 Section 19. Section 905.01, Florida Statutes, is amended to  
 251 read:

252 905.01 Number and procurement of grand jury; replacement of  
 253 member; term of grand jury.—

254 (1) The grand jury shall consist of ~~no not~~ fewer than 15,  
 255 ~~but no not~~ more than 21 persons. The ~~provisions of~~ law governing  
 256 the qualifications, disqualifications, excusals, drawing,  
 257 summoning, supplying deficiencies, compensation, and procurement  
 258 of petit jurors apply to grand jurors. In addition, an elected  
 259 public official is not eligible for service on a grand jury.

260 (2) The chief judge of any circuit court may provide for  
 261 the replacement of any grand juror who, for good cause, is

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262 unable to complete the term of the grand jury. Such replacement  
 263 shall be made by appropriate order of the chief judge from the  
 264 list of prospective jurors from which the grand juror to be  
 265 replaced was selected.

266 (3) The chief judge of each any circuit court shall  
 267 regularly order ~~may dispense with~~ the convening of the grand  
 268 jury for a at any term of 6 months ~~court by filing a written~~  
 269 ~~order with the clerk of court directing that a grand jury not be~~  
 270 ~~summoned.~~

271 Section 20. Section 905.09, Florida Statutes, is amended to  
 272 read:

273 905.09 Discharge and recall of grand jury.—A grand jury  
 274 that has been dismissed may be recalled at any time during the  
 275 same term of the grand jury court.

276 Section 21. Section 905.095, Florida Statutes, is amended  
 277 to read:

278 905.095 Extension of grand jury term.—Upon petition of the  
 279 state attorney or the foreperson of the grand jury acting on  
 280 behalf of a majority of the grand jurors, the circuit court may  
 281 extend the term of a grand jury impaneled under this chapter  
 282 beyond the term ~~of court~~ in which it was originally impaneled. A  
 283 grand jury whose term has been extended as provided under this  
 284 section herein shall have the same composition and the same  
 285 powers and duties it had during its original term. If in the  
 286 ~~event~~ the term of the grand jury is extended under this section,  
 287 it shall be extended for a time certain, not to exceed a total  
 288 of 90 days, and only for the purpose of concluding one or more  
 289 specified investigative matters initiated during its original  
 290 term.

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291 Section 22. Section 914.03, Florida Statutes, is amended to  
292 read:

293 914.03 Attendance of witnesses.—A witness summoned by a  
294 grand jury ~~or in a criminal case~~ shall remain in attendance  
295 until excused by the grand jury. A witness summoned in a  
296 criminal case shall remain available for attendance until the  
297 case for which he or she was summoned is disposed of or until he  
298 or she is excused by the court. A witness who departs without  
299 permission of the court shall be in criminal contempt of court.  
300 ~~A witness shall attend each succeeding term of court until the~~  
301 ~~case is terminated.~~

302 Section 23. Subsection (2) of section 924.065, Florida  
303 Statutes, is amended to read:

304 924.065 Denial of motion for new trial or arrest of  
305 judgment; appeal bond; supersedeas.—

306 (2) An appeal may ~~shall~~ not be a supersedeas to the  
307 execution of the judgment, sentence, or order until the  
308 appellant has entered into a bond with at least two sureties to  
309 secure the payment of the judgment, fine, and any future costs  
310 that may be adjudged by the appellate court. The bond shall be  
311 conditioned on the appellant's personally answering and abiding  
312 by the final order, sentence, or judgment of the appellate court  
313 and, if the action is remanded, on the appellant's appearing  
314 before ~~at the next term of~~ the court in which the case was  
315 originally determined and not departing without leave of court.

316 Section 24. Section 932.47, Florida Statutes, is amended to  
317 read:

318 932.47 Informations filed by prosecuting attorneys.—  
319 Informations may be filed by the prosecuting attorney of the

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

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320 circuit court with the clerk of the circuit court ~~in vacation or~~  
321 ~~in term~~ without leave of the court first being obtained.

322 Section 25. This act shall take effect January 1, 2014.

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Criminal and Civil Justice

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BILL: SB 294

INTRODUCER: Senator Bradley

SUBJECT: Controlled Substances

DATE: March 7, 2013

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Cannon</u>	<u>CJ</u>	<b>Favorable</b>
2.	<u>Shankle</u>	<u>Cibula</u>	<u>JU</u>	<b>Favorable</b>
3.	<u>Cantral</u>	<u>Sadberry</u>	<u>ACJ</u>	<b>Favorable</b>
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

SB 294 codifies the Schedule I scheduling of the substances listed in the Attorney General’s emergency rule issued on December 11, 2012, that scheduled several new synthetic cannabinoids, cathinones, and phenethylamines as Schedule I controlled substances.<sup>1</sup> The Attorney General filed this emergency rule to address the public safety risk of new synthetic substances being sold and abused in Florida. This rule is temporary and scheduling will lapse when the rule expires on June 30, 2012, unless the scheduling is codified in statute by the Legislature.

Under the bill, persons who engage in certain unlawful acts involving these substances will be subject to arrest and prosecution.

The bill will have an insignificant fiscal impact due to the small number of expected additional, new prison commitments.

This bill is effective upon becoming a law.

This bill substantially amends sections 893.03, 893.13, and 893.135, Florida Statutes.

The bill reenacts sections 893.13(1)-(6) and 921.0022(3)(b)-(e), Florida Statutes.

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<sup>1</sup> Office of the Attorney General, *2ER 12-1*, (December 11, 2012) available at [http://myfloridalegal.com/webfiles.nsf/WF/MMFD-92VKZ8/\\$file/ER+RuleOAGRuleCertification12-11-2012.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MMFD-92VKZ8/$file/ER+RuleOAGRuleCertification12-11-2012.pdf). (further cited in this analysis as “2ER 12-1”).

## II. Present Situation:

### Schedule I Controlled Substances

A substance is a “controlled substance” if it is listed in any of five schedules in s. 893.03, F.S. The particular scheduling determines penalties that may be imposed for unlawful possession, sale, etc., and the conditions under which the substance can be legally possessed, prescribed, sold, etc. A substance in Schedule I is considered to have a high potential for abuse and no currently accepted medical use in treatment in the United States and, in its use under medical supervision, does not meet accepted safety standards.<sup>2</sup>

As a result of legislation that became law in 2011 and 2012, there are several synthetic cannabinoids, cathinones, and phenethylamines included as Schedule I controlled substances at s. 893.03(1)(c), F.S.<sup>3</sup>

### Synthetic Cannabinoids, Cathinones, and Phenethylamines

“Synthetic Cannabinoids are chemicals that act as cannabinoid receptor agonists. Chemically they are not similar to cannabinoids but the term “Synthetic Cannabinoids” or “Cannabinomimetics” is widely used to refer to them as they are cannabinoid-like in their activity.”<sup>4</sup> In findings relevant to the synthetic cannabinoids scheduled by emergency rule (2ER 12-1), the Attorney General states that the substances are known to produce side effects that include: headaches; agitation; vomiting; dangerous hallucinations; loss of consciousness; elevated blood pressure; seizures; increased heart rate; increased anxiety; convulsions; unresponsiveness; and suicidal thoughts.<sup>5</sup>

Cathinone is a Schedule I controlled substance.<sup>6</sup> Cathinone is an alkaloid found in the shrub *Catha edulis* (khat) and is chemically similar to amphetamines and other substances.<sup>7</sup> The “molecular architecture” of cathinone “can be altered to produce a series of different compounds which are closely structurally related to cathinone.”<sup>8</sup> In findings in 2ER 12-1 relevant to the synthetic cathinones scheduled by the emergency rule, the Attorney General describes the cathinones as

stimulants that affect neurotransmitters in the brain and cause a sensation to the user similar to cocaine and amphetamines. They have been known to cause intense cravings for the substances and users have been reported to go on multiday binges that cause medical problems necessitating medical intervention.

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<sup>2</sup> Section 893.03(1), F.S.

<sup>3</sup> Chapters 2011-73, 2011-90, and 2012-23, L.O.F.

<sup>4</sup> Redwood Toxicology Laboratory, *Synthetic Cannabinoid Drug Information*, [http://www.redwoodtoxicology.com/resources/drug\\_info/synthetic\\_cannabinoids.html](http://www.redwoodtoxicology.com/resources/drug_info/synthetic_cannabinoids.html) (last visited Feb. 27, 2013).

<sup>5</sup> All information under this subtitle is from 2ER 12-1 unless otherwise indicated.

<sup>6</sup> Section 893.03(1)(c)8., F.S.

<sup>7</sup> Advisory Council on the Misuse of Drugs, United Kingdom, *Consideration of the cathinones* (March 2010), available at <http://www.homeoffice.gov.uk/publications/drugs/acmd1/acmd-cathinodes-report-2010?view=Binary>.

<sup>8</sup> *Id.*

The Attorney General states that some of the short-term side effects of the cathinones include: increased heart rate; agitation; diminished requirement for sleep; lack of appetite; increased alertness and awareness; anxiety fits and delusions; and nosebleeds. More serious side effects include: muscle spasms; blood circulation problems (including increased blood pressure); kidney failure; seizures; muscle damage; loss of bowel control; hallucinations; aggression; severe paranoia; panic attacks; sharp increase in body temperature; risk of renal failure; and cardiac arrest.

“Phenethylamines” is a ‘broad’ category “of psychoactive substances[.]”<sup>9</sup> In findings in 2ER 12-1 relevant to the synthetic phenethylamines scheduled by the emergency rule, the Attorney General states: “Users ingest phenethylamines for their stimulant and hallucinogenic effects.” The Attorney General states that some of the dangers or side effects of these substances include: overdosing;<sup>10</sup> hallucinations; breathing difficulties; uncontrollable muscle spasms; cardiac arrest; and Hallucinogen Persisting Perception Disorder (HPPD).<sup>11</sup>

According to the Florida Department of Law Enforcement (FDLE), the synthetic substances scheduled by the bill “have no legitimate medical use and have a high potential for abuse.”<sup>12</sup>

### **Penalties for Unlawful Acts Involving Controlled Substances**

The Attorney General’s emergency rule (2ER 12-1) schedules the new synthetic substances (listed in the “Effect of Proposed Changes” section of this analysis) in Schedule I at s. 893.03(1)(c), F.S. Persons who engage in certain unlawful acts under chapter 893, F.S., involving substances listed in s. 893.03(1)(c), F.S., are subject to arrest and prosecution.<sup>13</sup>

Selling, manufacturing, or delivering, or possessing with intent to sell, manufacture or deliver, a controlled substance listed in s. 893.03(1)(c), F.S., is a third degree felony.<sup>14</sup> However, if any of these acts are committed within 1,000 feet of certain designated places, the felony degree and

<sup>9</sup> Sanders B., Lankenau S.E., Bloom J.J., Hathazi D. “*Research chemicals*”: *Tryptamine and Phenethylamine Use Among High Risk Youth*, Substance Use & Misuse 2008, Vol. 43, No. 3-4, Pages 389-402, available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2536767/>.

<sup>10</sup> Because there is a delay in the drug taking effect, some users of the drug, believing the dosage they have taken is insufficient, may increase the dosage. 2ER 12-1.

<sup>11</sup> According to the Attorney General, one category of phenethylamines, the “2C derivatives,” “bind to certain serotonin receptors as a psychedelic compound...” 2ER 12-1. HPPD is the “reexperiencing, following cessation of use of a hallucinogen, of one or more of the perceptual symptoms that were experienced while intoxicated with the hallucinogen...” These symptoms “cause clinically significant distress or impairment in social, occupational, or other important areas of functioning” and “are not due to a general medical condition.... and are not better accounted for by another mental disorder...” Psychiatry Online, *Diagnostic criteria for 292.89 Hallucinogen Persisting Perception Disorder (Flashbacks)*, <http://dsm.psychiatryonline.org/content.aspx?bookid=22&sectionid=1889808> (last visited Feb 27, 2013).

<sup>12</sup> Revised Analysis of SB 294, Florida Department of Law Enforcement, dated January 29, 2013 (on file with the Senate Committee on Judiciary). The analysis is cited further in this analysis as “Revised FDLE Analysis.”

<sup>13</sup> Section 893.13(9), F.S., provides an exception to the unlawful acts specified in s. 893.13(1)-(8), F.S., for delivery to, or actual or constructive possession for medical or scientific use or purpose only of controlled substances by, persons included in classes specified in this subsection, or the agents or employees of those persons, for use in the usual course of their business or profession or in the performance of their official duties.

<sup>14</sup> Section 893.13(1)(a)2., F.S. A third degree felony is punishable by up to 5 years in state prison, a fine of up to \$5,000, or both. Sections 775.082 and 775.083, F.S. However, if total sentence points scored under the Criminal Punishment Code are 22 points or fewer, the court must impose a nonstate prison sanction, unless the court makes written findings that this sanction could present a danger to the public. Section 775.082(10), F.S.

penalties are greater.<sup>15</sup> For example, selling a controlled substance listed in s. 893.03(1)(c), F.S., within 1,000 feet of the real property of a K-12 public or private school is a second degree felony.<sup>16</sup>

Purchasing, or possessing with intent to purchase, a controlled substance listed in s. 893.13(1)(c), F.S., is a third degree felony.<sup>17</sup>

Possessing 3 grams or less of a substance described in s. 893.03(1)(c)46.-50. and 114.-442., F.S., (synthetic cannabinoids) is a first degree misdemeanor.<sup>18</sup> Possessing more than 3 grams of any of these synthetic cannabinoids or any amount of any other substance listed in s. 893.03(1)(c), F.S., is a third degree felony.<sup>19</sup>

The synthetic cannabinoids, cathinones, and phenethylamines scheduled as controlled substances are not listed in any provision of s. 893.135, F.S., the drug trafficking statute. Consequently, drug trafficking offenses do not apply.

### **The Attorney General's Emergency Rule Regarding Specific Synthetic Substances**

Pursuant to s. 893.035, F.S., if the Attorney General finds that the scheduling of a substance in Schedule I of s. 893.03, F.S., on a temporary basis is necessary to avoid an imminent hazard to the public safety, she or he may by rule, and without regard to requirements in s. 893.035(5), F.S., regarding medical and scientific evaluation, schedule the substance in Schedule I if it is not listed in any other schedule in s. 893.03, F.S.<sup>20</sup> The Attorney General may use emergency rulemaking provisions under s. 120.54(4), F.S., in making this scheduling.<sup>21</sup>

The Attorney General must consider, with respect to her or his finding of imminent hazard to the public safety, the following: potential for abuse<sup>22</sup> of the substance; history and current pattern of abuse of the substance; scope, duration, and significance of abuse of the substance; and what, if any, risk there is to the public health.<sup>23</sup> These findings include consideration of actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution.<sup>24</sup>

The Attorney General must report to the Legislature by March 1 of each year concerning rules adopted under s. 893.035, F.S., during the previous year. Each rule so reported expires the

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<sup>15</sup> Section 893.13(1)(c)-(f) and (h), F.S.

<sup>16</sup> Section 893.13(1)(c)2., F.S. A second degree felony is punishable by up to 15 years in state prison, a fine of up to \$10,000, or both. Sections 775.082 and 775.083, F.S.

<sup>17</sup> Section 893.13(2)(a)2., F.S.

<sup>18</sup> Section 893.13(6)(b), F.S. A first degree misdemeanor is punishable by up to a year in jail, a fine of up to \$1,000, or both. Sections 775.082 and 775.083, F.S.

<sup>19</sup> Section 893.13(6)(a), F.S.

<sup>20</sup> Section 893.035(7)(a), F.S.

<sup>21</sup> Section 893.035(7)(b), F.S.

<sup>22</sup> "Potential for abuse" is defined in s. 893.035(3)(a) as a substance that has properties as a central nervous system stimulant or depressant or a hallucinogen that create a substantial likelihood of its being: used in amounts that create a hazard to the user's health or the safety of the community; diverted from legal channels and distributed through illegal channels; or taken on the user's own initiative rather than on the basis of professional medical advice.

<sup>23</sup> Section 893.035(3)(a), (4)(d)-(f), and (7)(a), F.S.

<sup>24</sup> Section 893.035(7)(a), F.S.

following June 30 unless the Legislature adopts the provisions of the rule as an amendment to chapter 893, F.S.<sup>25</sup>

On December 11, 2012, Attorney General Pam Bondi filed an emergency rule (2ER 12-1)<sup>26</sup> that temporarily schedules several synthetic cannabinoids, cathinones, and phenethylamines in Schedule I at s. 893.03(1)(c), F.S.

Findings in 2ER 12-1 regarding the new synthetic substances state, in part:

Attorney General Pam Bondi finds that there are currently dangerous psychoactive substances that are not scheduled as controlled substances and are being marketed in Florida. Subsequent to the most recent revisions to Section 893.03(1)(c), Florida Statutes, which became effective in March 2012, Florida law enforcement has noted the emergence of new chemical variants of several recently scheduled substances. Although technically different from currently scheduled substances, these substances are generally classifiable as Synthetic Cannabinoids, Cathinones, and Synthetic Phenethylamines. These substances are being abused because they are ostensibly legal and often times perceived as a safer alternative to illegal drugs such as marijuana, MDMA (“ecstasy”), cocaine, and amphetamines. But, in many cases, they are more dangerous. Due to their chemical design, they are commonly available for purchase in specialty smoke shops, over the internet, in convenience stores and from other retailers, making them easily obtained for abuse by Florida’s children and young adults. Such abuse present severe health risks, and an immediate danger and imminent hazard to the health, safety, and welfare of Floridians ....

Findings in 2ER 12-1 regarding the potential for and significance of abuse and risk to public health of the new synthetic substances state:

The Attorney General and the Florida Department of Law Enforcement has [sic] received intelligence from the Florida Department of Business and Professional regulation indicating that ... [the substances referenced in the rule] are being labeled inaccurately and marketed as a variety of legitimate household products in a thinly veiled effort to mask their true use as abused psychoactive substances. All of ... [the substances referenced in the rule] are marketed under a variety of pseudo brand names. They usually contain the disclaimer “not for human consumption,” but are sold in specialty smoke shops, over the internet,<sup>27</sup> and in

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<sup>25</sup> Section 893.035(9), F.S. Section 120.54(4)(c), F.S., which addresses the expiration of an emergency rule under s. 120.54(4), F.S., does not apply. Section 893.03(7)(b), F.S.

<sup>26</sup> All information under this subheading is from this emergency rule unless otherwise indicated.

<sup>27</sup> The Attorney General states that the new synthetic phenethylamines “are widely available online” but less prevalent in “local smoke shops since they are obscure research substances; however, with the popularity of synthetic cannabinoids and cathinones on the rise and their respective availability being diminished due to legislation and enforcement actions, these drugs and their presence in Florida are a concern.” 2ER 12-1.

convenience stores for prices that are disproportionately high for the household product they purport to be, such as up to \$30.00 for 500 mg packets. Furthermore, a pattern has emerged in which the distributors of these substances respond to scheduling of additional controlled substances by the Florida Legislature by introducing new variants with labels on the packaging claiming to conform to the new laws. These actions further emphasize the true purpose of these substances as chemicals of abuse.

According to the FDLE, 2ER 12-1 “expires on June 30 (or sooner if supplanted by a superseding statutory amendment).”<sup>28</sup>

### III. Effect of Proposed Changes:

The bill codifies the Schedule I scheduling of the substances listed in the Attorney General’s emergency rule, which are the same substances listed in the bill. Persons who engage in certain unlawful acts involving these substances will be subject to arrest and prosecution.

Specifically, the bill does the following:

- Removes the current listing of 3, 4-Methylenedioxymethamphetamine (MDMA) in Schedule I at s. 893.03(1)(a), F.S., and lists this substance in Schedule I at s. 893.03(1)(c), F.S.
- Specifies that isomers of substances listed in Schedule I at s. 893.03(1)(c), F.S., include optical, positional, or geometric isomers.<sup>29</sup>
- Lists the following synthetic cannabinoids in Schedule I at s. 893.03(1)(c), F.S.:
  - UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone).
  - XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone).
  - (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl) methanone.
  - AKB48 (1-pentyl-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-333 indazole-3-carboxamide).
  - AM-2233((2-iodophenyl)[1-[(1-methyl-2-335 piperidiny) methyl]-1H-indol-3-yl]-methanone).
  - STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-337 1-yl-1H-indole-3-carboxamide).
  - URB-597 ((3’-(aminocarbonyl)[1,1’-biphenyl]-3-yl)- 339 cyclohexylcarbamate).
  - URB-602 ([1,1’-biphenyl]-3-yl-carbamic acid, 341 cyclohexyl ester).
  - URB-754 (6-methyl-2-[(4-methylphenyl) amino]-1-343 benzoxazin-4-one).
- Lists the following synthetic cathinones in Schedule I at s. 893.03(1)(c), F.S.:
  - Pentadron (2-(methylamino)-1-phenyl-1-pentanone).
  - Fluoroamphetamine.
  - Methoxetamine.
  - Methiopropamine.
  - 4-Methylbuphedrone (2-Methylamino-1-(4-323 methylphenyl) butan-1-one).
  - APB ((2-aminopropyl) benzofuran).

<sup>28</sup> Revised FDLE Analysis.

<sup>29</sup> The FDLE states that “the current language in F.S 893.03(1)(c) does not specifically include optical, positional, or geometric isomers of the listed chemical substances.” *Id.*

- APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
- Lists the following synthetic phenethylamines in Schedule I at s. 893.03(1)(c), F.S.:
  - 2C-D (2-(2,5-Dimethoxy-4-methylphenyl) ethanamine).
  - 2C-H (2-(2,5-Dimethoxyphenyl) ethanamine).
  - 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl) ethanamine)
  - 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine).
  - 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-349 methoxyphenyl) methyl]-benzeneethanamine).
- Amends s. 893.13(6)(b), F.S., to correct a statutory reference to incorporate the synthetic cannabinoids listed in Schedule I at s. 893.03(1)(c), F.S., which makes the simple possession of 3 grams or less of any of these referenced substances a first degree misdemeanor.
- Consistent with the listing of MDMA in Schedule I at s. 893.03(1)(c), F.S., amends s. 893.135(1)(k)1. and 3., F.S., to correct a statutory reference so that those paragraphs accurately reflect that substances listed in those paragraphs are substances listed in Schedule I at s. 893.03(1)(c), F.S.<sup>30</sup>
- Reenacts ss. 893.13(1)-(6), F.S., and 921.0022(3)(b)-(e), F.S., relating to prohibited acts involving controlled substances and the offense severity ranking chart of the Criminal Punishment Code, respectively, to incorporate the amendments made to s. 893.03, F.S., by the bill.
- Provides that the effective date of the bill is upon becoming a law.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

The bill does not impact municipalities and counties under the requirements of Article VII, Section 18, of the Florida Constitution.

##### B. Public Records/Open Meetings Issues:

The bill does not raise public records or open meetings issues under the requirements of Article I, Section 24(a) and (b), of the Florida Constitution.

##### C. Trust Funds Restrictions:

The bill does not impact trust fund restrictions under the requirements of Article III, Section 19(f), of the Florida Constitution.

#### V. Fiscal Impact Statement:

##### A. Tax/Fee Issues:

None.

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<sup>30</sup> The FDLE states that “[t]his re-designation is in keeping with the nature of MDMA’s effects on the abuser and consistent with the Drug Enforcement Administration’s scheduling of MDMA as a hallucinogenic substance in 21 C.F.R. §1308.11.” *Id.*

**B. Private Sector Impact:**

According to the FDLE, the bill “should have little impact on the private sector and would only affect those retailers who are currently profiting on the sale of chemical substances known to be abused by those seeking an altered mental state or ‘high.’”<sup>31</sup>

**C. Government Sector Impact:**

The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact of legislation, found that the bill will have an insignificant prison bed impact due to the small number of additional new commitments expected.<sup>32</sup>

The bill is expected to have a minimal fiscal impact on the FDLE. The FDLE states:

The passage of SB 294 would add additional chemical substances to Florida’s controlled substances list. These additions could potentially increase the number of evidence submissions into FDLE’s Crime Laboratory System as well as local law enforcement crime laboratories. The laboratory system will be required to purchase all of the required standards necessary to test the proposed chemical substances.

The bill will have minimal fiscal impact to FDLE. Any resulting increase in volume of evidence submissions to FDLE’s Crime Laboratory system, as well as costs to acquire and maintain additional required chemical standards, will be assimilated as part of the laboratories’ cost of doing business. Florida Department of Law Enforcement will monitor submissions to the crime laboratories and if necessary, request an appropriation through a future Legislative Budget Request.<sup>33</sup>

The bill may have an impact on some local law enforcement agencies. The FDLE states:

Local agencies which fund and maintain their own crime lab with a chemistry section would potentially be facing a similar rise in submissions associated with the additions of the proposed chemical substances.<sup>34</sup>

**VI. Technical Deficiencies:**

None.

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<sup>31</sup> *Id.*

<sup>32</sup> Criminal Justice Impact Conference, *2013 Session Bills and Links to Backup Materials*, [http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/CJIC\\_13.xls](http://edr.state.fl.us/Content/conferences/criminaljusticeimpact/CJIC_13.xls) (last visited Feb 27, 2013).

<sup>33</sup> Revised FDLE Analysis.

<sup>34</sup> *Id.*

**VII. Related Issues:**

None.

**VIII. Additional Information:**

**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Bradley

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A bill to be entitled

An act relating to controlled substances; amending s. 893.03, F.S.; adding to the list of Schedule I controlled substances certain specified materials, compounds, mixtures, or preparations that contain hallucinogenic substances, or any of their salts, isomers, and salts of isomers, if the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation; amending s. 893.13, F.S.; providing reduced penalties for possession of 3 grams or less of specified controlled substances; amending s. 893.135, F.S.; providing criminal penalties for a person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, a specified quantity of specified controlled substances; reenacting ss. 893.13(1)-(6) and 921.0022(3)(b)-(e), F.S., relating to prohibited acts involving controlled substances and the Criminal Punishment Code, respectively, to incorporate the amendments made to s. 893.03, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraphs (a) and (c) of subsection (1) of section 893.03, Florida Statutes, are amended to read:  
893.03 Standards and schedules.—The substances enumerated

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

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

- (a) Unless specifically excepted or unless listed in another schedule, any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:
1. Acetyl-alpha-methylfentanyl.
  2. Acetylmethadol.
  3. Allylprodine.
  4. Alphacetylmethadol (except levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).
  5. Alphamethadol.

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59 6. Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl)  
60 ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-  
61 (N-propanilido) piperidine).  
62 7. Alpha-methylthiofentanyl.  
63 8. Alphameprodine.  
64 9. Benzethidine.  
65 10. Benzylfentanyl.  
66 11. Betacetylmethadol.  
67 12. Beta-hydroxyfentanyl.  
68 13. Beta-hydroxy-3-methylfentanyl.  
69 14. Betameprodine.  
70 15. Betamethadol.  
71 16. Betaprodine.  
72 17. Clonitazene.  
73 18. Dextromoramide.  
74 19. Diampromide.  
75 20. Diethylthiambutene.  
76 21. Difenoquin.  
77 22. Dimenoxadol.  
78 23. Dimepheptanol.  
79 24. Dimethylthiambutene.  
80 25. Dioxaphetyl butyrate.  
81 26. Dipipanone.  
82 27. Ethylmethylthiambutene.  
83 28. Etonitazene.  
84 29. Etoxadine.  
85 30. Flunitrazepam.  
86 31. Furethidine.  
87 32. Hydroxypethidine.

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88 33. Ketobemidone.  
89 34. Levomoramide.  
90 35. Levophenacymorphan.  
91 36. 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP).  
92 37. 3-Methylfentanyl (N-  
93 [3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).  
94 38. 3-Methylthiofentanyl.  
95 ~~39. 3, 4-Methylenedioxymethamphetamine~~  
96 ~~(MDMA).~~  
97 39.40. Morpheridine.  
98 40.41. Noracymethadol.  
99 41.42. Norlevorphanol.  
100 42.43. Normethadone.  
101 43.44. Norpipanone.  
102 44.45. Para-Fluorofentanyl.  
103 45.46. Phenadoxone.  
104 46.47. Phenampromide.  
105 47.48. Phenomorphan.  
106 48.49. Phenoperidine.  
107 49.50. 1-(2-Phenylethyl)-4-Phenyl-4-Acetyloxypiperidine  
108 (PEPAP).  
109 50.51. Piritramide.  
110 51.52. Proheptazine.  
111 52.53. Properidine.  
112 53.54. Propiram.  
113 54.55. Racemoramide.  
114 55.56. Thenylfentanyl.  
115 56.57. Thiofentanyl.  
116 57.58. Tilidine.

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117 ~~58.59.~~ Trimeperidine.

118 (c) Unless specifically excepted or unless listed in  
119 another schedule, any material, compound, mixture, or  
120 preparation that contains any quantity of the following  
121 hallucinogenic substances or that contains any of their salts,  
122 isomers, including optical, positional, or geometric isomers,  
123 and salts of isomers, if the existence of such salts, isomers,  
124 and salts of isomers is possible within the specific chemical  
125 designation:

- 126 1. Alpha-ethyltryptamine.  
127 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-  
128 methylaminorex).  
129 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).  
130 4. 4-Bromo-2,5-dimethoxyamphetamine.  
131 5. 4-Bromo-2,5-dimethoxyphenethylamine.  
132 6. Bufotenine.  
133 7. Cannabis.  
134 8. Cathinone.  
135 9. Diethyltryptamine.  
136 10. 2,5-Dimethoxyamphetamine.  
137 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).  
138 12. Dimethyltryptamine.  
139 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine  
140 analog of phencyclidine).  
141 14. N-Ethyl-3-piperidyl benzilate.  
142 15. N-ethylamphetamine.  
143 16. Fenethylamine.  
144 17. N-Hydroxy-3,4-methylenedioxyamphetamine.  
145 18. Ibogaine.

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- 146 19. Lysergic acid diethylamide (LSD).  
147 20. Mescaline.  
148 21. Methcathinone.  
149 22. 5-Methoxy-3,4-methylenedioxyamphetamine.  
150 23. 4-methoxyamphetamine.  
151 24. 4-methoxymethamphetamine.  
152 25. 4-Methyl-2,5-dimethoxyamphetamine.  
153 26. 3,4-Methylenedioxy-N-ethylamphetamine.  
154 27. 3,4-Methylenedioxyamphetamine.  
155 28. N-Methyl-3-piperidyl benzilate.  
156 29. N,N-dimethylamphetamine.  
157 30. Parahexyl.  
158 31. Peyote.  
159 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine  
160 analog of phencyclidine).  
161 33. Psilocybin.  
162 34. Psilocyn.  
163 35. *Salvia divinorum*, except for any drug product approved  
164 by the United States Food and Drug Administration which contains  
165 *Salvia divinorum* or its isomers, esters, ethers, salts, and  
166 salts of isomers, esters, and ethers, if the existence of such  
167 isomers, esters, ethers, and salts is possible within the  
168 specific chemical designation.  
169 36. Salvinorin A, except for any drug product approved by  
170 the United States Food and Drug Administration which contains  
171 Salvinorin A or its isomers, esters, ethers, salts, and salts of  
172 isomers, esters, and ethers, if the existence of such isomers,  
173 esters, ethers, and salts is possible within the specific  
174 chemical designation.

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- 175 37. Tetrahydrocannabinols.  
 176 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)  
 177 (Thiophene analog of phencyclidine).  
 178 39. 3,4,5-Trimethoxyamphetamine.  
 179 40. 3,4-Methylenedioxy~~meth~~cathinone.  
 180 41. 3,4-Methylenedioxy~~pyro~~valerone (MDPV).  
 181 42. Methy~~meth~~cathinone.  
 182 43. Methoxy~~meth~~cathinone.  
 183 44. Fluoromethcathinone.  
 184 45. Methylethcathinone.  
 185 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-  
 186 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)  
 187 homologue.  
 188 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-  
 189 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,  
 190 also known as HU-210.  
 191 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.  
 192 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.  
 193 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also  
 194 known as JWH-200.  
 195 51. BZP (Benzylpiperazine).  
 196 52. Fluorophenylpiperazine.  
 197 53. Methylphenylpiperazine.  
 198 54. Chlorophenylpiperazine.  
 199 55. Methoxyphenylpiperazine.  
 200 56. DBZP (1,4-dibenzylpiperazine).  
 201 57. TFMPP (3-Trifluoromethylphenylpiperazine).  
 202 58. MBDB (Methylbenzodioxolylbutanamine).  
 203 59. 5-Hydroxy-alpha-methyltryptamine.

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- 204 60. 5-Hydroxy-N-methyltryptamine.  
 205 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.  
 206 62. 5-Methoxy-alpha-methyltryptamine.  
 207 63. Methyltryptamine.  
 208 64. 5-Methoxy-N,N-dimethyltryptamine.  
 209 65. 5-Methyl-N,N-dimethyltryptamine.  
 210 66. Tyramine (4-Hydroxyphenethylamine).  
 211 67. 5-Methoxy-N,N-Diisopropyltryptamine.  
 212 68. DiPT (N,N-Diisopropyltryptamine).  
 213 69. DPT (N,N-Dipropyltryptamine).  
 214 70. 4-Hydroxy-N,N-diisopropyltryptamine.  
 215 71. N,N-Diallyl-5-Methoxytryptamine.  
 216 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).  
 217 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).  
 218 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).  
 219 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).  
 220 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).  
 221 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).  
 222 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).  
 223 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).  
 224 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).  
 225 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).  
 226 82. Ethcathinone.  
 227 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).  
 228 84. Naphyrone (naphthylpyrovalerone).  
 229 85. N-N-Dimethyl-3,4-methylenedioxcathinone.  
 230 86. N-N-Diethyl-3,4-methylenedioxcathinone.  
 231 87. 3,4-methylenedioxy-propiofenone.  
 232 88. 2-Bromo-3,4-Methylenedioxypropiofenone.

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233 89. 3,4-methylenedioxy-propiofenone-2-oxime.  
 234 90. N-Acetyl-3,4-methylenedioxcathinone.  
 235 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.  
 236 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.  
 237 93. Bromomethcathinone.  
 238 94. Buphedrone (alpha-methylamino-butyrophenone).  
 239 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).  
 240 96. Dimethylcathinone.  
 241 97. Dimethylmethcathinone.  
 242 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).  
 243 99. (MDPPP) 3,4-Methylenedioxy-alpha-  
 244 pyrrolidinopropiophenone.  
 245 100. (MDPBP) 3,4-Methylenedioxy-alpha-  
 246 pyrrolidinobutiophenone.  
 247 101. Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).  
 248 102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).  
 249 103. Benocyclidine (BCP) or  
 250 benzothiophenylcyclohexylpiperidine (BTCP).  
 251 104. Fluoromethylaminobutyrophenone (F-MABP).  
 252 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).  
 253 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).  
 254 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).  
 255 108. Methyleneethylaminobutyrophenone (Me-EABP).  
 256 109. Methylamino-butyrophenone (MABP).  
 257 110. Pyrrolidinopropiophenone (PPP).  
 258 111. Pyrrolidinobutiophenone (PBP).  
 259 112. Pyrrolidinovalerophenone (PVP).  
 260 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).  
 261 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).

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262 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-  
 263 naphthalenylmethanone).  
 264 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-  
 265 yl)methanone).  
 266 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).  
 267 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-  
 268 yl)methanone).  
 269 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-  
 270 yl)methanone).  
 271 120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).  
 272 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-  
 273 tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).  
 274 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-  
 275 indole).  
 276 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).  
 277 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-  
 278 yl)ethanone).  
 279 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-  
 280 yl)methanone).  
 281 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-  
 282 yl)ethanone).  
 283 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-  
 284 yl)ethanone).  
 285 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).  
 286 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).  
 287 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-  
 288 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-  
 289 ol).  
 290 131. HU-308 ([1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-

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291 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]  
 292 methanol).

293 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-  
 294 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-  
 295 1,4-dione).

296 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-  
 297 yl)methanone).

298 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-  
 299 undecanamide).

300 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-  
 301 undecanamide).

302 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-  
 303 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).

304 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-  
 305 iodophenyl)methanone).

306 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-  
 307 (naphthalen-1-yl)methanone).

308 139. RCS-4 ((4-methoxyphenyl)(1-pentyl-1H-indol-3-  
 309 yl)methanone).

310 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-  
 311 methoxyphenylethanone).

312 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-  
 313 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-  
 314 naphthalenylmethanone).

315 142. WIN55,212-3 ([[3S)-2,3-Dihydro-5-methyl-3-(4-  
 316 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-  
 317 naphthalenylmethanone).

318 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).

319 144. Fluoroamphetamine.

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320 145. Fluoromethamphetamine.

321 146. Methoxetamine.

322 147. Methiopropamine.

323 148. 4-Methylbuphedrone (2-Methylamino-1-(4-  
 324 methylphenyl)butan-1-one).

325 149. APB ((2-aminopropyl)benzofuran).

326 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).

327 151. UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-  
 328 tetramethylcyclopropyl)methanone).

329 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-  
 330 tetramethylcyclopropyl)methanone).

331 153. (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-  
 332 tetramethylcyclopropyl)methanone.

333 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1.3,7]dec-1-yl-1H-  
 334 indazole-3-carboxamide).

335 155. AM-2233 ((2-iodophenyl)[1-[(1-methyl-2-  
 336 piperidinyl)methyl]-1H-indol-3-yl]-methanone).

337 156. STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1.3,7]dec-  
 338 1-yl-1H-indole-3-carboxamide).

339 157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-  
 340 cyclohexylcarbamate).

341 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,  
 342 cyclohexyl ester).

343 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-  
 344 benzoxazin-4-one).

345 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).

346 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).

347 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).

348 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine).

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349 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-  
 350 methoxyphenyl)methyl]-benzeneethanamine).  
 351 165. 3,4-Methylenedioxyamphetamine (MDMA).  
 352 Section 2. Paragraph (b) of subsection (6) of section  
 353 893.13, Florida Statutes, is amended to read:  
 354 893.13 Prohibited acts; penalties.—  
 355 (6)  
 356 (b) If the offense is the possession of not more than 20  
 357 grams of cannabis, as defined in this chapter, or 3 grams or  
 358 less of a controlled substance described in s. 893.03(1)(c)46.-  
 359 50., ~~and 114.-142.,~~ or 151.-159., the person commits a  
 360 misdemeanor of the first degree, punishable as provided in s.  
 361 775.082 or s. 775.083. For the purposes of this subsection,  
 362 "cannabis" does not include the resin extracted from the plants  
 363 of the genus *Cannabis*, or any compound manufacture, salt,  
 364 derivative, mixture, or preparation of such resin, and a  
 365 controlled substance described in s. 893.03(1)(c)46.-50., ~~and~~  
 366 114.-142., or 151.-159., does not include the substance in a  
 367 powdered form.  
 368 Section 3. Paragraph (k) of subsection (1) of section  
 369 893.135, Florida Statutes, is amended to read:  
 370 893.135 Trafficking; mandatory sentences; suspension or  
 371 reduction of sentences; conspiracy to engage in trafficking.—  
 372 (1) Except as authorized in this chapter or in chapter 499  
 373 and notwithstanding the provisions of s. 893.13:  
 374 (k)1. Any person who knowingly sells, purchases,  
 375 manufactures, delivers, or brings into this state, or who is  
 376 knowingly in actual or constructive possession of, 10 grams or  
 377 more of any of the following substances described in s.

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378 893.03(1)(c) s. ~~893.03(1)(a) or (e):~~  
 379 a. 3,4-Methylenedioxyamphetamine (MDMA);  
 380 b. 4-Bromo-2,5-dimethoxyamphetamine;  
 381 c. 4-Bromo-2,5-dimethoxyphenethylamine;  
 382 d. 2,5-Dimethoxyamphetamine;  
 383 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);  
 384 f. N-ethylamphetamine;  
 385 g. N-Hydroxy-3,4-methylenedioxyamphetamine;  
 386 h. 5-Methoxy-3,4-methylenedioxyamphetamine;  
 387 i. 4-methoxyamphetamine;  
 388 j. 4-methoxymethamphetamine;  
 389 k. 4-Methyl-2,5-dimethoxyamphetamine;  
 390 l. 3,4-Methylenedioxy-N-ethylamphetamine;  
 391 m. 3,4-Methylenedioxyamphetamine;  
 392 n. N,N-dimethylamphetamine; or  
 393 o. 3,4,5-Trimethoxyamphetamine,  
 394  
 395 individually or in any combination of or any mixture containing  
 396 any substance listed in sub-subparagraphs a.-o., commits a  
 397 felony of the first degree, which felony shall be known as  
 398 "trafficking in Phenethylamines," punishable as provided in s.  
 399 775.082, s. 775.083, or s. 775.084.  
 400 2. If the quantity involved:  
 401 a. Is 10 grams or more but less than 200 grams, such person  
 402 shall be sentenced to a mandatory minimum term of imprisonment  
 403 of 3 years, and the defendant shall be ordered to pay a fine of  
 404 \$50,000.  
 405 b. Is 200 grams or more, but less than 400 grams, such  
 406 person shall be sentenced to a mandatory minimum term of

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407 imprisonment of 7 years, and the defendant shall be ordered to  
408 pay a fine of \$100,000.

409 c. Is 400 grams or more, such person shall be sentenced to  
410 a mandatory minimum term of imprisonment of 15 calendar years  
411 and pay a fine of \$250,000.

412 3. Any person who knowingly manufactures or brings into  
413 this state 30 kilograms or more of any of the following  
414 substances described in s. 893.03(1)(c) ~~s. 893.03(1)(a) or (e)~~:

- 415 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 416 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 417 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 418 d. 2,5-Dimethoxyamphetamine;
- 419 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 420 f. N-ethylamphetamine;
- 421 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 422 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 423 i. 4-methoxyamphetamine;
- 424 j. 4-methoxymethamphetamine;
- 425 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 426 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 427 m. 3,4-Methylenedioxyamphetamine;
- 428 n. N,N-dimethylamphetamine; or
- 429 o. 3,4,5-Trimethoxyamphetamine,

431 individually or in any combination of or any mixture containing  
432 any substance listed in sub-subparagraphs a.-o., and who knows  
433 that the probable result of such manufacture or importation  
434 would be the death of any person commits capital manufacture or  
435 importation of Phenethylamines, a capital felony punishable as

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436 provided in ss. 775.082 and 921.142. Any person sentenced for a  
437 capital felony under this paragraph shall also be sentenced to  
438 pay the maximum fine provided under subparagraph 1.

439 Section 4. For the purpose of incorporating the amendment  
440 made by this act to section 893.03, Florida Statutes, in a  
441 reference thereto, subsections (1) through (6) of section  
442 893.13, Florida Statutes, are reenacted to read:

443 893.13 Prohibited acts; penalties.—

444 (1) (a) Except as authorized by this chapter and chapter  
445 499, it is unlawful for any person to sell, manufacture, or  
446 deliver, or possess with intent to sell, manufacture, or  
447 deliver, a controlled substance. Any person who violates this  
448 provision with respect to:

449 1. A controlled substance named or described in s.  
450 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
451 commits a felony of the second degree, punishable as provided in  
452 s. 775.082, s. 775.083, or s. 775.084.

453 2. A controlled substance named or described in s.  
454 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
455 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
456 the third degree, punishable as provided in s. 775.082, s.  
457 775.083, or s. 775.084.

458 3. A controlled substance named or described in s.  
459 893.03(5) commits a misdemeanor of the first degree, punishable  
460 as provided in s. 775.082 or s. 775.083.

461 (b) Except as provided in this chapter, it is unlawful to  
462 sell or deliver in excess of 10 grams of any substance named or  
463 described in s. 893.03(1)(a) or (1)(b), or any combination  
464 thereof, or any mixture containing any such substance. Any

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 465 person who violates this paragraph commits a felony of the first  
 466 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 467 775.084.

(c) Except as authorized by this chapter, it is unlawful  
 469 for any person to sell, manufacture, or deliver, or possess with  
 470 intent to sell, manufacture, or deliver, a controlled substance  
 471 in, on, or within 1,000 feet of the real property comprising a  
 472 child care facility as defined in s. 402.302 or a public or  
 473 private elementary, middle, or secondary school between the  
 474 hours of 6 a.m. and 12 midnight, or at any time in, on, or  
 475 within 1,000 feet of real property comprising a state, county,  
 476 or municipal park, a community center, or a publicly owned  
 477 recreational facility. For the purposes of this paragraph, the  
 478 term "community center" means a facility operated by a nonprofit  
 479 community-based organization for the provision of recreational,  
 480 social, or educational services to the public. Any person who  
 481 violates this paragraph with respect to:

1. A controlled substance named or described in s.  
 483 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
 484 commits a felony of the first degree, punishable as provided in  
 485 s. 775.082, s. 775.083, or s. 775.084. The defendant must be  
 486 sentenced to a minimum term of imprisonment of 3 calendar years  
 487 unless the offense was committed within 1,000 feet of the real  
 488 property comprising a child care facility as defined in s.  
 489 402.302.

2. A controlled substance named or described in s.  
 491 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
 492 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
 493 the second degree, punishable as provided in s. 775.082, s.

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 494 775.083, or s. 775.084.

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

This paragraph does not apply to a child care facility unless  
 501 the owner or operator of the facility posts a sign that is not  
 502 less than 2 square feet in size with a word legend identifying  
 503 the facility as a licensed child care facility and that is  
 504 posted on the property of the child care facility in a  
 505 conspicuous place where the sign is reasonably visible to the  
 506 public.

(d) Except as authorized by this chapter, it is unlawful  
 508 for any person to sell, manufacture, or deliver, or possess with  
 509 intent to sell, manufacture, or deliver, a controlled substance  
 510 in, on, or within 1,000 feet of the real property comprising a  
 511 public or private college, university, or other postsecondary  
 512 educational institution. Any person who violates this paragraph  
 513 with respect to:

1. A controlled substance named or described in s.  
 515 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
 516 commits a felony of the first degree, punishable as provided in  
 517 s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s.  
 519 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
 520 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
 521 the second degree, punishable as provided in s. 775.082, s.  
 522 775.083, or s. 775.084.

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

527 (e) Except as authorized by this chapter, it is unlawful  
528 for any person to sell, manufacture, or deliver, or possess with  
529 intent to sell, manufacture, or deliver, a controlled substance  
530 not authorized by law in, on, or within 1,000 feet of a physical  
531 place for worship at which a church or religious organization  
532 regularly conducts religious services or within 1,000 feet of a  
533 convenience business as defined in s. 812.171. Any person who  
534 violates this paragraph with respect to:

535 1. A controlled substance named or described in s.  
536 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,  
537 commits a felony of the first degree, punishable as provided in  
538 s. 775.082, s. 775.083, or s. 775.084.

539 2. A controlled substance named or described in s.  
540 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,  
541 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of  
542 the second degree, punishable as provided in s. 775.082, s.  
543 775.083, or s. 775.084.

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

548 (f) Except as authorized by this chapter, it is unlawful  
549 for any person to sell, manufacture, or deliver, or possess with  
550 intent to sell, manufacture, or deliver, a controlled substance  
551 in, on, or within 1,000 feet of the real property comprising a

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552 public housing facility at any time. For purposes of this  
553 section, the term "real property comprising a public housing  
554 facility" means real property, as defined in s. 421.03(12), of a  
555 public corporation created as a housing authority pursuant to  
556 part I of chapter 421. Any person who violates this paragraph  
557 with respect to:

558 1. A controlled substance named or described in s.  
559 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,  
560 commits a felony of the first degree, punishable as provided in  
561 s. 775.082, s. 775.083, or s. 775.084.

562 2. A controlled substance named or described in s.  
563 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,  
564 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of  
565 the second degree, punishable as provided in s. 775.082, s.  
566 775.083, or s. 775.084.

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

571 (g) Except as authorized by this chapter, it is unlawful  
572 for any person to manufacture methamphetamine or phencyclidine,  
573 or possess any listed chemical as defined in s. 893.033 in  
574 violation of s. 893.149 and with intent to manufacture  
575 methamphetamine or phencyclidine. If any person violates this  
576 paragraph and:

577 1. The commission or attempted commission of the crime  
578 occurs in a structure or conveyance where any child under 16  
579 years of age is present, the person commits a felony of the  
580 first degree, punishable as provided in s. 775.082, s. 775.083,

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581 or s. 775.084. In addition, the defendant must be sentenced to a  
582 minimum term of imprisonment of 5 calendar years.

583 2. The commission of the crime causes any child under 16  
584 years of age to suffer great bodily harm, the person commits a  
585 felony of the first degree, punishable as provided in s.  
586 775.082, s. 775.083, or s. 775.084. In addition, the defendant  
587 must be sentenced to a minimum term of imprisonment of 10  
588 calendar years.

589 (h) Except as authorized by this chapter, it is unlawful  
590 for any person to sell, manufacture, or deliver, or possess with  
591 intent to sell, manufacture, or deliver, a controlled substance  
592 in, on, or within 1,000 feet of the real property comprising an  
593 assisted living facility, as that term is used in chapter 429.  
594 Any person who violates this paragraph with respect to:

595 1. A controlled substance named or described in s.  
596 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.  
597 commits a felony of the first degree, punishable as provided in  
598 s. 775.082, s. 775.083, or s. 775.084.

599 2. A controlled substance named or described in s.  
600 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
601 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
602 the second degree, punishable as provided in s. 775.082, s.  
603 775.083, or s. 775.084.

604 (2)(a) Except as authorized by this chapter and chapter  
605 499, it is unlawful for any person to purchase, or possess with  
606 intent to purchase, a controlled substance. Any person who  
607 violates this provision with respect to:

608 1. A controlled substance named or described in s.  
609 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,

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610 commits a felony of the second degree, punishable as provided in  
611 s. 775.082, s. 775.083, or s. 775.084.

612 2. A controlled substance named or described in s.  
613 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
614 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
615 the third degree, punishable as provided in s. 775.082, s.  
616 775.083, or s. 775.084.

617 3. A controlled substance named or described in s.  
618 893.03(5) commits a misdemeanor of the first degree, punishable  
619 as provided in s. 775.082 or s. 775.083.

620 (b) Except as provided in this chapter, it is unlawful to  
621 purchase in excess of 10 grams of any substance named or  
622 described in s. 893.03(1)(a) or (1)(b), or any combination  
623 thereof, or any mixture containing any such substance. Any  
624 person who violates this paragraph commits a felony of the first  
625 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
626 775.084.

627 (3) Any person who delivers, without consideration, not  
628 more than 20 grams of cannabis, as defined in this chapter,  
629 commits a misdemeanor of the first degree, punishable as  
630 provided in s. 775.082 or s. 775.083. For the purposes of this  
631 paragraph, "cannabis" does not include the resin extracted from  
632 the plants of the genus *Cannabis* or any compound manufacture,  
633 salt, derivative, mixture, or preparation of such resin.

634 (4) Except as authorized by this chapter, it is unlawful  
635 for any person 18 years of age or older to deliver any  
636 controlled substance to a person under the age of 18 years, or  
637 to use or hire a person under the age of 18 years as an agent or  
638 employee in the sale or delivery of such a substance, or to use

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639 such person to assist in avoiding detection or apprehension for  
640 a violation of this chapter. Any person who violates this  
641 provision with respect to:

642 (a) A controlled substance named or described in s.  
643 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
644 commits a felony of the first degree, punishable as provided in  
645 s. 775.082, s. 775.083, or s. 775.084.

646 (b) A controlled substance named or described in s.  
647 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
648 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
649 the second degree, punishable as provided in s. 775.082, s.  
650 775.083, or s. 775.084.

651  
652 Imposition of sentence may not be suspended or deferred, nor  
653 shall the person so convicted be placed on probation.

654 (5) It is unlawful for any person to bring into this state  
655 any controlled substance unless the possession of such  
656 controlled substance is authorized by this chapter or unless  
657 such person is licensed to do so by the appropriate federal  
658 agency. Any person who violates this provision with respect to:

659 (a) A controlled substance named or described in s.  
660 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
661 commits a felony of the second degree, punishable as provided in  
662 s. 775.082, s. 775.083, or s. 775.084.

663 (b) A controlled substance named or described in s.  
664 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
665 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
666 the third degree, punishable as provided in s. 775.082, s.  
667 775.083, or s. 775.084.

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668 (c) A controlled substance named or described in s.  
669 893.03(5) commits a misdemeanor of the first degree, punishable  
670 as provided in s. 775.082 or s. 775.083.

671 (6)(a) It is unlawful for any person to be in actual or  
672 constructive possession of a controlled substance unless such  
673 controlled substance was lawfully obtained from a practitioner  
674 or pursuant to a valid prescription or order of a practitioner  
675 while acting in the course of his or her professional practice  
676 or to be in actual or constructive possession of a controlled  
677 substance except as otherwise authorized by this chapter. Any  
678 person who violates this provision commits a felony of the third  
679 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
680 775.084.

681 (b) If the offense is the possession of not more than 20  
682 grams of cannabis, as defined in this chapter, or 3 grams or  
683 less of a controlled substance described in s. 893.03(1)(c)46.-  
684 50. and 114.-142., the person commits a misdemeanor of the first  
685 degree, punishable as provided in s. 775.082 or s. 775.083. For  
686 the purposes of this subsection, "cannabis" does not include the  
687 resin extracted from the plants of the genus *Cannabis*, or any  
688 compound manufacture, salt, derivative, mixture, or preparation  
689 of such resin, and a controlled substance described in s.  
690 893.03(1)(c)46.-50. and 114.-142. does not include the substance  
691 in a powdered form.

692 (c) Except as provided in this chapter, it is unlawful to  
693 possess in excess of 10 grams of any substance named or  
694 described in s. 893.03(1)(a) or (1)(b), or any combination  
695 thereof, or any mixture containing any such substance. Any  
696 person who violates this paragraph commits a felony of the first

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697 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
698 775.084.

699 (d) Notwithstanding any provision to the contrary of the  
700 laws of this state relating to arrest, a law enforcement officer  
701 may arrest without warrant any person who the officer has  
702 probable cause to believe is violating the provisions of this  
703 chapter relating to possession of cannabis.

704 Section 5. For the purpose of incorporating the amendment  
705 made by this act to section 893.03, Florida Statutes, in a  
706 reference thereto, paragraphs (b), (c), (d), and (e) of  
707 subsection (3) of section 921.0022, Florida Statutes, are  
708 reenacted to read:

709 921.0022 Criminal Punishment Code; offense severity ranking  
710 chart.-

711 (3) OFFENSE SEVERITY RANKING CHART

712 (b) LEVEL 2

713

Florida Statute	Felony Degree	Description
-----------------	---------------	-------------

714

379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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715

379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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716

403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in
---------------	-----	--

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717 weight or 100 cubic feet in volume or  
any quantity for commercial purposes, or  
hazardous waste.

517.07(2) 3rd Failure to furnish a prospectus meeting requirements.

718

590.28(1) 3rd Intentional burning of lands.

719

784.05(3) 3rd Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

720

787.04(1) 3rd In violation of court order, take, entice, etc., minor beyond state limits.

721

806.13(1)(b)3. 3rd Criminal mischief; damage \$1,000 or more to public communication or any other public service.

722

810.061(2) 3rd Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

723

810.09(2)(e) 3rd Trespassing on posted commercial horticulture property.

724

812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$300 or more but less than \$5,000.

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725 812.014(2)(d) 3rd Grand theft, 3rd degree; \$100 or more  
but less than \$300, taken from  
unenclosed curtilage of dwelling.

726 812.015(7) 3rd Possession, use, or attempted use of an  
antishoplifting or inventory control  
device countermeasure.

727 817.234(1)(a)2. 3rd False statement in support of insurance  
claim.

728 817.481(3)(a) 3rd Obtain credit or purchase with false,  
expired, counterfeit, etc., credit card,  
value over \$300.

729 817.52(3) 3rd Failure to redeliver hired vehicle.

730 817.54 3rd With intent to defraud, obtain mortgage  
note, etc., by false representation.

731 817.60(5) 3rd Dealing in credit cards of another.

732 817.60(6)(a) 3rd Forgery; purchase goods, services with  
false card.

733 817.61 3rd Fraudulent use of credit cards over \$100  
or more within 6 months.

734

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826.04 3rd Knowingly marries or has sexual  
intercourse with person to whom related.

735 831.01 3rd Forgery.

736 831.02 3rd Uttering forged instrument; utters or  
publishes alteration with intent to  
defraud.

737 831.07 3rd Forging bank bills, checks, drafts, or  
promissory notes.

738 831.08 3rd Possessing 10 or more forged notes,  
bills, checks, or drafts.

739 831.09 3rd Uttering forged notes, bills, checks,  
drafts, or promissory notes.

740 831.11 3rd Bringing into the state forged bank  
bills, checks, drafts, or notes.

741 832.05(3)(a) 3rd Cashing or depositing item with intent  
to defraud.

742 843.08 3rd Falsely impersonating an officer.

743 893.13(2)(a)2. 3rd Purchase of any s. 893.03(1)(c),  
(2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
(2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9.,

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			(3), or (4) drugs other than cannabis.	
744	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.	
745				
746	(c) LEVEL 3			
747				
	Florida Statute	Felony Degree	Description	
748	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.	
749				
	316.066	3rd	Unlawfully obtaining or using confidential crash reports.	
750	(3)(b)-(d)			
751	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.	
	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.	
752				
	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.	
753				
	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.	
754				

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	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.	
755				
	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.	
756				
	327.35(2)(b)	3rd	Felony BUI.	
757				
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.	
758				
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.	
759				
	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.	
760				
	379.2431	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.	
	(1)(e)5.			
761				
	379.2431	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle	
	(1)(e)6.			

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 762 Protection Act.  
 400.9935(4) 3rd Operating a clinic without a license or  
 filing false license application or  
 763 other required information.  
 440.1051(3) 3rd False report of workers' compensation  
 fraud or retaliation for making such a  
 764 report.  
 501.001(2)(b) 2nd Tamper with a consumer product or the  
 container using materially  
 765 false/misleading information.  
 624.401(4)(a) 3rd Transacting insurance without a  
 certificate of authority.  
 766 624.401(4)(b)1. 3rd Transacting insurance without a  
 certificate of authority; premium  
 collected less than \$20,000.  
 767 626.902(1)(a) & 3rd Representing an unauthorized insurer.  
 (b)  
 768 697.08 3rd Equity skimming.  
 769 790.15(3) 3rd Person directs another to discharge  
 770 firearm from a vehicle.

7-00334B-13 2013294\_\_  
 771 796.05(1) 3rd Live on earnings of a prostitute.  
 806.10(1) 3rd Maliciously injure, destroy, or  
 interfere with vehicles or equipment  
 772 used in firefighting.  
 806.10(2) 3rd Interferes with or assaults firefighter  
 in performance of duty.  
 773 810.09(2)(c) 3rd Trespass on property other than  
 structure or conveyance armed with  
 774 firearm or dangerous weapon.  
 812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but less  
 than \$10,000.  
 775 812.0145(2)(c) 3rd Theft from person 65 years of age or  
 older; \$300 or more but less than  
 776 \$10,000.  
 815.04(4)(b) 2nd Computer offense devised to defraud or  
 obtain property.  
 777 817.034(4)(a)3. 3rd Engages in scheme to defraud (Florida  
 Communications Fraud Act), property  
 valued at less than \$20,000.  
 778 817.233 3rd Burning to defraud insurer.  
 779

	7-00334B-13		2013294	
780	817.234	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.	
	(8) (b) - (c)			
781	817.234(11) (a)	3rd	Insurance fraud; property value less than \$20,000.	
782	817.236	3rd	Filing a false motor vehicle insurance application.	
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.	
783	817.413(2)	3rd	Sale of used goods as new.	
784	817.505(4)	3rd	Patient brokering.	
785	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.	
786	831.28(2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.	
787	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.	
788				

	7-00334B-13		2013294	
789	838.021(3) (b)	3rd	Threatens unlawful harm to public servant.	
	843.19	3rd	Injure, disable, or kill police dog or horse.	
790	860.15(3)	3rd	Overcharging for repairs and parts.	
791	870.01(2)	3rd	Riot; inciting or encouraging.	
792	893.13(1) (a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)5., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (3), or (4) drugs).	
793	893.13(1) (d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)5., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (3), or (4) drugs within 1,000 feet of university.	
794	893.13(1) (f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)5., (2) (c)6., (2) (c)7., (2) (c)8., (2) (c)9., (3), or (4) drugs within 1,000 feet of public housing facility.	
795				

7-00334B-13 2013294

893.13(6)(a) 3rd Possession of any controlled substance  
other than felony possession of  
cannabis.

796 893.13(7)(a)8. 3rd Withhold information from practitioner  
regarding previous receipt of or  
prescription for a controlled substance.

797 893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled  
substance by fraud, forgery,  
misrepresentation, etc.

798 893.13(7)(a)10. 3rd Affix false or forged label to package  
of controlled substance.

799 893.13(7)(a)11. 3rd Furnish false or fraudulent material  
information on any document or record  
required by chapter 893.

800 893.13(8)(a)1. 3rd Knowingly assist a patient, other  
person, or owner of an animal in  
obtaining a controlled substance through  
deceptive, untrue, or fraudulent  
representations in or related to the  
practitioner's practice.

801 893.13(8)(a)2. 3rd Employ a trick or scheme in the  
practitioner's practice to assist a  
patient, other person, or owner of an

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802 animal in obtaining a controlled  
substance.

803 893.13(8)(a)3. 3rd Knowingly write a prescription for a  
controlled substance for a fictitious  
person.

804 893.13(8)(a)4. 3rd Write a prescription for a controlled  
substance for a patient, other person,  
or an animal if the sole purpose of  
writing the prescription is a monetary  
benefit for the practitioner.

805 918.13(1)(a) 3rd Alter, destroy, or conceal investigation  
evidence.

806 944.47 3rd Introduce contraband to correctional  
(1)(a)1.-2. facility.

807 944.47(1)(c) 2nd Possess contraband while upon the  
grounds of a correctional institution.

808 985.721 3rd Escapes from a juvenile facility (secure  
detention or residential commitment  
facility).

809 (d) LEVEL 4

810

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	7-00334B-13		2013294	
	Florida Statute	Felony Degree		Description
811	316.1935(3)(a)	2nd		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.
812	499.0051(1)	3rd		Failure to maintain or deliver pedigree papers.
813	499.0051(2)	3rd		Failure to authenticate pedigree papers.
814	499.0051(6)	2nd		Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
815	517.07(1)	3rd		Failure to register securities.
816	517.12(1)	3rd		Failure of dealer, associated person, or issuer of securities to register.
817	784.07(2)(b)	3rd		Battery of law enforcement officer, firefighter, etc.
818	784.074(1)(c)	3rd		Battery of sexually violent predators facility staff.
819				

	7-00334B-13		2013294	
820	784.075	3rd		Battery on detention or commitment facility staff.
821	784.078	3rd		Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
822	784.08(2)(c)	3rd		Battery on a person 65 years of age or older.
823	784.081(3)	3rd		Battery on specified official or employee.
824	784.082(3)	3rd		Battery by detained person on visitor or other detainee.
825	784.083(3)	3rd		Battery on code inspector.
826	784.085	3rd		Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
827	787.03(1)	3rd		Interference with custody; wrongly takes minor from appointed guardian.
828	787.04(2)	3rd		Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

	7-00334B-13		2013294
829	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
830	787.07	3rd	Human smuggling.
831	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
832	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
833	790.115 (2) (c)	3rd	Possessing firearm on school property.
834	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
835	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
836	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
837	810.06	3rd	Burglary; possession of tools.

	7-00334B-13		2013294
838	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
839	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
840	812.014	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
841	(2) (c) 4.-10.		
842	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
843	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
844	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
845	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
846	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
	837.02 (1)	3rd	Perjury in official proceedings.
	837.021 (1)	3rd	Make contradictory statements in

7-00334B-13 2013294\_\_  
 official proceedings.  
 847  
 838.022 3rd Official misconduct.  
 848  
 839.13(2)(a) 3rd Falsifying records of an individual in  
 the care and custody of a state agency.  
 849  
 839.13(2)(c) 3rd Falsifying records of the Department of  
 Children and Family Services.  
 850  
 843.021 3rd Possession of a concealed handcuff key  
 by a person in custody.  
 851  
 843.025 3rd Deprive law enforcement, correctional,  
 or correctional probation officer of  
 means of protection or communication.  
 852  
 843.15(1)(a) 3rd Failure to appear while on bail for  
 felony (bond estreature or bond  
 jumping).  
 853  
 847.0135(5)(c) 3rd Lewd or lascivious exhibition using  
 computer; offender less than 18 years.  
 854  
 874.05(1) 3rd Encouraging or recruiting another to  
 join a criminal gang.  
 855  
 893.13(2)(a)1. 2nd Purchase of cocaine (or other s.  
 893.03(1)(a), (b), or (d), (2)(a),

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 (2)(b), or (2)(c)4. drugs).  
 856  
 914.14(2) 3rd Witnesses accepting bribes.  
 857  
 914.22(1) 3rd Force, threaten, etc., witness, victim,  
 or informant.  
 858  
 914.23(2) 3rd Retaliation against a witness, victim,  
 or informant, no bodily injury.  
 859  
 918.12 3rd Tampering with jurors.  
 860  
 934.215 3rd Use of two-way communications device to  
 facilitate commission of a crime.  
 861  
 862 (e) LEVEL 5  
 863  
 Florida Felony  
 Statute Degree Description  
 864  
 316.027(1)(a) 3rd Accidents involving personal injuries,  
 failure to stop; leaving scene.  
 865  
 316.1935(4)(a) 2nd Aggravated fleeing or eluding.  
 866  
 322.34(6) 3rd Careless operation of motor vehicle  
 with suspended license, resulting in  
 death or serious bodily injury.  
 867

7-00334B-13 2013294\_\_  
 327.30 (5) 3rd Vessel accidents involving personal  
 injury; leaving scene.  
 868  
 379.367 (4) 3rd Willful molestation of a commercial  
 harvester's spiny lobster trap, line,  
 or buoy.  
 869  
 379.3671 (2) (c) 3. 3rd Willful molestation, possession, or  
 removal of a commercial harvester's  
 trap contents or trap gear by another  
 harvester.  
 870  
 381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing  
 HIV positive.  
 871  
 440.10 (1) (g) 2nd Failure to obtain workers' compensation  
 coverage.  
 872  
 440.105 (5) 2nd Unlawful solicitation for the purpose  
 of making workers' compensation claims.  
 873  
 440.381 (2) 2nd Submission of false, misleading, or  
 incomplete information with the purpose  
 of avoiding or reducing workers'  
 compensation premiums.  
 874  
 624.401 (4) (b) 2. 2nd Transacting insurance without a  
 certificate or authority; premium  
 collected \$20,000 or more but less than

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 \$100,000.  
 875  
 626.902 (1) (c) 2nd Representing an unauthorized insurer;  
 repeat offender.  
 876  
 790.01 (2) 3rd Carrying a concealed firearm.  
 877  
 790.162 2nd Threat to throw or discharge  
 destructive device.  
 878  
 790.163 (1) 2nd False report of deadly explosive or  
 weapon of mass destruction.  
 879  
 790.221 (1) 2nd Possession of short-barreled shotgun or  
 machine gun.  
 880  
 790.23 2nd Felons in possession of firearms,  
 ammunition, or electronic weapons or  
 devices.  
 881  
 800.04 (6) (c) 3rd Lewd or lascivious conduct; offender  
 less than 18 years.  
 882  
 800.04 (7) (b) 2nd Lewd or lascivious exhibition; offender  
 18 years or older.  
 883  
 806.111 (1) 3rd Possess, manufacture, or dispense fire  
 bomb with intent to damage any  
 structure or property.

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884 812.0145(2)(b) 2nd Theft from person 65 years of age or  
older; \$10,000 or more but less than  
\$50,000.

885 812.015(8) 3rd Retail theft; property stolen is valued  
at \$300 or more and one or more  
specified acts.

886 812.019(1) 2nd Stolen property; dealing in or  
trafficking in.

887 812.131(2)(b) 3rd Robbery by sudden snatching.

888 812.16(2) 3rd Owning, operating, or conducting a chop  
shop.

889 817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to  
\$50,000.

890 817.234(11)(b) 2nd Insurance fraud; property value \$20,000  
or more but less than \$100,000.

891 817.2341(1), 3rd Filing false financial statements,  
(2)(a) & (3)(a) making false entries of material fact  
or false statements regarding property  
values relating to the solvency of an  
insuring entity.

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893 817.568(2)(b) 2nd Fraudulent use of personal  
identification information; value of  
benefit, services received, payment  
avoided, or amount of injury or fraud,  
\$5,000 or more or use of personal  
identification information of 10 or  
more individuals.

894 817.625(2)(b) 2nd Second or subsequent fraudulent use of  
scanning device or reencoder.

895 825.1025(4) 3rd Lewd or lascivious exhibition in the  
presence of an elderly person or  
disabled adult.

896 827.071(4) 2nd Possess with intent to promote any  
photographic material, motion picture,  
etc., which includes sexual conduct by  
a child.

897 827.071(5) 3rd Possess, control, or intentionally view  
any photographic material, motion  
picture, etc., which includes sexual  
conduct by a child.

898 839.13(2)(b) 2nd Falsifying records of an individual in  
the care and custody of a state agency  
involving great bodily harm or death.

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843.01 3rd Resist officer with violence to person;  
resist arrest with violence.

899 847.0135(5)(b) 2nd Lewd or lascivious exhibition using  
computer; offender 18 years or older.

900 847.0137 3rd Transmission of pornography by  
(2) & (3) electronic device or equipment.

901 847.0138 3rd Transmission of material harmful to  
(2) & (3) minors to a minor by electronic device  
or equipment.

902 874.05(2) 2nd Encouraging or recruiting another to  
join a criminal gang; second or  
subsequent offense.

903 893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine  
(or other s. 893.03(1)(a), (1)(b),  
(1)(d), (2)(a), (2)(b), or (2)(c)4.  
drugs).

904 893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis  
(or other s. 893.03(1)(c), (2)(c)1.,  
(2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
(2)(c)7., (2)(c)8., (2)(c)9., (3), or  
(4) drugs) within 1,000 feet of a child  
care facility, school, or state,  
county, or municipal park or publicly

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owned recreational facility or  
community center.

905 893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine  
(or other s. 893.03(1)(a), (1)(b),  
(1)(d), (2)(a), (2)(b), or (2)(c)4.  
drugs) within 1,000 feet of university.

906 893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis  
or other drug prohibited under s.  
893.03(1)(c), (2)(c)1., (2)(c)2.,  
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,  
(2)(c)8., (2)(c)9., (3), or (4) within  
1,000 feet of property used for  
religious services or a specified  
business site.

907 893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine  
(or other s. 893.03(1)(a), (1)(b),  
(1)(d), or (2)(a), (2)(b), or (2)(c)4.  
drugs) within 1,000 feet of public  
housing facility.

908 893.13(4)(b) 2nd Deliver to minor cannabis (or other s.  
893.03(1)(c), (2)(c)1., (2)(c)2.,  
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,  
(2)(c)8., (2)(c)9., (3), or (4) drugs).

909 893.1351(1) 3rd Ownership, lease, or rental for

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2013294\_\_

trafficking in or manufacturing of  
controlled substance.

910

911

Section 6. This act shall take effect upon becoming a law.

Amended  
500

**RECEIVED**

FEB 12 2013

COMMITTEE ON  
ETHICS AND ELECTIONS

**STATE OF FLORIDA  
DEPARTMENT OF STATE  
Division of Elections**

I, Ken Detzner, Secretary of State,  
do hereby certify that

***Michael D. Crews***

is duly appointed

**Secretary,  
Department of Corrections**

for a term beginning on the  
Seventeenth day of December, A.D., 2012,  
to serve at the pleasure of the Governor  
and is subject to be confirmed by the Senate  
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the  
State of Florida, at Tallahassee, the Capital, this  
the First day of February, A.D., 2013.*

*Ken Detzner*

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2" x 11" document



**RICK SCOTT**  
GOVERNOR

RECEIVED  
DEPARTMENT OF STATE  
2013 JAN 16 PM 4:56  
DIVISION OF ELECTIONS  
TALLAHASSEE, FL

January 16, 2013

The Honorable Kenneth W. Detzner  
Secretary of State  
State of Florida  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have amended the following appointment under the provisions of Section 20.315, Florida Statutes:

Mr. Michael D. Crews  
501 South Calhoun Street  
Tallahassee, Florida 32399

as Secretary of the Department of Corrections, succeeding Ken Tucker, subject to confirmation by the Senate. This appointment is effective December 17, 2012, for a term ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott  
Governor

RS/jrp

## QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

			Date Completed
1. Name: Mr. Crews Michael			Daun
Mr./Mrs./Ms.	Last	First	Middle/Maiden
2. Business Address: 501 S. Calhoun Street			Tallahassee
	Street	Office #	City
	Fl	32399	(850) 717-3027
Post Office Box	State	Zip Code	Area Code/Phone Number

3. Residence Address: \_\_\_\_\_

	Street	City	County
Post Office Box	State	Zip Code	Area Code/Phone Number

Specify the preferred mailing address: Business  Residence  Fax # \_\_\_\_\_ (optional)

4. A. List all your places of residence for the last five (5) years.

<u>Address</u>	<u>City &amp; State</u>	<u>From</u>	<u>To</u> sent

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

<u>Address</u>	<u>City &amp; State</u>	<u>From</u>	<u>To</u>

5. Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

6. Social Security Number: \_\_\_\_\_

7. Driver License Number: \_\_\_\_\_ Issuing State: \_\_\_\_\_

8. Have you ever used or been known by any other legal name? Yes  No  If "Yes" Explain

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Are you a United States citizen? Yes  No  If "No" explain:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you are a naturalized citizen, date of naturalization: \_\_\_\_\_

10. Since what year have you been a continuous resident of Florida? 1961

11. Are you a registered Florida voter? Yes  No  If "Yes" list:  
A. County of Registration: Leon B. Current Party Affiliation: Democrat

12. Education  
A. High School: Marianna High School, Marianna, Fl. Year Graduated: 1979  
(Name and Location)

B. List all postsecondary educational institutions attended:

<u>Name &amp; Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
<u>George C. Wallace Community College/Dothan, Al.</u>	<u>1979-81</u>	
<u>Florida State University/Tallahassee, Fl.</u>	<u>1981-83</u>	<u>BS-Criminology</u>

13. Are you or have you ever been a member of the armed forces of the United States? Yes  No  If "Yes" list:  
A. Dates of Service: \_\_\_\_\_  
B. Branch or Component: \_\_\_\_\_  
C. Date & type of discharge: \_\_\_\_\_

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes  No  If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name &amp; Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
<u>Department of Corrections</u>	<u>State Corrections</u>	<u>Deputy Secretary</u>	<u>11/28/11-12/16/12</u>
<u>Fl. Dept. of Law Enforcement</u>	<u>Law Enforcement</u>	<u>Director/Professionalism Program</u>	<u>10/2/87-11/28/11</u>

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes  No   
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
<u>Deputy Secretary</u>	<u>Dept. of Corrections</u>	<u>11/2011-12/2012</u>
<u>Professionalism Program Director</u>	<u>Fl. Dept. of Law Enforcement</u>	<u>10/87-11/2011</u>
<u>Corrections and Correctional Probation Officer</u>	<u>Dept. of Corrections</u>	<u>7/84-10/87</u>

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

Served as the Director of the FDLE Professionalism Program 2004-11 which served as staff with the Criminal Justice Standards and Training Commission.

Certified as a Corrections and Correctional Probation Officer with the Department of Corrections/1984-87

Certified Law Enforcement Officer with Florida Wildlife Commission and FDLE 1993-2011

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes  No  If "Yes", list:

BS-Criminology

Corrections Officer

Correctional Probation Officer

Law Enforcement Officer

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes  No  If "Yes", list:

D. Identify all association memberships and association offices held by you that relate to this appointment:

American Correctional Association

Florida Police Chiefs Association

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes  No  If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes  No  If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

Office Title

Date of Election or Appointment

Term of Office

Level of Government

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: \_\_\_\_\_

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes  No  If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes  No  If "Yes", list:

A. Title of office: \_\_\_\_\_ C. Reason for suspension: \_\_\_\_\_

B. Date of suspension: \_\_\_\_\_ D. Result: Reinstated  Removed  Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes  No  If "Yes", list:

A. Title of Office: \_\_\_\_\_

B. Term of Appointment: \_\_\_\_\_

C. Confirmation results: \_\_\_\_\_

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes  No  If "Yes", explain:

\_\_\_\_\_

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes  No  If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title &amp; Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
Corrections Officer #64255	10/15/84	Criminal Justice Standards and Training Commission	None
Correctional Probation Officer	10/1/86 Grandfathered	Criminal Justice Standards and Training Commission	None
Law Enforcement Officer #137687	5/19/93	Criminal Justice Standards and Training Commission	None

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes  No  If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes  No

A. Did you receive any compensation other than reimbursement for expenses? Yes  No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
Florida Dept. of Corrections	Department of Corrections

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Wayne Quinsey			
Juanita Chastain			
Chip Brady			

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held &amp; Term</u>	<u>Date(s) of Membership</u>
Fl. Police Chiefs Assoc.	924 N. Gadsden St. Tallahassee, Fl	None	1997-Present
American Correctional Assoc.	206 N. Washington Street, Suite 200. Alexandria, Va./None/2012-Present		
International Assoc. of Directors of Law Enforcement Standards and Training	3287 Tasa Drive, Meridian, ID,	Vice-President (1) Year	2002-11
		President (15) months	

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes  No  If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes  No

CERTIFICATION

STATE OF FLORIDA  
COUNTY OF LEON

Before me, the undersigned Notary Public of Florida, personally appeared Michael D. Crews, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

[Signature]  
Signature of Applicant-Affiant

Sworn to and subscribed before me this 28<sup>th</sup> day of January, 2013.

Bradie M. Strickland  
Signature of Notary Public-State of Florida



BRADIE M. STRICKLAND  
MY COMMISSION # EE 042817  
EXPIRES: December 2, 2014  
Bonded Thru Budget Notary Services

Bradie M. Strickland  
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: \_\_\_\_\_

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

(seal)

## MEMORANDUM

**AS A GENERAL MATTER, APPLICATIONS FOR ALL POSITIONS WITHIN STATE GOVERNMENT ARE PUBLIC RECORDS WHICH MAY BE VIEWED BY ANYONE UPON REQUEST. HOWEVER, THERE ARE SOME EXEMPTIONS FROM THE PUBLIC RECORDS LAW FOR IDENTIFYING INFORMATION RELATING TO PAST AND PRESENT LAW ENFORCEMENT OFFICERS AND THEIR FAMILIES, VICTIMS OF CERTAIN CRIMES, ETC. IF YOU BELIEVE AN EXEMPTION FROM THE PUBLIC RECORDS LAW APPLIES TO YOUR SUBMISSION, PLEASE CHECK THIS BOX.**

- Yes, I assert that identifying information provided in this application should be excluded from inspection under the Public Records Law.

Because: (please provide cite.) \_\_\_\_\_

**IF YOU NEED ADDITIONAL GUIDANCE AS TO THE APPLICABILITY OF ANY PUBLIC RECORDS LAW EXEMPTION TO YOUR SITUATION, PLEASE CONTACT THE OFFICE OF THE ATTORNEY GENERAL.**

The Office of the Attorney General  
PL-01, The Capitol  
Tallahassee, Florida 32399  
(850) 245-0150

THE FLORIDA SENATE

**COMMITTEE WITNESS OATH**

---

**CHAIR:**

**Please raise your right hand and be sworn in as a witness.**

**Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?**

**WITNESS'S NAME:** MICHAEL D. CREWS

**ANSWER:** i do.

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

**COMMITTEE NAME:** APPROPRIATIONS SUBCOMMITTEE  
ON CRIMINAL & CIVIL JUSTICE

**DATE:** MARCH 13, 2013

# *Florida's Domestic Security Program*

Mark Perez  
Special Agent in Charge

Florida Department of  
Law Enforcement

Bryan W. Koon  
Director

Florida Division of  
Emergency Management

# *Florida's Domestic Security Authority*



## **Florida Statute 943.03 (14)**

**Mandates responsibility for coordinating responses to acts of terrorism and other matters related to the domestic security of Florida to the Florida Department of Law Enforcement, but recognizes the importance of many public and private multi-disciplinary partners in accomplishing the domestic security mission.**

*RDSTF* → *SWG* → *DSOC*

# Typical RDSTF Structure

**REGIONAL DOMESTIC SECURITY TASK FORCE**  
**Co-chairs - FDLE Regional SAC & 1 Sheriff/Chief of Police from Region**

## **Campus Security**

*Training  
Equipment  
Policy/Legislation*

## **Fire Rescue**

*Training  
Equipment  
Operations*

## **Health/Medical**

*Training  
Prevention  
Awareness*

## **Communications**

*Interoperability*

## **Law Enforcement**

*Training, Equipment  
Intelligence  
Investigations*

## **Critical Infrastructure**

*Vulnerability  
Assessments/target  
hardening*

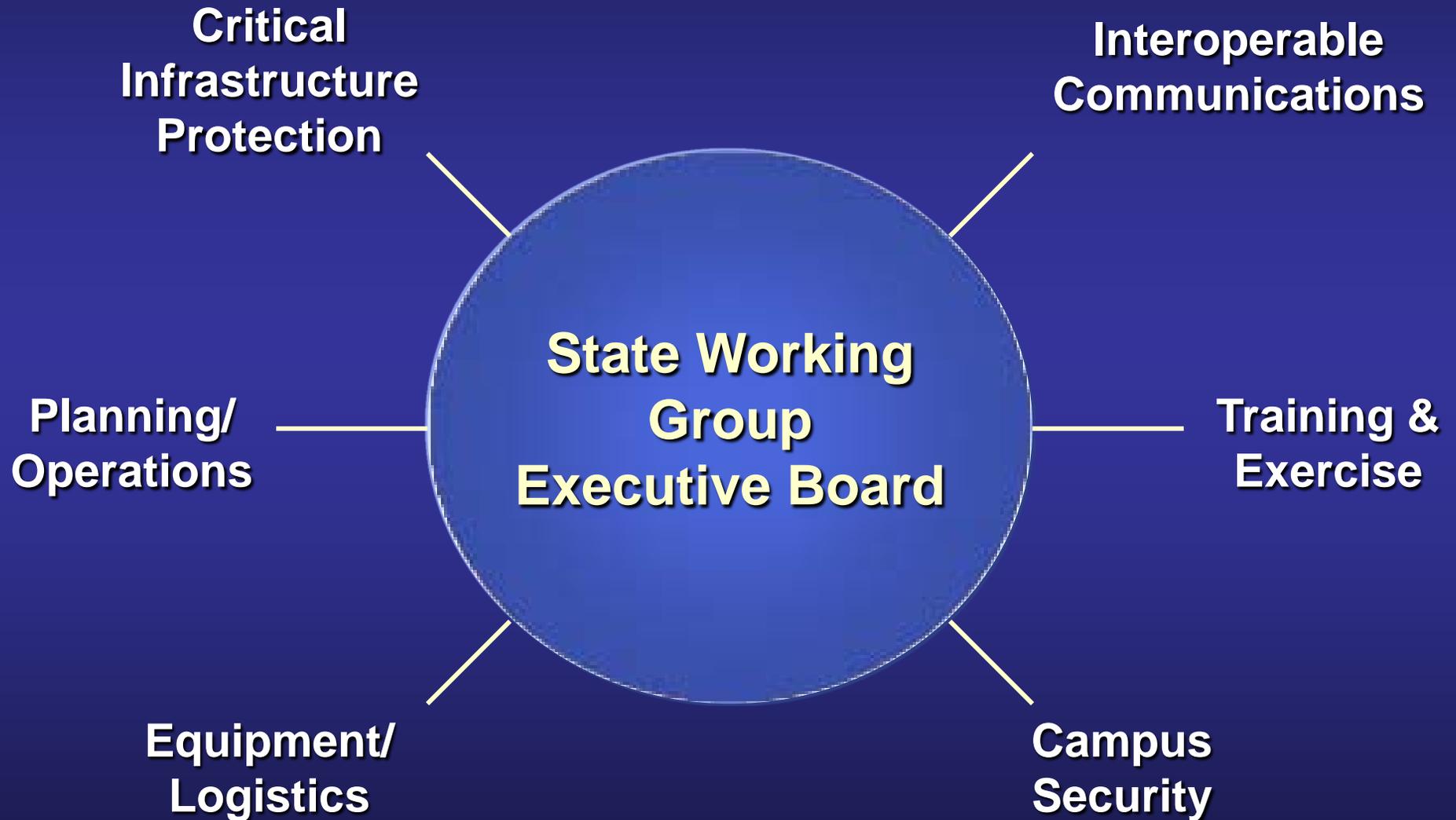
## **Public Information**

*Business/Corporate  
partnership*

## **Emergency Management**

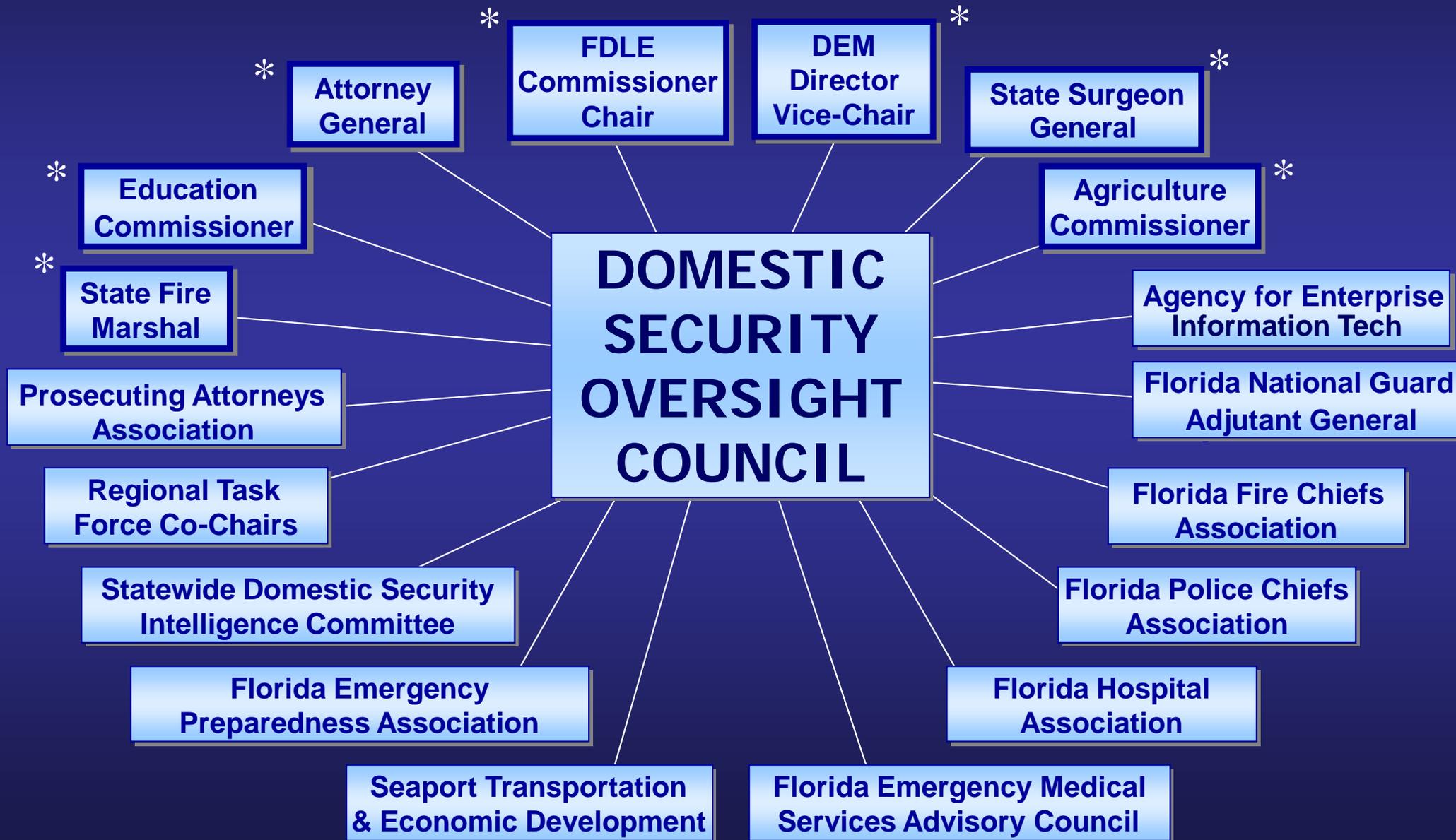
*Community  
Preparedness  
Planning & Exercises*

# *State Working Group on Domestic Preparedness*

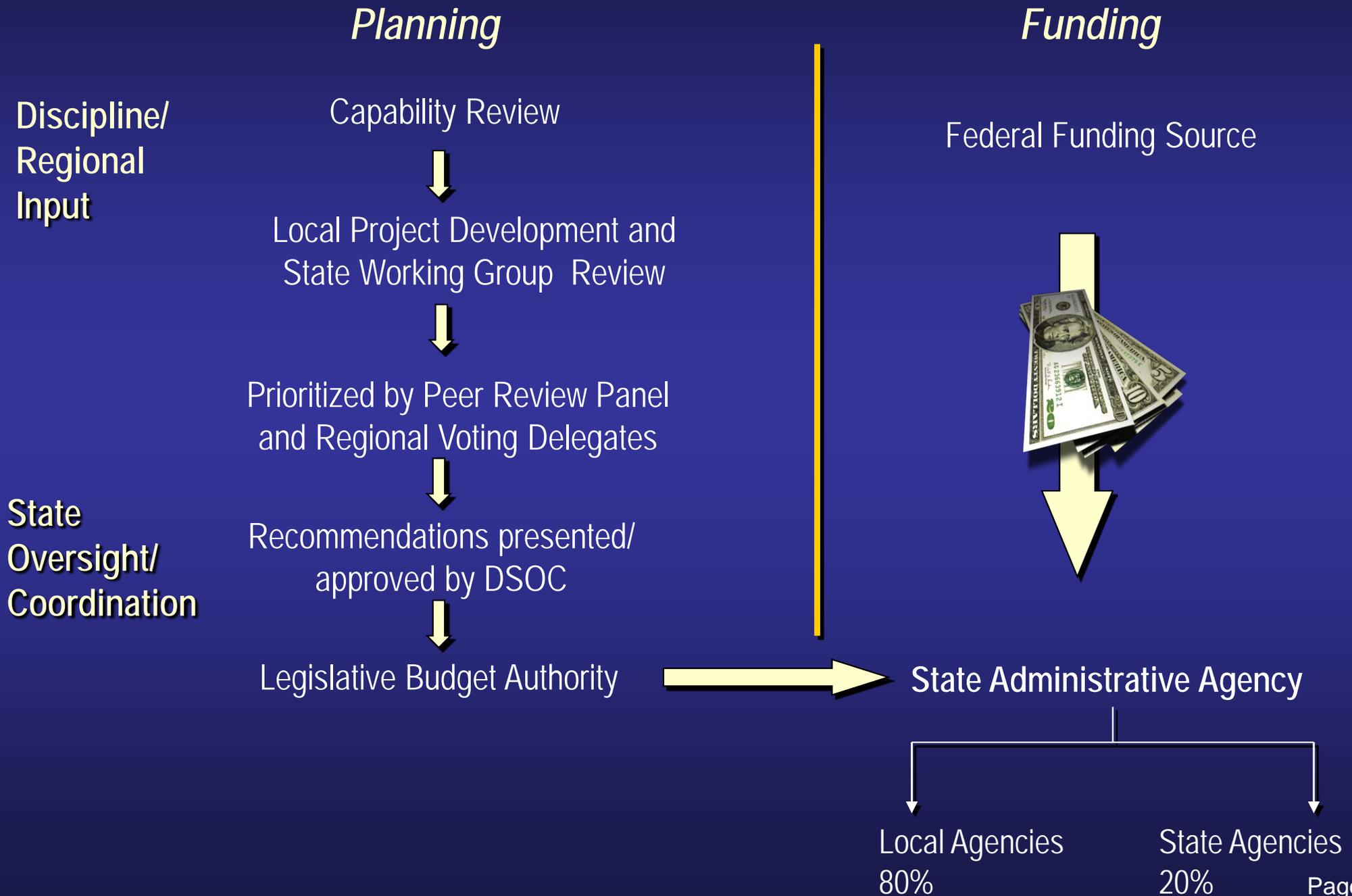


# Florida's Domestic Security Governance

## \*Executive Committee



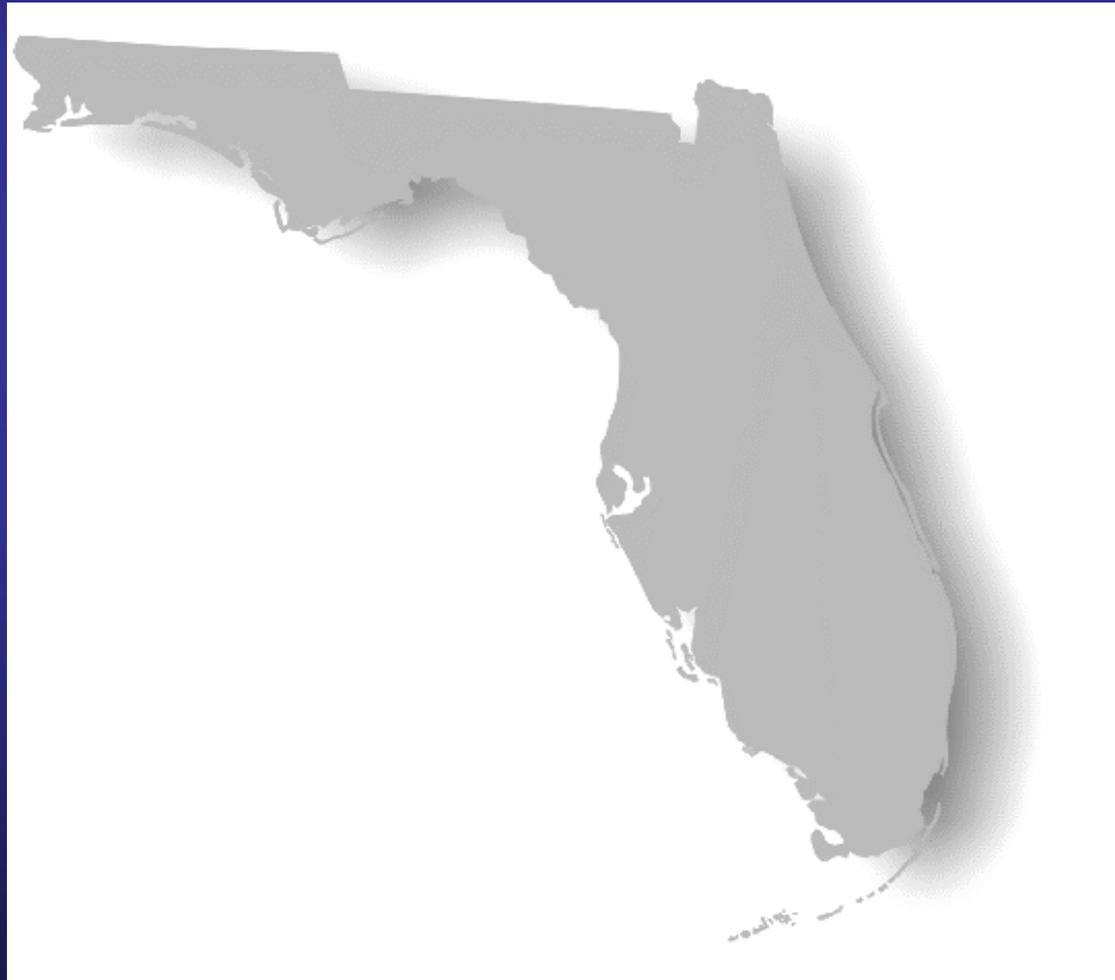
# Florida's Funding Process



# *Florida's Domestic Security*

## *Funding Recommendations*

*FY '13 – '14*



# Summary of Department of Homeland Security Funding Requested by Florida

## *Fiscal Year 2013*

State Homeland Security Program (SHSP)	<b>\$11,376,985</b>
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Urban Areas Security Initiative (UASI)	<b>\$12,700,560</b>
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<b>Total Funding Requested by Florida</b>	<b>\$24,341,733</b>
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# State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
1	Law Enforcement Response	<p><b>Law Enforcement Sustainment, Maintenance and Planning:</b> The project continues to prepare Law Enforcement Specialized Response Teams to protect Florida's citizens, visitors, and critical infrastructure by allowing SWAT and Bomb teams to maintain the capability to quickly and effectively deploy to threats and attacks. Items designated for Waterborne Response Teams assist these teams in preparing for a coordinated response in order to protect people and assets along Florida's coast, rivers, lakes, and ports. Providing the appropriate level of protection to Forensic Response Team personnel maintains the ability of personnel to work safely in a chemical environment.</p> <p>The 8 RDSTF Planners housed at the FDLE serve an essential role in coordinating regional and statewide planning efforts on behalf of agencies tasked with preventing and responding to terrorist incidents. Under Florida statute, FDLE is tasked with supporting the state's 8 RDSTFs. The RDSTF Planners play a crucial role in coordinating local efforts to prepare for and respond to terrorist incidents through a coordinated regional structure.</p>	\$787,034	\$787,034
2	Agriculture and Environment	<p><b>State Agricultural Response Team (SART) Support:</b> SART supports county, regional, and state emergency management efforts with coordinated incident response for animal emergencies. This project provides a planner to continue developing and integrating written plans into the Florida CEMP and other documents; web site, E-Newsletter, and printed materials for SART community outreach; FEMA-certified training for SART and US&amp;R members; animal handling and rescue equipment; travel funds for SART initiatives; planning, equipment, testing, and review of operational roles of the SART IMT; and coordination with the Florida Veterinary Medical Association (FVMA) for continued support of membership into the Florida Vet Corps.</p>	\$255,210	\$1,042,244
3	Law Enforcement Response	<p><b>Law Enforcement Specialty Team Critical Needs:</b> Florida's recognized regional Law Enforcement specialty teams in the areas of Bomb, SWAT, and Forensics provide extended levels of service beyond local agency capabilities. Designation as a regional team confers a willingness of named teams to provide these services as needed within a geographical region; while host agencies invest a great deal of resources into these regional teams, non-host agencies are spared these costs while still receiving the benefits of increased capabilities. While basic necessities of maintaining current capabilities have been assigned to a Sustainment and Maintenance template, this Critical Needs template seeks funds to increase current capabilities to provide for expanded levels of service to the regions and higher levels of protection for regional team personnel. By supplying teams with safer alternatives to gather essential information through various updates in technology, teams can use information gathered to develop strategic response strategies that reduce risks to themselves and citizens.</p>	\$582,156	\$1,624,400
4	Emergency Management	<p><b>Local Planning, Training and Exercise:</b> This project will allow all counties to execute a multi-disciplinary training and exercise regional plan that will test the knowledge, skills and abilities of personnel, organizations and the public/private partnerships and ensure that personnel involved in Emergency Operation Center operations/on-site incident management have and continue to receive appropriate training to fulfill their roles as required by the National Response Framework.</p>	\$1,473,400	\$3,097,800

# State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
5	Interoperable Communications	<p><b>Florida Interoperability Network (FIN):</b> This application provides for interoperable communications multi-jurisdictional and multi-discipline first responders - including local, state, and federal public safety agencies. FIN provides interoperable communications statewide, enhances regional response, can be completed within the grant period, and maximizes cost for the statewide benefit it provides.</p> <ul style="list-style-type: none"> <li>- costs less than \$14 per responder based on 75,000+ L.E. and other first responders.</li> <li>- provides remote access to radio resources statewide.</li> <li>- provides radio-to-radio patches statewide.</li> <li>- provides intercom capability between dispatch centers statewide.</li> <li>- provides conference capability between dispatch centers statewide.</li> <li>- provides the same functionality from each EDICS trailer.</li> </ul>	\$1,428,536	\$4,526,336
6	Law Enforcement Response	<p><b>Law Enforcement Specialty Team Training and Exercise:</b> Due to staff turnover, emerging technology, and equipment innovations, providing continued training to members of specialty teams is essential to team sustainment and development. Specific waterborne courses requested under this funding stream will provide marine units with the ability to respond during high threat and high risk rescue operations, and will enhance regional capability to escort high risk vessels in and out of Florida's ports. Training for Explosive Ordinance Disposal teams expands personnel knowledge of emerging techniques and procedures; ensuring the ability to capitalize on lessons learned from other jurisdictions, and allowing new techniques and procedures to be practiced, developed, and honed in a low-risk environment. Specialized SWAT training allows personnel to study updated techniques. Exercises geared towards SWAT teams allow for new techniques to be tested and implemented by teams in a low-stress, safe environment.</p>	\$151,900	\$4,678,236
7	Agriculture and Environment	<p><b>Table-top Electron Microscope:</b> This project will allow DACS – Division of Plant Industry to enhance current virus diagnostic capabilities that will benefit the State. Put the State in a better position to quickly identify new plant viruses that could be a threat to Florida agriculture and proper disposal of infected plant material.</p>	\$244,475	\$4,922,711
8	Campus Security	<p><b>Mass Communication:</b> This project seeks to correct identified vulnerabilities in K-20 Mass Communication Systems for campuses at Florida's public schools and institutions of Higher Education. Through a collaborative process with RDSTF participation, the K-20 Campus Security Committee has identified projects based on critical needs utilizing ACAMS.</p> <p>School districts and institutions of Higher Education will coordinate with public safety agencies and RDSTF interoperable communications and/or UASIs on the acquisition of mass notification/communications equipment to provide a continuous flow of critical information that will maximize effective and swift communication with Florida citizens, visitors and the campus community. Improvements will be geared toward system enhancements (such as software programs, equipment, speakers, repeaters, and BDAs). This project continues the build out of existing mass/communication systems and components that rectify deficiencies noted in recent assessments conducted by certified critical infrastructure planners</p>	\$742,645	\$5,665,356

# State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
9	Critical Infrastructure	<b>R1 – Bay County K-12 Target Hardening:</b> This project seeks to correct identified vulnerabilities in the areas of access control and target hardening for Florida's public K-12 school campuses in Bay County. Through a collaborative process with RDSTF participation, the Critical Infrastructure Committee has identified projects based on critical needs utilizing the approved assessment tool, ACAMS.	\$145,000	\$5,810,356
10	Fire Rescue	<b>USAR HazMat Sustainment:</b> This project funds the sustainment of specifically identified items from equipment caches for 23 of the Type II WMD Regional Hazardous Materials Response Teams and three (3) of the State Urban Search & Rescue Task Forces. Funding provides the capability to maintain, repair and/or service specific high end technological equipment purchased with federal grant monies.	\$383,776	\$6,194,132

# State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
11	Fire Rescue*	<b>US&amp;R Hazmat IMT Training and Exercise:</b> This project provides specialized training to members of eight (8) Urban Search & Rescue Task Forces, (11) Type II WMD Regional Hazardous Materials Response Teams and the State's Type I, II, III Incident Management Teams. All training provided is consistent with the Grants and Training guidelines and is necessary to maintain proficiency in mission specific operations, and provides training and exercises that are individually crafted for each response entity to address gaps identified in the Florida Domestic Security Capabilities Assessment, as well as programmatic Urban Search and Rescue Operational Readiness Evaluations and Hazardous Materials Operational Readiness Evaluations. Specifically the training will address the following needs: training designed to stem the loss of trained personnel in Urban Search & Rescue and Hazardous Materials Teams, the provision of cross discipline and hazard specific training (conducted in many instances in a regional format) and improved collaboration between specialty teams.	\$464,980	\$6,659,112
12	Critical Infrastructure*	<b>R2 – K-12 Schools Target Hardening:</b> This project seeks to correct identified vulnerabilities in the areas of access control and target hardening at Florida's public K-12 schools within Region 2. Goal of this project is to improve access control at Florida's older public educational facilities and harden them against being potential targets.	\$180,000	\$6,839,112
13	Critical Infrastructure*	<b>R2 – Tallahassee Community College Target Hardening:</b> This project seeks to reduce or mitigate person(s) harming students, faculty, staff, and visitors at the Tallahassee Community College. Additionally, this project seeks to reduce or mitigate the school being identified as soft or easier targets based on security at hand. It is widely recognized that schools are targets of terrorism based due to the large groups of people – especially children - concentrated in smaller areas, as well as the significant transcending emotional impact caused by attack. Schools have proven to be easy targets due to their inherent openness as community centers.	\$110,000	\$949,112
14	Critical Infrastructure*	<b>R1 – Escambia County EOC Phase Project:</b> Escambia County Emergency Management is proposing to install a security fence around the Escambia County Public Safety facility, which is the home of the County 911/County Warning Point, County Emergency Medical Services (EMS), County Fire-Rescue Administration, and the County Emergency Operations Center. Projected threats to the critical facility that this project is expected to protect and mitigate against will be from threats of domestic and international terrorism and civil disobedience that may be implemented in an effort to disrupt critical operations and threaten the safety and well-being of first responders. This threat could come in the form of any person walking up to and into the facility, to a vehicle parking next to the facility, to a vehicle driving into the facility. The facility itself just does not have any buffer zone built around the facility.	\$194,956	\$7,144,068

# State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
15	Critical Infrastructure*	<b>R2 – Regional Courthouse Security:</b> This project's intent is to continue build-out of video monitoring capability for Region 2 courthouses by implementing enhancements at the following two sites: Gadsden County Courthouse Complex (\$20,000) and Wakulla County Courthouse Complex (\$20,000). The project is meant to fill the identified gaps thus increasing the ability to actively monitor via live video feeds of pre-identified areas of coverage by the Sheriff's Office/Bailiff's units in the at their respective facility, with additional capability to monitor from the Second Judicial Circuit Court Administrator/Trial Marshal's Office in Leon County via IP feed. These cameras will be monitored by personnel during regular business hours and court time with the capability to monitor outside those time frames in the event of increased threat levels.	\$40,000	\$7,184,068
16	Fire Rescue*	<b>MARC Interoperable Communications Sustainment:</b> MARC teams and equipment support the continuous flow of critical information between multi-jurisdictional and multi-disciplinary emergency responders by providing mobile and portable field communications capability. The MARC teams further provide emergency communication infrastructure to a state, county, or local jurisdiction to augment or replace communications infrastructure in a locale. The teams provide state, county, and local jurisdictions with resources, trained personnel, and supplies to support impacted communications infrastructure. MARC teams provide immediate response assets to assist in the dispatch and safe arrival of initial fire suppression resources and US&R resources through the dissemination of preprogrammed portable and mobile radios equipped with the National Mutual Aid frequencies.	\$81,800	\$7,265,868
17	Critical Infrastructure*	<b>R4 – Hillsborough River Dam Project:</b> The Hillsborough River Dam Surveillance/Access Control target hardening project will monitor, detect and track, in real time (day or night), people who intrude into the dam's perimeter (by water or land), and create an immediate alarmed response to local law enforcement, the dam operator and local government water officials. The dam's core capability is to impound raw water that will then be treated and made potable by another critical asset, the David L Tippin Water Treatment Plant. The project will increase protection, mitigate vulnerability and minimize risk that the dam's core capability could be compromised.	\$100,000	\$7,365,868
18	Critical Infrastructure*	<b>Lake Mary Police Department Target Hardening:</b> The intent of this project is to enhance the physical security of the Lake Mary Police Department (LMPD) with powered, commercial grade fencing in an effort to reduce vulnerabilities to the structure. The LMPD houses two (2) of the eighteen (18) national critical infrastructure sectors as it relates to homeland security preparedness and protection; i.e., Emergency Services and Communications. The Communications Center accommodates radio and telecommunications systems that are essential for transmitting both voice and data information critical to law enforcement and public safety operations.	\$68,785	\$7,434,653

# State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
19	Critical Infrastructure*	<b>R4 – Tampa General Hospital Access Control:</b> Tampa General Hospital Access Control target hardening project will correct major access control vulnerabilities at Tampa General Hospital, a private, not-for-profit hospital and the only Level 1 Trauma Center for over 4 million people in an 12 county area. This hospital serves Florida Department of Law Enforcement Region 4 and part of Region 6. Its location and its development pattern create a target that's very easy to breach by land, air and water. It was originally built in the 1920s and many buildings have been constructed in the decades since. The result is a very dense development pattern with buildings oddly juxtaposed, numerous ingress/egress points, blank walls and blind spots. The site is the northern tip of Davis Islands. The hospital is surrounded on three sides by navigable waterways (north, east, west).	\$50,000	\$7,484,653
20	Critical Infrastructure*	<b>R2 – Florida State University Mass Gathering Security:</b> This project is for the purchase of a mobile surveillance platform such as Skywatch (Note: this trailered unit-not a vehicle). This piece of equipment will be stored and maintained by the FSU-PD for use at SEAR Level IV and V events at designated critical infrastructure sites of both national and state significance within Region 2. It will be utilized to monitor crowds at elevated levels locally (on-site) with a capability to also monitor remotely. This project will mirror similar capabilities in place within other Florida RDSTFs. This piece of equipment will be considered a regional asset that may be utilized at other mass gathering events throughout the region.	\$115,324	\$7,599,977
21	Critical Infrastructure*	<b>R5 – Water Facility Security Camera System, Winter Springs Police Department:</b> The City of Winter Springs is seeking federal homeland security funding to acquire a closed circuit camera/video security system to protect a city owned water treatment plant in an effort to mitigate against potential contamination attempts and/or criminal disruption of vital water services. The City of Winter Springs Water Plant 1 is the largest and only facility with access to fiber optics that the city has for the citizens. The proposed security system will be monitored continually as it will be directly linked to a central monitoring site located within the Winter Springs Police Department Communications Center which operates 24/7.	\$84,171	\$7,684,148
22	Critical Infrastructure*	<b>R5 – Maitland Police Department Radio Tower Hardening Project:</b> The intent of this project is to obtain federal homeland security funding to enhance the physical security of an integrated radio communications tower utilized by the City of Maitland Police Department for law enforcement operations. This communications system has inter-operable capabilities and transmits both voice and data information critical to law enforcement operations. A key component of this communication system is a 200 foot tower currently located on city property along with a water treatment plant, a public park, and sizeable neighborhood nearby. The tower is a vital and important part of a strategic initiative to respond to all calls and is a critical infrastructure.	\$48,260	\$7,732,408

# State Homeland Security Program (SHSP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
23	Critical Infrastructure*	<b>R7 – FDLE Miami ROC Target Hardening Project:</b> This funding will allow for the enhancement of the outdated analog access control and surveillance camera system, and ensure the protection of regional law enforcement, emergency vehicles and equipment, including the emergency generators utilized by the facility during power outages and disasters such as Hurricanes Katrina and Wilma to keep the Regional Law Enforcement Coordinating Team (RLECT) operational. This facility is essential for providing public safety services to the community. It should be noted that the facility is not occupied 24/7 unless there is a response to a natural/manmade disaster or other operational necessity. This facility also provides logistical support in the way of office space, parking, and computer/communications network links for the Florida Highway Patrol, Florida Department of Agriculture, Florida Department of Environment Protections, and the Miami Dade Police Department. The regional facility also provides training and training support to Region Seven's law enforcement and other partners.	\$70,000	\$7,802,408
24	Critical Infrastructure*	<b>Duval County Unified Courthouse Hardening:</b> Implementation will provide added security as part of the camera system in place. Program employs "package left behind technology" within confines of the building as well as the exterior. Also provides means to detect items thrown over fence lines around loading dock and generator areas. Additional project alerts security should an individual attempt to enter an exit door without detection. Provide increased security for judges, officers, employees and civilians that will visit this facility.	\$356,708	\$8,159,116
25	Critical Infrastructure*	<b>Jewish Community Security Enhancement Proposal:</b> The goal of the Jewish Federation of Jacksonville Security Enhancement Project is to, based on law enforcement assessments, upgrade from old and install new (where applicable) external and internal security devices that will serve to protect many of the institutions of the Jewish community. The rationale for these security needs is that, on a constant basis, organizations that are Jewish in identity are under a constant state of 'high alert' because of real incidents both at home and abroad. These threats necessitate vigilance in the area of both hard and soft security protection.	\$228,169	\$8,387,285

# Law Enforcement Terrorism Prevention (LETP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
1	Law Enforcement Prevention	<b>Regional Fusion Centers:</b> The continued use of identified secure threat messaging tools, statewide intelligence databases, analytical software and analyst personnel to support domestic security investigations and fusion operations to ensure statewide uniform practices of collection, analysis and reporting of criminal and terrorism indicators and suspicious activity.	\$512,804	\$512,804
2	Law Enforcement Prevention	<b>Statewide Datasharing:</b> Operation of the regional and state data sharing systems provides participating law enforcement agencies an edge over increasingly sophisticated and mobile criminals resulting in greater domestic security while enhancing the safety of our officers, visitors, and the public. The accessibility to multijurisdictional information such as name records, phone numbers, tag numbers, pawn data, incident reports, dispatch records, and offense information helps save valuable time in discerning patterns in criminal activity and in tracking criminals.	\$1,425,000	\$1,937,804
3	Law Enforcement Prevention	<b>Florida Fusion Center:</b> The continued use of identified secure threat messaging tools, statewide intelligence databases, analytical software and analyst personnel to support domestic security investigations and fusion operations to ensure statewide uniform practices of collection, analysis and reporting of criminal and terrorism indicators and suspicious activity. Funding request also includes training and planning sessions for the fusion centers statewide.	\$221,000	\$2,158,804

# Law Enforcement Terrorism Prevention (LETP)

Final Project Priority	Funding Committee	Project Title/Description	Requested Amount	Running Total
4	Law Enforcement Prevention*	<b>Critical Infrastructure (CI) Planners:</b> Continue funding for 8 Critical Infrastructure Planner positions, one in each region and one at FDLE HQ to ensure Florida's compliance with the implementation of the National Infrastructure Protection Plan	\$378,500	\$2,537,304
5	Law Enforcement Prevention*	<b>Query Tool for Combined Commercial Public Data &amp; State Owned LE Data:</b> Distributed Factual Analysis Criminal Threat Solution (dFACTS) provides the ability for factual data analysis by combining commercially available public data with state owned and maintained law enforcement data making it accessible via a single query.	\$100,729	\$2,638,033
6	Law Enforcement Prevention*	<b>Metadata Planners:</b> Continued funding for 8 Metadata Planner positions that work with the FLEX/RLEX initiative. The planners coordinate with law enforcement agencies and information technology staff, operating the data sharing systems to identify, classify, extract, transmit, and load data between systems.	\$351,667	\$2,989,700

THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-13-13  
Meeting Date

Topic CONTROLLED SUBSTANCES

Bill Number 294  
*(if applicable)*

Name BETH LABASKY

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Consultant

Address 13211 Boney Rd.

Phone 350-322-7335

JACKSONVILLE FLA 32226  
City State Zip

E-mail bethlabasky@aol.com

Speaking:  For  Against  Information

Representing INFORMED FAMILIES OF FLORIDA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

LOAIVE TIME IN SUPPORT

THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-13-2013  
Meeting Date

Topic CONTROLLED SUBSTANCES

Bill Number SB 294  
*(if applicable)*

Name STEPHEN R. WINN

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title EXECUTIVE DIRECTOR

Address 20017 APALACHEE PARKWAY

Phone 818-7463

TALLAHASSEE FL 32301  
City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing FLORIDA OSTEOPATHIC MEDICAL ASSOCIATION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/13/12

Meeting Date

Topic Controlled substances

Bill Number SB 294 (if applicable)

Name Lindsey Perkins

Amendment Barcode (if applicable)

Job Title Lobbyist

Address 123 S. Adams St.

Phone (850) 671-4401

Street

Tallahassee

FL

32301

City

State

Zip

E-mail perkins@sostategy.com

Speaking:  For  Against  Information

Representing Florida Sheriffs Association

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/13/13

Meeting Date

Topic SB 294

Bill Number 294 (if applicable)

Name Casey Cook

Amendment Barcode (if applicable)

Job Title Legislative Advocate

Address PO Box 1757

Phone 850 701 3701

Street

Tallahassee

FL

32302

City

State

Zip

E-mail ccook@flcities.com

Speaking:  For  Against  Information

Representing Florida League of Cities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/13/13  
Meeting Date

Topic \_\_\_\_\_

Bill Number 294  
(if applicable)

Name LESA FREEMAN

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Commissioner Margate FL

Address 5790 Margate Blvd  
Street

Phone \_\_\_\_\_

Margate FL 33063  
City State Zip

E-mail L.FREEMAN@MargateFL.com

Speaking:  For  Against  Information

Representing Margate FL

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/13/13  
Meeting Date

Topic \_\_\_\_\_

Bill Number 294  
(if applicable)

Name Joanne Simone

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Margate Commissioner

Address 5790 Margate Blvd  
Street

Phone \_\_\_\_\_

Margate FL 33063  
City State Zip

E-mail J.Simone@MargateFL.com

Speaking:  For  Against  Information

Representing Margate FL

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/13/2013

Meeting Date

Topic CONTROLLED SUBSTANCES

Bill Number 294  
(if applicable)

Name ERIC WESTERLUND

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title LIEUTENANT

Address 123 W. INDIANA AVENUE  
Street

Phone \_\_\_\_\_

DELAND FL 32720  
City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing FLORIDA SHERIFF'S ASSOCIATION

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-13-13

Meeting Date

Topic Controlled Substances

Bill Number 294  
(if applicable)

Name ROB JOHNSON

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title LEGISLATIVE DIRECTOR / ATTORNEY GENERAL

Address PL-01  
Street

Phone 245-0145

TALL FL 32309  
City State Zip

E-mail rob.johnson@myflorida  
legal.com

Speaking:  For  Against  Information

Representing AG BONDI

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3.13.13

Meeting Date

Topic

Controlled Substances

Bill Number

294

(if applicable)

Name

Use Hurley

Amendment Barcode

(if applicable)

Job Title

Address

100 S Monroe St

Phone

922.4300

Street

E-mail

City

State

Zip

Speaking:

For

Against

Information

Representing

FL Assoc of Counties

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

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S-001 (10/20/11)

THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/13/2013  
Meeting Date

Topic Violence Prosecuting Violence Against Emergency Healthcare workers Bill Number \_\_\_\_\_ (if applicable)  
Name Penny Blake Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title RN Chair, FL Emergency Nurses Gov't affairs  
Address 108 Paradise Harbour Blvd #515 Phone 561-308-4622  
NPB FL 33408-5036 E-mail pb8991@aol.com  
City State Zip

Speaking:  For  Against  Information

Representing Florida Emergency Nurses Ass

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_  
Topic Confirmation Bill Number \_\_\_\_\_ (if applicable)  
Name Michael D Crews Amendment Barcode \_\_\_\_\_ (if applicable)  
Job Title Secretary  
Address 501 S. Calhoun St. Phone 717-3030  
Atlatlassee FL 32399 E-mail Michael.Crews@noil.state.fl.us  
City State Zip

Speaking:  For  Against  Information

Representing Dept. of Corrections

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-13-13

Meeting Date

Topic Domestic Security Program

Bill Number \_\_\_\_\_  
*(if applicable)*

Name Bryan Koon

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Director

Address 2555 Shunard Oak

Phone 850-413-09969

Street

Tallahassee

FL

32399

City

State

Zip

E-mail Bryan.Koon@em.mylorida.com

Speaking:  For  Against  Information

Representing FL Division of Emergency mgmt

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

03/13/13

Meeting Date

Topic Update on FL Domestic Security Funding Recommendations

Bill Number \_\_\_\_\_  
*(if applicable)*

Name Mark Perez

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Special Agent in Charge

Address 2331 Phillips Road

Phone 850-410-8390

Street

Tallahassee

FL

32302

City

State

Zip

E-mail markperez@fdle.state.fl.us

Speaking:  For  Against  Information

Representing Florida Department of Law Enforcement

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/20/11)



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on Criminal and Civil Justice  
Appropriations Subcommittee on Finance and Tax  
Banking and Insurance  
Children, Families, and Elder Affairs  
Ethics and Elections  
Rules  
Transportation

### JOINT COMMITTEE:

Joint Committee on Administrative Procedures

**SENATOR MIGUEL DIAZ de la PORTILLA**

40th District

March 13, 2013

The Honorable Rob Bradley  
Chairman  
Senate Appropriations Subcommittee on  
Criminal and Civil Justice

Via Email & Delivery

Dear Chairman Bradley:

I will be unable to attend the Committee meeting this morning of the Senate Appropriations Subcommittee on Criminal and Civil Justice.

I respectfully request that I be excused. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Miguel Diaz de la Portilla" with a stylized flourish and the number "40" at the end.

Miguel Diaz de la Portilla  
State Senator, District 40

Cc: Mr. Tim Sadberry, Staff Director  
Ms. Michelle Sanders, Committee Administrative Assistant

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 312 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

# CourtSmart Tag Report

Room: LL 37

Case:

Type:

Caption: Appropriations Subcommittee on Criminal and Civil Justice

Judge:

Started: 3/13/2013 9:11:36 AM

Ends: 3/13/2013 11:15:34 AM

Length: 02:03:59

9:11:38 AM Meeting called to order.  
9:11:44 AM Chairman Bradley opens.  
9:12:19 AM TAB 1- SB 746 by Stargel - Terms of Court  
9:12:59 AM Rachel Barnes, legislative aide for Senator Stargel, recognized.  
9:13:25 AM By committee vote, the bill is recommended favorably.  
9:13:57 AM TAB 2- SB 294 by Bradley - Controlled Substances  
9:13:58 AM Chmn. Bradley, recognized.  
9:15:57 AM Beth Labasky waives in support.  
9:15:59 AM Stephen Winn waives in support.  
9:16:00 AM Casey Cook waives in support.  
9:16:07 AM Lindsey Perkins waives in support.  
9:16:18 AM Lesa Peerman waives in support.  
9:16:35 AM Eric Westkall waives in support.  
9:16:36 AM Joanne Simone waives in support.  
9:16:42 AM Rob Johnson waives in support.  
9:16:49 AM Lisa Hurley waives in support.  
9:17:21 AM Senator Clemens expresses his support for the bill.  
9:18:16 AM By committee vote, the bill is recommended favorably.  
9:18:52 AM TAB 3- Senate Confirmation Hearing, Secretary of Corrections  
9:19:14 AM Michael D. Crews, Secretary, Department of Corrections, recognized.  
9:22:41 AM Chmn. Bradley asks what the DOC's biggest challenge is.  
9:23:05 AM Sec. Crews responds that it is the agency deficit.  
9:24:26 AM Chmn. Bradley asks Sec. Crews for his vision of the DOC.  
9:24:47 AM Sec. Crews responds.  
9:30:51 AM Chmn. Bradley asks Sec. Crews for his broader vision.  
9:32:32 AM Sec. Crews responds that he wants to map out a plan for long term savings, including reducing recidivism and using more volunteers.  
9:36:20 AM Senator Dean asks how long the inherited deficit has been in existence.  
9:37:20 AM Sec. Crews responds that he will find out.  
9:39:43 AM Sen. Dean asks a follow up question about how the DOC would manage the privatization of health services.  
9:40:45 AM Sec. Crews responds.  
9:42:57 AM Sen. Dean asks about pre-release, and how the DOC tries to help institutionalized individuals transition.  
9:44:00 AM Sec. Crews responds that the process begins immediately, and that education level is the most reliable indicator of the recidivism rate.  
9:48:26 AM Sen. Dean asks if the DOC is accredited.  
9:49:00 AM Sec. Crews responds that it is.  
9:50:32 AM Senator Hays asks what Sec. Crews needs from the legislature to make the DOC an example for the rest of the nation.  
9:51:32 AM Sec. Crews responds that the DOC needs support for key initiatives.  
9:54:55 AM Sen. Hays asks Sec. Crews to keep the committee aware of DOC needs.  
9:56:05 AM Sec. Crews responds that opening the Gadsden re-entry center is a priority, and that his biggest concern is staffing.  
9:58:30 AM Sen. Hays comments that he wants the DOC employees to know that they have the full backing of the committee, and asks if they are planning on instituting more faith and character programs.  
9:59:31 AM Sec. Crews responds that they are.  
10:01:21 AM Sen. Hays comments on the Angola program.  
10:01:29 AM Chmn. Bradley comments on best practices.  
10:01:51 AM Senator Soto asks about checks on DOC corruption.  
10:02:37 AM Sec. Crews responds that no one will hold them more accountable than they do themselves.  
10:04:45 AM Sen. Soto asks about violence in prisons.  
10:05:26 AM Sec. Crews responds that they institute criminal investigations.

**10:07:02 AM** Sen. Soto asks about Sec. Crews' opinion of working with the unions.

**10:07:30 AM** Sec. Crews responds that they try to establish a good working relationship with them.

**10:08:33 AM** Sen. Dean asks about professional standards of officer security.

**10:09:37 AM** Sec. Crews responds that they will not drop their standards, but that they have a retention problem that makes maintaining standards difficult.

**10:12:44 AM** Senator Grimsley asks what strengthens or limits Sec. Crews' ability to do this job.

**10:13:38 AM** Sec. Crews responds that it is impossible to be ready for this job.

**10:15:47 AM** Sen. Grimsley asks what his personal professional strengths are.

**10:16:06 AM** Sec. Crews responds that he has never backed away from a challenge.

**10:17:50 AM** Senator Braynon asks how the turnover affects the DOC, and how Sec. Crews will combat this.

**10:19:07 AM** Sec. Crews responds that it does affect morale, and consistency will help.

**10:20:07 AM** Senator Flores asks about the Smart Justice movement.

**10:20:41 AM** Sec. Crews responds that the DOC role is to make sure they house those who are sentenced.

**10:22:02 AM** Senator Joyner asks what role the DOC had in the decision about work release.

**10:22:36 AM** Sec. Crews says that it was his decision.

**10:24:32 AM** Sen. Joyner asks if this has made them look at the entire work release program.

**10:25:00 AM** Sec. Crews says that it has, and that they are looking at the offense classifications as well as the complete program.

**10:26:56 AM** Sen. Joyner asks how many work release centers there are, and how long it will take to look at all of them.

**10:27:15 AM** Sec. Crews responds that they have 33, and expect it to take at least a few months to complete.

**10:28:09 AM** Sen. Joyner asks if the centers are designated for certain types of offenders or if they are a mix.

**10:28:42 AM** Sec. Crews responds that it is a mix.

**10:29:47 AM** Sen. Joyner asks if the work release program works with the DOC's re-entry program, as well as whether they work with local law enforcement in that regard.

**10:30:13 AM** Sec. Crews responds that they do.

**10:32:23 AM** Sen. Joyner asks about a couple of specific situations that she finds problematic, recommending that Sec. Crews look at these issues.

**10:35:33 AM** Sec. Crews responds that he will provide Sen. Joyner with more information.

**10:37:07 AM** Sen. Joyner responds and describes additional specific issues.

**10:38:49 AM** Sec. Crews responds that he will provide Sen. Joyner with the information she requests.

**10:39:49 AM** Sen. Dean asks a question.

**10:40:08 AM** Sen. Joyner responds.

**10:40:42 AM** Chmn. Bradley asks for an update on the status of the implementation of an automated time and attendance system.

**10:42:25 AM** Sec. Crews responds that there was no money appropriated up front to implement the system.

**10:45:07 AM** Sen. Dean asks if the legislature gave the DOC an unfunded mandate.

**10:45:29 AM** Sec. Crews responds that the system would be paid for in savings, without an upfront appropriation to pay for implementation.

**10:46:25 AM** Chmn. Bradley asks about performance measures and benchmarks.

**10:47:24 AM** Sec. Crews responds that he has looked them over and has no reservations about the benchmarks.

**10:48:23 AM** Chmn. Bradley responds that they welcome any input from the DOC.

**10:49:29 AM** By committee vote, the confirmation/appointment of Secretary Crews is recommended favorably.

**10:50:33 AM** Senator Altman expresses his support for SB 746 and SB 294.

**10:51:36 AM** TAB 4- Update on Florida's Domestic Security Funding Recommendations for Fiscal Year 2013-14

**10:52:20 AM** Mark Perez, Special Agent in Charge, Department of Law Enforcement, recognized.

**10:55:54 AM** Bryan Koon, Director, Department of Emergency Management, recognized.

**11:01:35 AM** Sen. Hays asks a question about interoperability networks.

**11:02:15 AM** Mr. Perez responds.

**11:02:57 AM** Sen. Hays asks a follow up question about how the networks differ.

**11:03:23 AM** Mr. Perez responds that one enhances and supports the other.

**11:04:24 AM** Sen. Soto asks how they determine critical infrastructure projects.

**11:04:57 AM** Mr. Perez responds that they have planners throughout the state.

**11:06:35 AM** Sen. Soto asks if it is appropriate that these requests come from the local governments.

**11:07:06 AM** Mr. Perez responds that the planners make requests as well and it isn't just the local governments asking for resources.

**11:07:54 AM** Mr. Koon responds that they rely on their partners at the county emergency management level to know what needs improving.

**11:08:14 AM** Sen. Soto asks a follow up question about school safety issues.

**11:09:01 AM** Mr. Perez responds that the state formed the campus security group in 2007 and rely on planners, schools, and community resource officers for assessments.

**11:10:41 AM** Sen. Soto comments on priorities.

**11:11:20 AM** Mr. Perez responds that training is also a crucial key.  
**11:12:02 AM** Penny Blake, RN Chair, Florida Emergency Nurses Association, recognized.  
**11:15:13 AM** Meeting adjourned.