

By Senator Latvala

20-01317-16

20161182\_\_

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

20-01317-16

20161182\_\_

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

20-01317-16

20161182\_\_

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.

20-01317-16

20161182\_\_

- 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,

20-01317-16

20161182\_\_

- 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-Methylenedioxyamphetaminone.
- 127 41. 3,4-Methylenedioxypropylamphetamine (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, also  
141 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).

20-01317-16

20161182\_\_

- 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.

20-01317-16

20161182\_\_

- 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-methylenedioxcathinone.  
182 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.  
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 pyrrolidinopropiofenone.  
192 100. (MDPBP) 3,4-Methylenedioxy-alpha-  
193 pyrrolidinobutiophenone.  
194 101. Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).  
195 102. Methyl-alpha-pyrrolidinohexiofenone (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. Methyleneethylaminobutyrophenone (Me-EABP).  
203 109. Methylamino-butyrophenone (MABP).  
204 110. Pyrrolidinopropiofenone (PPP).  
205 111. Pyrrolidinobutiophenone (PBP).  
206 112. Pyrrolidinovalerophenone (PVP).

20-01317-16

20161182\_\_

- 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)-6a,7,10,10a-
- 220 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-



20-01317-16

20161182\_\_

- 236 ol) .
- 237 131. HU-308 ([ (1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-
- 238 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]
- 239 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) .

20-01317-16

20161182\_\_

- 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<sup>3,7</sup>]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-tricyclo[3.3.1.1<sup>3,7</sup>]dec-  
285 1-yl-1H-indole-3-carboxamide).  
286 157. URB-597 ((3'-(aminocarbonyl) [1,1'-biphenyl]-3-yl)-  
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).

20-01317-16

20161182\_\_

- 294 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
- 295 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine).
- 296 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-
- 297 methoxyphenyl)methyl]-benzeneethanamine).
- 298 165. 3,4-Methylenedioxymethamphetamine (MDMA).
- 299 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-
- 300 carboxylic acid).
- 301 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-fluoropentyl)-
- 302 1H-indole-3-carboxylic acid).
- 303 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-
- 304 indole-3-carboxylic acid).
- 305 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-
- 306 fluoropentyl)-1H-indazole-3-carboxamide).
- 307 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
- 308 pentyl-1H-indazole-3-carboxamide).
- 309 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
- 310 (4-fluorobenzyl)-1H-indazole-3-carboxamide).
- 311 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
- 312 1-pentyl-1H-indazole-3-carboxamide).
- 313 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
- 314 yl)-1-(fluoropentyl)-1H-indole-3-carboxamide).
- 315 174. 25B-NBOMe (4-bromo-2,5-dimethoxy-N-[(2-
- 316 methoxyphenyl)methyl]-benzeneethanamine).
- 317 175. 2C-C-NBOMe (4-chloro-2,5-dimethoxy-N-[(2-
- 318 methoxyphenyl)methyl]-benzeneethanamine).
- 319 176. AB-CHMINACA: N-[1-(aminocarbonyl)-2-methylpropyl]-1-
- 320 (cyclohexylmethyl)-1H-indazole-3-carboxamide.
- 321 177. FUB-PB-22: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-indole-
- 322 3-carboxylate.

20-01317-16

20161182\_\_

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

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

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

329 181. Mitragynine or 7-Hydroxymitragynine, except for any  
330 drug product approved by the United States Food and Drug  
331 Administration which contains Mitragynine or 7-  
332 Hydroxymitragynine, including any of their isomers, esters,  
333 ethers, salts, and salts of isomers, esters, and ethers, if the  
334 existence of such isomers, esters, ethers, and salts is possible  
335 within the specific chemical designation.

336 Section 2. Subsection (11) is added to section 893.13,  
337 Florida Statutes, to read:

338 893.13 Prohibited acts; penalties.—

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

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

348 39.01 Definitions.—When used in this chapter, unless the  
349 context otherwise requires:

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

20-01317-16

20161182\_\_

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

- 360 1. Willful acts that produce the following specific  
361 injuries:
- 362 a. Sprains, dislocations, or cartilage damage.
  - 363 b. Bone or skull fractures.
  - 364 c. Brain or spinal cord damage.
  - 365 d. Intracranial hemorrhage or injury to other internal  
366 organs.
  - 367 e. Asphyxiation, suffocation, or drowning.
  - 368 f. Injury resulting from the use of a deadly weapon.
  - 369 g. Burns or scalding.
  - 370 h. Cuts, lacerations, punctures, or bites.
  - 371 i. Permanent or temporary disfigurement.
  - 372 j. Permanent or temporary loss or impairment of a body part  
373 or function.

374  
375 As used in this subparagraph, the term "willful" refers to the  
376 intent to perform an action, not to the intent to achieve a  
377 result or to cause an injury.

- 378 2. Purposely giving a child poison, alcohol, drugs, or  
379 other substances that substantially affect the child's behavior,  
380 motor coordination, or judgment or that result in sickness or

20-01317-16

20161182\_\_

381 internal injury. For the purposes of this subparagraph, the term  
382 "drugs" means prescription drugs not prescribed for the child or  
383 not administered as prescribed, and controlled substances as  
384 outlined in Schedule I or Schedule II of s. 893.03.

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

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

- 400 a. Sprains, dislocations, or cartilage damage.
- 401 b. Bone or skull fractures.
- 402 c. Brain or spinal cord damage.
- 403 d. Intracranial hemorrhage or injury to other internal  
404 organs.
- 405 e. Asphyxiation, suffocation, or drowning.
- 406 f. Injury resulting from the use of a deadly weapon.
- 407 g. Burns or scalding.
- 408 h. Cuts, lacerations, punctures, or bites.
- 409 i. Permanent or temporary disfigurement.

20-01317-16

20161182\_\_

410 j. Permanent or temporary loss or impairment of a body part  
411 or function.

412 k. Significant bruises or welts.

413 (g) Exposes a child to a controlled substance or alcohol.  
414 Exposure to a controlled substance or alcohol is established by:

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

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

423

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

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

432 316.193 Driving under the influence; penalties.—

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

20-01317-16

20161182\_\_

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



20-01317-16

20161182\_\_

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

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

484 322.2616 Suspension of license; persons under 21 years of  
485 age; right to review.—

486 (2)

487 (c) When a driver subject to this section has a blood-  
488 alcohol or breath-alcohol level of 0.05 or higher, the  
489 suspension shall remain in effect until such time as the driver  
490 has completed a substance abuse course offered by a DUI program  
491 licensed by the department. The driver shall assume the  
492 reasonable costs for the substance abuse course. As part of the  
493 substance abuse course, the program shall conduct a substance  
494 abuse evaluation of the driver, and notify the parents or legal  
495 guardians of drivers under the age of 19 years of the results of  
496 the evaluation. The term "substance abuse" means the abuse of

20-01317-16

20161182\_\_

497 alcohol or any substance named or described in Schedules I  
498 through V of s. 893.03. If a driver fails to complete the  
499 substance abuse education course and evaluation, the driver  
500 license shall not be reinstated by the department.

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

505 327.35 Boating under the influence; penalties; "designated  
506 drivers."—

507 (5) In addition to any sentence or fine, the court shall  
508 place any offender convicted of violating this section on  
509 monthly reporting probation and shall require attendance at a  
510 substance abuse course specified by the court; and the agency  
511 conducting the course may refer the offender to an authorized  
512 service provider for substance abuse evaluation and treatment,  
513 in addition to any sentence or fine imposed under this section.  
514 The offender shall assume reasonable costs for such education,  
515 evaluation, and treatment, with completion of all such  
516 education, evaluation, and treatment being a condition of  
517 reporting probation. Treatment resulting from a psychosocial  
518 evaluation may not be waived without a supporting psychosocial  
519 evaluation conducted by an agency appointed by the court and  
520 with access to the original evaluation. The offender shall bear  
521 the cost of this procedure. The term "substance abuse" means the  
522 abuse of alcohol or any substance named or described in  
523 Schedules I-V of s. 893.03.

524 Section 7. For the purpose of incorporating the amendment  
525 made by this act to section 893.03, Florida Statutes, in a

20-01317-16

20161182\_\_

526 reference thereto, paragraph (b) of subsection (11) of section  
527 440.102, Florida Statutes, is reenacted to read:

528 440.102 Drug-free workplace program requirements.—The  
529 following provisions apply to a drug-free workplace program  
530 implemented pursuant to law or to rules adopted by the Agency  
531 for Health Care Administration:

532 (11) PUBLIC EMPLOYEES IN MANDATORY-TESTING OR SPECIAL-RISK  
533 POSITIONS.—

534 (b) An employee who is employed by a public employer in a  
535 special-risk position may be discharged or disciplined by a  
536 public employer for the first positive confirmed test result if  
537 the drug confirmed is an illicit drug under s. 893.03. A  
538 special-risk employee who is participating in an employee  
539 assistance program or drug rehabilitation program may not be  
540 allowed to continue to work in any special-risk or mandatory-  
541 testing position of the public employer, but may be assigned to  
542 a position other than a mandatory-testing position or placed on  
543 leave while the employee is participating in the program.  
544 However, the employee shall be permitted to use any accumulated  
545 annual leave credits before leave may be ordered without pay.

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

550 458.3265 Pain-management clinics.—

551 (1) REGISTRATION.—

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

20-01317-16

20161182\_\_

555           1. Whose Drug Enforcement Administration number has ever  
556 been revoked.

557           2. Whose application for a license to prescribe, dispense,  
558 or administer a controlled substance has been denied by any  
559 jurisdiction.

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

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

570           459.0137 Pain-management clinics.—

571           (1) REGISTRATION.—

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

575           1. Whose Drug Enforcement Administration number has ever  
576 been revoked.

577           2. Whose application for a license to prescribe, dispense,  
578 or administer a controlled substance has been denied by any  
579 jurisdiction.

580           3. Who has been convicted of or pleaded guilty or nolo  
581 contendere to, regardless of adjudication, an offense that  
582 constitutes a felony for receipt of illicit and diverted drugs,  
583 including a controlled substance listed in Schedule I, Schedule

20-01317-16

20161182\_\_

584 II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in  
585 this state, any other state, or the United States.

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

591 782.04 Murder.—

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

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

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

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

598 b. Arson,

599 c. Sexual battery,

600 d. Robbery,

601 e. Burglary,

602 f. Kidnapping,

603 g. Escape,

604 h. Aggravated child abuse,

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

606 j. Aircraft piracy,

607 k. Unlawful throwing, placing, or discharging of a  
608 destructive device or bomb,

609 l. Carjacking,

610 m. Home-invasion robbery,

611 n. Aggravated stalking,

612 o. Murder of another human being,

20-01317-16

20161182\_\_

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

614 q. Aggravated fleeing or eluding with serious bodily injury  
615 or death,

616 r. Felony that is an act of terrorism or is in furtherance  
617 of an act of terrorism; or

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

624  
625 is murder in the first degree and constitutes a capital felony,  
626 punishable as provided in s. 775.082.

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

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

632 (b) Arson,

633 (c) Sexual battery,

634 (d) Robbery,

635 (e) Burglary,

636 (f) Kidnapping,

637 (g) Escape,

638 (h) Aggravated child abuse,

639 (i) Aggravated abuse of an elderly person or disabled  
640 adult,

641 (j) Aircraft piracy,

20-01317-16

20161182\_\_

642 (k) Unlawful throwing, placing, or discharging of a  
643 destructive device or bomb,

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

650 (m) Carjacking,

651 (n) Home-invasion robbery,

652 (o) Aggravated stalking,

653 (p) Murder of another human being,

654 (q) Aggravated fleeing or eluding with serious bodily  
655 injury or death,

656 (r) Resisting an officer with violence to his or her  
657 person, or

658 (s) Felony that is an act of terrorism or is in furtherance  
659 of an act of terrorism,

660  
661 is murder in the third degree and constitutes a felony of the  
662 second degree, punishable as provided in s. 775.082, s. 775.083,  
663 or s. 775.084.

664 Section 11. For the purpose of incorporating the amendment  
665 made by this act to section 893.03, Florida Statutes, in a  
666 reference thereto, paragraph (a) of subsection (2) of section  
667 787.06, Florida Statutes, is reenacted to read:

668 787.06 Human trafficking.—

669 (2) As used in this section, the term:

670 (a) "Coercion" means:

20-01317-16

20161182\_\_

- 671           1. Using or threatening to use physical force against any  
672 person;
- 673           2. Restraining, isolating, or confining or threatening to  
674 restrain, isolate, or confine any person without lawful  
675 authority and against her or his will;
- 676           3. Using lending or other credit methods to establish a  
677 debt by any person when labor or services are pledged as a  
678 security for the debt, if the value of the labor or services as  
679 reasonably assessed is not applied toward the liquidation of the  
680 debt, the length and nature of the labor or services are not  
681 respectively limited and defined;
- 682           4. Destroying, concealing, removing, confiscating,  
683 withholding, or possessing any actual or purported passport,  
684 visa, or other immigration document, or any other actual or  
685 purported government identification document, of any person;
- 686           5. Causing or threatening to cause financial harm to any  
687 person;
- 688           6. Enticing or luring any person by fraud or deceit; or
- 689           7. Providing a controlled substance as outlined in Schedule  
690 I or Schedule II of s. 893.03 to any person for the purpose of  
691 exploitation of that person.

692           Section 12. For the purpose of incorporating the amendment  
693 made by this act to section 893.03, Florida Statutes, in a  
694 reference thereto, section 817.563, Florida Statutes, is  
695 reenacted to read:

696           817.563 Controlled substance named or described in s.  
697 893.03; sale of substance in lieu thereof.—It is unlawful for  
698 any person to agree, consent, or in any manner offer to  
699 unlawfully sell to any person a controlled substance named or



20-01317-16

20161182\_\_

700 described in s. 893.03 and then sell to such person any other  
701 substance in lieu of such controlled substance. Any person who  
702 violates this section with respect to:

703 (1) A controlled substance named or described in s.  
704 893.03(1), (2), (3), or (4) is guilty of a felony of the third  
705 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
706 775.084.

707 (2) A controlled substance named or described in s.  
708 893.03(5) is guilty of a misdemeanor of the second degree,  
709 punishable as provided in s. 775.082 or s. 775.083.

710 Section 13. For the purpose of incorporating the amendment  
711 made by this act to section 893.03, Florida Statutes, in a  
712 reference thereto, paragraph (a) of subsection (1) and  
713 subsection (2) of section 831.31, Florida Statutes, are  
714 reenacted to read:

715 831.31 Counterfeit controlled substance; sale, manufacture,  
716 delivery, or possession with intent to sell, manufacture, or  
717 deliver.—

718 (1) It is unlawful for any person to sell, manufacture, or  
719 deliver, or to possess with intent to sell, manufacture, or  
720 deliver, a counterfeit controlled substance. Any person who  
721 violates this subsection with respect to:

722 (a) A controlled substance named or described in s.  
723 893.03(1), (2), (3), or (4) is guilty of a felony of the third  
724 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
725 775.084.

726 (2) For purposes of this section, "counterfeit controlled  
727 substance" means:

728 (a) A controlled substance named or described in s. 893.03

20-01317-16

20161182\_\_

729 which, or the container or labeling of which, without  
730 authorization bears the trademark, trade name, or other  
731 identifying mark, imprint, or number, or any likeness thereof,  
732 of a manufacturer other than the person who in fact manufactured  
733 the controlled substance; or

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

736 Section 14. For the purpose of incorporating the amendment  
737 made by this act to section 893.03, Florida Statutes, in a  
738 reference thereto, paragraph (c) of subsection (1) of section  
739 856.015, Florida Statutes, is reenacted to read:

740 856.015 Open house parties.—

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

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

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

748 893.02 Definitions.—The following words and phrases as used  
749 in this chapter shall have the following meanings, unless the  
750 context otherwise requires:

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

755 Section 16. For the purpose of incorporating the amendment  
756 made by this act to section 893.03, Florida Statutes, in a  
757 reference thereto, subsection (2), paragraph (a) of subsection

20-01317-16

20161182\_\_

758 (7), and paragraph (a) of subsection (8) of section 893.035,  
759 Florida Statutes, are reenacted to read:

760 893.035 Control of new substances; findings of fact;  
761 delegation of authority to Attorney General to control  
762 substances by rule.—

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

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

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

775  
776 Rules adopted under this section shall be made pursuant to the  
777 rulemaking procedures prescribed by chapter 120.

778 (7) (a) If the Attorney General finds that the scheduling of  
779 a substance in Schedule I of s. 893.03 on a temporary basis is  
780 necessary to avoid an imminent hazard to the public safety, he  
781 or she may by rule and without regard to the requirements of  
782 subsection (5) relating to the Department of Health and the  
783 Department of Law Enforcement schedule such substance in  
784 Schedule I if the substance is not listed in any other schedule  
785 of s. 893.03. The Attorney General shall be required to  
786 consider, with respect to his or her finding of imminent hazard

20-01317-16

20161182\_\_

787 to the public safety, only those factors set forth in paragraphs  
788 (3) (a) and (4) (d), (e), and (f), including actual abuse,  
789 diversion from legitimate channels, and clandestine importation,  
790 manufacture, or distribution.

791 (8) (a) Upon the effective date of a rule adopted pursuant  
792 to this section adding or transferring a substance to a schedule  
793 under s. 893.03, such substance shall be deemed included in that  
794 schedule, and all provisions of this chapter applicable to  
795 substances in that schedule shall be deemed applicable to such  
796 substance.

797 Section 17. For the purpose of incorporating the amendment  
798 made by this act to section 893.03, Florida Statutes, in a  
799 reference thereto, paragraph (a) of subsection (2) and  
800 subsection (5) of section 893.0356, Florida Statutes, are  
801 reenacted to read:

802 893.0356 Control of new substances; findings of fact;  
803 "controlled substance analog" defined.—

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

- 807 1. Is substantially similar to that of a controlled  
808 substance listed in Schedule I or Schedule II of s. 893.03; and  
809 2. Has a stimulant, depressant, or hallucinogenic effect on  
810 the central nervous system or is represented or intended to have  
811 a stimulant, depressant, or hallucinogenic effect on the central  
812 nervous system substantially similar to or greater than that of  
813 a controlled substance listed in Schedule I or Schedule II of s.  
814 893.03.

815 (5) A controlled substance analog shall, for purposes of

20-01317-16

20161182\_\_

816 drug abuse prevention and control, be treated as a controlled  
817 substance in Schedule I of s. 893.03.

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

822 893.05 Practitioners and persons administering controlled  
823 substances in their absence.—

824 (1) A practitioner, in good faith and in the course of his  
825 or her professional practice only, may prescribe, administer,  
826 dispense, mix, or otherwise prepare a controlled substance, or  
827 the practitioner may cause the same to be administered by a  
828 licensed nurse or an intern practitioner under his or her  
829 direction and supervision only. A veterinarian may so prescribe,  
830 administer, dispense, mix, or prepare a controlled substance for  
831 use on animals only, and may cause it to be administered by an  
832 assistant or orderly under the veterinarian's direction and  
833 supervision only. A certified optometrist licensed under chapter  
834 463 may not administer or prescribe a controlled substance  
835 listed in Schedule I or Schedule II of s. 893.03.

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

840 893.12 Contraband; seizure, forfeiture, sale.—

841 (2)

842 (b) All real property, including any right, title,  
843 leasehold interest, and other interest in the whole of any lot  
844 or tract of land and any appurtenances or improvements, which

20-01317-16

20161182\_\_

845 real property is used, or intended to be used, in any manner or  
846 part, to commit or to facilitate the commission of, or which  
847 real property is acquired with proceeds obtained as a result of,  
848 a violation of any provision of this chapter related to a  
849 controlled substance described in s. 893.03(1) or (2) may be  
850 seized and forfeited as provided by the Florida Contraband  
851 Forfeiture Act except that no property shall be forfeited under  
852 this paragraph to the extent of an interest of an owner or  
853 lienholder by reason of any act or omission established by that  
854 owner or lienholder to have been committed or omitted without  
855 the knowledge or consent of that owner or lienholder.

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

871 (d) All books, records, and research, including formulas,  
872 microfilm, tapes, and data which are used, or intended for use,  
873 or which are acquired with proceeds obtained, in violation of

20-01317-16

20161182\_\_

874 any provision of this chapter related to a controlled substance  
875 described in s. 893.03(1) or (2) or a listed chemical may be  
876 seized and forfeited as provided by the Florida Contraband  
877 Forfeiture Act.

878 Section 20. For the purpose of incorporating the amendment  
879 made by this act to section 893.03, Florida Statutes, in a  
880 reference thereto, paragraphs (a), (c), (d), (e), (f), and (h)  
881 of subsection (1), paragraph (a) of subsection (2), paragraph  
882 (b) of subsection (4), paragraph (b) of subsection (5), and  
883 paragraph (a) of subsection (7) of section 893.13, Florida  
884 Statutes, are reenacted to read:

885 893.13 Prohibited acts; penalties.—

886 (1) (a) Except as authorized by this chapter and chapter  
887 499, a person may not sell, manufacture, or deliver, or possess  
888 with intent to sell, manufacture, or deliver, a controlled  
889 substance. A person who violates this provision with respect to:

890 1. A controlled substance named or described in s.  
891 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.  
892 commits a felony of the second degree, punishable as provided in  
893 s. 775.082, s. 775.083, or s. 775.084.

894 2. A controlled substance named or described in s.  
895 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,  
896 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of  
897 the third degree, punishable as provided in s. 775.082, s.  
898 775.083, or s. 775.084.

899 3. A controlled substance named or described in s.  
900 893.03(5) commits a misdemeanor of the first degree, punishable  
901 as provided in s. 775.082 or s. 775.083.

902 (c) Except as authorized by this chapter, a person may not

20-01317-16

20161182\_\_

903 sell, manufacture, or deliver, or possess with intent to sell,  
904 manufacture, or deliver, a controlled substance in, on, or  
905 within 1,000 feet of the real property comprising a child care  
906 facility as defined in s. 402.302 or a public or private  
907 elementary, middle, or secondary school between the hours of 6  
908 a.m. and 12 midnight, or at any time in, on, or within 1,000  
909 feet of real property comprising a state, county, or municipal  
910 park, a community center, or a publicly owned recreational  
911 facility. As used in this paragraph, the term "community center"  
912 means a facility operated by a nonprofit community-based  
913 organization for the provision of recreational, social, or  
914 educational services to the public. A person who violates this  
915 paragraph with respect to:

916 1. A controlled substance named or described in s.  
917 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.  
918 commits a felony of the first degree, punishable as provided in  
919 s. 775.082, s. 775.083, or s. 775.084. The defendant must be  
920 sentenced to a minimum term of imprisonment of 3 calendar years  
921 unless the offense was committed within 1,000 feet of the real  
922 property comprising a child care facility as defined in s.  
923 402.302.

924 2. A controlled substance named or described in s.  
925 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
926 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
927 the second degree, punishable as provided in s. 775.082, s.  
928 775.083, or s. 775.084.

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



20-01317-16

20161182\_\_

932 other penalty prescribed by law.

933

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

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

948 1. A controlled substance named or described in s.  
949 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.  
950 commits a felony of the first degree, punishable as provided in  
951 s. 775.082, s. 775.083, or s. 775.084.

952 2. A controlled substance named or described in s.  
953 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
954 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
955 the second degree, punishable as provided in s. 775.082, s.  
956 775.083, or s. 775.084.

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

20-01317-16

20161182\_\_

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

969 1. A controlled substance named or described in s.  
970 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.  
971 commits a felony of the first degree, punishable as provided in  
972 s. 775.082, s. 775.083, or s. 775.084.

973 2. A controlled substance named or described in s.  
974 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
975 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
976 the second degree, punishable as provided in s. 775.082, s.  
977 775.083, or s. 775.084.

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

982 (f) Except as authorized by this chapter, a person may not  
983 sell, manufacture, or deliver, or possess with intent to sell,  
984 manufacture, or deliver, a controlled substance in, on, or  
985 within 1,000 feet of the real property comprising a public  
986 housing facility at any time. As used in this section, the term  
987 "real property comprising a public housing facility" means real  
988 property, as defined in s. 421.03(12), of a public corporation  
989 created as a housing authority pursuant to part I of chapter

20-01317-16

20161182\_\_

990 421. A person who violates this paragraph with respect to:

991 1. A controlled substance named or described in s.  
992 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.  
993 commits a felony of the first degree, punishable as provided in  
994 s. 775.082, s. 775.083, or s. 775.084.

995 2. A controlled substance named or described in s.  
996 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
997 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
998 the second degree, punishable as provided in s. 775.082, s.  
999 775.083, or s. 775.084.

1000 3. Any other controlled substance, except as lawfully sold,  
1001 manufactured, or delivered, must be sentenced to pay a \$500 fine  
1002 and to serve 100 hours of public service in addition to any  
1003 other penalty prescribed by law.

1004 (h) Except as authorized by this chapter, a person may not  
1005 sell, manufacture, or deliver, or possess with intent to sell,  
1006 manufacture, or deliver, a controlled substance in, on, or  
1007 within 1,000 feet of the real property comprising an assisted  
1008 living facility, as that term is used in chapter 429. A person  
1009 who violates this paragraph with respect to:

1010 1. A controlled substance named or described in s.  
1011 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.  
1012 commits a felony of the first degree, punishable as provided in  
1013 s. 775.082, s. 775.083, or s. 775.084.

1014 2. A controlled substance named or described in s.  
1015 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
1016 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
1017 the second degree, punishable as provided in s. 775.082, s.  
1018 775.083, or s. 775.084.

20-01317-16

20161182\_\_

1019 (2) (a) Except as authorized by this chapter and chapter  
1020 499, a person may not purchase, or possess with intent to  
1021 purchase, a controlled substance. A person who violates this  
1022 provision with respect to:

1023 1. A controlled substance named or described in s.  
1024 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.  
1025 commits a felony of the second degree, punishable as provided in  
1026 s. 775.082, s. 775.083, or s. 775.084.

1027 2. A controlled substance named or described in s.  
1028 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,  
1029 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of  
1030 the third degree, punishable as provided in s. 775.082, s.  
1031 775.083, or s. 775.084.

1032 3. A controlled substance named or described in s.  
1033 893.03(5) commits a misdemeanor of the first degree, punishable  
1034 as provided in s. 775.082 or s. 775.083.

1035 (4) Except as authorized by this chapter, a person 18 years  
1036 of age or older may not deliver any controlled substance to a  
1037 person younger than 18 years of age, use or hire a person  
1038 younger than 18 years of age as an agent or employee in the sale  
1039 or delivery of such a substance, or use such person to assist in  
1040 avoiding detection or apprehension for a violation of this  
1041 chapter. A person who violates this provision with respect to:

1042 (b) A controlled substance named or described in s.  
1043 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,  
1044 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of  
1045 the second degree, punishable as provided in s. 775.082, s.  
1046 775.083, or s. 775.084.

1047

20-01317-16

20161182\_\_

1048 Imposition of sentence may not be suspended or deferred, and the  
1049 person so convicted may not be placed on probation.

1050 (5) A person may not bring into this state any controlled  
1051 substance unless the possession of such controlled substance is  
1052 authorized by this chapter or unless such person is licensed to  
1053 do so by the appropriate federal agency. A person who violates  
1054 this provision with respect to:

1055 (b) A controlled substance named or described in s.  
1056 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
1057 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
1058 the third degree, punishable as provided in s. 775.082, s.  
1059 775.083, or s. 775.084.

1060 (7)(a) A person may not:

1061 1. Distribute or dispense a controlled substance in  
1062 violation of this chapter.

1063 2. Refuse or fail to make, keep, or furnish any record,  
1064 notification, order form, statement, invoice, or information  
1065 required under this chapter.

1066 3. Refuse entry into any premises for any inspection or  
1067 refuse to allow any inspection authorized by this chapter.

1068 4. Distribute a controlled substance named or described in  
1069 s. 893.03(1) or (2) except pursuant to an order form as required  
1070 by s. 893.06.

1071 5. Keep or maintain any store, shop, warehouse, dwelling,  
1072 building, vehicle, boat, aircraft, or other structure or place  
1073 which is resorted to by persons using controlled substances in  
1074 violation of this chapter for the purpose of using these  
1075 substances, or which is used for keeping or selling them in  
1076 violation of this chapter.

20-01317-16

20161182\_\_

1077           6. Use to his or her own personal advantage, or reveal, any  
1078 information obtained in enforcement of this chapter except in a  
1079 prosecution or administrative hearing for a violation of this  
1080 chapter.

1081           7. Possess a prescription form unless it has been signed by  
1082 the practitioner whose name appears printed thereon and  
1083 completed. This subparagraph does not apply if the person in  
1084 possession of the form is the practitioner whose name appears  
1085 printed thereon, an agent or employee of that practitioner, a  
1086 pharmacist, or a supplier of prescription forms who is  
1087 authorized by that practitioner to possess those forms.

1088           8. Withhold information from a practitioner from whom the  
1089 person seeks to obtain a controlled substance or a prescription  
1090 for a controlled substance that the person making the request  
1091 has received a controlled substance or a prescription for a  
1092 controlled substance of like therapeutic use from another  
1093 practitioner within the previous 30 days.

1094           9. Acquire or obtain, or attempt to acquire or obtain,  
1095 possession of a controlled substance by misrepresentation,  
1096 fraud, forgery, deception, or subterfuge.

1097           10. Affix any false or forged label to a package or  
1098 receptacle containing a controlled substance.

1099           11. Furnish false or fraudulent material information in, or  
1100 omit any material information from, any report or other document  
1101 required to be kept or filed under this chapter or any record  
1102 required to be kept by this chapter.

1103           12. Store anhydrous ammonia in a container that is not  
1104 approved by the United States Department of Transportation to  
1105 hold anhydrous ammonia or is not constructed in accordance with

20-01317-16

20161182\_\_

1106 sound engineering, agricultural, or commercial practices.  
 1107 13. With the intent to obtain a controlled substance or  
 1108 combination of controlled substances that are not medically  
 1109 necessary for the person or an amount of a controlled substance  
 1110 or substances that is not medically necessary for the person,  
 1111 obtain or attempt to obtain from a practitioner a controlled  
 1112 substance or a prescription for a controlled substance by  
 1113 misrepresentation, fraud, forgery, deception, subterfuge, or  
 1114 concealment of a material fact. For purposes of this  
 1115 subparagraph, a material fact includes whether the person has an  
 1116 existing prescription for a controlled substance issued for the  
 1117 same period of time by another practitioner or as described in  
 1118 subparagraph 8.

1119 Section 21. For the purpose of incorporating the amendment  
 1120 made by this act to section 893.03, Florida Statutes, in a  
 1121 reference thereto, paragraphs (b), (c), and (e) of subsection  
 1122 (3) of section 921.0022, Florida Statutes, are reenacted to  
 1123 read:

1124 921.0022 Criminal Punishment Code; offense severity ranking  
 1125 chart.—

1126 (3) OFFENSE SEVERITY RANKING CHART

1127 (b) LEVEL 2

1128

1129

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation

1130

20-01317-16

20161182\_\_

			of the Marine Turtle Protection Act.
1131	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
1132	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.
1133	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
1134	590.28 (1)	3rd	Intentional burning of lands.
1135	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
1136	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
1137	806.13 (1) (b) 3.	3rd	Criminal mischief; damage



20-01317-16

20161182\_\_

			\$1,000 or more to public communication or any other public service.
1138	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
1139	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
1140	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
1141	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
1142	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
1143	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
1144			

20-01317-16

20161182\_\_

1145

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

1146

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

1147

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

1148

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

1149

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

1150

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

1151

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

1152

831.01 3rd Forgery.

831.02 3rd Uttering forged instrument;

20-01317-16

20161182\_\_

1153	831.07	3rd	utters or publishes alteration with intent to defraud.
1154	831.08	3rd	Forging bank bills, checks, drafts, or promissory notes.
1155	831.09	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
1156	831.11	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
1157	832.05 (3) (a)	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
1158	843.08	3rd	Cashing or depositing item with intent to defraud.
1159	893.13 (2) (a) 2.	3rd	False personation.
			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.

20-01317-16

20161182\_\_

1160

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

1161

1162

(c) LEVEL 3

1163

1164

Florida	Felony	Description
Statute	Degree	

1165

119.10(2)(b) 3rd Unlawful use of confidential information from police reports.

1166

316.066 3rd Unlawfully obtaining or using  
(3)(b)-(d) confidential crash reports.

1167

316.193(2)(b) 3rd Felony DUI, 3rd conviction.

1168

316.1935(2) 3rd Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

1169

319.30(4) 3rd Possession by junkyard of motor vehicle with identification number plate removed.

1170

319.33(1)(a) 3rd Alter or forge any certificate

20-01317-16

20161182\_\_

			of title to a motor vehicle or mobile home.
1171	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
1172	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
1173	327.35(2)(b)	3rd	Felony BUI.
1174	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
1175	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
1176	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
1177	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring,

20-01317-16

20161182\_\_

1178	379.2431 (1) (e) 6.	3rd	selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
1179	400.9935 (4) (a) or (b)	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
1180	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
1181	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
1182	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading

20-01317-16

20161182\_\_

			information.
1183	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
1184	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
1185	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
1186	697.08	3rd	Equity skimming.
1187	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
1188	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
1189	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
1190	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed

20-01317-16

20161182\_\_

			with firearm or dangerous weapon.
1191	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
1192	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
1193	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
1194	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1195	817.233	3rd	Burning to defraud insurer.
1196	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1197	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
1198	817.236	3rd	Filing a false motor vehicle insurance application.



20-01317-16

20161182\_\_

1199	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
1200	817.413 (2)	3rd	Sale of used goods as new.
1201	817.505 (4)	3rd	Patient brokering.
1202	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
1203	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
1204	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
1205	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
1206	843.19	3rd	Injure, disable, or kill police dog or horse.

20-01317-16

20161182\_\_

1207  
1208  
1209  
1210  
1211  
1212

860.15 (3)	3rd	Overcharging for repairs and parts.
870.01 (2)	3rd	Riot; inciting or encouraging.
893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs).
893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (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.

20-01317-16

20161182\_\_

1213

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

1214

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

1215

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

1216

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

1217

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 controlled substance through deceptive, untrue, or fraudulent representations in

20-01317-16

20161182\_\_

1218	893.13(8)(a)2.	3rd	or related to the practitioner's practice.
1219	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.
1220	893.13(8)(a)4.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
1221	918.13(1)(a)	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.
1222	944.47 (1)(a)1. & 2.	3rd	Alter, destroy, or conceal investigation evidence.
1223	944.47(1)(c)	2nd	Introduce contraband to correctional facility.
			Possess contraband while upon

20-01317-16

20161182\_\_

the grounds of a correctional institution.

1224

985.721

3rd

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

1225

1226

(e) LEVEL 5

1227

1228

Florida  
Statute

Felony  
Degree

Description

1229

316.027(2)(a)

3rd

Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.

1230

316.1935(4)(a)

2nd

Aggravated fleeing or eluding.

1231

322.34(6)

3rd

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

1232

327.30(5)

3rd

Vessel accidents involving personal injury; leaving scene.

1233

20-01317-16

20161182\_\_

1234

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

1235

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

1236

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

1237

440.10(1) (g) 2nd Failure to obtain workers' compensation coverage.

1238

440.105(5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

1239

440.381(2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

624.401(4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or

20-01317-16

20161182\_\_

			more but less than \$100,000.
1240	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
1241	790.01 (2)	3rd	Carrying a concealed firearm.
1242	790.162	2nd	Threat to throw or discharge destructive device.
1243	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
1244	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
1245	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1246	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
1247	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
1248	800.04 (7) (b)	2nd	Lewd or lascivious exhibition;

20-01317-16

20161182\_\_

			offender 18 years of age or older.
1249	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
1250	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
1251	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
1252	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
1253	812.131 (2) (b)	3rd	Robbery by sudden snatching.
1254	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
1255	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1256	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than



20-01317-16

20161182\_\_

1257

\$100,000.

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.

1258

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.

1259

817.625(2) (b)

2nd

Second or subsequent fraudulent use of scanning device or reencoder.

1260

825.1025(4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

1261

827.071(4)

2nd

Possess with intent to promote any photographic material,

20-01317-16

20161182\_\_

1262

motion picture, etc., which includes sexual conduct by a child.

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

1263

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.

1264

843.01

3rd

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

1265

847.0135 (5) (b)

2nd

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

1266

847.0137  
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

1267

847.0138  
(2) & (3)

3rd

Transmission of material harmful to minors to a minor by

20-01317-16

20161182\_\_

1268

electronic device or equipment.

874.05 (1) (b)

2nd

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

1269

874.05 (2) (a)

2nd

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

1270

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).

1271

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.

20-01317-16

20161182\_\_

1272

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.

1273

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.

1274

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.

1275

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.,

