

1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 893.03, F.S.; scheduling Mitragynine and 7-
4 Hydroxymitragynine, constituents of Kratom, in a
5 schedule of controlled substances; scheduling isomers,
6 esters, ethers, salts, and salts of isomers, esters,
7 and ethers of Mitragynine and 7-Hydroxymitragynine in
8 a schedule of controlled substances; providing an
9 exception from scheduling for any drug product
10 approved by the United States Food and Drug
11 Administration which contains Mitragynine or 7-
12 Hydroxymitragynine; amending s. 893.13, F.S.;
13 providing a criminal penalty; reenacting s.
14 39.01(30)(a) and (g), F.S., relating to definitions
15 used in chapter 39, F.S., s. 316.193(5), F.S.,
16 relating to driving under the influence, s.
17 322.2616(2)(c), F.S., relating to suspension of driver
18 licenses, s. 327.35(5), F.S., relating to boating
19 under the influence, s. 440.102(11)(b), F.S., relating
20 to drug-free workplace programs, ss. 458.3265(1)(e)
21 and 459.0137(1)(e), F.S., relating to pain-management
22 clinics, s. 782.04(1)(a) and (4), F.S., relating to
23 murder, s. 787.06(2)(a), F.S., relating to human
24 trafficking, s. 817.563, F.S., relating to sale of
25 substance in lieu of a controlled substance, s.
26 831.31(1)(a) and (2), F.S., relating to counterfeit

27 controlled substance, s. 856.015(1)(c), F.S., relating
 28 to open house parties, s. 893.02(4), F.S., relating to
 29 definitions, ss. 893.035(2), (7)(a), and (8)(a) and
 30 893.0356(2)(a) and (5), F.S., relating to control of
 31 new substances, s. 893.05(1), F.S., relating to
 32 practitioners and persons administering controlled
 33 substances in their absence, s. 893.12(2)(b), (c), and
 34 (d), F.S., relating to contraband, seizure,
 35 forfeiture, and sale, s. 893.13(1)(a), (c), (d), (e),
 36 (f), and (h), (2)(a), (4)(b), (5)(b), and (7)(a),
 37 F.S., relating to prohibited acts and penalties, and
 38 921.0022(3)(b), (c), and (e), F.S., relating to the
 39 offense severity ranking chart of the Criminal
 40 Punishment Code, to incorporate the amendment made by
 41 the act to s. 893.03, F.S., in references thereto;
 42 providing an effective date.

43

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

45

46 Section 1. Paragraph (c) of subsection (1) of section
 47 893.03, Florida Statutes, is amended to read:

48 893.03 Standards and schedules.—The substances enumerated
 49 in this section are controlled by this chapter. The controlled
 50 substances listed or to be listed in Schedules I, II, III, IV,
 51 and V are included by whatever official, common, usual,
 52 chemical, or trade name designated. The provisions of this

53 section shall not be construed to include within any of the
 54 schedules contained in this section any excluded drugs listed
 55 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
 56 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
 57 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
 58 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
 59 Anabolic Steroid Products."

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

65 (c) Unless specifically excepted or unless listed in
 66 another schedule, any material, compound, mixture, or
 67 preparation that contains any quantity of the following
 68 hallucinogenic substances or that contains any of their salts,
 69 isomers, including optical, positional, or geometric isomers,
 70 and salts of isomers, if the existence of such salts, isomers,
 71 and salts of isomers is possible within the specific chemical
 72 designation:

- 73 1. Alpha-ethyltryptamine.
- 74 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
 75 methylaminorex).
- 76 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 77 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 78 5. 4-Bromo-2,5-dimethoxyphenethylamine.

- 79 | 6. Bufotenine.
- 80 | 7. Cannabis.
- 81 | 8. Cathinone.
- 82 | 9. Diethyltryptamine.
- 83 | 10. 2,5-Dimethoxyamphetamine.
- 84 | 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 85 | 12. Dimethyltryptamine.
- 86 | 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
- 87 | analog of phencyclidine).
- 88 | 14. N-Ethyl-3-piperidyl benzilate.
- 89 | 15. N-ethylamphetamine.
- 90 | 16. Fenethylamine.
- 91 | 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 92 | 18. Ibogaine.
- 93 | 19. Lysergic acid diethylamide (LSD).
- 94 | 20. Mescaline.
- 95 | 21. Methcathinone.
- 96 | 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 97 | 23. 4-methoxyamphetamine.
- 98 | 24. 4-methoxymethamphetamine.
- 99 | 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 100 | 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 101 | 27. 3,4-Methylenedioxyamphetamine.
- 102 | 28. N-Methyl-3-piperidyl benzilate.
- 103 | 29. N,N-dimethylamphetamine.
- 104 | 30. Parahexyl.

- 105 | 31. Peyote.
- 106 | 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
- 107 | analog of phencyclidine).
- 108 | 33. Psilocybin.
- 109 | 34. Psilocyn.
- 110 | 35. Salvia divinorum, except for any drug product approved
- 111 | by the United States Food and Drug Administration which contains
- 112 | Salvia divinorum or its isomers, esters, ethers, salts, and
- 113 | salts of isomers, esters, and ethers, if the existence of such
- 114 | isomers, esters, ethers, and salts is possible within the
- 115 | specific chemical designation.
- 116 | 36. Salvinorin A, except for any drug product approved by
- 117 | the United States Food and Drug Administration which contains
- 118 | Salvinorin A or its isomers, esters, ethers, salts, and salts of
- 119 | isomers, esters, and ethers, if the existence of such isomers,
- 120 | esters, ethers, and salts is possible within the specific
- 121 | chemical designation.
- 122 | 37. Tetrahydrocannabinols.
- 123 | 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
- 124 | (Thiophene analog of phencyclidine).
- 125 | 39. 3,4,5-Trimethoxyamphetamine.
- 126 | 40. 3,4-Methylenedioxy methcathinone.
- 127 | 41. 3,4-Methylenedioxypropionylphenone (MDPV).
- 128 | 42. Methylmethcathinone.
- 129 | 43. Methoxymethcathinone.
- 130 | 44. Fluoromethcathinone.

- 131 45. Methylethcathinone.
- 132 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
- 133 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
- 134 homologue.
- 135 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
- 136 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
- 137 also known as HU-210.
- 138 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
- 139 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
- 140 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole,
- 141 also known as JWH-200.
- 142 51. BZP (Benzylpiperazine).
- 143 52. Fluorophenylpiperazine.
- 144 53. Methylphenylpiperazine.
- 145 54. Chlorophenylpiperazine.
- 146 55. Methoxyphenylpiperazine.
- 147 56. DBZP (1,4-dibenzylpiperazine).
- 148 57. TFMPP (3-Trifluoromethylphenylpiperazine).
- 149 58. MBDB (Methylbenzodioxolylbutanamine).
- 150 59. 5-Hydroxy-alpha-methyltryptamine.
- 151 60. 5-Hydroxy-N-methyltryptamine.
- 152 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
- 153 62. 5-Methoxy-alpha-methyltryptamine.
- 154 63. Methyltryptamine.
- 155 64. 5-Methoxy-N,N-dimethyltryptamine.
- 156 65. 5-Methyl-N,N-dimethyltryptamine.

- 157 | 66. Tyramine (4-Hydroxyphenethylamine).
- 158 | 67. 5-Methoxy-N,N-Diisopropyltryptamine.
- 159 | 68. DiPT (N,N-Diisopropyltryptamine).
- 160 | 69. DPT (N,N-Dipropyltryptamine).
- 161 | 70. 4-Hydroxy-N,N-diisopropyltryptamine.
- 162 | 71. N,N-Diallyl-5-Methoxytryptamine.
- 163 | 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 164 | 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 165 | 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 166 | 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 167 | 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 168 | 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 169 | 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 170 | 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- 171 | 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 172 | 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
- 173 | 82. Ethcathinone.
- 174 | 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- 175 | 84. Naphyrone (naphthylpyrovalerone).
- 176 | 85. N-N-Dimethyl-3,4-methylenedioxycathinone.
- 177 | 86. N-N-Diethyl-3,4-methylenedioxycathinone.
- 178 | 87. 3,4-methylenedioxy-propiofenone.
- 179 | 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
- 180 | 89. 3,4-methylenedioxy-propiofenone-2-oxime.
- 181 | 90. N-Acetyl-3,4-methylenedioxycathinone.
- 182 | 91. N-Acetyl-N-Methyl-3,4-Methylenedioxycathinone.

- 183 | 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
- 184 | 93. Bromomethcathinone.
- 185 | 94. Buphedrone (alpha-methylamino-butyrophenone).
- 186 | 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- 187 | 96. Dimethylcathinone.
- 188 | 97. Dimethylmethcathinone.
- 189 | 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 190 | 99. (MDPPP) 3,4-Methylenedioxy-alpha-
- 191 | pyrrolidinopropiophenone.
- 192 | 100. (MDPBP) 3,4-Methylenedioxy-alpha-
- 193 | pyrrolidinobutiophenone.
- 194 | 101. Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- 195 | 102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
- 196 | 103. Benocyclidine (BCP) or
- 197 | benzothiophenylcyclohexylpiperidine (BTCP).
- 198 | 104. Fluoromethylaminobutyrophenone (F-MABP).
- 199 | 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
- 200 | 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
- 201 | 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
- 202 | 108. Methylethylaminobutyrophenone (Me-EABP).
- 203 | 109. Methylamino-butyrophenone (MABP).
- 204 | 110. Pyrrolidinopropiophenone (PPP).
- 205 | 111. Pyrrolidinobutiophenone (PBP).
- 206 | 112. Pyrrolidinovalerophenone (PVP).
- 207 | 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
- 208 | 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).

- 209 | 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
 210 | naphthalenylmethanone).
- 211 | 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-
 212 | yl)methanone).
- 213 | 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- 214 | 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-
 215 | yl)methanone).
- 216 | 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-
 217 | yl)methanone).
- 218 | 120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
- 219 | 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-
 220 | 6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
- 221 | 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-
 222 | indole).
- 223 | 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
- 224 | 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-
 225 | yl)ethanone).
- 226 | 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
 227 | yl)methanone).
- 228 | 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
 229 | yl)ethanone).
- 230 | 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-
 231 | yl)ethanone).
- 232 | 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
- 233 | 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- 234 | 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-

- 235 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
 236 ol).
- 237 131. HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-
 238 methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-
 239 enyl] methanol).
- 240 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-
 241 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
 242 1,4-dione).
- 243 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-
 244 yl)methanone).
- 245 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
 246 undecanamide).
- 247 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
 248 undecanamide).
- 249 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-
 250 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
- 251 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-
 252 iodophenyl)methanone).
- 253 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-
 254 (naphthalen-1-yl)methanone).
- 255 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-
 256 yl)methanone).
- 257 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-
 258 methoxyphenylethanone).
- 259 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
 260 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

- 261 naphthalenylmethanone).
- 262 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
- 263 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
- 264 naphthalenylmethanone).
- 265 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).
- 266 144. Fluoroamphetamine.
- 267 145. Fluoromethamphetamine.
- 268 146. Methoxetamine.
- 269 147. Methiopropamine.
- 270 148. 4-Methylbuphedrone (2-Methylamino-1-(4-
- 271 methylphenyl)butan-1-one).
- 272 149. APB ((2-aminopropyl)benzofuran).
- 273 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
- 274 151. UR-144 ((1-pentyl-1H-indol-3-yl) (2,2,3,3-
- 275 tetramethylcyclopropyl)methanone).
- 276 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl) (2,2,3,3-
- 277 tetramethylcyclopropyl)methanone).
- 278 153. (1-(5-chloropentyl)-1H-indol-3-yl) (2,2,3,3-
- 279 tetramethylcyclopropyl)methanone.
- 280 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-
- 281 indazole-3-carboxamide).
- 282 155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-
- 283 piperidinyl)methyl]-1H-indol-3-yl]-methanone).
- 284 156. STS-135 (1-(5-fluoropentyl)-N-
- 285 tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indole-3-carboxamide).
- 286 157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-

HB 73

2016

- 287 cyclohexylcarbamate).
- 288 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,
289 cyclohexyl ester).
- 290 159. URB-754 (6-methyl-2-[(4-methylphenyl) amino]-1-
291 benzoxazin-4-one).
- 292 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).
- 293 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).
- 294 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
- 295 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-
296 propylphenyl)ethanamine).
- 297 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-
298 methoxyphenyl)methyl]-benzeneethanamine).
- 299 165. 3,4-Methylenedioxymethamphetamine (MDMA).
- 300 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-
301 carboxylic acid).
- 302 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-
303 fluoropentyl)-1H-indole-3-carboxylic acid).
- 304 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-
305 indole-3-carboxylic acid).
- 306 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-
307 fluoropentyl)-1H-indazole-3-carboxamide).
- 308 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
309 pentyl-1H-indazole-3-carboxamide).
- 310 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
311 (4-fluorobenzyl)-1H-indazole-3-carboxamide).
- 312 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-

HB 73

2016

313 1-pentyl-1H-indazole-3-carboxamide).

314 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

315 yl)-1-(fluoropentyl)-1H-indole-3-carboxamide).

316 174. 25B-NBOMe (4-bromo-2,5-dimethoxy-N-[(2-

317 methoxyphenyl)methyl]-benzeneethanamine).

318 175. 2C-C-NBOMe (4-chloro-2,5-dimethoxy-N-[(2-

319 methoxyphenyl)methyl]-benzeneethanamine).

320 176. AB-CHMINACA: N-[1-(aminocarbonyl)-2-methylpropyl]-1-

321 (cyclohexylmethyl)-1H-indazole-3-carboxamide.

322 177. FUB-PB-22: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-

323 indole-3-carboxylate.

324 178. Fluoro-NNEI: 1-(Fluoropentyl)-N-(naphthalen-1-yl)-1H-

325 indole-3-carboxamide.

326 179. Fluoro-AMB: Methyl 2-(1-(fluoropentyl)-1H-indazole-3-

327 carboxamido)-3-methylbutanoate.

328 180. THJ-2201: [1-(5-Fluoropentyl)-1H-indazol-3-

329 yl](naphthalen-1-yl)methanone.

330 181. Mitragynine or 7-Hydroxymitragynine, except for any

331 drug product approved by the United States Food and Drug

332 Administration which contains Mitragynine or 7-

333 Hydroxymitragynine, including any of their isomers, esters,

334 ethers, salts, and salts of isomers, esters, and ethers, if the

335 existence of such isomers, esters, ethers, and salts is possible

336 within the specific chemical designation.

337 Section 2. Subsection (11) is added to section 893.13,

338 Florida Statutes, to read:

HB 73

2016

339 893.13 Prohibited acts; penalties.—

340 (11) Notwithstanding any other provision of this section,
341 a person who possesses, purchases, sells, delivers,
342 manufactures, or brings into this state a controlled substance
343 described in s. 893.03(1)(c)181., commits a misdemeanor of the
344 first degree, punishable as provided in s. 775.082 or s.
345 775.083.

346 Section 3. For the purpose of incorporating the amendment
347 made by this act to section 893.03, Florida Statutes, in a
348 reference thereto, paragraphs (a) and (g) of subsection (30) of
349 section 39.01, Florida Statutes, are reenacted to read:

350 39.01 Definitions.—When used in this chapter, unless the
351 context otherwise requires:

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

354 (a) Inflicts or allows to be inflicted upon the child
355 physical, mental, or emotional injury. In determining whether
356 harm has occurred, the following factors must be considered in
357 evaluating any physical, mental, or emotional injury to a child:
358 the age of the child; any prior history of injuries to the
359 child; the location of the injury on the body of the child; the
360 multiplicity of the injury; and the type of trauma inflicted.
361 Such injury includes, but is not limited to:

362 1. Willful acts that produce the following specific
363 injuries:

364 a. Sprains, dislocations, or cartilage damage.

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

376
 377 As used in this subparagraph, the term "willful" refers to the
 378 intent to perform an action, not to the intent to achieve a
 379 result or to cause an injury.

380 2. Purposely giving a child poison, alcohol, drugs, or
 381 other substances that substantially affect the child's behavior,
 382 motor coordination, or judgment or that result in sickness or
 383 internal injury. For the purposes of this subparagraph, the term
 384 "drugs" means prescription drugs not prescribed for the child or
 385 not administered as prescribed, and controlled substances as
 386 outlined in Schedule I or Schedule II of s. 893.03.

387 3. Leaving a child without adult supervision or
 388 arrangement appropriate for the child's age or mental or
 389 physical condition, so that the child is unable to care for the
 390 child's own needs or another's basic needs or is unable to

391 exercise good judgment in responding to any kind of physical or
392 emotional crisis.

393 4. Inappropriate or excessively harsh disciplinary action
394 that is likely to result in physical injury, mental injury as
395 defined in this section, or emotional injury. The significance
396 of any injury must be evaluated in light of the following
397 factors: the age of the child; any prior history of injuries to
398 the child; the location of the injury on the body of the child;
399 the multiplicity of the injury; and the type of trauma
400 inflicted. Corporal discipline may be considered excessive or
401 abusive when it results in any of the following or other similar
402 injuries:

- 403 a. Sprains, dislocations, or cartilage damage.
- 404 b. Bone or skull fractures.
- 405 c. Brain or spinal cord damage.
- 406 d. Intracranial hemorrhage or injury to other internal
407 organs.
- 408 e. Asphyxiation, suffocation, or drowning.
- 409 f. Injury resulting from the use of a deadly weapon.
- 410 g. Burns or scalding.
- 411 h. Cuts, lacerations, punctures, or bites.
- 412 i. Permanent or temporary disfigurement.
- 413 j. Permanent or temporary loss or impairment of a body
414 part or function.
- 415 k. Significant bruises or welts.
- 416 (g) Exposes a child to a controlled substance or alcohol.

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

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

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

426

427 As used in this paragraph, the term "controlled substance" means
428 prescription drugs not prescribed for the parent or not
429 administered as prescribed and controlled substances as outlined
430 in Schedule I or Schedule II of s. 893.03.

431 Section 4. For the purpose of incorporating the amendment
432 made by this act to section 893.03, Florida Statutes, in a
433 reference thereto, subsection (5) of section 316.193, Florida
434 Statutes, is reenacted to read:

435 316.193 Driving under the influence; penalties.—

436 (5) The court shall place all offenders convicted of
437 violating this section on monthly reporting probation and shall
438 require completion of a substance abuse course conducted by a
439 DUI program licensed by the department under s. 322.292, which
440 must include a psychosocial evaluation of the offender. If the
441 DUI program refers the offender to an authorized substance abuse
442 treatment provider for substance abuse treatment, in addition to

443 any sentence or fine imposed under this section, completion of
444 all such education, evaluation, and treatment is a condition of
445 reporting probation. The offender shall assume reasonable costs
446 for such education, evaluation, and treatment. The referral to
447 treatment resulting from a psychosocial evaluation shall not be
448 waived without a supporting independent psychosocial evaluation
449 conducted by an authorized substance abuse treatment provider
450 appointed by the court, which shall have access to the DUI
451 program's psychosocial evaluation before the independent
452 psychosocial evaluation is conducted. The court shall review the
453 results and recommendations of both evaluations before
454 determining the request for waiver. The offender shall bear the
455 full cost of this procedure. The term "substance abuse" means
456 the abuse of alcohol or any substance named or described in
457 Schedules I through V of s. 893.03. If an offender referred to
458 treatment under this subsection fails to report for or complete
459 such treatment or fails to complete the DUI program substance
460 abuse education course and evaluation, the DUI program shall
461 notify the court and the department of the failure. Upon receipt
462 of the notice, the department shall cancel the offender's
463 driving privilege, notwithstanding the terms of the court order
464 or any suspension or revocation of the driving privilege. The
465 department may temporarily reinstate the driving privilege on a
466 restricted basis upon verification from the DUI program that the
467 offender is currently participating in treatment and the DUI
468 education course and evaluation requirement has been completed.

469 If the DUI program notifies the department of the second failure
470 to complete treatment, the department shall reinstate the
471 driving privilege only after notice of completion of treatment
472 from the DUI program. The organization that conducts the
473 substance abuse education and evaluation may not provide
474 required substance abuse treatment unless a waiver has been
475 granted to that organization by the department. A waiver may be
476 granted only if the department determines, in accordance with
477 its rules, that the service provider that conducts the substance
478 abuse education and evaluation is the most appropriate service
479 provider and is licensed under chapter 397 or is exempt from
480 such licensure. A statistical referral report shall be submitted
481 quarterly to the department by each organization authorized to
482 provide services under this section.

483 Section 5. For the purpose of incorporating the amendment
484 made by this act to section 893.03, Florida Statutes, in a
485 reference thereto, paragraph (c) of subsection (2) of section
486 322.2616, Florida Statutes, is reenacted to read:

487 322.2616 Suspension of license; persons under 21 years of
488 age; right to review.—

489 (2)

490 (c) When a driver subject to this section has a blood-
491 alcohol or breath-alcohol level of 0.05 or higher, the
492 suspension shall remain in effect until such time as the driver
493 has completed a substance abuse course offered by a DUI program
494 licensed by the department. The driver shall assume the

495 reasonable costs for the substance abuse course. As part of the
496 substance abuse course, the program shall conduct a substance
497 abuse evaluation of the driver, and notify the parents or legal
498 guardians of drivers under the age of 19 years of the results of
499 the evaluation. The term "substance abuse" means the abuse of
500 alcohol or any substance named or described in Schedules I
501 through V of s. 893.03. If a driver fails to complete the
502 substance abuse education course and evaluation, the driver
503 license shall not be reinstated by the department.

504 Section 6. For the purpose of incorporating the amendment
505 made by this act to section 893.03, Florida Statutes, in a
506 reference thereto, subsection (5) of section 327.35, Florida
507 Statutes, is reenacted to read:

508 327.35 Boating under the influence; penalties; "designated
509 drivers."—

510 (5) In addition to any sentence or fine, the court shall
511 place any offender convicted of violating this section on
512 monthly reporting probation and shall require attendance at a
513 substance abuse course specified by the court; and the agency
514 conducting the course may refer the offender to an authorized
515 service provider for substance abuse evaluation and treatment,
516 in addition to any sentence or fine imposed under this section.
517 The offender shall assume reasonable costs for such education,
518 evaluation, and treatment, with completion of all such
519 education, evaluation, and treatment being a condition of
520 reporting probation. Treatment resulting from a psychosocial

521 evaluation may not be waived without a supporting psychosocial
522 evaluation conducted by an agency appointed by the court and
523 with access to the original evaluation. The offender shall bear
524 the cost of this procedure. The term "substance abuse" means the
525 abuse of alcohol or any substance named or described in
526 Schedules I-V of s. 893.03.

527 Section 7. For the purpose of incorporating the amendment
528 made by this act to section 893.03, Florida Statutes, in a
529 reference thereto, paragraph (b) of subsection (11) of section
530 440.102, Florida Statutes, is reenacted to read:

531 440.102 Drug-free workplace program requirements.—The
532 following provisions apply to a drug-free workplace program
533 implemented pursuant to law or to rules adopted by the Agency
534 for Health Care Administration:

535 (11) PUBLIC EMPLOYEES IN MANDATORY-TESTING OR SPECIAL-RISK
536 POSITIONS.—

537 (b) An employee who is employed by a public employer in a
538 special-risk position may be discharged or disciplined by a
539 public employer for the first positive confirmed test result if
540 the drug confirmed is an illicit drug under s. 893.03. A
541 special-risk employee who is participating in an employee
542 assistance program or drug rehabilitation program may not be
543 allowed to continue to work in any special-risk or mandatory-
544 testing position of the public employer, but may be assigned to
545 a position other than a mandatory-testing position or placed on
546 leave while the employee is participating in the program.

547 However, the employee shall be permitted to use any accumulated
548 annual leave credits before leave may be ordered without pay.

549 Section 8. For the purpose of incorporating the amendment
550 made by this act to section 893.03, Florida Statutes, in a
551 reference thereto, paragraph (e) of subsection (1) of section
552 458.3265, Florida Statutes, is reenacted to read:

553 458.3265 Pain-management clinics.—

554 (1) REGISTRATION.—

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

558 1. Whose Drug Enforcement Administration number has ever
559 been revoked.

560 2. Whose application for a license to prescribe, dispense,
561 or administer a controlled substance has been denied by any
562 jurisdiction.

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

569 Section 9. For the purpose of incorporating the amendment
570 made by this act to section 893.03, Florida Statutes, in a
571 reference thereto, paragraph (e) of subsection (1) of section
572 459.0137, Florida Statutes, is reenacted to read:

573 459.0137 Pain-management clinics.—

574 (1) REGISTRATION.—

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

578 1. Whose Drug Enforcement Administration number has ever
579 been revoked.

580 2. Whose application for a license to prescribe, dispense,
581 or administer a controlled substance has been denied by any
582 jurisdiction.

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

589 Section 10. For the purpose of incorporating the amendment
590 made by this act to section 893.03, Florida Statutes, in a
591 reference thereto, paragraph (a) of subsection (1) and
592 subsection (4) of section 782.04, Florida Statutes, are
593 reenacted to read:

594 782.04 Murder.—

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

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

598 2. When committed by a person engaged in the perpetration

599 of, or in the attempt to perpetrate, any:

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

601 b. Arson,

602 c. Sexual battery,

603 d. Robbery,

604 e. Burglary,

605 f. Kidnapping,

606 g. Escape,

607 h. Aggravated child abuse,

608 i. Aggravated abuse of an elderly person or disabled

609 adult,

610 j. Aircraft piracy,

611 k. Unlawful throwing, placing, or discharging of a

612 destructive device or bomb,

613 l. Carjacking,

614 m. Home-invasion robbery,

615 n. Aggravated stalking,

616 o. Murder of another human being,

617 p. Resisting an officer with violence to his or her

618 person,

619 q. Aggravated fleeing or eluding with serious bodily

620 injury or death,

621 r. Felony that is an act of terrorism or is in furtherance

622 of an act of terrorism; or

623 3. Which resulted from the unlawful distribution of any

624 substance controlled under s. 893.03(1), cocaine as described in

HB 73

2016

625 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
 626 compound, derivative, or preparation of opium, or methadone by a
 627 person 18 years of age or older, when such drug is proven to be
 628 the proximate cause of the death of the user,

629
 630 is murder in the first degree and constitutes a capital felony,
 631 punishable as provided in s. 775.082.

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

- 636 (a) Trafficking offense prohibited by s. 893.135(1),
- 637 (b) Arson,
- 638 (c) Sexual battery,
- 639 (d) Robbery,
- 640 (e) Burglary,
- 641 (f) Kidnapping,
- 642 (g) Escape,
- 643 (h) Aggravated child abuse,
- 644 (i) Aggravated abuse of an elderly person or disabled
 645 adult,
- 646 (j) Aircraft piracy,
- 647 (k) Unlawful throwing, placing, or discharging of a
 648 destructive device or bomb,
- 649 (l) Unlawful distribution of any substance controlled
 650 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,

651 or opium or any synthetic or natural salt, compound, derivative,
 652 or preparation of opium by a person 18 years of age or older,
 653 when such drug is proven to be the proximate cause of the death
 654 of the user,

- 655 (m) Carjacking,
- 656 (n) Home-invasion robbery,
- 657 (o) Aggravated stalking,
- 658 (p) Murder of another human being,
- 659 (q) Aggravated fleeing or eluding with serious bodily
 660 injury or death,
- 661 (r) Resisting an officer with violence to his or her
 662 person, or
- 663 (s) Felony that is an act of terrorism or is in
 664 furtherance of an act of terrorism,

665
 666 is murder in the third degree and constitutes a felony of the
 667 second degree, punishable as provided in s. 775.082, s. 775.083,
 668 or s. 775.084.

669 Section 11. For the purpose of incorporating the amendment
 670 made by this act to section 893.03, Florida Statutes, in a
 671 reference thereto, paragraph (a) of subsection (2) of section
 672 787.06, Florida Statutes, is reenacted to read:

- 673 787.06 Human trafficking.—
- 674 (2) As used in this section, the term:
 - 675 (a) "Coercion" means:
 - 676 1. Using or threatening to use physical force against any

677 person;

678 2. Restraining, isolating, or confining or threatening to
 679 restrain, isolate, or confine any person without lawful
 680 authority and against her or his will;

681 3. Using lending or other credit methods to establish a
 682 debt by any person when labor or services are pledged as a
 683 security for the debt, if the value of the labor or services as
 684 reasonably assessed is not applied toward the liquidation of the
 685 debt, the length and nature of the labor or services are not
 686 respectively limited and defined;

687 4. Destroying, concealing, removing, confiscating,
 688 withholding, or possessing any actual or purported passport,
 689 visa, or other immigration document, or any other actual or
 690 purported government identification document, of any person;

691 5. Causing or threatening to cause financial harm to any
 692 person;

693 6. Enticing or luring any person by fraud or deceit; or

694 7. Providing a controlled substance as outlined in
 695 Schedule I or Schedule II of s. 893.03 to any person for the
 696 purpose of exploitation of that person.

697 Section 12. For the purpose of incorporating the amendment
 698 made by this act to section 893.03, Florida Statutes, in a
 699 reference thereto, section 817.563, Florida Statutes, is
 700 reenacted to read:

701 817.563 Controlled substance named or described in s.
 702 893.03; sale of substance in lieu thereof.—It is unlawful for

703 any person to agree, consent, or in any manner offer to
 704 unlawfully sell to any person a controlled substance named or
 705 described in s. 893.03 and then sell to such person any other
 706 substance in lieu of such controlled substance. Any person who
 707 violates this section with respect to:

708 (1) A controlled substance named or described in s.
 709 893.03(1), (2), (3), or (4) is guilty of a felony of the third
 710 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 711 775.084.

712 (2) A controlled substance named or described in s.
 713 893.03(5) is guilty of a misdemeanor of the second degree,
 714 punishable as provided in s. 775.082 or s. 775.083.

715 Section 13. For the purpose of incorporating the amendment
 716 made by this act to section 893.03, Florida Statutes, in a
 717 reference thereto, paragraph (a) of subsection (1) and
 718 subsection (2) of section 831.31, Florida Statutes, are
 719 reenacted to read:

720 831.31 Counterfeit controlled substance; sale,
 721 manufacture, delivery, or possession with intent to sell,
 722 manufacture, or deliver.—

723 (1) It is unlawful for any person to sell, manufacture, or
 724 deliver, or to possess with intent to sell, manufacture, or
 725 deliver, a counterfeit controlled substance. Any person who
 726 violates this subsection with respect to:

727 (a) A controlled substance named or described in s.
 728 893.03(1), (2), (3), or (4) is guilty of a felony of the third

729 degree, punishable as provided in s. 775.082, s. 775.083, or s.
730 775.084.

731 (2) For purposes of this section, "counterfeit controlled
732 substance" means:

733 (a) A controlled substance named or described in s. 893.03
734 which, or the container or labeling of which, without
735 authorization bears the trademark, trade name, or other
736 identifying mark, imprint, or number, or any likeness thereof,
737 of a manufacturer other than the person who in fact manufactured
738 the controlled substance; or

739 (b) Any substance which is falsely identified as a
740 controlled substance named or described in s. 893.03.

741 Section 14. For the purpose of incorporating the amendment
742 made by this act to section 893.03, Florida Statutes, in a
743 reference thereto, paragraph (c) of subsection (1) of section
744 856.015, Florida Statutes, is reenacted to read:

745 856.015 Open house parties.—

746 (1) Definitions.—As used in this section:

747 (c) "Drug" means a controlled substance, as that term is
748 defined in ss. 893.02(4) and 893.03.

749 Section 15. For the purpose of incorporating the amendment
750 made by this act to section 893.03, Florida Statutes, in a
751 reference thereto, subsection (4) of section 893.02, Florida
752 Statutes, is reenacted to read:

753 893.02 Definitions.—The following words and phrases as
754 used in this chapter shall have the following meanings, unless

755 the context otherwise requires:

756 (4) "Controlled substance" means any substance named or
757 described in Schedules I-V of s. 893.03. Laws controlling the
758 manufacture, distribution, preparation, dispensing, or
759 administration of such substances are drug abuse laws.

760 Section 16. For the purpose of incorporating the amendment
761 made by this act to section 893.03, Florida Statutes, in a
762 reference thereto, subsection (2), paragraph (a) of subsection
763 (7), and paragraph (a) of subsection (8) of section 893.035,
764 Florida Statutes, are reenacted to read:

765 893.035 Control of new substances; findings of fact;
766 delegation of authority to Attorney General to control
767 substances by rule.—

768 (2) The Attorney General shall apply the provisions of
769 this section to any substance not currently controlled under the
770 provisions of s. 893.03. The Attorney General may by rule:

771 (a) Add a substance to a schedule established by s.
772 893.03, or transfer a substance between schedules, if he or she
773 finds that it has a potential for abuse and he or she makes with
774 respect to it the other findings appropriate for classification
775 in the particular schedule under s. 893.03 in which it is to be
776 placed.

777 (b) Remove a substance previously added to a schedule if
778 he or she finds the substance does not meet the requirements for
779 inclusion in that schedule.

780

781 Rules adopted under this section shall be made pursuant to the
 782 rulemaking procedures prescribed by chapter 120.

783 (7) (a) If the Attorney General finds that the scheduling
 784 of a substance in Schedule I of s. 893.03 on a temporary basis
 785 is necessary to avoid an imminent hazard to the public safety,
 786 he or she may by rule and without regard to the requirements of
 787 subsection (5) relating to the Department of Health and the
 788 Department of Law Enforcement schedule such substance in
 789 Schedule I if the substance is not listed in any other schedule
 790 of s. 893.03. The Attorney General shall be required to
 791 consider, with respect to his or her finding of imminent hazard
 792 to the public safety, only those factors set forth in paragraphs
 793 (3) (a) and (4) (d), (e), and (f), including actual abuse,
 794 diversion from legitimate channels, and clandestine importation,
 795 manufacture, or distribution.

796 (8) (a) Upon the effective date of a rule adopted pursuant
 797 to this section adding or transferring a substance to a schedule
 798 under s. 893.03, such substance shall be deemed included in that
 799 schedule, and all provisions of this chapter applicable to
 800 substances in that schedule shall be deemed applicable to such
 801 substance.

802 Section 17. For the purpose of incorporating the amendment
 803 made by this act to section 893.03, Florida Statutes, in a
 804 reference thereto, paragraph (a) of subsection (2) and
 805 subsection (5) of section 893.0356, Florida Statutes, are
 806 reenacted to read:

HB 73

2016

807 893.0356 Control of new substances; findings of fact;
808 "controlled substance analog" defined.—

809 (2) (a) As used in this section, "controlled substance
810 analog" means a substance which, due to its chemical structure
811 and potential for abuse, meets the following criteria:

812 1. Is substantially similar to that of a controlled
813 substance listed in Schedule I or Schedule II of s. 893.03; and

814 2. Has a stimulant, depressant, or hallucinogenic effect
815 on the central nervous system or is represented or intended to
816 have a stimulant, depressant, or hallucinogenic effect on the
817 central nervous system substantially similar to or greater than
818 that of a controlled substance listed in Schedule I or Schedule
819 II of s. 893.03.

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

823 Section 18. For the purpose of incorporating the amendment
824 made by this act to section 893.03, Florida Statutes, in a
825 reference thereto, subsection (1) of section 893.05, Florida
826 Statutes, is reenacted to read:

827 893.05 Practitioners and persons administering controlled
828 substances in their absence.—

829 (1) A practitioner, in good faith and in the course of his
830 or her professional practice only, may prescribe, administer,
831 dispense, mix, or otherwise prepare a controlled substance, or
832 the practitioner may cause the same to be administered by a

833 licensed nurse or an intern practitioner under his or her
834 direction and supervision only. A veterinarian may so prescribe,
835 administer, dispense, mix, or prepare a controlled substance for
836 use on animals only, and may cause it to be administered by an
837 assistant or orderly under the veterinarian's direction and
838 supervision only. A certified optometrist licensed under chapter
839 463 may not administer or prescribe a controlled substance
840 listed in Schedule I or Schedule II of s. 893.03.

841 Section 19. For the purpose of incorporating the amendment
842 made by this act to section 893.03, Florida Statutes, in a
843 reference thereto, paragraphs (b), (c), and (d) of subsection
844 (2) of section 893.12, Florida Statutes, are reenacted to read:

845 893.12 Contraband; seizure, forfeiture, sale.—

846 (2)

847 (b) All real property, including any right, title,
848 leasehold interest, and other interest in the whole of any lot
849 or tract of land and any appurtenances or improvements, which
850 real property is used, or intended to be used, in any manner or
851 part, to commit or to facilitate the commission of, or which
852 real property is acquired with proceeds obtained as a result of,
853 a violation of any provision of this chapter related to a
854 controlled substance described in s. 893.03(1) or (2) may be
855 seized and forfeited as provided by the Florida Contraband
856 Forfeiture Act except that no property shall be forfeited under
857 this paragraph to the extent of an interest of an owner or
858 lienholder by reason of any act or omission established by that

859 owner or lienholder to have been committed or omitted without
860 the knowledge or consent of that owner or lienholder.

861 (c) All moneys, negotiable instruments, securities, and
862 other things of value furnished or intended to be furnished by
863 any person in exchange for a controlled substance described in
864 s. 893.03(1) or (2) or a listed chemical in violation of any
865 provision of this chapter, all proceeds traceable to such an
866 exchange, and all moneys, negotiable instruments, and securities
867 used or intended to be used to facilitate any violation of any
868 provision of this chapter or which are acquired with proceeds
869 obtained in violation of any provision of this chapter may be
870 seized and forfeited as provided by the Florida Contraband
871 Forfeiture Act, except that no property shall be forfeited under
872 this paragraph to the extent of an interest of an owner or
873 lienholder by reason of any act or omission established by that
874 owner or lienholder to have been committed or omitted without
875 the knowledge or consent of that owner or lienholder.

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

883 Section 20. For the purpose of incorporating the amendment
884 made by this act to section 893.03, Florida Statutes, in a

885 reference thereto, paragraphs (a), (c), (d), (e), (f), and (h)
 886 of subsection (1), paragraph (a) of subsection (2), paragraph
 887 (b) of subsection (4), paragraph (b) of subsection (5), and
 888 paragraph (a) of subsection (7) of section 893.13, Florida
 889 Statutes, are reenacted to read:

890 893.13 Prohibited acts; penalties.—

891 (1) (a) Except as authorized by this chapter and chapter
 892 499, a person may not sell, manufacture, or deliver, or possess
 893 with intent to sell, manufacture, or deliver, a controlled
 894 substance. A person who violates this provision with respect to:

895 1. A controlled substance named or described in s.
 896 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.
 897 commits a felony of the second degree, punishable as provided in
 898 s. 775.082, s. 775.083, or s. 775.084.

899 2. A controlled substance named or described in s.
 900 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
 901 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
 902 the third degree, punishable as provided in s. 775.082, s.
 903 775.083, or s. 775.084.

904 3. A controlled substance named or described in s.
 905 893.03(5) commits a misdemeanor of the first degree, punishable
 906 as provided in s. 775.082 or s. 775.083.

907 (c) Except as authorized by this chapter, a person may not
 908 sell, manufacture, or deliver, or possess with intent to sell,
 909 manufacture, or deliver, a controlled substance in, on, or
 910 within 1,000 feet of the real property comprising a child care

HB 73

2016

911 facility as defined in s. 402.302 or a public or private
912 elementary, middle, or secondary school between the hours of 6
913 a.m. and 12 midnight, or at any time in, on, or within 1,000
914 feet of real property comprising a state, county, or municipal
915 park, a community center, or a publicly owned recreational
916 facility. As used in this paragraph, the term "community center"
917 means a facility operated by a nonprofit community-based
918 organization for the provision of recreational, social, or
919 educational services to the public. A person who violates this
920 paragraph with respect to:

921 1. A controlled substance named or described in s.
922 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
923 commits a felony of the first degree, punishable as provided in
924 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
925 sentenced to a minimum term of imprisonment of 3 calendar years
926 unless the offense was committed within 1,000 feet of the real
927 property comprising a child care facility as defined in s.
928 402.302.

929 2. A controlled substance named or described in s.
930 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
931 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
932 the second degree, punishable as provided in s. 775.082, s.
933 775.083, or s. 775.084.

934 3. Any other controlled substance, except as lawfully
935 sold, manufactured, or delivered, must be sentenced to pay a
936 \$500 fine and to serve 100 hours of public service in addition

937 to any other penalty prescribed by law.

938
 939 This paragraph does not apply to a child care facility unless
 940 the owner or operator of the facility posts a sign that is not
 941 less than 2 square feet in size with a word legend identifying
 942 the facility as a licensed child care facility and that is
 943 posted on the property of the child care facility in a
 944 conspicuous place where the sign is reasonably visible to the
 945 public.

946 (d) Except as authorized by this chapter, a person may not
 947 sell, manufacture, or deliver, or possess with intent to sell,
 948 manufacture, or deliver, a controlled substance in, on, or
 949 within 1,000 feet of the real property comprising a public or
 950 private college, university, or other postsecondary educational
 951 institution. A person who violates this paragraph with respect
 952 to:

953 1. A controlled substance named or described in s.
 954 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 955 commits a felony of the first degree, punishable as provided in
 956 s. 775.082, s. 775.083, or s. 775.084.

957 2. A controlled substance named or described in s.
 958 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 959 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 960 the second degree, punishable as provided in s. 775.082, s.
 961 775.083, or s. 775.084.

962 3. Any other controlled substance, except as lawfully

963 sold, manufactured, or delivered, must be sentenced to pay a
 964 \$500 fine and to serve 100 hours of public service in addition
 965 to any other penalty prescribed by law.

966 (e) Except as authorized by this chapter, a person may not
 967 sell, manufacture, or deliver, or possess with intent to sell,
 968 manufacture, or deliver, a controlled substance not authorized
 969 by law in, on, or within 1,000 feet of a physical place for
 970 worship at which a church or religious organization regularly
 971 conducts religious services or within 1,000 feet of a
 972 convenience business as defined in s. 812.171. A person who
 973 violates this paragraph with respect to:

974 1. A controlled substance named or described in s.
 975 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 976 commits a felony of the first degree, punishable as provided in
 977 s. 775.082, s. 775.083, or s. 775.084.

978 2. A controlled substance named or described in s.
 979 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 980 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 981 the second degree, punishable as provided in s. 775.082, s.
 982 775.083, or s. 775.084.

983 3. Any other controlled substance, except as lawfully
 984 sold, manufactured, or delivered, must be sentenced to pay a
 985 \$500 fine and to serve 100 hours of public service in addition
 986 to any other penalty prescribed by law.

987 (f) Except as authorized by this chapter, a person may not
 988 sell, manufacture, or deliver, or possess with intent to sell,

989 manufacture, or deliver, a controlled substance in, on, or
 990 within 1,000 feet of the real property comprising a public
 991 housing facility at any time. As used in this section, the term
 992 "real property comprising a public housing facility" means real
 993 property, as defined in s. 421.03(12), of a public corporation
 994 created as a housing authority pursuant to part I of chapter
 995 421. A person who violates this paragraph with respect to:

996 1. A controlled substance named or described in s.
 997 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 998 commits a felony of the first degree, punishable as provided in
 999 s. 775.082, s. 775.083, or s. 775.084.

1000 2. A controlled substance named or described in s.
 1001 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 1002 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 1003 the second degree, punishable as provided in s. 775.082, s.
 1004 775.083, or s. 775.084.

1005 3. Any other controlled substance, except as lawfully
 1006 sold, manufactured, or delivered, must be sentenced to pay a
 1007 \$500 fine and to serve 100 hours of public service in addition
 1008 to any other penalty prescribed by law.

1009 (h) Except as authorized by this chapter, a person may not
 1010 sell, manufacture, or deliver, or possess with intent to sell,
 1011 manufacture, or deliver, a controlled substance in, on, or
 1012 within 1,000 feet of the real property comprising an assisted
 1013 living facility, as that term is used in chapter 429. A person
 1014 who violates this paragraph with respect to:

1015 1. A controlled substance named or described in s.
 1016 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 1017 commits a felony of the first degree, punishable as provided in
 1018 s. 775.082, s. 775.083, or s. 775.084.

1019 2. A controlled substance named or described in s.
 1020 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 1021 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 1022 the second degree, punishable as provided in s. 775.082, s.
 1023 775.083, or s. 775.084.

1024 (2)(a) Except as authorized by this chapter and chapter
 1025 499, a person may not purchase, or possess with intent to
 1026 purchase, a controlled substance. A person who violates this
 1027 provision with respect to:

1028 1. A controlled substance named or described in s.
 1029 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 1030 commits a felony of the second degree, punishable as provided in
 1031 s. 775.082, s. 775.083, or s. 775.084.

1032 2. A controlled substance named or described in s.
 1033 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 1034 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 1035 the third degree, punishable as provided in s. 775.082, s.
 1036 775.083, or s. 775.084.

1037 3. A controlled substance named or described in s.
 1038 893.03(5) commits a misdemeanor of the first degree, punishable
 1039 as provided in s. 775.082 or s. 775.083.

1040 (4) Except as authorized by this chapter, a person 18

HB 73

2016

1041 | years of age or older may not deliver any controlled substance
 1042 | to a person younger than 18 years of age, use or hire a person
 1043 | younger than 18 years of age as an agent or employee in the sale
 1044 | or delivery of such a substance, or use such person to assist in
 1045 | avoiding detection or apprehension for a violation of this
 1046 | chapter. A person who violates this provision with respect to:

1047 | (b) A controlled substance named or described in s.
 1048 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 1049 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 1050 | the second degree, punishable as provided in s. 775.082, s.
 1051 | 775.083, or s. 775.084.

1052 |
 1053 | Imposition of sentence may not be suspended or deferred, and the
 1054 | person so convicted may not be placed on probation.

1055 | (5) A person may not bring into this state any controlled
 1056 | substance unless the possession of such controlled substance is
 1057 | authorized by this chapter or unless such person is licensed to
 1058 | do so by the appropriate federal agency. A person who violates
 1059 | this provision with respect to:

1060 | (b) A controlled substance named or described in s.
 1061 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 1062 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 1063 | the third degree, punishable as provided in s. 775.082, s.
 1064 | 775.083, or s. 775.084.

1065 | (7)(a) A person may not:

1066 | 1. Distribute or dispense a controlled substance in

1067 violation of this chapter.

1068 2. Refuse or fail to make, keep, or furnish any record,
1069 notification, order form, statement, invoice, or information
1070 required under this chapter.

1071 3. Refuse entry into any premises for any inspection or
1072 refuse to allow any inspection authorized by this chapter.

1073 4. Distribute a controlled substance named or described in
1074 s. 893.03(1) or (2) except pursuant to an order form as required
1075 by s. 893.06.

1076 5. Keep or maintain any store, shop, warehouse, dwelling,
1077 building, vehicle, boat, aircraft, or other structure or place
1078 which is resorted to by persons using controlled substances in
1079 violation of this chapter for the purpose of using these
1080 substances, or which is used for keeping or selling them in
1081 violation of this chapter.

1082 6. Use to his or her own personal advantage, or reveal,
1083 any information obtained in enforcement of this chapter except
1084 in a prosecution or administrative hearing for a violation of
1085 this chapter.

1086 7. Possess a prescription form unless it has been signed
1087 by the practitioner whose name appears printed thereon and
1088 completed. This subparagraph does not apply if the person in
1089 possession of the form is the practitioner whose name appears
1090 printed thereon, an agent or employee of that practitioner, a
1091 pharmacist, or a supplier of prescription forms who is
1092 authorized by that practitioner to possess those forms.

1093 8. Withhold information from a practitioner from whom the
1094 person seeks to obtain a controlled substance or a prescription
1095 for a controlled substance that the person making the request
1096 has received a controlled substance or a prescription for a
1097 controlled substance of like therapeutic use from another
1098 practitioner within the previous 30 days.

1099 9. Acquire or obtain, or attempt to acquire or obtain,
1100 possession of a controlled substance by misrepresentation,
1101 fraud, forgery, deception, or subterfuge.

1102 10. Affix any false or forged label to a package or
1103 receptacle containing a controlled substance.

1104 11. Furnish false or fraudulent material information in,
1105 or omit any material information from, any report or other
1106 document required to be kept or filed under this chapter or any
1107 record required to be kept by this chapter.

1108 12. Store anhydrous ammonia in a container that is not
1109 approved by the United States Department of Transportation to
1110 hold anhydrous ammonia or is not constructed in accordance with
1111 sound engineering, agricultural, or commercial practices.

1112 13. With the intent to obtain a controlled substance or
1113 combination of controlled substances that are not medically
1114 necessary for the person or an amount of a controlled substance
1115 or substances that is not medically necessary for the person,
1116 obtain or attempt to obtain from a practitioner a controlled
1117 substance or a prescription for a controlled substance by
1118 misrepresentation, fraud, forgery, deception, subterfuge, or

1119 concealment of a material fact. For purposes of this
 1120 subparagraph, a material fact includes whether the person has an
 1121 existing prescription for a controlled substance issued for the
 1122 same period of time by another practitioner or as described in
 1123 subparagraph 8.

1124 Section 21. For the purpose of incorporating the amendment
 1125 made by this act to section 893.03, Florida Statutes, in a
 1126 reference thereto, paragraphs (b), (c), and (e) of subsection
 1127 (3) of section 921.0022, Florida Statutes, are reenacted to
 1128 read:

1129 921.0022 Criminal Punishment Code; offense severity
 1130 ranking chart.—

- 1131 (3) OFFENSE SEVERITY RANKING CHART
- 1132 (b) LEVEL 2

1133

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

1134

1135

HB 73

2016

1136			Act.
	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.
1137			
	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
1138			
	590.28 (1)	3rd	Intentional burning of lands.
1139			
	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
1140			
	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
1141			
	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.

HB 73

2016

1142	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
1143	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
1144	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
1145	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
1146	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
1147	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
1148			

HB 73

2016

1149	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
1150	817.52 (3)	3rd	Failure to redeliver hired vehicle.
1151	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
1152	817.60 (5)	3rd	Dealing in credit cards of another.
1153	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
1154	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
1155	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.

HB 73

2016

1156	831.01	3rd	Forgery.
1157	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
1158	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
1159	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
1160	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
1161	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
1162	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
1163	843.08	3rd	False personation.

HB 73

2016

1164	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.
1165	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
1166	(c) LEVEL 3		
1167	Florida	Felony	
1168	Statute	Degree	Description
1169	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
1170	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
1171	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in

HB 73

2016

1172	319.30(4)	3rd	patrol vehicle with siren and lights activated.
1173	319.33(1)(a)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
1174	319.33(1)(c)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
1175	319.33(4)	3rd	Procure or pass title on stolen vehicle.
1176	327.35(2)(b)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
1177	328.05(2)	3rd	Felony BUI.
1178			Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

HB 73

2016

1179	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
1180	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
1181	379.2431 (1) (e) 5.	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.
1182	379.2431 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.

HB 73

2016

1183	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
1184	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
1185	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
1186	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
1187	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
1188	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.

HB 73

2016

1189	697.08	3rd	Equity skimming.
1190	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
1191	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
1192	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
1193	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
1194	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
1195	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

HB 73

2016

1196	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
1197	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1198	817.233	3rd	Burning to defraud insurer.
1199	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1200	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
1201	817.236	3rd	Filing a false motor vehicle insurance application.
1202	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
1203			

HB 73

2016

1204	817.413 (2)	3rd	Sale of used goods as new.
1205	817.505 (4)	3rd	Patient brokering.
1206	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
1207	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
1208	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
1209	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
1210	843.19	3rd	Injure, disable, or kill police dog or horse.
	860.15 (3)	3rd	Overcharging for repairs and parts.

HB 73

2016

1211
1212
1213
1214
1215

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., (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.

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.

HB 73

2016

1216	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
1217	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
1218	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
1219	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
1220	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
	893.13 (8) (a) 1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a

1221	893.13(8)(a)2.	3rd	controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
1222	893.13(8)(a)3.	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.
1223	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
1224	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.
	918.13(1)(a)	3rd	Alter, destroy, or conceal

HB 73

2016

1225			investigation evidence.
1226	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
1227	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
1228	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
1229	(e) LEVEL 5		
1230	Florida	Felony	
1231	Statute	Degree	Description
1232	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
1233	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.

HB 73

2016

1234	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
1235	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
1236	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
1237	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
1238	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
1239	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers'

HB 73

2016

1240			compensation claims.
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1241			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1242			
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
1243			
	790.01 (2)	3rd	Carrying a concealed firearm.
1244			
	790.162	2nd	Threat to throw or discharge destructive device.
1245			
	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
1246			
	790.221 (1)	2nd	Possession of short-barreled

HB 73

2016

1247			shotgun or machine gun.
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1248			
	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
1249			
	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
1250			
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
1251			
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1252			
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1253			

HB 73

2016

1254	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
1255	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
1256	812.131 (2) (b)	3rd	Robbery by sudden snatching.
1257	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
1258	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1259	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
1260	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.

HB 73

2016

1261	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 persons.
1262	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
1263	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
1264	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
	827.071 (5)	3rd	Possess, control, or intentionally view any

HB 73

2016

1265			photographic material, motion picture, etc., which includes sexual conduct by a child.
	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.
1266			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
1267			
	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
1268			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
1269			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
1270			
	874.05 (1) (b)	2nd	Encouraging or recruiting

HB 73

2016

1271	874.05 (2) (a)	2nd	another to join a criminal gang; second or subsequent offense.
1272	893.13 (1) (a) 1.	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang. 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).
1273	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 owned recreational facility or community center.

HB 73

2016

1274

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.

1275

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.

1276

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.

1277

HB 73

2016

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).

1278

893.1351(1) 3rd Ownership, lease, or rental for
 trafficking in or manufacturing
 of controlled substance.

1279

1280

Section 22. This act shall take effect October 1, 2016.