

By the Committee on Criminal Justice; and Senator Bradley

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1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 893.03, F.S.; adding certain substances to the
4 Schedule I list of controlled substances; reenacting
5 ss. 39.01(30)(a) and (g), 316.193(5), 322.2616(2)(c),
6 327.35(5), 440.102(11)(b), 458.3265(1)(e),
7 459.0137(1)(e), 782.04(1)(a) and (4), 893.0356(2)(a)
8 and (5), 893.05(1), 893.12(2)(b), (c), and (d),
9 893.13(1)(a), (c), (d), (e), (f), and (h), (2)(a),
10 (4)(b), (5)(b), and (7)(a), 893.135(1)(k) and (l), and
11 921.0022(3)(b), (c), and (e), F.S., relating to the
12 definitions used in ch. 39, F.S., driving under the
13 influence, suspension of driver licenses, boating
14 under the influence, drug-free workplace programs,
15 pain-management clinics, murder, controlled substance
16 analogs, practitioners and persons administering
17 controlled substances in their absence, contraband
18 seizure and forfeiture, controlled substance offenses,
19 offenses involving trafficking in controlled
20 substances, and the offense severity ranking chart of
21 the Criminal Punishment Code, respectively, to
22 incorporate the amendment made to s. 893.03, F.S., in
23 references thereto; providing an effective date.

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

26
27 Section 1. Paragraph (c) of subsection (1) of section
28 893.03, Florida Statutes, is amended to read:
29 893.03 Standards and schedules.—The substances enumerated

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

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

46 (c) Unless specifically excepted or unless listed in
47 another schedule, any material, compound, mixture, or
48 preparation that contains any quantity of the following
49 hallucinogenic substances or that contains any of their salts,
50 isomers, including optical, positional, or geometric isomers,
51 and salts of isomers, if the existence of such salts, isomers,
52 and salts of isomers is possible within the specific chemical
53 designation:

- 54 1. Alpha-ethyltryptamine.
- 55 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
56 methylaminorex).
- 57 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 58 4. 4-Bromo-2,5-dimethoxyamphetamine.

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- 59 5. 4-Bromo-2,5-dimethoxyphenethylamine.
60 6. Bufotenine.
61 7. Cannabis.
62 8. Cathinone.
63 9. Diethyltryptamine.
64 10. 2,5-Dimethoxyamphetamine.
65 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
66 12. Dimethyltryptamine.
67 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
68 analog of phencyclidine).
69 14. N-Ethyl-3-piperidyl benzilate.
70 15. N-ethylamphetamine.
71 16. Fenethylamine.
72 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
73 18. Ibogaine.
74 19. Lysergic acid diethylamide (LSD).
75 20. Mescaline.
76 21. Methcathinone.
77 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
78 23. 4-methoxyamphetamine.
79 24. 4-methoxymethamphetamine.
80 25. 4-Methyl-2,5-dimethoxyamphetamine.
81 26. 3,4-Methylenedioxy-N-ethylamphetamine.
82 27. 3,4-Methylenedioxyamphetamine.
83 28. N-Methyl-3-piperidyl benzilate.
84 29. N,N-dimethylamphetamine.
85 30. Parahexyl.
86 31. Peyote.
87 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine

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88 analog of phencyclidine).

89 33. Psilocybin.

90 34. Psilocyn.

91 35. *Salvia divinorum*, except for any drug product approved
92 by the United States Food and Drug Administration which contains
93 *Salvia divinorum* or its isomers, esters, ethers, salts, and
94 salts of isomers, esters, and ethers, if the existence of such
95 isomers, esters, ethers, and salts is possible within the
96 specific chemical designation.

97 36. Salvinorin A, except for any drug product approved by
98 the United States Food and Drug Administration which contains
99 Salvinorin A or its isomers, esters, ethers, salts, and salts of
100 isomers, esters, and ethers, if the existence of such isomers,
101 esters, ethers, and salts is possible within the specific
102 chemical designation.

103 37. Tetrahydrocannabinols.

104 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
105 (Thiophene analog of phencyclidine).

106 39. 3,4,5-Trimethoxyamphetamine.

107 40. 3,4-Methylenedioxymethcathinone.

108 41. 3,4-Methylenedioxypyrovalerone (MDPV).

109 42. Methylmethcathinone.

110 43. Methoxymethcathinone.

111 44. Fluoromethcathinone.

112 45. Methylethcathinone.

113 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
114 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
115 homologue.

116 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-

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- 117 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
118 also known as HU-210.
- 119 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
120 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
121 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also
122 known as JWH-200.
- 123 51. BZP (Benzylpiperazine).
124 52. Fluorophenylpiperazine.
125 53. Methylphenylpiperazine.
126 54. Chlorophenylpiperazine.
127 55. Methoxyphenylpiperazine.
128 56. DBZP (1,4-dibenzylpiperazine).
129 57. TFMPP (3-Trifluoromethylphenylpiperazine).
130 58. MBDB (Methylbenzodioxolylbutanamine).
131 59. 5-Hydroxy-alpha-methyltryptamine.
132 60. 5-Hydroxy-N-methyltryptamine.
133 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
134 62. 5-Methoxy-alpha-methyltryptamine.
135 63. Methyltryptamine.
136 64. 5-Methoxy-N,N-dimethyltryptamine.
137 65. 5-Methyl-N,N-dimethyltryptamine.
138 66. Tyramine (4-Hydroxyphenethylamine).
139 67. 5-Methoxy-N,N-Diisopropyltryptamine.
140 68. DiPT (N,N-Diisopropyltryptamine).
141 69. DPT (N,N-Dipropyltryptamine).
142 70. 4-Hydroxy-N,N-diisopropyltryptamine.
143 71. N,N-Diallyl-5-Methoxytryptamine.
144 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
145 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).

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- 146 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 147 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 148 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 149 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 150 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 151 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- 152 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 153 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
- 154 82. Ethcathinone.
- 155 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- 156 84. Naphyrone (naphthylpyrovalerone).
- 157 85. N-N-Dimethyl-3,4-methylenedioxcathinone.
- 158 86. N-N-Diethyl-3,4-methylenedioxcathinone.
- 159 87. 3,4-methylenedioxy-propiofenone.
- 160 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
- 161 89. 3,4-methylenedioxy-propiofenone-2-oxime.
- 162 90. N-Acetyl-3,4-methylenedioxcathinone.
- 163 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
- 164 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
- 165 93. Bromomethcathinone.
- 166 94. Buphedrone (alpha-methylamino-butyrophenone).
- 167 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- 168 96. Dimethylcathinone.
- 169 97. Dimethylmethcathinone.
- 170 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 171 99. (MDPPP) 3,4-Methylenedioxy-alpha-
- 172 pyrrolidinopropiofenone.
- 173 100. (MDPBP) 3,4-Methylenedioxy-alpha-
- 174 pyrrolidinobutiophenone.

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- 175 101. Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
176 102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
177 103. Benocyclidine (BCP) or
178 benzothiophenylcyclohexylpiperidine (BTCP).
179 104. Fluoromethylaminobutyrophenone (F-MABP).
180 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
181 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
182 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
183 108. Methylethylaminobutyrophenone (Me-EABP).
184 109. Methylamino-butyrophenone (MABP).
185 110. Pyrrolidinopropiophenone (PPP).
186 111. Pyrrolidinobutiophenone (PBP).
187 112. Pyrrolidinovalerophenone (PVP).
188 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
189 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
190 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
191 naphthalenylmethanone).
192 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-
193 yl)methanone).
194 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
195 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-
196 yl)methanone).
197 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-
198 yl)methanone).
199 120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
200 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-
201 tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
202 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-
203 indole).

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- 204 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
205 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-
206 yl)ethanone).
207 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
208 yl)methanone).
209 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
210 yl)ethanone).
211 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-
212 yl)ethanone).
213 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
214 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
215 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
216 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
217 ol).
218 131. HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-
219 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]
220 methanol).
221 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-
222 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
223 1,4-dione).
224 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-
225 yl)methanone).
226 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
227 undecanamide).
228 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
229 undecanamide).
230 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-
231 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
232 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-

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233 iodophenyl)methanone).

234 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-

235 (naphthalen-1-yl)methanone).

236 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-

237 yl)methanone).

238 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-

239 methoxyphenylethanol).

240 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-

241 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

242 naphthalenylmethanone).

243 142. WIN55,212-3 ([3S)-2,3-Dihydro-5-methyl-3-(4-

244 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

245 naphthalenylmethanone).

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

247 144. Fluoroamphetamine.

248 145. Fluoromethamphetamine.

249 146. Methoxetamine.

250 147. Methiopropamine.

251 148. 4-Methylbuphedrone (2-Methylamino-1-(4-

252 methylphenyl)butan-1-one).

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

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

255 151. UR-144 ((1-pentyl-1H-indol-3-yl) (2,2,3,3-

256 tetramethylcyclopropyl)methanone).

257 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl) (2,2,3,3-

258 tetramethylcyclopropyl)methanone).

259 153. (1-(5-chloropentyl)-1H-indol-3-yl) (2,2,3,3-

260 tetramethylcyclopropyl)methanone.

261 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-

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- 262 indazole-3-carboxamide).
- 263 155. AM-2233 ((2-iodophenyl) [1-[(1-methyl-2-
- 264 piperidinyl)methyl]-1H-indol-3-yl]-methanone).
- 265 156. STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-
- 266 1-yl-1H-indole-3-carboxamide).
- 267 157. URB-597 ((3'-(aminocarbonyl) [1,1'-biphenyl]-3-yl)-
- 268 cyclohexylcarbamate).
- 269 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,
- 270 cyclohexyl ester).
- 271 159. URB-754 (6-methyl-2-[(4-methylphenyl) amino]-1-
- 272 benzoxazin-4-one).
- 273 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl) ethanamine).
- 274 161. 2C-H (2-(2,5-Dimethoxyphenyl) ethanamine).
- 275 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl) ethanamine).
- 276 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine).
- 277 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-
- 278 methoxyphenyl)methyl]-benzeneethanamine).
- 279 165. 3,4-Methylenedioxymethamphetamine (MDMA).
- 280 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-
- 281 carboxylic acid).
- 282 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-fluoropentyl)-
- 283 1H-indole-3-carboxylic acid).
- 284 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-
- 285 indole-3-carboxylic acid).
- 286 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-
- 287 fluoropentyl)-1H-indazole-3-carboxamide).
- 288 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
- 289 pentyl-1H-indazole-3-carboxamide).
- 290 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

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291 (4-fluorobenzyl)-1H-indazole-3-carboxamide).

292 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
293 1-pentyl-1H-indazole-3-carboxamide).

294 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
295 yl)-1-(fluoropentyl)-1H-indole-3-carboxamide).

296 174. 25B-NBOMe (4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)
297 methyl]-benzeneethanamine).

298 175. 2C-C-NBOMe (4-chloro-2,5-dimethoxy-N-[(2-
299 methoxyphenyl)methyl]-benzeneethanamine).

300 176. AB-CHMINACA: N-[1-(aminocarbonyl)-2-methylpropyl]-1-
301 (cyclohexylmethyl)-1H-indazole-3-carboxamide.

302 177. FUB-PB-22: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-
303 3-carboxylate.

304 178. Fluoro-NNEI: 1-(Fluoropentyl)-N-(naphthalen-1-yl)-1H-
305 indole-3-carboxamide.

306 179. Fluoro-AMB: Methyl 2-(1-(fluoropentyl)-1H-indazole-3-
307 carboxamido)-3-methylbutanoate.

308 180. THJ-2201: [1-(5-Fluoropentyl)-1H-indazol-3-
309 yl](naphthalen-1-yl)methanone.

310 Section 2. For the purpose of incorporating the amendment
311 made by this act to section 893.03, Florida Statutes, in
312 references thereto, paragraphs (a) and (g) of subsection (30) of
313 section 39.01, Florida Statutes, are reenacted to read:

314 39.01 Definitions.—When used in this chapter, unless the
315 context otherwise requires:

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

318 (a) Inflicts or allows to be inflicted upon the child
319 physical, mental, or emotional injury. In determining whether

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320 harm has occurred, the following factors must be considered in
321 evaluating any physical, mental, or emotional injury to a child:
322 the age of the child; any prior history of injuries to the
323 child; the location of the injury on the body of the child; the
324 multiplicity of the injury; and the type of trauma inflicted.

325 Such injury includes, but is not limited to:

- 326 1. Willful acts that produce the following specific
327 injuries:
- 328 a. Sprains, dislocations, or cartilage damage.
 - 329 b. Bone or skull fractures.
 - 330 c. Brain or spinal cord damage.
 - 331 d. Intracranial hemorrhage or injury to other internal
332 organs.
 - 333 e. Asphyxiation, suffocation, or drowning.
 - 334 f. Injury resulting from the use of a deadly weapon.
 - 335 g. Burns or scalding.
 - 336 h. Cuts, lacerations, punctures, or bites.
 - 337 i. Permanent or temporary disfigurement.
 - 338 j. Permanent or temporary loss or impairment of a body part
339 or function.

340
341 As used in this subparagraph, the term "willful" refers to the
342 intent to perform an action, not to the intent to achieve a
343 result or to cause an injury.

344 2. Purposely giving a child poison, alcohol, drugs, or
345 other substances that substantially affect the child's behavior,
346 motor coordination, or judgment or that result in sickness or
347 internal injury. For the purposes of this subparagraph, the term
348 "drugs" means prescription drugs not prescribed for the child or

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349 not administered as prescribed, and controlled substances as
350 outlined in Schedule I or Schedule II of s. 893.03.

351 3. Leaving a child without adult supervision or arrangement
352 appropriate for the child's age or mental or physical condition,
353 so that the child is unable to care for the child's own needs or
354 another's basic needs or is unable to exercise good judgment in
355 responding to any kind of physical or emotional crisis.

356 4. Inappropriate or excessively harsh disciplinary action
357 that is likely to result in physical injury, mental injury as
358 defined in this section, or emotional injury. The significance
359 of any injury must be evaluated in light of the following
360 factors: the age of the child; any prior history of injuries to
361 the child; the location of the injury on the body of the child;
362 the multiplicity of the injury; and the type of trauma
363 inflicted. Corporal discipline may be considered excessive or
364 abusive when it results in any of the following or other similar
365 injuries:

- 366 a. Sprains, dislocations, or cartilage damage.
367 b. Bone or skull fractures.
368 c. Brain or spinal cord damage.
369 d. Intracranial hemorrhage or injury to other internal
370 organs.
371 e. Asphyxiation, suffocation, or drowning.
372 f. Injury resulting from the use of a deadly weapon.
373 g. Burns or scalding.
374 h. Cuts, lacerations, punctures, or bites.
375 i. Permanent or temporary disfigurement.
376 j. Permanent or temporary loss or impairment of a body part
377 or function.

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378 k. Significant bruises or welts.

379 (g) Exposes a child to a controlled substance or alcohol.

380 Exposure to a controlled substance or alcohol is established by:

381 1. A test, administered at birth, which indicated that the
382 child's blood, urine, or meconium contained any amount of
383 alcohol or a controlled substance or metabolites of such
384 substances, the presence of which was not the result of medical
385 treatment administered to the mother or the newborn infant; or

386 2. Evidence of extensive, abusive, and chronic use of a
387 controlled substance or alcohol by a parent when the child is
388 demonstrably adversely affected by such usage.

389
390 As used in this paragraph, the term "controlled substance" means
391 prescription drugs not prescribed for the parent or not
392 administered as prescribed and controlled substances as outlined
393 in Schedule I or Schedule II of s. 893.03.

394 Section 3. For the purpose of incorporating the amendment
395 made by this act to section 893.03, Florida Statutes, in a
396 reference thereto, subsection (5) of section 316.193, Florida
397 Statutes, is reenacted to read:

398 316.193 Driving under the influence; penalties.—

399 (5) The court shall place all offenders convicted of
400 violating this section on monthly reporting probation and shall
401 require completion of a substance abuse course conducted by a
402 DUI program licensed by the department under s. 322.292, which
403 must include a psychosocial evaluation of the offender. If the
404 DUI program refers the offender to an authorized substance abuse
405 treatment provider for substance abuse treatment, in addition to
406 any sentence or fine imposed under this section, completion of

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407 all such education, evaluation, and treatment is a condition of
408 reporting probation. The offender shall assume reasonable costs
409 for such education, evaluation, and treatment. The referral to
410 treatment resulting from a psychosocial evaluation shall not be
411 waived without a supporting independent psychosocial evaluation
412 conducted by an authorized substance abuse treatment provider
413 appointed by the court, which shall have access to the DUI
414 program's psychosocial evaluation before the independent
415 psychosocial evaluation is conducted. The court shall review the
416 results and recommendations of both evaluations before
417 determining the request for waiver. The offender shall bear the
418 full cost of this procedure. The term "substance abuse" means
419 the abuse of alcohol or any substance named or described in
420 Schedules I through V of s. 893.03. If an offender referred to
421 treatment under this subsection fails to report for or complete
422 such treatment or fails to complete the DUI program substance
423 abuse education course and evaluation, the DUI program shall
424 notify the court and the department of the failure. Upon receipt
425 of the notice, the department shall cancel the offender's
426 driving privilege, notwithstanding the terms of the court order
427 or any suspension or revocation of the driving privilege. The
428 department may temporarily reinstate the driving privilege on a
429 restricted basis upon verification from the DUI program that the
430 offender is currently participating in treatment and the DUI
431 education course and evaluation requirement has been completed.
432 If the DUI program notifies the department of the second failure
433 to complete treatment, the department shall reinstate the
434 driving privilege only after notice of completion of treatment
435 from the DUI program. The organization that conducts the

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436 substance abuse education and evaluation may not provide
437 required substance abuse treatment unless a waiver has been
438 granted to that organization by the department. A waiver may be
439 granted only if the department determines, in accordance with
440 its rules, that the service provider that conducts the substance
441 abuse education and evaluation is the most appropriate service
442 provider and is licensed under chapter 397 or is exempt from
443 such licensure. A statistical referral report shall be submitted
444 quarterly to the department by each organization authorized to
445 provide services under this section.

446 Section 4. For the purpose of incorporating the amendment
447 made by this act to section 893.03, Florida Statutes, in a
448 reference thereto, paragraph (c) of subsection (2) of section
449 322.2616, Florida Statutes, is reenacted to read:

450 322.2616 Suspension of license; persons under 21 years of
451 age; right to review.—

452 (2)

453 (c) When a driver subject to this section has a blood-
454 alcohol or breath-alcohol level of 0.05 or higher, the
455 suspension shall remain in effect until such time as the driver
456 has completed a substance abuse course offered by a DUI program
457 licensed by the department. The driver shall assume the
458 reasonable costs for the substance abuse course. As part of the
459 substance abuse course, the program shall conduct a substance
460 abuse evaluation of the driver, and notify the parents or legal
461 guardians of drivers under the age of 19 years of the results of
462 the evaluation. The term "substance abuse" means the abuse of
463 alcohol or any substance named or described in Schedules I
464 through V of s. 893.03. If a driver fails to complete the

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465 substance abuse education course and evaluation, the driver
466 license shall not be reinstated by the department.

467 Section 5. For the purpose of incorporating the amendment
468 made by this act to section 893.03, Florida Statutes, in a
469 reference thereto, subsection (5) of section 327.35, Florida
470 Statutes, is reenacted to read:

471 327.35 Boating under the influence; penalties; "designated
472 drivers."—

473 (5) In addition to any sentence or fine, the court shall
474 place any offender convicted of violating this section on
475 monthly reporting probation and shall require attendance at a
476 substance abuse course specified by the court; and the agency
477 conducting the course may refer the offender to an authorized
478 service provider for substance abuse evaluation and treatment,
479 in addition to any sentence or fine imposed under this section.
480 The offender shall assume reasonable costs for such education,
481 evaluation, and treatment, with completion of all such
482 education, evaluation, and treatment being a condition of
483 reporting probation. Treatment resulting from a psychosocial
484 evaluation may not be waived without a supporting psychosocial
485 evaluation conducted by an agency appointed by the court and
486 with access to the original evaluation. The offender shall bear
487 the cost of this procedure. The term "substance abuse" means the
488 abuse of alcohol or any substance named or described in
489 Schedules I-V of s. 893.03.

490 Section 6. For the purpose of incorporating the amendment
491 made by this act to section 893.03, Florida Statutes, in a
492 reference thereto, paragraph (b) of subsection (11) of section
493 440.102, Florida Statutes, is reenacted to read:

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494 440.102 Drug-free workplace program requirements.—The
495 following provisions apply to a drug-free workplace program
496 implemented pursuant to law or to rules adopted by the Agency
497 for Health Care Administration:

498 (11) PUBLIC EMPLOYEES IN MANDATORY-TESTING OR SPECIAL-RISK
499 POSITIONS.—

500 (b) An employee who is employed by a public employer in a
501 special-risk position may be discharged or disciplined by a
502 public employer for the first positive confirmed test result if
503 the drug confirmed is an illicit drug under s. 893.03. A
504 special-risk employee who is participating in an employee
505 assistance program or drug rehabilitation program may not be
506 allowed to continue to work in any special-risk or mandatory-
507 testing position of the public employer, but may be assigned to
508 a position other than a mandatory-testing position or placed on
509 leave while the employee is participating in the program.
510 However, the employee shall be permitted to use any accumulated
511 annual leave credits before leave may be ordered without pay.

512 Section 7. For the purpose of incorporating the amendment
513 made by this act to section 893.03, Florida Statutes, in a
514 reference thereto, paragraph (e) of subsection (1) of section
515 458.3265, Florida Statutes, is reenacted to read:

516 458.3265 Pain-management clinics.—

517 (1) REGISTRATION.—

518 (e) The department shall deny registration to any pain-
519 management clinic owned by or with any contractual or employment
520 relationship with a physician:

521 1. Whose Drug Enforcement Administration number has ever
522 been revoked.

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523 2. Whose application for a license to prescribe, dispense,
524 or administer a controlled substance has been denied by any
525 jurisdiction.

526 3. Who has been convicted of or pleaded guilty or nolo
527 contendere to, regardless of adjudication, an offense that
528 constitutes a felony for receipt of illicit and diverted drugs,
529 including a controlled substance listed in Schedule I, Schedule
530 II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in
531 this state, any other state, or the United States.

532 Section 8. For the purpose of incorporating the amendment
533 made by this act to section 893.03, Florida Statutes, in a
534 reference thereto, paragraph (e) of subsection (1) of section
535 459.0137, Florida Statutes, is reenacted to read:

536 459.0137 Pain-management clinics.—

537 (1) REGISTRATION.—

538 (e) The department shall deny registration to any pain-
539 management clinic owned by or with any contractual or employment
540 relationship with a physician:

541 1. Whose Drug Enforcement Administration number has ever
542 been revoked.

543 2. Whose application for a license to prescribe, dispense,
544 or administer a controlled substance has been denied by any
545 jurisdiction.

546 3. Who has been convicted of or pleaded guilty or nolo
547 contendere to, regardless of adjudication, an offense that
548 constitutes a felony for receipt of illicit and diverted drugs,
549 including a controlled substance listed in Schedule I, Schedule
550 II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in
551 this state, any other state, or the United States.

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552 Section 9. For the purpose of incorporating the amendment
553 made by this act to section 893.03, Florida Statutes, in
554 references thereto, paragraph (a) of subsection (1) and
555 subsection (4) of section 782.04, Florida Statutes, are
556 reenacted to read:

557 782.04 Murder.—

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

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

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

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

564 b. Arson,

565 c. Sexual battery,

566 d. Robbery,

567 e. Burglary,

568 f. Kidnapping,

569 g. Escape,

570 h. Aggravated child abuse,

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

572 j. Aircraft piracy,

573 k. Unlawful throwing, placing, or discharging of a
574 destructive device or bomb,

575 l. Carjacking,

576 m. Home-invasion robbery,

577 n. Aggravated stalking,

578 o. Murder of another human being,

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

580 q. Aggravated fleeing or eluding with serious bodily injury

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581 or death,

582 r. Felony that is an act of terrorism or is in furtherance
583 of an act of terrorism; or

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

590

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

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

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

598 (b) Arson,

599 (c) Sexual battery,

600 (d) Robbery,

601 (e) Burglary,

602 (f) Kidnapping,

603 (g) Escape,

604 (h) Aggravated child abuse,

605 (i) Aggravated abuse of an elderly person or disabled
606 adult,

607 (j) Aircraft piracy,

608 (k) Unlawful throwing, placing, or discharging of a
609 destructive device or bomb,

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

616 (m) Carjacking,

617 (n) Home-invasion robbery,

618 (o) Aggravated stalking,

619 (p) Murder of another human being,

620 (q) Aggravated fleeing or eluding with serious bodily
621 injury or death,

622 (r) Resisting an officer with violence to his or her
623 person, or

624 (s) Felony that is an act of terrorism or is in furtherance
625 of an act of terrorism,

626

627 is murder in the third degree and constitutes a felony of the
628 second degree, punishable as provided in s. 775.082, s. 775.083,
629 or s. 775.084.

630 Section 10. For the purpose of incorporating the amendment
631 made by this act to section 893.03, Florida Statutes, in
632 references thereto, paragraph (a) of subsection (2) and
633 subsection (5) of section 893.0356, Florida Statutes, are
634 reenacted to read:

635 893.0356 Control of new substances; findings of fact;
636 "controlled substance analog" defined.—

637 (2)(a) As used in this section, "controlled substance
638 analog" means a substance which, due to its chemical structure

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639 and potential for abuse, meets the following criteria:

- 640 1. Is substantially similar to that of a controlled
641 substance listed in Schedule I or Schedule II of s. 893.03; and
642 2. Has a stimulant, depressant, or hallucinogenic effect on
643 the central nervous system or is represented or intended to have
644 a stimulant, depressant, or hallucinogenic effect on the central
645 nervous system substantially similar to or greater than that of
646 a controlled substance listed in Schedule I or Schedule II of s.
647 893.03.

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

651 Section 11. For the purpose of incorporating the amendment
652 made by this act to section 893.03, Florida Statutes, in a
653 reference thereto, subsection (1) of section 893.05, Florida
654 Statutes, is reenacted to read:

655 893.05 Practitioners and persons administering controlled
656 substances in their absence.—

657 (1) A practitioner, in good faith and in the course of his
658 or her professional practice only, may prescribe, administer,
659 dispense, mix, or otherwise prepare a controlled substance, or
660 the practitioner may cause the same to be administered by a
661 licensed nurse or an intern practitioner under his or her
662 direction and supervision only. A veterinarian may so prescribe,
663 administer, dispense, mix, or prepare a controlled substance for
664 use on animals only, and may cause it to be administered by an
665 assistant or orderly under the veterinarian's direction and
666 supervision only. A certified optometrist licensed under chapter
667 463 may not administer or prescribe a controlled substance

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668 listed in Schedule I or Schedule II of s. 893.03.

669 Section 12. For the purpose of incorporating the amendment
670 made by this act to section 893.03, Florida Statutes, in
671 references thereto, paragraphs (b), (c), and (d) of subsection
672 (2) of section 893.12, Florida Statutes, are reenacted to read:

673 893.12 Contraband; seizure, forfeiture, sale.—

674 (2)

675 (b) All real property, including any right, title,
676 leasehold interest, and other interest in the whole of any lot
677 or tract of land and any appurtenances or improvements, which
678 real property is used, or intended to be used, in any manner or
679 part, to commit or to facilitate the commission of, or which
680 real property is acquired with proceeds obtained as a result of,
681 a violation of any provision of this chapter related to a
682 controlled substance described in s. 893.03(1) or (2) may be
683 seized and forfeited as provided by the Florida Contraband
684 Forfeiture Act except that no property shall be forfeited under
685 this paragraph to the extent of an interest of an owner or
686 lienholder by reason of any act or omission established by that
687 owner or lienholder to have been committed or omitted without
688 the knowledge or consent of that owner or lienholder.

689 (c) All moneys, negotiable instruments, securities, and
690 other things of value furnished or intended to be furnished by
691 any person in exchange for a controlled substance described in
692 s. 893.03(1) or (2) or a listed chemical in violation of any
693 provision of this chapter, all proceeds traceable to such an
694 exchange, and all moneys, negotiable instruments, and securities
695 used or intended to be used to facilitate any violation of any
696 provision of this chapter or which are acquired with proceeds

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697 obtained in violation of any provision of this chapter may be
698 seized and forfeited as provided by the Florida Contraband
699 Forfeiture Act, except that no property shall be forfeited under
700 this paragraph to the extent of an interest of an owner or
701 lienholder by reason of any act or omission established by that
702 owner or lienholder to have been committed or omitted without
703 the knowledge or consent of that owner or lienholder.

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

711 Section 13. For the purpose of incorporating the amendment
712 made by this act to section 893.03, Florida Statutes, in
713 references thereto, paragraphs (a), (c), (d), (e), (f), and (h)
714 of subsection (1), paragraph (a) of subsection (2), paragraph
715 (b) of subsection (4), paragraph (b) of subsection (5), and
716 paragraph (a) of subsection (7) of section 893.13, Florida
717 Statutes, are reenacted to read:

718 893.13 Prohibited acts; penalties.—

719 (1) (a) Except as authorized by this chapter and chapter
720 499, a person may not sell, manufacture, or deliver, or possess
721 with intent to sell, manufacture, or deliver, a controlled
722 substance. A person who violates this provision with respect to:

723 1. A controlled substance named or described in s.
724 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.
725 commits a felony of the second degree, punishable as provided in

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726 s. 775.082, s. 775.083, or s. 775.084.

727 2. A controlled substance named or described in s.
728 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
729 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
730 the third degree, punishable as provided in s. 775.082, s.
731 775.083, or s. 775.084.

732 3. A controlled substance named or described in s.
733 893.03(5) commits a misdemeanor of the first degree, punishable
734 as provided in s. 775.082 or s. 775.083.

735 (c) Except as authorized by this chapter, a person may not
736 sell, manufacture, or deliver, or possess with intent to sell,
737 manufacture, or deliver, a controlled substance in, on, or
738 within 1,000 feet of the real property comprising a child care
739 facility as defined in s. 402.302 or a public or private
740 elementary, middle, or secondary school between the hours of 6
741 a.m. and 12 midnight, or at any time in, on, or within 1,000
742 feet of real property comprising a state, county, or municipal
743 park, a community center, or a publicly owned recreational
744 facility. As used in this paragraph, the term "community center"
745 means a facility operated by a nonprofit community-based
746 organization for the provision of recreational, social, or
747 educational services to the public. A person who violates this
748 paragraph with respect to:

749 1. A controlled substance named or described in s.
750 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
751 commits a felony of the first degree, punishable as provided in
752 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
753 sentenced to a minimum term of imprisonment of 3 calendar years
754 unless the offense was committed within 1,000 feet of the real

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755 property comprising a child care facility as defined in s.
756 402.302.

757 2. A controlled substance named or described in s.
758 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
759 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
760 the second degree, punishable as provided in s. 775.082, s.
761 775.083, or s. 775.084.

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

766
767 This paragraph does not apply to a child care facility unless
768 the owner or operator of the facility posts a sign that is not
769 less than 2 square feet in size with a word legend identifying
770 the facility as a licensed child care facility and that is
771 posted on the property of the child care facility in a
772 conspicuous place where the sign is reasonably visible to the
773 public.

774 (d) Except as authorized by this chapter, a person may not
775 sell, manufacture, or deliver, or possess with intent to sell,
776 manufacture, or deliver, a controlled substance in, on, or
777 within 1,000 feet of the real property comprising a public or
778 private college, university, or other postsecondary educational
779 institution. A person who violates this paragraph with respect
780 to:

781 1. A controlled substance named or described in s.
782 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
783 commits a felony of the first degree, punishable as provided in

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784 s. 775.082, s. 775.083, or s. 775.084.

785 2. A controlled substance named or described in s.
786 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
787 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
788 the second degree, punishable as provided in s. 775.082, s.
789 775.083, or s. 775.084.

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

794 (e) Except as authorized by this chapter, a person may not
795 sell, manufacture, or deliver, or possess with intent to sell,
796 manufacture, or deliver, a controlled substance not authorized
797 by law in, on, or within 1,000 feet of a physical place for
798 worship at which a church or religious organization regularly
799 conducts religious services or within 1,000 feet of a
800 convenience business as defined in s. 812.171. A person who
801 violates this paragraph with respect to:

802 1. A controlled substance named or described in s.
803 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
804 commits a felony of the first degree, punishable as provided in
805 s. 775.082, s. 775.083, or s. 775.084.

806 2. A controlled substance named or described in s.
807 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
808 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
809 the second degree, punishable as provided in s. 775.082, s.
810 775.083, or s. 775.084.

811 3. Any other controlled substance, except as lawfully sold,
812 manufactured, or delivered, must be sentenced to pay a \$500 fine

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813 and to serve 100 hours of public service in addition to any
814 other penalty prescribed by law.

815 (f) Except as authorized by this chapter, a person may not
816 sell, manufacture, or deliver, or possess with intent to sell,
817 manufacture, or deliver, a controlled substance in, on, or
818 within 1,000 feet of the real property comprising a public
819 housing facility at any time. As used in this section, the term
820 "real property comprising a public housing facility" means real
821 property, as defined in s. 421.03(12), of a public corporation
822 created as a housing authority pursuant to part I of chapter
823 421. A person who violates this paragraph with respect to:

824 1. A controlled substance named or described in s.
825 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
826 commits a felony of the first degree, punishable as provided in
827 s. 775.082, s. 775.083, or s. 775.084.

828 2. A controlled substance named or described in s.
829 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
830 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
831 the second degree, punishable as provided in s. 775.082, s.
832 775.083, or s. 775.084.

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

837 (h) Except as authorized by this chapter, a person may not
838 sell, manufacture, or deliver, or possess with intent to sell,
839 manufacture, or deliver, a controlled substance in, on, or
840 within 1,000 feet of the real property comprising an assisted
841 living facility, as that term is used in chapter 429. A person

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842 who violates this paragraph with respect to:

843 1. A controlled substance named or described in s.
844 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
845 commits a felony of the first degree, punishable as provided in
846 s. 775.082, s. 775.083, or s. 775.084.

847 2. A controlled substance named or described in s.
848 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
849 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
850 the second degree, punishable as provided in s. 775.082, s.
851 775.083, or s. 775.084.

852 (2)(a) Except as authorized by this chapter and chapter
853 499, a person may not purchase, or possess with intent to
854 purchase, a controlled substance. A person who violates this
855 provision with respect to:

856 1. A controlled substance named or described in s.
857 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
858 commits a felony of the second degree, punishable as provided in
859 s. 775.082, s. 775.083, or s. 775.084.

860 2. A controlled substance named or described in s.
861 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
862 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
863 the third degree, punishable as provided in s. 775.082, s.
864 775.083, or s. 775.084.

865 3. A controlled substance named or described in s.
866 893.03(5) commits a misdemeanor of the first degree, punishable
867 as provided in s. 775.082 or s. 775.083.

868 (4) Except as authorized by this chapter, a person 18 years
869 of age or older may not deliver any controlled substance to a
870 person younger than 18 years of age, use or hire a person

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871 younger than 18 years of age as an agent or employee in the sale
872 or delivery of such a substance, or use such person to assist in
873 avoiding detection or apprehension for a violation of this
874 chapter. A person who violates this provision with respect to:

875 (b) A controlled substance named or described in s.
876 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
877 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
878 the second degree, punishable as provided in s. 775.082, s.
879 775.083, or s. 775.084.

880

881 Imposition of sentence may not be suspended or deferred, and the
882 person so convicted may not be placed on probation.

883 (5) A person may not bring into this state any controlled
884 substance unless the possession of such controlled substance is
885 authorized by this chapter or unless such person is licensed to
886 do so by the appropriate federal agency. A person who violates
887 this provision with respect to:

888 (b) A controlled substance named or described in s.
889 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
890 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
891 the third degree, punishable as provided in s. 775.082, s.
892 775.083, or s. 775.084.

893 (7)(a) A person may not:

894 1. Distribute or dispense a controlled substance in
895 violation of this chapter.

896 2. Refuse or fail to make, keep, or furnish any record,
897 notification, order form, statement, invoice, or information
898 required under this chapter.

899 3. Refuse entry into any premises for any inspection or

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900 refuse to allow any inspection authorized by this chapter.

901 4. Distribute a controlled substance named or described in
902 s. 893.03(1) or (2) except pursuant to an order form as required
903 by s. 893.06.

904 5. Keep or maintain any store, shop, warehouse, dwelling,
905 building, vehicle, boat, aircraft, or other structure or place
906 which is resorted to by persons using controlled substances in
907 violation of this chapter for the purpose of using these
908 substances, or which is used for keeping or selling them in
909 violation of this chapter.

910 6. Use to his or her own personal advantage, or reveal, any
911 information obtained in enforcement of this chapter except in a
912 prosecution or administrative hearing for a violation of this
913 chapter.

914 7. Possess a prescription form unless it has been signed by
915 the practitioner whose name appears printed thereon and
916 completed. This subparagraph does not apply if the person in
917 possession of the form is the practitioner whose name appears
918 printed thereon, an agent or employee of that practitioner, a
919 pharmacist, or a supplier of prescription forms who is
920 authorized by that practitioner to possess those forms.

921 8. Withhold information from a practitioner from whom the
922 person seeks to obtain a controlled substance or a prescription
923 for a controlled substance that the person making the request
924 has received a controlled substance or a prescription for a
925 controlled substance of like therapeutic use from another
926 practitioner within the previous 30 days.

927 9. Acquire or obtain, or attempt to acquire or obtain,
928 possession of a controlled substance by misrepresentation,

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929 fraud, forgery, deception, or subterfuge.

930 10. Affix any false or forged label to a package or
931 receptacle containing a controlled substance.

932 11. Furnish false or fraudulent material information in, or
933 omit any material information from, any report or other document
934 required to be kept or filed under this chapter or any record
935 required to be kept by this chapter.

936 12. Store anhydrous ammonia in a container that is not
937 approved by the United States Department of Transportation to
938 hold anhydrous ammonia or is not constructed in accordance with
939 sound engineering, agricultural, or commercial practices.

940 13. With the intent to obtain a controlled substance or
941 combination of controlled substances that are not medically
942 necessary for the person or an amount of a controlled substance
943 or substances that is not medically necessary for the person,
944 obtain or attempt to obtain from a practitioner a controlled
945 substance or a prescription for a controlled substance by
946 misrepresentation, fraud, forgery, deception, subterfuge, or
947 concealment of a material fact. For purposes of this
948 subparagraph, a material fact includes whether the person has an
949 existing prescription for a controlled substance issued for the
950 same period of time by another practitioner or as described in
951 subparagraph 8.

952 Section 14. For the purpose of incorporating the amendment
953 made by this act to section 893.03, Florida Statutes, in
954 references thereto, paragraphs (k) and (l) of subsection (1) of
955 section 893.135, Florida Statutes, are reenacted to read:

956 893.135 Trafficking; mandatory sentences; suspension or
957 reduction of sentences; conspiracy to engage in trafficking.-

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

960 (k)1. A person who knowingly sells, purchases,
961 manufactures, delivers, or brings into this state, or who is
962 knowingly in actual or constructive possession of, 10 grams or
963 more of any of the following substances described in s.
964 893.03(1)(c):

- 965 a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 966 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 967 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 968 d. 2,5-Dimethoxyamphetamine;
- 969 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 970 f. N-ethylamphetamine;
- 971 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 972 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 973 i. 4-methoxyamphetamine;
- 974 j. 4-methoxymethamphetamine;
- 975 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 976 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 977 m. 3,4-Methylenedioxyamphetamine;
- 978 n. N,N-dimethylamphetamine;
- 979 o. 3,4,5-Trimethoxyamphetamine;
- 980 p. 3,4-Methylenedioxymethcathinone;
- 981 q. 3,4-Methylenedioxypropylone (MDPV); or
- 982 r. Methylmethcathinone,

983
984 individually or analogs thereto or isomers thereto or in any
985 combination of or any mixture containing any substance listed in
986 sub-subparagraphs a.-r., commits a felony of the first degree,

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987 which felony shall be known as "trafficking in Phenethylamines,"
988 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

989 2. If the quantity involved:

990 a. Is 10 grams or more, but less than 200 grams, such
991 person shall be sentenced to a mandatory minimum term of
992 imprisonment of 3 years and shall be ordered to pay a fine of
993 \$50,000.

994 b. Is 200 grams or more, but less than 400 grams, such
995 person shall be sentenced to a mandatory minimum term of
996 imprisonment of 7 years and shall be ordered to pay a fine of
997 \$100,000.

998 c. Is 400 grams or more, such person shall be sentenced to
999 a mandatory minimum term of imprisonment of 15 years and shall
1000 be ordered to pay a fine of \$250,000.

1001 3. A person who knowingly manufactures or brings into this
1002 state 30 kilograms or more of any of the following substances
1003 described in s. 893.03(1)(c):

- 1004 a. 3,4-Methylenedioxymethamphetamine (MDMA);
1005 b. 4-Bromo-2,5-dimethoxyamphetamine;
1006 c. 4-Bromo-2,5-dimethoxyphenethylamine;
1007 d. 2,5-Dimethoxyamphetamine;
1008 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
1009 f. N-ethylamphetamine;
1010 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
1011 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
1012 i. 4-methoxyamphetamine;
1013 j. 4-methoxymethamphetamine;
1014 k. 4-Methyl-2,5-dimethoxyamphetamine;
1015 l. 3,4-Methylenedioxy-N-ethylamphetamine;

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- 1016 m. 3,4-Methylenedioxyamphetamine;
1017 n. N,N-dimethylamphetamine;
1018 o. 3,4,5-Trimethoxyamphetamine;
1019 p. 3,4-Methylenedioxymethcathinone;
1020 q. 3,4-Methylenedioxypropylone (MDPV); or
1021 r. Methylenedioxymethcathinone,

1022

1023 individually or analogs thereto or isomers thereto or in any
1024 combination of or any mixture containing any substance listed in
1025 sub-subparagraphs a.-r., and who knows that the probable result
1026 of such manufacture or importation would be the death of any
1027 person commits capital manufacture or importation of
1028 Phenethylamines, a capital felony punishable as provided in ss.
1029 775.082 and 921.142. A person sentenced for a capital felony
1030 under this paragraph shall also be sentenced to pay the maximum
1031 fine provided under subparagraph 1.

1032 (1)1. Any person who knowingly sells, purchases,
1033 manufactures, delivers, or brings into this state, or who is
1034 knowingly in actual or constructive possession of, 1 gram or
1035 more of lysergic acid diethylamide (LSD) as described in s.
1036 893.03(1)(c), or of any mixture containing lysergic acid
1037 diethylamide (LSD), commits a felony of the first degree, which
1038 felony shall be known as "trafficking in lysergic acid
1039 diethylamide (LSD)," punishable as provided in s. 775.082, s.
1040 775.083, or s. 775.084. If the quantity involved:

1041 a. Is 1 gram or more, but less than 5 grams, such person
1042 shall be sentenced to a mandatory minimum term of imprisonment
1043 of 3 years, and the defendant shall be ordered to pay a fine of
1044 \$50,000.

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1045 b. Is 5 grams or more, but less than 7 grams, such person
 1046 shall be sentenced to a mandatory minimum term of imprisonment
 1047 of 7 years, and the defendant shall be ordered to pay a fine of
 1048 \$100,000.

1049 c. Is 7 grams or more, such person shall be sentenced to a
 1050 mandatory minimum term of imprisonment of 15 calendar years and
 1051 pay a fine of \$500,000.

1052 2. Any person who knowingly manufactures or brings into
 1053 this state 7 grams or more of lysergic acid diethylamide (LSD)
 1054 as described in s. 893.03(1)(c), or any mixture containing
 1055 lysergic acid diethylamide (LSD), and who knows that the
 1056 probable result of such manufacture or importation would be the
 1057 death of any person commits capital manufacture or importation
 1058 of lysergic acid diethylamide (LSD), a capital felony punishable
 1059 as provided in ss. 775.082 and 921.142. Any person sentenced for
 1060 a capital felony under this paragraph shall also be sentenced to
 1061 pay the maximum fine provided under subparagraph 1.

1062 Section 15. For the purpose of incorporating the amendment
 1063 made by this act to section 893.03, Florida Statutes, in
 1064 references thereto, paragraphs (b), (c), and (e) of subsection
 1065 (3) of section 921.0022, Florida Statutes, are reenacted to
 1066 read:

1067 921.0022 Criminal Punishment Code; offense severity ranking
 1068 chart.—

1069 (3) OFFENSE SEVERITY RANKING CHART

1070 (b) LEVEL 2

1071

Florida	Felony	
Statute	Degree	Description

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1072

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

1073

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

1074

403.413 (6) (c) 3rd Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.

1075

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

1076

590.28 (1) 3rd Intentional burning of lands.

1077

784.05 (3) 3rd Storing or leaving a loaded firearm within

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1078

787.04 (1)

3rd

reach of minor who uses it to inflict injury or death.

In violation of court order, take, entice, etc., minor beyond state limits.

1079

806.13 (1) (b) 3.

3rd

Criminal mischief; damage \$1,000 or more to public communication or any other public service.

1080

810.061 (2)

3rd

Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

1081

810.09 (2) (e)

3rd

Trespassing on posted commercial horticulture property.

1082

812.014 (2) (c) 1.

3rd

Grand theft, 3rd degree; \$300 or more but less than \$5,000.

1083

812.014 (2) (d)

3rd

Grand theft, 3rd degree;

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1084

\$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.

812.015 (7)

3rd

Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

1085

817.234 (1) (a) 2.

3rd

False statement in support of insurance claim.

1086

817.481 (3) (a)

3rd

Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

1087

817.52 (3)

3rd

Failure to redeliver hired vehicle.

1088

817.54

3rd

With intent to defraud, obtain mortgage note, etc., by false representation.

1089

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1090

817.60 (5)

3rd

Dealing in credit cards of another.

1091

817.60 (6) (a)

3rd

Forgery; purchase goods, services with false card.

1092

817.61

3rd

Fraudulent use of credit cards over \$100 or more within 6 months.

1093

826.04

3rd

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

1094

831.01

3rd

Forgery.

1095

831.02

3rd

Uttering forged instrument; utters or publishes alteration with intent to defraud.

1096

831.07

3rd

Forging bank bills, checks, drafts, or promissory notes.

831.08

3rd

Possessing 10 or more forged notes, bills, checks, or drafts.

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1103

831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	Falsely impersonating an officer.
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., (3), or (4) drugs other than cannabis.
893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.

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1104 (c) LEVEL 3

1105

Florida
Statute

Felony
Degree

Description

1106

119.10 (2) (b)

3rd

Unlawful use of
confidential information
from police reports.

1107

316.066
(3) (b) - (d)

3rd

Unlawfully obtaining or
using confidential crash
reports.

1108

316.193 (2) (b)

3rd

Felony DUI, 3rd conviction.

1109

316.1935 (2)

3rd

Fleeing or attempting to
elude law enforcement
officer in patrol vehicle
with siren and lights
activated.

1110

319.30 (4)

3rd

Possession by junkyard of
motor vehicle with
identification number plate
removed.

1111

319.33 (1) (a)

3rd

Alter or forge any
certificate of title to a
motor vehicle or mobile

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			home.
1112	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
1113	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
1114	327.35(2)(b)	3rd	Felony BUI.
1115	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
1116	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
1117	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
1118			

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379.2431

3rd

(1) (e) 5.

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.

1119

379.2431

3rd

(1) (e) 6.

Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

1120

400.9935 (4)

3rd

Operating a clinic without a license or filing false license application or other required information.

1121

440.1051 (3)

3rd

False report of workers' compensation fraud or retaliation for making such a report.

1122

501.001 (2) (b)

2nd

Tampers with a consumer product or the container

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1123	624.401 (4) (a)	3rd	using materially false/misleading information.
1124	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority.
1125	626.902 (1) (a) & (b)	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
1126	697.08	3rd	Representing an unauthorized insurer.
1127	790.15 (3)	3rd	Equity skimming.
1128	806.10 (1)	3rd	Person directs another to discharge firearm from a vehicle.
1129	806.10 (2)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
			Interferes with or assaults

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1130

firefighter in performance
of duty.

810.09(2)(c)

3rd

Trespass on property other
than structure or
conveyance armed with
firearm or dangerous
weapon.

1131

812.014(2)(c)2.

3rd

Grand theft; \$5,000 or more
but less than \$10,000.

1132

812.0145(2)(c)

3rd

Theft from person 65 years
of age or older; \$300 or
more but less than \$10,000.

1133

815.04(5)(b)

2nd

Computer offense devised to
defraud or obtain property.

1134

817.034(4)(a)3.

3rd

Engages in scheme to
defraud (Florida
Communications Fraud Act),
property valued at less
than \$20,000.

1135

817.233

3rd

Burning to defraud insurer.

1136

817.234
(8)(b) & (c)

3rd

Unlawful solicitation of
persons involved in motor

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			vehicle accidents.
1137	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
1138	817.236	3rd	Filing a false motor vehicle insurance application.
1139	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
1140	817.413 (2)	3rd	Sale of used goods as new.
1141	817.505 (4)	3rd	Patient brokering.
1142	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
1143	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
1144			

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1145
1146
1147
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1149
1150

831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
843.19	3rd	Injure, disable, or kill police dog or horse.
860.15 (3)	3rd	Overcharging for repairs and parts.
870.01 (2)	3rd	Riot; inciting or encouraging.
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).
893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03(1) (c), (2) (c)1., (2) (c)2.,

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			(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.
1151	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.
1152	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
1153	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
1154	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery,

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1155

misrepresentation, etc.

893.13(7)(a)10.

3rd

Affix false or forged label to package of controlled substance.

1156

893.13(7)(a)11.

3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

1157

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.

1158

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 animal in obtaining a controlled substance.

1159

893.13(8)(a)3.

3rd

Knowingly write a

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1160

prescription for a controlled substance for a fictitious person.

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.

1161

918.13 (1) (a)

3rd

Alter, destroy, or conceal investigation evidence.

1162

944.47
(1) (a) 1. & 2.

3rd

Introduce contraband to correctional facility.

1163

944.47 (1) (c)

2nd

Possess contraband while upon the grounds of a correctional institution.

1164

985.721

3rd

Escapes from a juvenile facility (secure detention or residential commitment facility).

1165

1166

(e) LEVEL 5

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1167
1168
1169
1170
1171
1172
1173

Florida Statute	Felony Degree	Description
316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
379.3671	3rd	Willful molestation,

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(2) (c) 3.

possession, or removal
of a commercial
harvester's trap
contents or trap gear by
another harvester.

1174

381.0041 (11) (b)

3rd

Donate blood, plasma, or
organs knowing HIV
positive.

1175

440.10 (1) (g)

2nd

Failure to obtain
workers' compensation
coverage.

1176

440.105 (5)

2nd

Unlawful solicitation
for the purpose of
making workers'
compensation claims.

1177

440.381 (2)

2nd

Submission of false,
misleading, or
incomplete information
with the purpose of
avoiding or reducing
workers' compensation
premiums.

1178

624.401 (4) (b) 2.

2nd

Transacting insurance
without a certificate or

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1179			authority; premium collected \$20,000 or more but less than \$100,000.
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
1180			
	790.01 (2)	3rd	Carrying a concealed firearm.
1181			
	790.162	2nd	Threat to throw or discharge destructive device.
1182			
	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
1183			
	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
1184			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1185			

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1186	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
1187	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
1188	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
1189	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1190	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1191	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
1192	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.

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1193	812.131 (2) (b)	3rd	Robbery by sudden snatching.
1194	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
1195	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1196	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
1197	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
1197	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment

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1198	817.625 (2) (b)	2nd	<p>avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.</p>
1199	825.1025 (4)	3rd	<p>Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.</p>
1200	827.071 (4)	2nd	<p>Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.</p>
1201	827.071 (5)	3rd	<p>Possess, control, or intentionally view any photographic material, motion picture, etc.,</p>

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1202
1203
1204
1205
1206
1207

839.13 (2) (b)

2nd

which includes sexual
conduct by a child.

Falsifying records of an
individual in the care
and custody of a state
agency involving great
bodily harm or death.

843.01

3rd

Resist officer with
violence to person;
resist arrest with
violence.

847.0135 (5) (b)

2nd

Lewd or lascivious
exhibition using
computer; offender 18
years or older.

847.0137
(2) & (3)

3rd

Transmission of
pornography by
electronic device or
equipment.

847.0138
(2) & (3)

3rd

Transmission of material
harmful to minors to a
minor by electronic
device or equipment.

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1208

874.05 (1) (b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

1209

874.05 (2) (a)

2nd

Encouraging or recruiting person under 13 years of age to join a criminal gang.

1210

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).

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

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1211

893.13(1)(d)1.

1st

municipal park or
publicly owned
recreational facility or
community center.

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.

1212

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.

1213

893.13(1)(f)1.

1st

Sell, manufacture, or
deliver cocaine (or
other s. 893.03(1)(a),

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(1) (b), (1) (d), or
(2) (a), (2) (b), or
(2) (c) 4. drugs) within
1,000 feet of public
housing facility.

1214

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).

1215

893.1351 (1)

3rd

Ownership, lease, or
rental for trafficking
in or manufacturing of
controlled substance.

1216

1217

Section 16. This act shall take effect upon becoming a law.