

By the Committee on Health Policy; and Senator Smith

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1                   A bill to be entitled  
2           An act relating to controlled substances; amending s.  
3           893.03, F.S.; adding to the list of Schedule III  
4           controlled substances certain specified materials,  
5           compounds, mixtures, or preparations that promote  
6           muscle growth or otherwise enhance athletic  
7           performance; adding human chorionic gonadotropin to  
8           the list of Schedule III controlled substances;  
9           reenacting s. 893.12(1)-(6), F.S., relating to  
10          prohibited acts involving controlled substances, to  
11          incorporate the amendments made to s. 893.03, F.S., in  
12          references thereto; reenacting s. 921.0022(3)(b)-(e),  
13          F.S., relating to the Criminal Punishment Code offense  
14          severity ranking chart, to incorporate the amendments  
15          made to s. 893.03, F.S., in references thereto;  
16          providing an effective date.

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

19  
20           Section 1. Paragraphs (h), (i), (j), (k), (l), (m), and (n)  
21           are added to subsection (3) of section 893.03, Florida Statutes,  
22           to read:

23           893.03 Standards and schedules.—The substances enumerated  
24           in this section are controlled by this chapter. The controlled  
25           substances listed or to be listed in Schedules I, II, III, IV,  
26           and V are included by whatever official, common, usual,  
27           chemical, or trade name designated. The provisions of this  
28           section shall not be construed to include within any of the  
29           schedules contained in this section any excluded drugs listed

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30 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded  
31 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical  
32 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted  
33 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt  
34 Anabolic Steroid Products."

35 (3) SCHEDULE III.—A substance in Schedule III has a  
36 potential for abuse less than the substances contained in  
37 Schedules I and II and has a currently accepted medical use in  
38 treatment in the United States, and abuse of the substance may  
39 lead to moderate or low physical dependence or high  
40 psychological dependence or, in the case of anabolic steroids,  
41 may lead to physical damage. The following substances are  
42 controlled in Schedule III:

43 (a) Unless specifically excepted or unless listed in  
44 another schedule, any material, compound, mixture, or  
45 preparation which contains any quantity of the following  
46 substances having a depressant or stimulant effect on the  
47 nervous system:

48 1. Any substance which contains any quantity of a  
49 derivative of barbituric acid, including thiobarbituric acid, or  
50 any salt of a derivative of barbituric acid or thiobarbituric  
51 acid, including, but not limited to, butabarbital and  
52 butalbital.

53 2. Benzphetamine.

54 3. Chlorhexadol.

55 4. Chlorphentermine.

56 5. Clortermine.

57 6. Lysergic acid.

58 7. Lysergic acid amide.

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- 59           8. Methyprylon.
- 60           9. Phendimetrazine.
- 61           10. Sulfondiethylmethane.
- 62           11. Sulfonethylmethane.
- 63           12. Sulfonmethane.
- 64           13. Tiletamine and zolazepam or any salt thereof.
- 65           (b) Nalorphine.
- 66           (c) Unless specifically excepted or unless listed in
- 67 another schedule, any material, compound, mixture, or
- 68 preparation containing limited quantities of any of the
- 69 following controlled substances or any salts thereof:
- 70           1. Not more than 1.8 grams of codeine per 100 milliliters
- 71 or not more than 90 milligrams per dosage unit, with an equal or
- 72 greater quantity of an isoquinoline alkaloid of opium.
- 73           2. Not more than 1.8 grams of codeine per 100 milliliters
- 74 or not more than 90 milligrams per dosage unit, with recognized
- 75 therapeutic amounts of one or more active ingredients which are
- 76 not controlled substances.
- 77           3. Not more than 300 milligrams of hydrocodone per 100
- 78 milliliters or not more than 15 milligrams per dosage unit, with
- 79 a fourfold or greater quantity of an isoquinoline alkaloid of
- 80 opium.
- 81           4. Not more than 300 milligrams of hydrocodone per 100
- 82 milliliters or not more than 15 milligrams per dosage unit, with
- 83 recognized therapeutic amounts of one or more active ingredients
- 84 that are not controlled substances.
- 85           5. Not more than 1.8 grams of dihydrocodeine per 100
- 86 milliliters or not more than 90 milligrams per dosage unit, with
- 87 recognized therapeutic amounts of one or more active ingredients

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88 which are not controlled substances.

89         6. Not more than 300 milligrams of ethylmorphine per 100  
90 milliliters or not more than 15 milligrams per dosage unit, with  
91 one or more active, nonnarcotic ingredients in recognized  
92 therapeutic amounts.

93         7. Not more than 50 milligrams of morphine per 100  
94 milliliters or per 100 grams, with recognized therapeutic  
95 amounts of one or more active ingredients which are not  
96 controlled substances.

97

98 For purposes of charging a person with a violation of s. 893.135  
99 involving any controlled substance described in subparagraph 3.  
100 or subparagraph 4., the controlled substance is a Schedule III  
101 controlled substance pursuant to this paragraph but the weight  
102 of the controlled substance per milliliters or per dosage unit  
103 is not relevant to the charging of a violation of s. 893.135.  
104 The weight of the controlled substance shall be determined  
105 pursuant to s. 893.135(6).

106         (d) Anabolic steroids.

107         1. The term "anabolic steroid" means any drug or hormonal  
108 substance, chemically and pharmacologically related to  
109 testosterone, other than estrogens, progestins, and  
110 corticosteroids, that promotes muscle growth and includes:

111             a. Androsterone.

112             b. Androsterone acetate.

113             c. Boldenone.

114             d. Boldenone acetate.

115             e. Boldenone benzoate.

116             f. Boldenone undecylenate.

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- 117 g. Chlorotestosterone (4-chlortestosterone).  
118 h. Clostebol.  
119 i. Dehydrochlormethyltestosterone.  
120 j. Dihydrotestosterone (4-dihydrotestosterone).  
121 k. Drostanolone.  
122 l. Ethylestrenol.  
123 m. Fluoxymesterone.  
124 n. Formebolone (formebolone).  
125 o. Mesterolone.  
126 p. Methandienone.  
127 q. Methandranone.  
128 r. Methandriol.  
129 s. Methandrostenolone.  
130 t. Methenolone.  
131 u. Methyltestosterone.  
132 v. Mibolerone.  
133 w. Nandrolone.  
134 x. Norethandrolone.  
135 y. Nortestosterone.  
136 z. Nortestosterone decanoate.  
137 aa. Nortestosterone phenylpropionate.  
138 bb. Nortestosterone propionate.  
139 cc. Oxandrolone.  
140 dd. Oxymesterone.  
141 ee. Oxymetholone.  
142 ff. Stanolone.  
143 gg. Stanozolol.  
144 hh. Testolactone.  
145 ii. Testosterone.

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- 146       jj. Testosterone acetate.  
147       kk. Testosterone benzoate.  
148       ll. Testosterone cypionate.  
149       mm. Testosterone decanoate.  
150       nn. Testosterone enanthate.  
151       oo. Testosterone isocaproate.  
152       pp. Testosterone oleate.  
153       qq. Testosterone phenylpropionate.  
154       rr. Testosterone propionate.  
155       ss. Testosterone undecanoate.  
156       tt. Trenbolone.  
157       uu. Trenbolone acetate.  
158       vv. Any salt, ester, or isomer of a drug or substance  
159 described or listed in this subparagraph if that salt, ester, or  
160 isomer promotes muscle growth.
- 161       2. The term does not include an anabolic steroid that is  
162 expressly intended for administration through implants to cattle  
163 or other nonhuman species and that has been approved by the  
164 United States Secretary of Health and Human Services for such  
165 administration. However, any person who prescribes, dispenses,  
166 or distributes such a steroid for human use is considered to  
167 have prescribed, dispensed, or distributed an anabolic steroid  
168 within the meaning of this paragraph.
- 169       (e) Ketamine, including any isomers, esters, ethers, salts,  
170 and salts of isomers, esters, and ethers, whenever the existence  
171 of such isomers, esters, ethers, and salts is possible within  
172 the specific chemical designation.
- 173       (f) Dronabinol (synthetic THC) in sesame oil and  
174 encapsulated in a soft gelatin capsule in a drug product

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175 approved by the United States Food and Drug Administration.

176 (g) Any drug product containing gamma-hydroxybutyric acid,  
177 including its salts, isomers, and salts of isomers, for which an  
178 application is approved under s. 505 of the Federal Food, Drug,  
179 and Cosmetic Act.

180 (h) Human chorionic gonadotropin (hCG).

181 (i) CJC-1295.

182 (j) Growth hormone releasing hormone (GHRH).

183 (k) Growth hormone releasing hexapeptide (GHRP-6).

184 (l) Human growth hormone (HGH).

185 (m) Somatropin.

186 (n) Tesamorelin.

187 Section 2. For the purpose of incorporating the amendment  
188 made by this act to section 893.03, Florida Statutes, in a  
189 reference thereto, subsections (1) through (6) of section  
190 893.13, Florida Statutes, are reenacted to read:

191 893.13 Prohibited acts; penalties.—

192 (1) (a) Except as authorized by this chapter and chapter  
193 499, it is unlawful for any person to sell, manufacture, or  
194 deliver, or possess with intent to sell, manufacture, or  
195 deliver, a controlled substance. Any person who violates this  
196 provision with respect to:

197 1. A controlled substance named or described in s.  
198 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,  
199 commits a felony of the second degree, punishable as provided in  
200 s. 775.082, s. 775.083, or s. 775.084.

201 2. A controlled substance named or described in s.  
202 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,  
203 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of

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204 the third degree, punishable as provided in s. 775.082, s.  
205 775.083, or s. 775.084.

206 3. A controlled substance named or described in s.  
207 893.03(5) commits a misdemeanor of the first degree, punishable  
208 as provided in s. 775.082 or s. 775.083.

209 (b) Except as provided in this chapter, it is unlawful to  
210 sell or deliver in excess of 10 grams of any substance named or  
211 described in s. 893.03(1)(a) or (1)(b), or any combination  
212 thereof, or any mixture containing any such substance. Any  
213 person who violates this paragraph commits a felony of the first  
214 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
215 775.084.

216 (c) Except as authorized by this chapter, it is unlawful  
217 for any person to sell, manufacture, or deliver, or possess with  
218 intent to sell, manufacture, or deliver, a controlled substance  
219 in, on, or within 1,000 feet of the real property comprising a  
220 child care facility as defined in s. 402.302 or a public or  
221 private elementary, middle, or secondary school between the  
222 hours of 6 a.m. and 12 midnight, or at any time in, on, or  
223 within 1,000 feet of real property comprising a state, county,  
224 or municipal park, a community center, or a publicly owned  
225 recreational facility. For the purposes of this paragraph, the  
226 term "community center" means a facility operated by a nonprofit  
227 community-based organization for the provision of recreational,  
228 social, or educational services to the public. Any person who  
229 violates this paragraph with respect to:

230 1. A controlled substance named or described in s.  
231 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
232 commits a felony of the first degree, punishable as provided in

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233 s. 775.082, s. 775.083, or s. 775.084. The defendant must be  
234 sentenced to a minimum term of imprisonment of 3 calendar years  
235 unless the offense was committed within 1,000 feet of the real  
236 property comprising a child care facility as defined in s.  
237 402.302.

238 2. A controlled substance named or described in s.  
239 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
240 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
241 the second degree, punishable as provided in s. 775.082, s.  
242 775.083, or s. 775.084.

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

247  
248 This paragraph does not apply to a child care facility unless  
249 the owner or operator of the facility posts a sign that is not  
250 less than 2 square feet in size with a word legend identifying  
251 the facility as a licensed child care facility and that is  
252 posted on the property of the child care facility in a  
253 conspicuous place where the sign is reasonably visible to the  
254 public.

255 (d) Except as authorized by this chapter, it is unlawful  
256 for any person to sell, manufacture, or deliver, or possess with  
257 intent to sell, manufacture, or deliver, a controlled substance  
258 in, on, or within 1,000 feet of the real property comprising a  
259 public or private college, university, or other postsecondary  
260 educational institution. Any person who violates this paragraph  
261 with respect to:

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262 1. A controlled substance named or described in s.  
263 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
264 commits a felony of the first degree, punishable as provided in  
265 s. 775.082, s. 775.083, or s. 775.084.

266 2. A controlled substance named or described in s.  
267 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
268 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
269 the second degree, punishable as provided in s. 775.082, s.  
270 775.083, or s. 775.084.

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

275 (e) Except as authorized by this chapter, it is unlawful  
276 for any person to sell, manufacture, or deliver, or possess with  
277 intent to sell, manufacture, or deliver, a controlled substance  
278 not authorized by law in, on, or within 1,000 feet of a physical  
279 place for worship at which a church or religious organization  
280 regularly conducts religious services or within 1,000 feet of a  
281 convenience business as defined in s. 812.171. Any person who  
282 violates this paragraph with respect to:

283 1. A controlled substance named or described in s.  
284 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
285 commits a felony of the first degree, punishable as provided in  
286 s. 775.082, s. 775.083, or s. 775.084.

287 2. A controlled substance named or described in s.  
288 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
289 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
290 the second degree, punishable as provided in s. 775.082, s.

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291 775.083, or s. 775.084.

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

296 (f) Except as authorized by this chapter, it is unlawful  
297 for any person to sell, manufacture, or deliver, or possess with  
298 intent to sell, manufacture, or deliver, a controlled substance  
299 in, on, or within 1,000 feet of the real property comprising a  
300 public housing facility at any time. For purposes of this  
301 section, the term "real property comprising a public housing  
302 facility" means real property, as defined in s. 421.03(12), of a  
303 public corporation created as a housing authority pursuant to  
304 part I of chapter 421. Any person who violates this paragraph  
305 with respect to:

306 1. A controlled substance named or described in s.  
307 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
308 commits a felony of the first degree, punishable as provided in  
309 s. 775.082, s. 775.083, or s. 775.084.

310 2. A controlled substance named or described in s.  
311 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
312 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
313 the second degree, punishable as provided in s. 775.082, s.  
314 775.083, or s. 775.084.

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

319 (g) Except as authorized by this chapter, it is unlawful

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320 for any person to manufacture methamphetamine or phencyclidine,  
321 or possess any listed chemical as defined in s. 893.033 in  
322 violation of s. 893.149 and with intent to manufacture  
323 methamphetamine or phencyclidine. If any person violates this  
324 paragraph and:

325 1. The commission or attempted commission of the crime  
326 occurs in a structure or conveyance where any child under 16  
327 years of age is present, the person commits a felony of the  
328 first degree, punishable as provided in s. 775.082, s. 775.083,  
329 or s. 775.084. In addition, the defendant must be sentenced to a  
330 minimum term of imprisonment of 5 calendar years.

331 2. The commission of the crime causes any child under 16  
332 years of age to suffer great bodily harm, the person commits a  
333 felony of the first degree, punishable as provided in s.  
334 775.082, s. 775.083, or s. 775.084. In addition, the defendant  
335 must be sentenced to a minimum term of imprisonment of 10  
336 calendar years.

337 (h) Except as authorized by this chapter, it is unlawful  
338 for any person to sell, manufacture, or deliver, or possess with  
339 intent to sell, manufacture, or deliver, a controlled substance  
340 in, on, or within 1,000 feet of the real property comprising an  
341 assisted living facility, as that term is used in chapter 429.  
342 Any person who violates this paragraph with respect to:

343 1. A controlled substance named or described in s.  
344 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.  
345 commits a felony of the first degree, punishable as provided in  
346 s. 775.082, s. 775.083, or s. 775.084.

347 2. A controlled substance named or described in s.  
348 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

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349 (2) (c)7., (2) (c)8., (2) (c)9., (3), or (4) commits a felony of  
350 the second degree, punishable as provided in s. 775.082, s.  
351 775.083, or s. 775.084.

352 (2) (a) Except as authorized by this chapter and chapter  
353 499, it is unlawful for any person to purchase, or possess with  
354 intent to purchase, a controlled substance. Any person who  
355 violates this provision with respect to:

356 1. A controlled substance named or described in s.  
357 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c)4.,  
358 commits a felony of the second degree, punishable as provided in  
359 s. 775.082, s. 775.083, or s. 775.084.

360 2. A controlled substance named or described in s.  
361 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., (2) (c)5., (2) (c)6.,  
362 (2) (c)7., (2) (c)8., (2) (c)9., (3), or (4) commits a felony of  
363 the third degree, punishable as provided in s. 775.082, s.  
364 775.083, or s. 775.084.

365 3. A controlled substance named or described in s.  
366 893.03(5) commits a misdemeanor of the first degree, punishable  
367 as provided in s. 775.082 or s. 775.083.

368 (b) Except as provided in this chapter, it is unlawful to  
369 purchase in excess of 10 grams of any substance named or  
370 described in s. 893.03(1) (a) or (1) (b), or any combination  
371 thereof, or any mixture containing any such substance. Any  
372 person who violates this paragraph commits a felony of the first  
373 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
374 775.084.

375 (3) Any person who delivers, without consideration, not  
376 more than 20 grams of cannabis, as defined in this chapter,  
377 commits a misdemeanor of the first degree, punishable as

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378 provided in s. 775.082 or s. 775.083. For the purposes of this  
379 paragraph, "cannabis" does not include the resin extracted from  
380 the plants of the genus *Cannabis* or any compound manufacture,  
381 salt, derivative, mixture, or preparation of such resin.

382 (4) Except as authorized by this chapter, it is unlawful  
383 for any person 18 years of age or older to deliver any  
384 controlled substance to a person under the age of 18 years, or  
385 to use or hire a person under the age of 18 years as an agent or  
386 employee in the sale or delivery of such a substance, or to use  
387 such person to assist in avoiding detection or apprehension for  
388 a violation of this chapter. Any person who violates this  
389 provision with respect to:

390 (a) A controlled substance named or described in s.  
391 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
392 commits a felony of the first degree, punishable as provided in  
393 s. 775.082, s. 775.083, or s. 775.084.

394 (b) A controlled substance named or described in s.  
395 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
396 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
397 the second degree, punishable as provided in s. 775.082, s.  
398 775.083, or s. 775.084.

399  
400 Imposition of sentence may not be suspended or deferred, nor  
401 shall the person so convicted be placed on probation.

402 (5) It is unlawful for any person to bring into this state  
403 any controlled substance unless the possession of such  
404 controlled substance is authorized by this chapter or unless  
405 such person is licensed to do so by the appropriate federal  
406 agency. Any person who violates this provision with respect to:

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407 (a) A controlled substance named or described in s.  
408 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
409 commits a felony of the second degree, punishable as provided in  
410 s. 775.082, s. 775.083, or s. 775.084.

411 (b) A controlled substance named or described in s.  
412 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
413 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
414 the third degree, punishable as provided in s. 775.082, s.  
415 775.083, or s. 775.084.

416 (c) A controlled substance named or described in s.  
417 893.03(5) commits a misdemeanor of the first degree, punishable  
418 as provided in s. 775.082 or s. 775.083.

419 (6)(a) It is unlawful for any person to be in actual or  
420 constructive possession of a controlled substance unless such  
421 controlled substance was lawfully obtained from a practitioner  
422 or pursuant to a valid prescription or order of a practitioner  
423 while acting in the course of his or her professional practice  
424 or to be in actual or constructive possession of a controlled  
425 substance except as otherwise authorized by this chapter. Any  
426 person who violates this provision commits a felony of the third  
427 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
428 775.084.

429 (b) If the offense is the possession of not more than 20  
430 grams of cannabis, as defined in this chapter, or 3 grams or  
431 less of a controlled substance described in s. 893.03(1)(c)46.-  
432 50. and 114.-142., the person commits a misdemeanor of the first  
433 degree, punishable as provided in s. 775.082 or s. 775.083. For  
434 the purposes of this subsection, "cannabis" does not include the  
435 resin extracted from the plants of the genus *Cannabis*, or any

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436 compound manufacture, salt, derivative, mixture, or preparation  
 437 of such resin, and a controlled substance described in s.  
 438 893.03(1)(c)46.-50. and 114.-142. does not include the substance  
 439 in a powdered form.

440 (c) Except as provided in this chapter, it is unlawful to  
 441 possess in excess of 10 grams of any substance named or  
 442 described in s. 893.03(1)(a) or (1)(b), or any combination  
 443 thereof, or any mixture containing any such substance. Any  
 444 person who violates this paragraph commits a felony of the first  
 445 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 446 775.084.

447 (d) Notwithstanding any provision to the contrary of the  
 448 laws of this state relating to arrest, a law enforcement officer  
 449 may arrest without warrant any person who the officer has  
 450 probable cause to believe is violating the provisions of this  
 451 chapter relating to possession of cannabis.

452 Section 3. For the purpose of incorporating the amendment  
 453 made by this act to section 893.03, Florida Statutes, in a  
 454 reference thereto, paragraphs (b) through (e) of subsection (3)  
 455 of section 921.0022, Florida Statutes, are reenacted to read:

456 921.0022 Criminal Punishment Code; offense severity ranking  
 457 chart.-

458 (3) OFFENSE SEVERITY RANKING CHART

459 (b) LEVEL 2

460

Florida Statute	Felony Degree	Description
379.2431	3rd	Possession of 11 or fewer marine turtle

461

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(1) (e) 3.

eggs in violation of the Marine Turtle Protection Act.

462

379.2431

3rd

Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.

(1) (e) 4.

463

403.413 (5) (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.

464

517.07 (2)

3rd

Failure to furnish a prospectus meeting requirements.

465

590.28 (1)

3rd

Intentional burning of lands.

466

784.05 (3)

3rd

Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

467

787.04 (1)

3rd

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

468

806.13 (1) (b) 3.

3rd

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

469

810.061 (2)

3rd

Impairing or impeding telephone or power

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to a dwelling; facilitating or  
furthering burglary.

470

810.09(2)(e) 3rd Trespassing on posted commercial  
horticulture property.

471

812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$300 or more  
but less than \$5,000.

472

812.014(2)(d) 3rd Grand theft, 3rd degree; \$100 or more  
but less than \$300, taken from  
unenclosed curtilage of dwelling.

473

812.015(7) 3rd Possession, use, or attempted use of an  
antishoplifting or inventory control  
device countermeasure.

474

817.234(1)(a)2. 3rd False statement in support of insurance  
claim.

475

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

476

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

477

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

478

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479 817.60(5) 3rd Dealing in credit cards of another.

480 817.60(6)(a) 3rd Forgery; purchase goods, services with  
false card.

481 817.61 3rd Fraudulent use of credit cards over \$100  
or more within 6 months.

482 826.04 3rd Knowingly marries or has sexual  
intercourse with person to whom related.

483 831.01 3rd Forgery.

484 831.02 3rd Uttering forged instrument; utters or  
publishes alteration with intent to  
defraud.

485 831.07 3rd Forging bank bills, checks, drafts, or  
promissory notes.

486 831.08 3rd Possessing 10 or more forged notes,  
bills, checks, or drafts.

487 831.09 3rd Uttering forged notes, bills, checks,  
drafts, or promissory notes.

488 831.11 3rd Bringing into the state forged bank  
bills, checks, drafts, or notes.

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

489

843.08 3rd Falsely impersonating an officer.

490

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.

491

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

492

(c) LEVEL 3

493

494

Florida	Felony	
Statute	Degree	Description

495

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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496

316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
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497

316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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498

316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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499

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

500

319.33(1)(a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

501

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

502

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

503

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

504

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

505

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

506

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

507

379.2431 3rd Taking, disturbing, mutilating,  
(1)(e)5. destroying, causing to be destroyed,



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626.902 (1) (a) & 3rd Representing an unauthorized insurer.  
(b)

515

697.08 3rd Equity skimming.

516

790.15 (3) 3rd Person directs another to discharge  
firearm from a vehicle.

517

796.05 (1) 3rd Live on earnings of a prostitute.

518

806.10 (1) 3rd Maliciously injure, destroy, or  
interfere with vehicles or equipment  
used in firefighting.

519

806.10 (2) 3rd Interferes with or assaults firefighter  
in performance of duty.

520

810.09 (2) (c) 3rd Trespass on property other than  
structure or conveyance armed with  
firearm or dangerous weapon.

521

812.014 (2) (c) 2. 3rd Grand theft; \$5,000 or more but less  
than \$10,000.

522

812.0145 (2) (c) 3rd Theft from person 65 years of age or  
older; \$300 or more but less than  
\$10,000.

523

815.04 (4) (b) 2nd Computer offense devised to defraud or

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obtain property.

524

817.034 (4) (a) 3. 3rd Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

525

817.233 3rd Burning to defraud insurer.

526

817.234 3rd Unlawful solicitation of persons  
(8) (b) - (c) involved in motor vehicle accidents.

527

817.234 (11) (a) 3rd Insurance fraud; property value less than \$20,000.

528

817.236 3rd Filing a false motor vehicle insurance application.

529

817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

530

817.413 (2) 3rd Sale of used goods as new.

531

817.505 (4) 3rd Patient brokering.

532

828.12 (2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

533

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534 831.28(2)(a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

535 831.29 2nd Possession of instruments for counterfeiting drivers' licenses or identification cards.

536 838.021(3)(b) 3rd Threatens unlawful harm to public servant.

537 843.19 3rd Injure, disable, or kill police dog or horse.

538 860.15(3) 3rd Overcharging for repairs and parts.

539 870.01(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).

540 893.13(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.

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541

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.

542

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

543

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

544

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

545

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

546

893.13(7)(a)11. 3rd Furnish false or fraudulent material  
information on any document or record  
required by chapter 893.

547

893.13(8)(a)1. 3rd Knowingly assist a patient, other  
person, or owner of an animal in

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obtaining a controlled substance through  
deceptive, untrue, or fraudulent  
representations in or related to the  
practitioner's practice.

548

893.13(8)(a)2.      3rd      Employ a trick or scheme in the  
practitioner's practice to assist a  
patient, other person, or owner of an  
animal in obtaining a controlled  
substance.

549

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

550

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.

551

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

552

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

553

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

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563

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

(d) LEVEL 4

Florida Statute	Felony Degree	Description
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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.
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499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.
-------------	-----	---

499.0051(2)	3rd	Failure to authenticate pedigree papers.
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499.0051(6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
-------------	-----	---

517.07(1)	3rd	Failure to register securities.
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517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
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564

784.07(2)(b) 3rd Battery of law enforcement officer,  
firefighter, etc.

565

784.074(1)(c) 3rd Battery of sexually violent predators  
facility staff.

566

784.075 3rd Battery on detention or commitment  
facility staff.

567

784.078 3rd Battery of facility employee by  
throwing, tossing, or expelling certain  
fluids or materials.

568

784.08(2)(c) 3rd Battery on a person 65 years of age or  
older.

569

784.081(3) 3rd Battery on specified official or  
employee.

570

784.082(3) 3rd Battery by detained person on visitor or  
other detainee.

571

784.083(3) 3rd Battery on code inspector.

572

784.085 3rd Battery of child by throwing, tossing,  
projecting, or expelling certain fluids  
or materials.

573

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574	787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
575	787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
576	787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
577	787.07	3rd	Human smuggling.
578	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
579	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
580	790.115(2)(c)	3rd	Possessing firearm on school property.
581	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

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582

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

583

810.06 3rd Burglary; possession of tools.

584

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

585

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

586

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

587

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

588

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

589

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

590

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

591

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

592

837.02(1) 3rd Perjury in official proceedings.

593

837.021(1) 3rd Make contradictory statements in  
official proceedings.

594

838.022 3rd Official misconduct.

595

839.13(2)(a) 3rd Falsifying records of an individual in  
the care and custody of a state agency.

596

839.13(2)(c) 3rd Falsifying records of the Department of  
Children and Family Services.

597

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

598

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

599

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

600

847.0135(5)(c) 3rd Lewd or lascivious exhibition using

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computer; offender less than 18 years.

601

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

602

893.13(2)(a)1. 2nd Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).

603

914.14(2) 3rd Witnesses accepting bribes.

604

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

605

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

606

918.12 3rd Tampering with jurors.

607

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

608

609 (e) LEVEL 5

610

Florida	Felony	
Statute	Degree	Description

611

316.027(1)(a) 3rd Accidents involving personal injuries, failure to stop; leaving scene.

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620

- 316.1935 (4) (a)      2nd      Aggravated fleeing or eluding.
- 322.34 (6)            3rd      Careless operation of motor vehicle  
with suspended license, resulting in  
death or serious bodily injury.
- 327.30 (5)            3rd      Vessel accidents involving personal  
injury; leaving scene.
- 379.367 (4)           3rd      Willful molestation of a commercial  
harvester's spiny lobster trap, line,  
or buoy.
- 379.3671 (2) (c) 3.   3rd      Willful molestation, possession, or  
removal of a commercial harvester's  
trap contents or trap gear by another  
harvester.
- 381.0041 (11) (b)    3rd      Donate blood, plasma, or organs knowing  
HIV positive.
- 440.10 (1) (g)        2nd      Failure to obtain workers' compensation  
coverage.
- 440.105 (5)           2nd      Unlawful solicitation for the purpose  
of making workers' compensation claims.
- 440.381 (2)           2nd      Submission of false, misleading, or

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incomplete information with the purpose  
of avoiding or reducing workers'  
compensation premiums.

621

624.401 (4) (b) 2.      2nd      Transacting insurance without a  
certificate or authority; premium  
collected \$20,000 or more but less than  
\$100,000.

622

626.902 (1) (c)      2nd      Representing an unauthorized insurer;  
repeat offender.

623

790.01 (2)      3rd      Carrying a concealed firearm.

624

790.162      2nd      Threat to throw or discharge  
destructive device.

625

790.163 (1)      2nd      False report of deadly explosive or  
weapon of mass destruction.

626

790.221 (1)      2nd      Possession of short-barreled shotgun or  
machine gun.

627

790.23      2nd      Felons in possession of firearms,  
ammunition, or electronic weapons or  
devices.

628

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

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629

800.04 (7) (b) 2nd Lewd or lascivious exhibition; offender  
18 years or older.

630

806.111 (1) 3rd Possess, manufacture, or dispense fire  
bomb with intent to damage any  
structure or property.

631

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

632

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

633

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

634

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

635

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

636

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

637

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

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638

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

639

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.

640

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

641

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

642

827.071 (4) 2nd Possess with intent to promote any  
 photographic material, motion picture,  
 etc., which includes sexual conduct by  
 a child.

643

827.071 (5) 3rd Possess, control, or intentionally view  
 any photographic material, motion

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

644

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.

645

843.01                    3rd    Resist officer with violence to person;  
resist arrest with violence.

646

847.0135(5)(b)        2nd    Lewd or lascivious exhibition using  
computer; offender 18 years or older.

647

847.0137  
(2) & (3)                3rd    Transmission of pornography by  
electronic device or equipment.

648

847.0138  
(2) & (3)                3rd    Transmission of material harmful to  
minors to a minor by electronic device  
or equipment.

649

874.05(2)                2nd    Encouraging or recruiting another to  
join a criminal gang; second or  
subsequent offense.

650

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).

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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.

652

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.

653

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.

654

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.

