

HB 287

2015

1 A bill to be entitled

2 An act relating to controlled substances; amending s.
3 893.03, F.S.; including Kratom in a schedule of
4 controlled substances; reenacting ss. 893.12(2)(b),
5 (c), and (d) and 921.0022(3)(b)-(e), F.S., relating to
6 seizure, forfeiture, and sale of contraband and the
7 offense severity ranking chart of the Criminal
8 Punishment Code, to incorporate the amendments made to
9 s. 893.03, F.S., in references thereto; providing an
10 effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (c) of subsection (1) of section
15 893.03, Florida Statutes, is amended to read:

16 893.03 Standards and schedules.—The substances enumerated
17 in this section are controlled by this chapter. The controlled
18 substances listed or to be listed in Schedules I, II, III, IV,
19 and V are included by whatever official, common, usual,
20 chemical, or trade name designated. The provisions of this
21 section shall not be construed to include within any of the
22 schedules contained in this section any excluded drugs listed
23 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
24 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
25 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
26 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt

Page 1 of 45

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

hb0287-00

27 Anabolic Steroid Products."

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

33 (c) Unless specifically excepted or unless listed in
 34 another schedule, any material, compound, mixture, or
 35 preparation that contains any quantity of the following
 36 hallucinogenic substances or that contains any of their salts,
 37 isomers, including optical, positional, or geometric isomers,
 38 and salts of isomers, if the existence of such salts, isomers,
 39 and salts of isomers is possible within the specific chemical
 40 designation:

- 41 1. Alpha-ethyltryptamine.
- 42 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
 43 methylaminorex).
- 44 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 45 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 46 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 47 6. Bufotenine.
- 48 7. Cannabis.
- 49 8. Cathinone.
- 50 9. Diethyltryptamine.
- 51 10. 2,5-Dimethoxyamphetamine.
- 52 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).

- 53 | 12. Dimethyltryptamine.
- 54 | 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
- 55 | analog of phencyclidine).
- 56 | 14. N-Ethyl-3-piperidyl benzilate.
- 57 | 15. N-ethylamphetamine.
- 58 | 16. Fenethylamine.
- 59 | 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 60 | 18. Ibogaine.
- 61 | 19. Lysergic acid diethylamide (LSD).
- 62 | 20. Mescaline.
- 63 | 21. Methcathinone.
- 64 | 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 65 | 23. 4-methoxyamphetamine.
- 66 | 24. 4-methoxymethamphetamine.
- 67 | 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 68 | 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 69 | 27. 3,4-Methylenedioxyamphetamine.
- 70 | 28. N-Methyl-3-piperidyl benzilate.
- 71 | 29. N,N-dimethylamphetamine.
- 72 | 30. Parahexyl.
- 73 | 31. Peyote.
- 74 | 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
- 75 | analog of phencyclidine).
- 76 | 33. Psilocybin.
- 77 | 34. Psilocyn.
- 78 | 35. Salvia divinorum, except for any drug product approved

79 | by the United States Food and Drug Administration which contains
80 | Salvia divinorum or its isomers, esters, ethers, salts, and
81 | salts of isomers, esters, and ethers, if the existence of such
82 | isomers, esters, ethers, and salts is possible within the
83 | specific chemical designation.

84 | 36. Salvinorin A, except for any drug product approved by
85 | the United States Food and Drug Administration which contains
86 | Salvinorin A or its isomers, esters, ethers, salts, and salts of
87 | isomers, esters, and ethers, if the existence of such isomers,
88 | esters, ethers, and salts is possible within the specific
89 | chemical designation.

90 | 37. Tetrahydrocannabinols.

91 | 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
92 | (Thiophene analog of phencyclidine).

93 | 39. 3,4,5-Trimethoxyamphetamine.

94 | 40. 3,4-Methylenedioxymethcathinone.

95 | 41. 3,4-Methylenedioxypropylvalerone (MDPV).

96 | 42. Methylenedioxymethcathinone.

97 | 43. Methoxymethcathinone.

98 | 44. Fluoromethcathinone.

99 | 45. Methylethcathinone.

100 | 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
101 | yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
102 | homologue.

103 | 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
104 | methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,

- 105 also known as HU-210.
- 106 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
- 107 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
- 108 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole,
- 109 also known as JWH-200.
- 110 51. BZP (Benzylpiperazine).
- 111 52. Fluorophenylpiperazine.
- 112 53. Methylphenylpiperazine.
- 113 54. Chlorophenylpiperazine.
- 114 55. Methoxyphenylpiperazine.
- 115 56. DBZP (1,4-dibenzylpiperazine).
- 116 57. TFMPP (3-Trifluoromethylphenylpiperazine).
- 117 58. MBDB (Methylbenzodioxolylbutanamine).
- 118 59. 5-Hydroxy-alpha-methyltryptamine.
- 119 60. 5-Hydroxy-N-methyltryptamine.
- 120 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
- 121 62. 5-Methoxy-alpha-methyltryptamine.
- 122 63. Methyltryptamine.
- 123 64. 5-Methoxy-N,N-dimethyltryptamine.
- 124 65. 5-Methyl-N,N-dimethyltryptamine.
- 125 66. Tyramine (4-Hydroxyphenethylamine).
- 126 67. 5-Methoxy-N,N-Diisopropyltryptamine.
- 127 68. DiPT (N,N-Diisopropyltryptamine).
- 128 69. DPT (N,N-Dipropyltryptamine).
- 129 70. 4-Hydroxy-N,N-diisopropyltryptamine.
- 130 71. N,N-Diallyl-5-Methoxytryptamine.

- 131 | 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 132 | 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 133 | 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 134 | 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 135 | 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 136 | 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 137 | 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 138 | 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- 139 | 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 140 | 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
- 141 | 82. Ethcathinone.
- 142 | 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- 143 | 84. Naphyrone (naphthylpyrovalerone).
- 144 | 85. N-N-Dimethyl-3,4-methylenedioxcathinone.
- 145 | 86. N-N-Diethyl-3,4-methylenedioxcathinone.
- 146 | 87. 3,4-methylenedioxy-propiofenone.
- 147 | 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
- 148 | 89. 3,4-methylenedioxy-propiofenone-2-oxime.
- 149 | 90. N-Acetyl-3,4-methylenedioxcathinone.
- 150 | 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
- 151 | 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
- 152 | 93. Bromomethcathinone.
- 153 | 94. Buphedrone (alpha-methylamino-butyrophenone).
- 154 | 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- 155 | 96. Dimethylcathinone.
- 156 | 97. Dimethylmethcathinone.

- 157 | 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 158 | 99. (MDPPP) 3,4-Methylenedioxy-alpha-
- 159 | pyrrolidinopropiophenone.
- 160 | 100. (MDPBP) 3,4-Methylenedioxy-alpha-
- 161 | pyrrolidinobutiophenone.
- 162 | 101. Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- 163 | 102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
- 164 | 103. Benocyclidine (BCP) or
- 165 | benzothiophenylcyclohexylpiperidine (BTCP).
- 166 | 104. Fluoromethylaminobutyrophenone (F-MABP).
- 167 | 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
- 168 | 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
- 169 | 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
- 170 | 108. Methylethylaminobutyrophenone (Me-EABP).
- 171 | 109. Methylamino-butyrophenone (MABP).
- 172 | 110. Pyrrolidinopropiophenone (PPP).
- 173 | 111. Pyrrolidinobutiophenone (PBP).
- 174 | 112. Pyrrolidinovalerophenone (PVP).
- 175 | 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
- 176 | 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
- 177 | 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
- 178 | naphthalenylmethanone).
- 179 | 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-
- 180 | yl)methanone).
- 181 | 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- 182 | 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-

- 183 yl)methanone).
- 184 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-
- 185 yl)methanone).
- 186 120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
- 187 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-
- 188 6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
- 189 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-
- 190 indole).
- 191 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
- 192 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-
- 193 yl)ethanone).
- 194 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
- 195 yl)methanone).
- 196 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
- 197 yl)ethanone).
- 198 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-
- 199 yl)ethanone).
- 200 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
- 201 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- 202 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
- 203 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
- 204 ol).
- 205 131. HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-
- 206 methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-
- 207 enyl] methanol).
- 208 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-

HB 287

2015

209 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
210 1,4-dione).

211 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-
212 yl)methanone).

213 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
214 undecanamide).

215 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
216 undecanamide).

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

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

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

223 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-
224 yl)methanone).

225 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-
226 methoxyphenylethano)ne).

227 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
228 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
229 naphthalenyl)methanone).

230 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
231 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
232 naphthalenyl)methanone).

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

234 144. Fluoroamphetamine.

- 235 145. Fluoromethamphetamine.
- 236 146. Methoxetamine.
- 237 147. Methiopropamine.
- 238 148. 4-Methylbuphedrone (2-Methylamino-1-(4-
- 239 methylphenyl)butan-1-one).
- 240 149. APB ((2-aminopropyl)benzofuran).
- 241 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
- 242 151. UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-
- 243 tetramethylcyclopropyl)methanone).
- 244 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-
- 245 tetramethylcyclopropyl)methanone).
- 246 153. (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-
- 247 tetramethylcyclopropyl)methanone.
- 248 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.13,7]dec-1-yl-1H-
- 249 indazole-3-carboxamide).
- 250 155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-
- 251 piperidinyl)methyl]-1H-indol-3-yl]-methanone).
- 252 156. STS-135 (1-(5-fluoropentyl)-N-
- 253 tricyclo[3.3.1.13,7]dec-1-yl-1H-indole-3-carboxamide).
- 254 157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-
- 255 cyclohexylcarbamate).
- 256 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,
- 257 cyclohexyl ester).
- 258 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-
- 259 benzoxazin-4-one).
- 260 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).

- 261 | 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).
- 262 | 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
- 263 | 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-
- 264 | propylphenyl)ethanamine).
- 265 | 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-
- 266 | methoxyphenyl)methyl]-benzeneethanamine).
- 267 | 165. 3,4-Methylenedioxymethamphetamine (MDMA).
- 268 | 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-
- 269 | carboxylic acid).
- 270 | 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-
- 271 | fluoropentyl)-1H-indole-3-carboxylic acid).
- 272 | 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-
- 273 | indole-3-carboxylic acid).
- 274 | 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-
- 275 | fluoropentyl)-1H-indazole-3-carboxamide).
- 276 | 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
- 277 | pentyl-1H-indazole-3-carboxamide).
- 278 | 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
- 279 | (4-fluorobenzyl)-1H-indazole-3-carboxamide).
- 280 | 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
- 281 | 1-pentyl-1H-indazole-3-carboxamide).
- 282 | 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
- 283 | yl)-1-(fluoropentyl)-1H-indole-3-carboxamide).
- 284 | 174. 25B-NBOMe (4-bromo-2,5-dimethoxy-N-[(2-
- 285 | methoxyphenyl)methyl]-benzeneethanamine).
- 286 | 175. 2C-C-NBOMe (4-chloro-2,5-dimethoxy-N-[(2-

287 methoxyphenyl)methyl]-benzeneethanamine).

288 176. Kratom (mitragyna speciosa).

289 Section 2. For the purpose of incorporating the amendment
 290 made by this act to section 893.03, Florida Statutes, in
 291 references thereto, paragraphs (b), (c), and (d) of subsection
 292 (2) of section 893.12, Florida Statutes, are reenacted to read:

293 893.12 Contraband; seizure, forfeiture, sale.—

294 (2)

295 (b) All real property, including any right, title,
 296 leasehold interest, and other interest in the whole of any lot
 297 or tract of land and any appurtenances or improvements, which
 298 real property is used, or intended to be used, in any manner or
 299 part, to commit or to facilitate the commission of, or which
 300 real property is acquired with proceeds obtained as a result of,
 301 a violation of any provision of this chapter related to a
 302 controlled substance described in s. 893.03(1) or (2) may be
 303 seized and forfeited as provided by the Florida Contraband
 304 Forfeiture Act except that no property shall be forfeited under
 305 this paragraph to the extent of an interest of an owner or
 306 lienholder by reason of any act or omission established by that
 307 owner or lienholder to have been committed or omitted without
 308 the knowledge or consent of that owner or lienholder.

309 (c) All moneys, negotiable instruments, securities, and
 310 other things of value furnished or intended to be furnished by
 311 any person in exchange for a controlled substance described in
 312 s. 893.03(1) or (2) or a listed chemical in violation of any

313 provision of this chapter, all proceeds traceable to such an
 314 exchange, and all moneys, negotiable instruments, and securities
 315 used or intended to be used to facilitate any violation of any
 316 provision of this chapter or which are acquired with proceeds
 317 obtained in violation of any provision of this chapter may be
 318 seized and forfeited as provided by the Florida Contraband
 319 Forfeiture Act, except that no property shall be forfeited under
 320 this paragraph to the extent of an interest of an owner or
 321 lienholder by reason of any act or omission established by that
 322 owner or lienholder to have been committed or omitted without
 323 the knowledge or consent of that owner or lienholder.

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

331 Section 3. For the purpose of incorporating the amendment
 332 made by this act to section 893.03, Florida Statutes, in
 333 references thereto, paragraphs (b) through (e) of subsection (3)
 334 of section 921.0022, Florida Statutes, are reenacted to read:

335 921.0022 Criminal Punishment Code; offense severity
 336 ranking chart.—

337 (3) OFFENSE SEVERITY RANKING CHART

338 (b) LEVEL 2

HB 287

2015

339	Florida Statute	Felony Degree	Description
340	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
341	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
342	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.
343	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
344	590.28 (1)	3rd	Intentional burning of lands.
345			

HB 287

2015

346	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
347	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
348	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
349	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
350	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
351	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.

HB 287

2015

352	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
353	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
354	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
355	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
356	817.52(3)	3rd	Failure to redeliver hired vehicle.
357	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.

HB 287

2015

358	817.60 (5)	3rd	Dealing in credit cards of another.
359	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
360	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
361	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
362	831.01	3rd	Forgery.
363	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
364	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or

drafts.

365

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

366

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

367

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

368

843.08 3rd Falsely impersonating an officer.

369

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.

370

893.147 (2) 3rd Manufacture or delivery of drug paraphernalia.

371

HB 287

2015

372	(c) LEVEL 3		
373	Florida	Felony	
374	Statute	Degree	Description
374	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
375	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
376	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
377	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
378	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
379	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or

HB 287

2015

mobile home.

380

319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

381

319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

382

327.35(2)(b) 3rd Felony BUI.

383

328.05(2) 3rd Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

384

328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.

385

376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

386

HB 287

2015

387	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.
388	379.2431 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
389	400.9935 (4)	3rd	Operating a clinic without a license or filing false license application or other required information.
390	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.

HB 287

2015

391	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
392	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
393	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
394	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
395	697.08	3rd	Equity skimming.
396	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
397	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

HB 287

2015

398	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
399	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
400	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
401	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
402	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
403	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
404	817.233	3rd	Burning to defraud insurer.

HB 287

2015

405	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
406	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
407	817.236	3rd	Filing a false motor vehicle insurance application.
408	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
409	817.413 (2)	3rd	Sale of used goods as new.
410	817.505 (4)	3rd	Patient brokering.
411	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
	831.28 (2) (a)	3rd	Counterfeiting a payment

instrument with intent to defraud or possessing a counterfeit payment instrument.

412

831.29 2nd Possession of instruments for counterfeiting driver licenses or identification cards.

413

838.021 (3) (b) 3rd Threatens unlawful harm to public servant.

414

843.19 3rd Injure, disable, or kill police dog or horse.

415

860.15 (3) 3rd Overcharging for repairs and parts.

416

870.01 (2) 3rd Riot; inciting or encouraging.

417

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).

418

HB 287

2015

419	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.
420	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.
421	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
422	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

HB 287

2015

423	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
424	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
425	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
426	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.
	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to

HB 287

2015

assist a patient, other person,
or owner of an animal in
obtaining a controlled
substance.

427

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

428

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.

429

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

430

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

431

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

HB 287

2015

institution.

432

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

433

434 (d) LEVEL 4

435

Florida	Felony	
Statute	Degree	Description

436

316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
------------------	-----	---

437

499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.
--------------	-----	--

438

499.0051 (2)	3rd	Failure to authenticate pedigree papers.
--------------	-----	---

439

HB 287

2015

440	499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
441	517.07(1)	3rd	Failure to register securities.
442	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
443	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
444	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
445	784.075	3rd	Battery on detention or commitment facility staff.
446	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
447	784.08(2)(c)	3rd	Battery on a person 65 years of age or older.

HB 287

2015

448	784.081 (3)	3rd	Battery on specified official or employee.
449	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
450	784.083 (3)	3rd	Battery on code inspector.
451	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
452	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
453	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at

HB 287

2015

custody hearing or delivering
to designated person.

454

787.07 3rd Human smuggling.

455

790.115(1) 3rd Exhibiting firearm or weapon
within 1,000 feet of a school.

456

790.115(2)(b) 3rd Possessing electric weapon or
device, destructive device, or
other weapon on school
property.

457

790.115(2)(c) 3rd Possessing firearm on school
property.

458

800.04(7)(c) 3rd Lewd or lascivious exhibition;
offender less than 18 years.

459

810.02(4)(a) 3rd Burglary, or attempted
burglary, of an unoccupied
structure; unarmed; no assault
or battery.

460

810.02(4)(b) 3rd Burglary, or attempted

burglary, of an unoccupied conveyance; unarmed; no assault or battery.

461

810.06 3rd Burglary; possession of tools.

462

810.08 (2) (c) 3rd Trespass on property, armed with firearm or dangerous weapon.

463

812.014 (2) (c) 3. 3rd Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

464

812.014 (2) (c) 4.-10. 3rd Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.

465

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

466

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

467

HB 287

2015

468	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
469	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
470	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
471	837.02 (1)	3rd	Perjury in official proceedings.
472	837.021 (1)	3rd	Make contradictory statements in official proceedings.
473	838.022	3rd	Official misconduct.
474	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and

Families.

475

843.021 3rd Possession of a concealed handcuff key by a person in custody.

476

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

477

843.15(1)(a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).

478

847.0135(5)(c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.

479

874.05(1)(a) 3rd Encouraging or recruiting another to join a criminal gang.

480

893.13(2)(a)1. 2nd Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d),

HB 287

2015

(2) (a), (2) (b), or (2) (c) 4.
drugs).

481

914.14 (2) 3rd Witnesses accepting bribes.

482

914.22 (1) 3rd Force, threaten, etc., witness,
victim, or informant.

483

914.23 (2) 3rd Retaliation against a witness,
victim, or informant, no bodily
injury.

484

918.12 3rd Tampering with jurors.

485

934.215 3rd Use of two-way communications
device to facilitate commission
of a crime.

486

487 (e) LEVEL 5

488

Florida	Felony	
Statute	Degree	Description

489

316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious
-----------------	-----	---

HB 287

2015

bodily injury, failure to stop;
leaving scene.

490

316.1935 (4) (a) 2nd Aggravated fleeing or eluding.

491

322.34 (6) 3rd Careless operation of motor
vehicle with suspended license,
resulting in death or serious
bodily injury.

492

327.30 (5) 3rd Vessel accidents involving
personal injury; leaving scene.

493

379.367 (4) 3rd Willful molestation of a
commercial harvester's spiny
lobster trap, line, or buoy.

494

379.3671 3rd Willful molestation,
(2) (c) 3. possession, or removal of a
commercial harvester's trap
contents or trap gear by
another harvester.

495

381.0041 (11) (b) 3rd Donate blood, plasma, or organs
knowing HIV positive.

496

HB 287

2015

497	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
498	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
499	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
500	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
501	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
502	790.01 (2)	3rd	Carrying a concealed firearm.
503	790.162	2nd	Threat to throw or discharge destructive device.

HB 287

2015

504	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
505	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
506	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
507	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
508	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
509	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or

property.

510

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

511

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

512

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

513

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

514

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

515

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

516

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

517

HB 287

2015

518 817.2341(1), 3rd Filing false financial
 (2) (a) & statements, making false
 (3) (a) entries of material fact or
 false statements regarding
 property values relating to the
 solvency of an insuring entity.

519 817.568(2)(b) 2nd Fraudulent use of personal
 identification information;
 value of benefit, services
 received, payment avoided, or
 amount of injury or fraud,
 \$5,000 or more or use of
 personal identification
 information of 10 or more
 individuals.

520 817.625(2)(b) 2nd Second or subsequent fraudulent
 use of scanning device or
 reencoder.

521 825.1025(4) 3rd Lewd or lascivious exhibition
 in the presence of an elderly
 person or disabled adult.

HB 287

2015

522	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
523	827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
524	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.
525	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
526	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.

HB 287

2015

527	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
528	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
529	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
530	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
531	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 municipal
 park or publicly owned
 recreational facility or
 community center.

532

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.

533

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.

534

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.

535

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).

536

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

537

538 Section 4. This act shall take effect October 1, 2015.