

SB 288 by **Bradley**; (Identical to H 0311) Costs of Prosecution, Investigation, and Representation

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

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CRIMINAL JUSTICE
Senator Evers, Chair
Senator Smith, Vice Chair

MEETING DATE: Tuesday, February 5, 2013
TIME: 9:00 —11:00 a.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Evers, Chair; Senator Smith, Vice Chair; Senators Altman, Bradley, Dean, Gibson, and Simmons

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 288 Bradley (Identical H 311)	Costs of Prosecution, Investigation, and Representation; Providing for the withholding of unpaid costs of prosecution and representation from the return of a cash bond posted on behalf of a criminal defendant; requiring a notice on bond forms of such possible withholding; providing for assessment of costs of prosecution against a juvenile who has been adjudicated delinquent or has adjudication of delinquency withheld, etc. CJ 02/05/2013 Favorable JU ACJ AP	Favorable Yeas 5 Nays 1
2	SB 294 Bradley	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 ACJ AP	Favorable Yeas 6 Nays 0

Other Related Meeting Documents

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 Committee on Criminal Justice

BILL: SB 288

INTRODUCER: Senator Bradley

SUBJECT: Costs of Prosecution, Investigation, and Representation

DATE: January 22, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Cannon	CJ	Favorable
2.	_____	_____	JU	_____
3.	_____	_____	ACJ	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 288 includes costs of prosecution and costs of representation among those fees, costs, and penalties to be withheld from cash bond posted on behalf of a defendant. The bill provides clarification regarding the collection of cost payments in certain traffic cases. The bill also requires the assessment of costs of prosecution in juvenile delinquency proceedings.

This bill substantially amends the following sections of the Florida Statutes: 903.286, 938.27, and 985.032.

II. Present Situation:

Costs of Prosecution

Section 938.27, F.S., provides that convicted persons are liable for costs of prosecution at the rate of \$50 in misdemeanor or criminal traffic offense cases and \$100 in felony criminal cases, unless the prosecutor proves that costs are higher in the particular case before the court.¹ The costs of prosecution are deposited into the State Attorneys Revenue Trust Fund.²

Convicted persons are also liable for payment of investigative costs incurred by a law enforcement agency, fire department, or the Department of Financial Services and the Office of Financial Regulation of the Financial Services Commission.³ Conviction, for this purpose,

¹ Section 938.27(8), F.S.

² *Id.*

³ Section 938.27(1), F.S.

includes a determination of guilt, or of violation of probation or community control, which is a result of a plea, trial, or violation proceeding, regardless of whether adjudication is withheld.⁴

Costs of Representation

Section 938.29, F.S., provides that convicted persons are liable for payment of the \$50 public defender application fee under s. 27.52(1)(b), F.S., and attorney's fees and costs if he or she received assistance from the public defender's office, a special assistant public defender, the office of criminal conflict and civil regional counsel, or a private conflict attorney, or who has received due process services after being found indigent for costs.

Costs of representation may be imposed at the rate of \$50 in misdemeanor or criminal traffic offense cases and \$100 in felony criminal cases. The court may set a higher amount upon showing of sufficient proof of higher fees or costs incurred. The costs of representation are deposited into the Indigent Criminal Defense Trust Fund.⁵

The court may order payment of the assessed application fee and attorney's fees and costs as a condition of probation, of suspension of sentence, or of withholding the imposition of sentence. The clerk within the county where the defendant was tried or received services from a public defender is responsible for enforcing, satisfying, compromising, settling, subordinating, releasing, or otherwise disposing of any debt or lien imposed.⁶

Clerks to Collect and Disburse Funds

Section 28.246(2), F.S., requires the clerk of the circuit court (clerk) to establish and maintain a system of accounts receivable for court-related fees, charges, and costs.

The clerk may accept partial payments for all fees, charges, and costs in accordance with the terms of an established payment plan.⁷ The clerk may enter into a payment plan when an individual is determined to be indigent for costs by the court.⁸

Criminal Traffic Case Disposition

The clerk of the court is authorized by s. 318.14, F.S., to dispose of certain misdemeanor criminal traffic violations in which the defendant shows the clerk that he or she is in compliance with the law under which the charge was made prior to the court date. Examples of these traffic offenses include operating a motor vehicle without a valid registration under s. 320.131, F.S., and presenting invalid proof of insurance under s. 316.646, F.S. The clerk is statutorily authorized to accept a nolo contendere plea, waive the misdemeanor fines, and assess costs listed in s. 318.14(10)(b), F.S.

⁴ *Id.*

⁵ Section 27.562, F.S.

⁶ Section 938.29(1)(c), F.S.

⁷ Section 28.246(4), F.S.

⁸ "A monthly payment amount, calculated based upon all fees and all anticipated costs, is presumed to correspond to the person's ability to pay if the amount does not exceed 2 percent of the person's annual net income, as defined in s. 27.52(1), divided by 12." Section 28.246(4), F.S.

Cash Bond Used to Pay Fines, Costs, and Fees

Section 903.286, F.S., authorizes the clerk to withhold the return of a cash bond posted on behalf of a criminal defendant by a person other than a bail bond agent⁹ to pay the following:

- Court fees;
- Court costs; and
- Criminal penalties.

If sufficient funds are not available to pay the above costs, the clerk will immediately obtain payment from the defendant or enroll the defendant in a payment plan pursuant to s. 28.246, F.S.

Clerks are not currently authorized to withhold costs of prosecution or costs of representation.

All cash bond forms must prominently display a notice explaining that all funds are subject to forfeiture and withholding by the clerk for the payment of the above costs on behalf of the criminal defendant regardless of who posted the funds.

Delinquency Cases Exempt

Currently, juveniles who are adjudicated delinquent or who have had the adjudication of delinquency withheld are not required to pay the costs of prosecution although they can be required to pay for the costs of representation.¹⁰ A lien-enforcement procedure is currently available which allows the clerk to collect the costs of representation from the parents or guardians of the child.¹¹

III. Effect of Proposed Changes:

The bill adds the costs of prosecution and the costs of representation by the public defender to the list of costs a clerk is required to withhold from the return of a cash bond posted on behalf of a criminal defendant by a person other than a bail bond agent. If such payments are not made from the cash bond, the clerk is required to obtain payment from a defendant or, if sufficient funds are not available, require the defendant to enroll in a payment plan. Cash bond forms must display notice of the funds being subject to forfeiture for payment of costs of prosecution as well as other costs, fees, and fines.

The bill requires the clerk to collect and disburse costs of prosecution in all cases, regardless of whether the cases are disposed of before a judge in open court. These particular cases may include criminal traffic violations disposed of pursuant to s. 318.14(10), F.S.¹² (See the Technical Deficiencies section below.)

⁹ Licensed under ch. 648, F.S.

¹⁰ Sections 27.52 (6) and 938.29(2)(a)2., F.S.

¹¹ *Id.*

¹² In these cases, the defendant may elect to show proof of compliance to the clerk of the court and enter a plea of nolo contendere. The clerk is authorized by s. 318.14(10), F.S., to assess certain fees. The assessment and collection of costs of prosecution are not specified in s. 318.14(10), F.S. Although s. 938.27(6), F.S., requires the clerk to “collect and dispense

The bill also requires that costs of prosecution be assessed for juveniles who have been adjudicated delinquent or have adjudication of delinquency withheld. Although current law provides for a lien against the child's parents to aid in collecting costs of representation, there is no such provision in the bill for costs of prosecution.

The bill provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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:

Costs of prosecution will be assessed by the court in delinquency cases, which is a new cost not previously assessed. This assessment may be paid by the delinquent child if he or she has the ability to pay.

C. Government Sector Impact:

This bill appears to have a positive fiscal impact on state attorneys and public defenders because:

1. The costs of prosecution and costs of representation will be withheld by the clerk from the return of a cash bond posted on behalf of a criminal defendant by a person other than a bail bond agent. This provision is likely to result in a positive fiscal impact for state attorneys and public defenders.
2. The costs of prosecution will now be assessed from juveniles who have been adjudicated delinquent or have adjudication of delinquency withheld. This will likely

result in a positive fiscal impact as these costs were not assessed in these specific cases in the past.

3. The state attorney may experience a positive fiscal impact from the costs of prosecution collected by the clerks of court in certain traffic violation cases.

VI. Technical Deficiencies:

State attorneys have reported that costs of prosecution are not being collected in criminal traffic cases that are disposed of by the clerk of the court prior to a court appearance by the defendant as authorized in s. 318.14, F.S. If the bill is intended to address this issue, it is suggested that clarity could be gained by adding a cross-reference to s. 938.27(6), F.S., as amended by the bill, within s. 318.14(10), F.S.

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.

By Senator Bradley

7-00349A-13

2013288

1 A bill to be entitled
 2 An act relating to costs of prosecution,
 3 investigation, and representation; amending s.
 4 903.286, F.S.; providing for the withholding of unpaid
 5 costs of prosecution and representation from the
 6 return of a cash bond posted on behalf of a criminal
 7 defendant; requiring a notice on bond forms of such
 8 possible withholding; amending s. 938.27, F.S.;
 9 clarifying the types of cases that are subject to the
 10 collection and dispensing of cost payments by the
 11 clerk of the court; amending s. 985.032, F.S.;
 12 providing for assessment of costs of prosecution
 13 against a juvenile who has been adjudicated delinquent
 14 or has adjudication of delinquency withheld; providing
 15 an effective date.

16
 17 Be It Enacted by the Legislature of the State of Florida:

18
 19 Section 1. Section 903.286, Florida Statutes, is amended to
 20 read:

21 903.286 Return of cash bond; requirement to withhold unpaid
 22 fines, fees, court costs; cash bond forms.—

23 (1) Notwithstanding s. 903.31(2), the clerk of the court
 24 shall withhold from the return of a cash bond posted on behalf
 25 of a criminal defendant by a person other than a bail bond agent
 26 licensed pursuant to chapter 648 sufficient funds to pay any
 27 unpaid costs of prosecution, costs of representation as provided
 28 by s. 27.52, court fees, court costs, and criminal penalties. If
 29 sufficient funds are not available to pay all unpaid costs of

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30 prosecution, costs of representation as provided by s. 27.52,
 31 court fees, court costs, and criminal penalties, the clerk of
 32 the court shall immediately obtain payment from the defendant or
 33 enroll the defendant in a payment plan pursuant to s. 28.246.

34 (2) All cash bond forms used in conjunction with the
 35 requirements of s. 903.09 must prominently display a notice
 36 explaining that all funds are subject to forfeiture and
 37 withholding by the clerk of the court for the payment of costs
 38 of prosecution, costs of representation as provided by s. 27.52,
 39 court fees, court costs, and criminal penalties on behalf of the
 40 criminal defendant regardless of who posted the funds.

41 Section 2. Section 938.27, Florida Statutes, is amended to
 42 read:

43 938.27 Judgment for costs of prosecution and investigation
 44 ~~on conviction.~~—

45 (1) In all criminal and violation-of-probation or
 46 community-control cases, convicted persons are liable for
 47 payment of the costs of prosecution, including investigative
 48 costs incurred by law enforcement agencies, by fire departments
 49 for arson investigations, and by investigations of the
 50 Department of Financial Services or the Office of Financial
 51 Regulation of the Financial Services Commission, if requested by
 52 such agencies. The court shall include these costs in every
 53 judgment rendered against the convicted person. For purposes of
 54 this section, "convicted" means a determination of guilt, or of
 55 violation of probation or community control, which is a result
 56 of a plea, trial, or violation proceeding, regardless of whether
 57 adjudication is withheld.

58 (2) (a) The court shall impose the costs of prosecution and

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 59 investigation notwithstanding the defendant's present ability to
 60 pay. The court shall require the defendant to pay the costs
 61 within a specified period or pursuant to a payment plan under s.
 62 28.246(4).

63 (b) The end of such period or the last such installment
 64 must not be later than:

65 1. The end of the period of probation or community control,
 66 if probation or community control is ordered;

67 2. Five years after the end of the term of imprisonment
 68 imposed, if the court does not order probation or community
 69 control; or

70 3. Five years after the date of sentencing in any other
 71 case.

72
 73 However, the obligation to pay any unpaid amounts does not
 74 expire if not paid in full within the period specified in this
 75 paragraph.

76 (c) If not otherwise provided by the court under this
 77 section, costs must ~~shall~~ be paid immediately.

78 (3) If a defendant is placed on probation or community
 79 control, payment of any costs under this section shall be a
 80 condition of such probation or community control. The court may
 81 revoke probation or community control if the defendant fails to
 82 pay these costs.

83 (4) Any dispute as to the proper amount or type of costs
 84 shall be resolved by the court by the preponderance of the
 85 evidence. The burden of demonstrating the amount of costs
 86 incurred is on the state attorney. The burden of demonstrating
 87 the financial resources of the defendant and the financial needs

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 88 of the defendant is on the defendant. The burden of
 89 demonstrating such other matters as the court deems appropriate
 90 is upon the party designated by the court as justice requires.

91 (5) Any default in payment of costs may be collected by any
 92 means authorized by law for enforcement of a judgment.

93 (6) The clerk of the court shall collect and dispense cost
 94 payments in any case regardless of whether the disposition of
 95 the case takes place before the judge in open court or in any
 96 other manner provided by law.

97 (7) Investigative costs that are recovered must ~~shall~~ be
 98 returned to the appropriate investigative agency that incurred
 99 the expense. Such costs include actual expenses incurred in
 100 conducting the investigation and prosecution of the criminal
 101 case; however, costs may also include the salaries of permanent
 102 employees. Any investigative costs recovered on behalf of a
 103 state agency must be remitted to the Department of Revenue for
 104 deposit in the agency operating trust fund, and a report of the
 105 payment must be sent to the agency, except that any
 106 investigative costs recovered on behalf of the Department of Law
 107 Enforcement must ~~shall~~ be deposited in the department's
 108 Forfeiture and Investigative Support Trust Fund under s.
 109 943.362.

110 (8) Costs for the state attorney must ~~shall~~ be set in all
 111 cases at no less than \$50 per case when a misdemeanor or
 112 criminal traffic offense is charged and no less than \$100 per
 113 case when a felony offense is charged, including a proceeding in
 114 which the underlying offense is a violation of probation or
 115 community control. The court may set a higher amount upon a
 116 showing of sufficient proof of higher costs incurred. Costs

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117 recovered on behalf of the state attorney under this section
118 ~~must shall~~ be deposited into the State Attorneys Revenue Trust
119 Fund to be used during the fiscal year in which the funds are
120 collected, or in any subsequent fiscal year, for actual expenses
121 incurred in investigating and prosecuting criminal cases, which
122 may include the salaries of permanent employees, or for any
123 other purpose authorized by the Legislature.

124 Section 3. Section 985.032, Florida Statutes, is amended to
125 read:

126 985.032 Legal representation for delinquency cases.—

127 (1) For cases arising under this chapter, the state
128 attorney shall represent the state.

129 (2) A juvenile who has been adjudicated delinquent or has
130 adjudication of delinquency withheld shall be assessed costs of
131 prosecution as provided in s. 938.27.

132 Section 4. This act shall take effect July 1, 2013.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2-5-2013

Meeting Date

Topic COST OF PROSECUTION/REPRESENTATION

Bill Number SB288
(if applicable)

Name MONICA HOFHEINZ

Amendment Barcode _____
(if applicable)

Job Title ASSISTANT STATE ATTORNEY

Address 201 SE 64 ST

Phone _____

Street

FORT LAUDERDALE FL

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing FLORIDA PROSECUTING ATTY ASSOC.

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.

This form is part of the public record for this meeting.

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)

2-5-2013

Meeting Date

Topic COST OF PROSECUTION

Bill Number SB 288
(if applicable)

Name BILL CERUONE

Amendment Barcode _____
(if applicable)

Job Title STATE ATTORNEY - 8 CIR

Address 120 W UNIVERSITY AVE

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Gainesville

FL

32601

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State

Zip

E-mail ceruonew@sao8.org

Speaking: For Against Information

Representing FREEDOM PROSECUTING ATTORNEYS 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.

This form is part of the public record for this meeting.



The Florida Senate

Committee Agenda Request

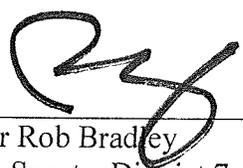
To: Senator Greg Evers, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 22, 2013

I respectfully request that **Senate Bill # 288 and 294**, relating to Costs of Prosecution and Controlled Substances, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.



Senator Rob Bradley
Florida Senate, District 7

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 Committee on Criminal Justice

BILL: SB 294

INTRODUCER: Senator Bradley

SUBJECT: Controlled Substances

DATE: January 22, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	Favorable
2.	_____	_____	JU	_____
3.	_____	_____	ACJ	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 294: To address the public safety risk of new synthetic substances being sold and abused in Florida, the Attorney General filed an emergency rule on December 11, 2012, that schedules several new synthetic cannabinoids, cathinones, and phenethylamines as Schedule I controlled substances.¹ This rule is temporary and scheduling will elapse when the rule expires (June 30, 2012), unless the scheduling is codified in statute by the Legislature.

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

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.

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. Relevant to the bill, a substance in Schedule I is considered to have a high potential for

¹ 2ER 12-1, Office of the Attorney General (further cited in this analysis as “2ER 12-1”). This emergency rule is 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).

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.

As a result of legislation that became law in 2011 and 2012,² there are several synthetic cannabinoids, cathinones, and phenethylamines scheduled as Schedule I controlled substances at s. 893.03(1)(c), F.S.

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’re cannabinoid-like in their activity.”³ 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.⁴

Cathinone is a Schedule I controlled substance.⁵ Cathinone is an alkaloid found in the shrub *Catha edulis* (khat) and is chemically similar to amphetamines and other substances.⁶ The “molecular architecture” of cathinone “can be altered to produce a series of different compounds which are closely structurally related to cathinone.”⁷ 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.

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.

² Chapters 2011-73, 2011-90, and 2012-23, L.O.F.

³ This information from Redwood Toxicology Laboratory is available at http://www.redwoodtoxicology.com/resources/drug_info/synthetic_cannabinoids.html.

⁴ All information under this subtitle is from 2ER 12-1 unless otherwise indicated.

⁵ Section 893.03(1)(c)8., F.S.

⁶ “Consideration of the cathinones” (March 2010), Advisory Council on the Misuse of Drugs, United Kingdom. This information is available at <http://www.homeoffice.gov.uk/publications/drugs/acmd1/acmd-cathinodes-report-2010?view=Binary>.

⁷ *Id.*

“Phenethylamines” is a ‘broad’ category “of psychoactive substances[.]”⁸ 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;⁹ hallucinations; breathing difficulties; uncontrollable muscle spasms; cardiac arrest; and Hallucinogen Persisting Perception Disorder (HPPD).¹⁰

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.”¹¹

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., may be subject to arrest and prosecution.¹²

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.¹³ However, when any of these acts are committed within 1,000 feet of certain designated places, the felony degree and penalties are greater.¹⁴ 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.¹⁵

⁸ Sanders B., Lankenau S.E., Bloom J.J., Hathazi D. “Research chemicals”: tryptamine and phenethylamine use among high-risk youth. *Substance Use & Misuse*. 2008; 43(3-4): 389–402. This article is available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2536767/>.

⁹ 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.

¹⁰ 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[.]” This information is available at <http://dsm.psychiatryonline.org/content.aspx?bookid=22§ionid=1889808>. 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[.]” *Id.* According to the Attorney General, one category of phenethylamines, the “2C derivatives,” “bind to certain serotonin receptors as a psychedelic compound[.]” 2ER 12-1.

¹¹ Revised Analysis of SB 294, Florida Department of Law Enforcement, dated January 29, 2013 (on file with the Senate Committee on Criminal Justice). The analysis is cited further in this analysis as “Revised FDLE Analysis.”

¹² 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.

¹³ 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.

¹⁴ Section 893.13(1)(c)-(f) and (h), F.S.

¹⁵ 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.

Purchasing, or possessing with intent to purchase, a controlled substance listed in s. 893.13(1)(c), F.S., is a third degree felony.¹⁶

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.¹⁷ 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.¹⁸

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.¹⁹ The Attorney General may use emergency rulemaking provisions under s. 120.54(4), F.S., in making this scheduling.²⁰

The Attorney General must consider, with respect to her or his finding of imminent hazard to the public safety, the following: potential for abuse²¹ 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.²² These findings include consideration of actual abuse, diversion from legitimate channels, and clandestine importation, manufacture, or distribution.²³

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 following June 30 unless the Legislature adopts the provisions of the rule as an amendment to chapter 893, F.S.²⁴

¹⁶ Section 893.13(2)(a)2., F.S.

¹⁷ 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.

¹⁸ Section 893.13(6)(a), F.S.

¹⁹ Section 893.035(7)(a), F.S.

²⁰ Section 893.035(7)(b), F.S.

²¹ "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.

²² Section 893.035(3)(a), (4)(d)-(f), and (7)(a), F.S.

²³ Section 893.035(7)(a), F.S.

²⁴ 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.

On December 11, 2012, Attorney General Pam Bondi filed an emergency rule (2ER 12-1)²⁵ 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,²⁶ and in 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.

²⁵ All information under this subtitle is from this emergency rule unless otherwise indicated.

²⁶ 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.

According to the FDLE, 2ER 12-1 “expires on June 30 (or sooner if supplanted by a superseding statutory amendment).”²⁷

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 may 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.²⁸
- 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^{3,7}]dec-1-yl-1H-333 indazole-3-carboxamide).
 - AM-2233((2-iodophenyl)[1-[(1-methyl-2-335 piperidinyl)methyl]-1H-indol-3-yl]-methanone).
 - STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]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.:
 - Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).
 - Fluoroamphetamine.
 - Methoxetamine.
 - Methiopropamine.
 - 4-Methylbuphedrone (2-Methylamino-1-(4-323 methylphenyl)butan-1-one).
 - APB ((2-aminopropyl)benzofuran).
 - 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).

²⁷ Revised FDLE Analysis.

²⁸ 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.*

- 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.²⁹
 - 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.

²⁹ 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.’”³⁰

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation had not convened at the time this analysis was completed. However, a preliminary estimate from the Legislature’s Office of Economic and Demographic Research is that the bill will have an insignificant prison bed impact due to a small number of additional new commitments expected. In FY 2011-12, the offense category “Other drug—S/M/D” (this category includes the new synthetic substances scheduled by the bill) resulted in about 24 new commitments (FY 2009-10: 41; FY 2010-11: 36).

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. FDLE will monitor submissions to the crime laboratories and if necessary, request an appropriation through a future Legislative Budget Request.³¹

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.³²

VI. Technical Deficiencies:

None.

³⁰ *Id.*

³¹ *Id.*

³² *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.

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

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

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 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

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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				

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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				

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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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	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				

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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.

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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.

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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,
(2) (c) 4.-10. firearm, motor vehicle, livestock, etc.

841 812.0195 (2) 3rd Dealing in stolen property by use of the
Internet; property stolen \$300 or more.

842 817.563 (1) 3rd Sell or deliver substance other than
controlled substance agreed upon,
excluding s. 893.03(5) drugs.

843 817.568 (2) (a) 3rd Fraudulent use of personal
identification information.

844 817.625 (2) (a) 3rd Fraudulent use of scanning device or
reencoder.

845 828.125 (1) 2nd Kill, maim, or cause great bodily harm
or permanent breeding disability to any
registered horse or cattle.

846 837.02 (1) 3rd Perjury in official proceedings.

837.021 (1) 3rd Make contradictory statements in

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 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

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 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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trafficking in or manufacturing of
controlled substance.

910

911

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/5/13

Meeting Date

Topic Synthetics

Bill Number 294
(if applicable)

Name Pam Bondi

Amendment Barcode _____
(if applicable)

Job Title Attorney General

Address The Capitol

Phone 850-245-0222

City _____ State _____ Zip _____

E-mail Pam.bondi@myfloridalegal.com

Speaking: For Against Information

Representing AG's office

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.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/5/2013

Meeting Date

Topic Controlled Substances

Bill Number SB 294
(if applicable)

Name David Gross

Amendment Barcode _____
(if applicable)

Job Title Special Agent Supervisor

Address 2331 Phillips Road
Street

Phone 850-410-8389

Tallahassee FL 32308
City *State* *Zip*

E-mail davidgross@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

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.

This form is part of the public record for this meeting.

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)

2/5/13

Meeting Date

Topic Controlled Substances

Bill Number 294
(if applicable)

Name Electra Bustle

Amendment Barcode _____
(if applicable)

Job Title _____

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Seniors 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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THE FLORIDA SENATE
APPEARANCE RECORD

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

2-5-13

Meeting Date

Topic synthetic drug

Bill Number SB 294
(if applicable)

Name Bill Ceruone

Amendment Barcode _____
(if applicable)

Job Title STATE ATTORNEY - 8 CIR

Address 120 W UNIVERSITY AVE

Phone 352-374-3686

Street

Gainesville

FL

32601

City

State

Zip

E-mail ceruone w@saof.org

Speaking: For Against Information

Representing Fla Press Atty Assoc

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)

2/5/13
Meeting Date

Topic Controlled Substances

Bill Number 294
(if applicable)

Name Lisa Hurley

Amendment Barcode _____
(if applicable)

Job Title _____

Address 100 S Monroe St
Street
Tallahassee FL 32301
City State Zip

Phone _____

E-mail Hurley@fl-countries.com

Speaking: For Against Information

Representing Florida Assoc. of Counties

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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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/5/13

Meeting Date

Adding HCG + HgH
to schedule III

Topic CONTROLLED SUBSTANCES Bill Number SB 294
(if applicable)

Name DR KENNETH WOLINER (MD) Amendment Barcode (1st)
(if applicable)

Job Title FAMILY MEDICINE PHYSICIAN

Address 9325 GLADES ROAD #104 Phone 561-314-0950
Street

BOCA RATON FL 33434 E-mail KNW6@CORNELL.EDU
City State Zip

Speaking: For Against Information

Representing MYSELF, AS A MEMBER OF THE FLORIDA MEDICAL ASSOC.

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.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/5/12

Meeting Date

Topic Bath Salts

Bill Number 294
(if applicable)

Name Jill Gran

Amendment Barcode _____
(if applicable)

Job Title Legislative

Address 2868 Mahan
Street

Phone 251 8988

Tall _____
City State Zip

E-mail jill@fadaa.org

Speaking: For Against Information

Representing FL Alcohol + Drug Abuse Assoc *waive in support*

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.

This form is part of the public record for this meeting.

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)

2/5/13
Meeting Date

Topic _____

Bill Number SB294
(if applicable)

Name Holly Miller

Amendment Barcode _____
(if applicable)

Job Title Assistant General Counsel

Address 1430 E Piedmont Dr
Street
Jallahansie FL 32708
City State Zip

Phone 850 224 6496

E-mail hmillier@fmedical.org

Speaking: For Against Information

Representing FMA

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.

This form is part of the public record for this meeting.

Handout during meeting from Dr. Bennett Woliner

SB 294 - Proposed amendment to transfer muscle-building drugs (HCG, HGH, etc.) that enhance athletic performance to schedule III of the Florida Comprehensive Drug Abuse Prevention and Control Act

- "Pain-Management Clinics" attempt to avoid registration by renaming themselves "Wellness Clinics", offering and advertising hormone therapies of Human Growth Hormone (HGH), Human Chorionic Gonadotropin (hCG), and other anabolic steroids.¹
- Florida is a nexus for "Anti-Aging Clinics" that supply HGH, HCG, and anabolic steroids to professional athletes such as Manny Ramirez and Alex Rodriguez (A-Rod), even though it is illegal for professional players to use muscle-building drugs that enhance athletic performance.²
- Steroid use is common not just in professional sports, but also college, high-school, and even among middle-school students, with some kids using body-altering substances as early as fifth grade.^{3,4}
- Growth Hormones, testosterone or its analogs, human chorionic gonadotropin (HCG), and other hormones that are analogs of same, when prescribed for the purpose of muscle building or to enhance athletic performance, have been known to cause damage, including, but not limited to, psychiatric side effects (aggression, depression and violent behavior), cardiovascular toxicity (cardiomyopathy, fatal and non-fatal cardiac arrhythmias, myocardial infarction, intracardiac thrombosis, stroke, venous thromboembolism), and even premature death.^{5,6}
- "Weight-loss clinics", often owned by unlicensed persons, have been popping up all over the state, offering the fraudulent therapy known as the "HCG Diet", hurting patients with starvation diets and exploiting dieters with a therapy that has been disproven to have any effect on reducing appetite or weight control.^{7,8}
- HGH is a schedule III drug in seven (7) states (Colorado, Idaho, Maine, Massachusetts, Oregon, Rhode Island and West Virginia). HCG is a schedule III drug in twelve (12) states (California, Colorado, Connecticut, Delaware, Indiana, Louisiana, Maine, Massachusetts, Nevada, New York, North Carolina, and Pennsylvania).
- The Florida Medical Association supports the transfer of HCG, HGH and other muscle-building drugs to Schedule III of the Florida Comprehensive Drug Abuse and Control Act.
- This amendment meets the tests of "one-subject limitation" and is "germane to the bill".

References:

1. Horswell, Cindy. "Pain clinics rebranding themselves to avoid law: To ease scrutiny, docs are using labels such as 'wellness' center." San Antonio Express-News. Dec 28, 2011. http://www.mysanantonio.com/news/local_news/article/Pain-clinics-rebranding-themselves-to-avoid-law-2430087.php
2. Elfrink, Tim. "A Miami clinic supplies drugs to sports' biggest names." Broward-Palm Beach New Times. Jan 31, 2013. <http://www.browardpalmbeach.com/2013-01-31/news/a-rod-and-doping-a-miami-clinic-supplies-drugs-to-sports-biggest-names/>
3. Robb, Sharon. "Steroid use rising among youths." Sun-Sentinel. May 10, 1998. http://articles.sun-sentinel.com/1998-05-10/community/9805070091_1_health-and-fitness-middle-school-girls-anabolic-steroids
4. Anon. "Girls are abusing steroids too — often to get that toned look. Review of 2003 CDC Middle School Youth Risk Behavior Survey." Associated Press. Apr 25, 2005. http://usatoday30.usatoday.com/news/health/2005-04-25-girls-steroids_x.htm
5. Montisci M, et al. Anabolic androgenic steroids abuse and cardiac death in athletes: morphological and toxicological findings in four fatal cases. Forensic Sci Int. 2012 Apr 10;217(1-3):e13-8. [http://www.fsijournal.org/article/S0379-0738\(11\)00508-1/abstract](http://www.fsijournal.org/article/S0379-0738(11)00508-1/abstract)
6. Petersson A, et al. Toxicological findings and manner of death in autopsied users of anabolic androgenic steroids. Drug Alcohol Depend. 2006 Feb 28;81(3):241-9. <http://www.sciencedirect.com/science/article/pii/S037687160500222X>
7. Shipley, Amy. Pregnancy hormone fuels Florida diet craze many doctors call a pricey flop. Sun-Sentinel. Nov 18, 2012. http://articles.sun-sentinel.com/2012-11-17/features/fl-hcg-weight-loss-clinics-20121117_1_hcg-for-weight-loss-hormone-south-florida
8. Shipley, Amy. Is HCG a health risk for dieters? Some doctors fear it is. http://articles.sun-sentinel.com/2012-11-17/news/fl-hcg-potential-health-risks-20121117_1_hcg-diet-diet-pills-hormone



The Florida Senate

Committee Agenda Request

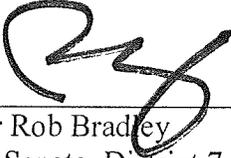
To: Senator Greg Evers, Chair
Committee on Criminal Justice

Subject: Committee Agenda Request

Date: January 22, 2013

I respectfully request that **Senate Bill # 288 and 294**, relating to Costs of Prosecution and Controlled Substances, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.



Senator Rob Bradley
Florida Senate, District 7

CourtSmart Tag Report

Room: LL 37

Caption: Criminal Justice Committee

Case:

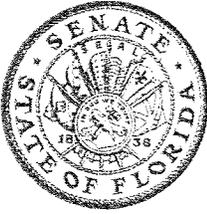
Judge:

Type:

Started: 2/5/2013 8:59:38 AM

Ends: 2/5/2013 9:45:18 AM Length: 00:45:41

9:00:02 AM Meeting to order
9:00:34 AM Roll Call
9:00:59 AM SB 294 - Controlled Substances (Senator Bradley)
9:02:39 AM Pam Bondi, Attorney General
9:05:28 AM Senator Dean question
9:05:46 AM Senator Bradley
9:06:27 AM Pam Bondi
9:08:19 AM Senator Smith
9:08:59 AM Dr. Kenneth Woliner
9:12:13 AM Senator Dean question
9:12:58 AM Dr. Kenneth Woliner
9:14:18 AM Senator Dean question
9:14:51 AM Senator Bradley
9:16:12 AM Senator Smith question
9:16:32 AM Dr. Kenneth Woliner
9:17:53 AM Holly Miller, Asst. General Counsel, Florida Medical Association
9:19:26 AM Senator Smith
9:21:00 AM Roll Call on SB 294
9:21:22 AM SB 288 Costs of Prosecution, Investigation, and Representation (Senator Bradley)
9:23:12 AM Senator Dean question
9:24:54 AM Senator Bradley
9:26:40 AM Senator Dean
9:27:27 AM Senator Gibson questions
9:27:45 AM Senator Bradley
9:28:43 AM Public Testimony
9:28:52 AM Bill Cervone, State Atty., 8th Circuit
9:30:34 AM Senator Gibson question
9:31:00 AM Bill Cervone
9:31:21 AM Monica Hofheinz, representing Florida Prosecuting Atty. Assoc.
9:32:16 AM Senator Gibson
9:32:38 AM Monica Hofheinz
9:33:21 AM Senator Gibson
9:34:15 AM Senator Bradley
9:35:12 AM Senator Gibson
9:36:17 AM Senator Bradley
9:37:16 AM Senator Gibson
9:38:01 AM Senator Bradley
9:38:41 AM Senator Gibson
9:38:53 AM Monica Hofheinz
9:39:19 AM Senator Gibson
9:39:26 AM Monica Hofheinz
9:39:50 AM Motion to show Sen. Altman voting in the affirmative for SB 294
9:40:14 AM Senator Gibson
9:41:56 AM Senator Smith
9:43:28 AM Senator Dean
9:43:57 AM Move to rise



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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2013 FEB -4 P 4:36

COMMITTEES:

Criminal Justice, *Chair*
Appropriations Subcommittee on Finance and Tax
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Communications, Energy, and Public Utilities
Military Affairs, Space, and Domestic Security
Transportation

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR GREG EVERS

2nd District

February 4, 2013

The Honorable Don Gaetz, President
The Florida Senate
409, The Capitol
404 South Monroe Street
Tallahassee, Florida 32399

President Gaetz,

I would like to request that I be excused from the Committee on Criminal Justice on Tuesday February 5, 2013, so that I may attend to urgent family matters. In my absence, Vice Chairman Chris Smith will capably chair the meeting.

Sincerely,

Greg Evers

cc. Senator Chris Smith
Amanda Cannon

REPLY TO:

- 598 North Ferdon Boulevard, Crestview, Florida 32536 (850) 689-0556
- 308 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5002
- 24 North Tarragona, Pensacola, Florida 32502 (850) 595-0213

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore