

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

1
2 An act relating to controlled substances; amending s.
3 893.03, F.S.; adding to the list of Schedule I
4 controlled substances certain specified materials,
5 compounds, mixtures, or preparations that contain
6 hallucinogenic substances or that contain any of these
7 substances' salts, isomers, and salts of isomers, if
8 the existence of such salts, isomers, and salts of
9 isomers is possible within the specific chemical
10 designation; amending s. 893.13, F.S.; providing
11 reduced penalties for possession of 3 grams or less of
12 certain such controlled substances; reenacting ss.
13 893.13(1)-(6) and 921.0022(3)(b)-(e), F.S., relating
14 to prohibited acts involving controlled substances and
15 the Criminal Punishment Code, respectively, to
16 incorporate the amendments made to s. 893.03, F.S., in
17 references thereto; providing an effective date.

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

20
21 Section 1. Paragraph (c) of subsection (1) of section
22 893.03, Florida Statutes, is amended 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

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

29 | schedules contained in this section any excluded drugs listed
 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 | (1) SCHEDULE I.—A substance in Schedule I has a high
 36 | potential for abuse and has no currently accepted medical use in
 37 | treatment in the United States and in its use under medical
 38 | supervision does not meet accepted safety standards. The
 39 | following substances are controlled in Schedule I:

40 | (c) Unless specifically excepted or unless listed in
 41 | another schedule, any material, compound, mixture, or
 42 | preparation that ~~which~~ contains any quantity of the following
 43 | hallucinogenic substances or that ~~which~~ contains any of their
 44 | salts, isomers, and salts of isomers, if ~~whenever~~ the existence
 45 | of such salts, isomers, and salts of isomers is possible within
 46 | the specific chemical designation:

- 47 | 1. Alpha-ethyltryptamine.
- 48 | 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
 49 | methylaminorex).
- 50 | 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 51 | 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 52 | 5. 4-Bromo-2, 5-dimethoxyphenethylamine.
- 53 | 6. Bufotenine.
- 54 | 7. Cannabis.
- 55 | 8. Cathinone.
- 56 | 9. Diethyltryptamine.

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

- 57 | 10. 2,5-Dimethoxyamphetamine.
- 58 | 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 59 | 12. Dimethyltryptamine.
- 60 | 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
- 61 | analog of phencyclidine).
- 62 | 14. N-Ethyl-3-piperidyl benzilate.
- 63 | 15. N-ethylamphetamine.
- 64 | 16. Fenethylamine.
- 65 | 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 66 | 18. Ibogaine.
- 67 | 19. Lysergic acid diethylamide (LSD).
- 68 | 20. Mescaline.
- 69 | 21. Methcathinone.
- 70 | 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 71 | 23. 4-methoxyamphetamine.
- 72 | 24. 4-methoxymethamphetamine.
- 73 | 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 74 | 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 75 | 27. 3,4-Methylenedioxyamphetamine.
- 76 | 28. N-Methyl-3-piperidyl benzilate.
- 77 | 29. N,N-dimethylamphetamine.
- 78 | 30. Parahexyl.
- 79 | 31. Peyote.
- 80 | 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
- 81 | analog of phencyclidine).
- 82 | 33. Psilocybin.
- 83 | 34. Psilocyn.
- 84 | 35. Salvia divinorum, except for any drug product approved

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

85 by the United States Food and Drug Administration which contains
 86 Salvia divinorum or its isomers, esters, ethers, salts, and
 87 salts of isomers, esters, and ethers, if ~~whenever~~ the existence
 88 of such isomers, esters, ethers, and salts is possible within
 89 the specific chemical designation.

90 36. Salvinorin A, except for any drug product approved by
 91 the United States Food and Drug Administration which contains
 92 Salvinorin A or its isomers, esters, ethers, salts, and salts of
 93 isomers, esters, and ethers, if ~~whenever~~ the existence of such
 94 isomers, esters, ethers, and salts is possible within the
 95 specific chemical designation.

96 37. Tetrahydrocannabinols.

97 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
 98 (Thiophene analog of phencyclidine).

99 39. 3,4,5-Trimethoxyamphetamine.

100 40. 3,4-Methylenedioxymethcathinone.

101 41. 3,4-Methylenedioxypropylvalerone (MDPV).

102 42. Methylmethcathinone.

103 43. Methoxymethcathinone.

104 44. Fluoromethcathinone.

105 45. Methylethcathinone.

106 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
 107 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
 108 homologue.

109 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
 110 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
 111 also known as HU-210.

112 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

- 113 | 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
- 114 | 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole,
- 115 | also known as JWH-200.
- 116 | 51. BZP (Benzylpiperazine).
- 117 | 52. Fluorophenylpiperazine.
- 118 | 53. Methylphenylpiperazine.
- 119 | 54. Chlorophenylpiperazine.
- 120 | 55. Methoxyphenylpiperazine.
- 121 | 56. DBZP (1,4-dibenzylpiperazine).
- 122 | 57. TFMP (3-Trifluoromethylphenylpiperazine).
- 123 | 58. MBDB (Methylbenzodioxolylbutanamine).
- 124 | 59. 5-Hydroxy-alpha-methyltryptamine.
- 125 | 60. 5-Hydroxy-N-methyltryptamine.
- 126 | 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
- 127 | 62. 5-Methoxy-alpha-methyltryptamine.
- 128 | 63. Methyltryptamine.
- 129 | 64. 5-Methoxy-N,N-dimethyltryptamine.
- 130 | 65. 5-Methyl-N,N-dimethyltryptamine.
- 131 | 66. Tyramine (4-Hydroxyphenethylamine).
- 132 | 67. 5-Methoxy-N,N-Diisopropyltryptamine.
- 133 | 68. DiPT (N,N-Diisopropyltryptamine).
- 134 | 69. DPT (N,N-Dipropyltryptamine).
- 135 | 70. 4-Hydroxy-N,N-diisopropyltryptamine.
- 136 | 71. N,N-Diallyl-5-Methoxytryptamine.
- 137 | 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 138 | 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 139 | 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 140 | 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

- 141 | 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 142 | 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 143 | 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 144 | 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- 145 | 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 146 | 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
- 147 | 82. Ethcathinone.
- 148 | 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- 149 | 84. Naphyrone (naphthylpyrovalerone).
- 150 | 85. N-N-Dimethyl-3,4-methylenedioxcathinone.
- 151 | 86. N-N-Diethyl-3,4-methylenedioxcathinone.
- 152 | 87. 3,4-methylenedioxy-propiofenone.
- 153 | 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
- 154 | 89. 3,4-methylenedioxy-propiofenone-2-oxime.
- 155 | 90. N-Acetyl-3,4-methylenedioxcathinone.
- 156 | 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
- 157 | 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
- 158 | 93. Bromomethcathinone.
- 159 | 94. Buphedrone (alpha-methylamino-butyrophenone).
- 160 | 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- 161 | 96. Dimethylcathinone.
- 162 | 97. Dimethylmethcathinone.
- 163 | 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 164 | 99. (MDPPP) 3,4-Methylenedioxy-alpha-
- 165 | pyrrolidinopropiofenone.
- 166 | 100. (MDPBP) 3,4-Methylenedioxy-alpha-
- 167 | pyrrolidinobutiophenone.
- 168 | 101. Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

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

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

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

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

- 225 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-
- 226 iodophenyl)methanone).
- 227 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-
- 228 (naphthalen-1-yl)methanone).
- 229 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-
- 230 yl)methanone).
- 231 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-
- 232 methoxyphenylethano).
- 233 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
- 234 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
- 235 naphthalenylmethanone).
- 236 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
- 237 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
- 238 naphthalenylmethanone).

239 Section 2. For the purpose of incorporating the amendment
 240 made by this act to section 893.03, Florida Statutes, in
 241 references thereto, subsections (1), (2), (3), (4), (5), and (6)
 242 of section 893.13, Florida Statutes, are reenacted, and
 243 paragraph (b) of subsection (6) of that section is amended, to
 244 read:

245 893.13 Prohibited acts; penalties.—

246 (1) (a) Except as authorized by this chapter and chapter
 247 499, it is unlawful for any person to sell, manufacture, or
 248 deliver, or possess with intent to sell, manufacture, or
 249 deliver, a controlled substance. Any person who violates this
 250 provision with respect to:

- 251 1. A controlled substance named or described in s.
- 252 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

253 | commits a felony of the second degree, punishable as provided in
 254 | s. 775.082, s. 775.083, or s. 775.084.

255 | 2. A controlled substance named or described in s.
 256 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 257 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 258 | the third degree, punishable as provided in s. 775.082, s.
 259 | 775.083, or s. 775.084.

260 | 3. A controlled substance named or described in s.
 261 | 893.03(5) commits a misdemeanor of the first degree, punishable
 262 | as provided in s. 775.082 or s. 775.083.

263 | (b) Except as provided in this chapter, it is unlawful to
 264 | sell or deliver in excess of 10 grams of any substance named or
 265 | described in s. 893.03(1)(a) or (1)(b), or any combination
 266 | thereof, or any mixture containing any such substance. Any
 267 | person who violates this paragraph commits a felony of the first
 268 | degree, punishable as provided in s. 775.082, s. 775.083, or s.
 269 | 775.084.

270 | (c) Except as authorized by this chapter, it is unlawful
 271 | for any person to sell, manufacture, or deliver, or possess with
 272 | intent to sell, manufacture, or deliver, a controlled substance
 273 | in, on, or within 1,000 feet of the real property comprising a
 274 | child care facility as defined in s. 402.302 or a public or
 275 | private elementary, middle, or secondary school between the
 276 | hours of 6 a.m. and 12 midnight, or at any time in, on, or
 277 | within 1,000 feet of real property comprising a state, county,
 278 | or municipal park, a community center, or a publicly owned
 279 | recreational facility. For the purposes of this paragraph, the
 280 | term "community center" means a facility operated by a nonprofit

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

281 community-based organization for the provision of recreational,
 282 social, or educational services to the public. Any person who
 283 violates this paragraph with respect to:

284 1. A controlled substance named or described in s.
 285 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 286 commits a felony of the first degree, punishable as provided in
 287 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 288 sentenced to a minimum term of imprisonment of 3 calendar years
 289 unless the offense was committed within 1,000 feet of the real
 290 property comprising a child care facility as defined in s.
 291 402.302.

292 2. A controlled substance named or described in s.
 293 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 294 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 295 the second degree, punishable as provided in s. 775.082, s.
 296 775.083, or s. 775.084.

297 3. Any other controlled substance, except as lawfully
 298 sold, manufactured, or delivered, must be sentenced to pay a
 299 \$500 fine and to serve 100 hours of public service in addition
 300 to any other penalty prescribed by law.

301
 302 This paragraph does not apply to a child care facility unless
 303 the owner or operator of the facility posts a sign that is not
 304 less than 2 square feet in size with a word legend identifying
 305 the facility as a licensed child care facility and that is
 306 posted on the property of the child care facility in a
 307 conspicuous place where the sign is reasonably visible to the
 308 public.

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

309 (d) Except as authorized by this chapter, it is unlawful
 310 for any person to sell, manufacture, or deliver, or possess with
 311 intent to sell, manufacture, or deliver, a controlled substance
 312 in, on, or within 1,000 feet of the real property comprising a
 313 public or private college, university, or other postsecondary
 314 educational institution. Any person who violates this paragraph
 315 with respect to:

316 1. A controlled substance named or described in s.
 317 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 318 commits a felony of the first degree, punishable as provided in
 319 s. 775.082, s. 775.083, or s. 775.084.

320 2. A controlled substance named or described in s.
 321 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 322 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 323 the second degree, punishable as provided in s. 775.082, s.
 324 775.083, or s. 775.084.

325 3. Any other controlled substance, except as lawfully
 326 sold, manufactured, or delivered, must be sentenced to pay a
 327 \$500 fine and to serve 100 hours of public service in addition
 328 to any other penalty prescribed by law.

329 (e) Except as authorized by this chapter, it is unlawful
 330 for any person to sell, manufacture, or deliver, or possess with
 331 intent to sell, manufacture, or deliver, a controlled substance
 332 not authorized by law in, on, or within 1,000 feet of a physical
 333 place for worship at which a church or religious organization
 334 regularly conducts religious services or within 1,000 feet of a
 335 convenience business as defined in s. 812.171. Any person who
 336 violates this paragraph with respect to:

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

337 1. A controlled substance named or described in s.
 338 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 339 commits a felony of the first degree, punishable as provided in
 340 s. 775.082, s. 775.083, or s. 775.084.

341 2. A controlled substance named or described in s.
 342 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 343 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 344 the second degree, punishable as provided in s. 775.082, s.
 345 775.083, or s. 775.084.

346 3. Any other controlled substance, except as lawfully
 347 sold, manufactured, or delivered, must be sentenced to pay a
 348 \$500 fine and to serve 100 hours of public service in addition
 349 to any other penalty prescribed by law.

350 (f) Except as authorized by this chapter, it is unlawful
 351 for any person to sell, manufacture, or deliver, or possess with
 352 intent to sell, manufacture, or deliver, a controlled substance
 353 in, on, or within 1,000 feet of the real property comprising a
 354 public housing facility at any time. For purposes of this
 355 section, the term "real property comprising a public housing
 356 facility" means real property, as defined in s. 421.03(12), of a
 357 public corporation created as a housing authority pursuant to
 358 part I of chapter 421. Any person who violates this paragraph
 359 with respect to:

360 1. A controlled substance named or described in s.
 361 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 362 commits a felony of the first degree, punishable as provided in
 363 s. 775.082, s. 775.083, or s. 775.084.

364 2. A controlled substance named or described in s.

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

365 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 366 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 367 the second degree, punishable as provided in s. 775.082, s.
 368 775.083, or s. 775.084.

369 3. Any other controlled substance, except as lawfully
 370 sold, manufactured, or delivered, must be sentenced to pay a
 371 \$500 fine and to serve 100 hours of public service in addition
 372 to any other penalty prescribed by law.

373 (g) Except as authorized by this chapter, it is unlawful
 374 for any person to manufacture methamphetamine or phencyclidine,
 375 or possess any listed chemical as defined in s. 893.033 in
 376 violation of s. 893.149 and with intent to manufacture
 377 methamphetamine or phencyclidine. If any person violates this
 378 paragraph and:

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

385 2. The commission of the crime causes any child under 16
 386 years of age to suffer great bodily harm, the person commits a
 387 felony of the first degree, punishable as provided in s.
 388 775.082, s. 775.083, or s. 775.084. In addition, the defendant
 389 must be sentenced to a minimum term of imprisonment of 10
 390 calendar years.

391 (h) Except as authorized by this chapter, it is unlawful
 392 for any person to sell, manufacture, or deliver, or possess with

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

393 | intent to sell, manufacture, or deliver, a controlled substance
 394 | in, on, or within 1,000 feet of the real property comprising an
 395 | assisted living facility, as that term is used in chapter 429.

396 | Any person who violates this paragraph with respect to:

397 | 1. A controlled substance named or described in s.
 398 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 399 | commits a felony of the first degree, punishable as provided in
 400 | s. 775.082, s. 775.083, or s. 775.084.

401 | 2. A controlled substance named or described in s.
 402 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 403 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 404 | the second degree, punishable as provided in s. 775.082, s.
 405 | 775.083, or s. 775.084.

406 | (2)(a) Except as authorized by this chapter and chapter
 407 | 499, it is unlawful for any person to purchase, or possess with
 408 | intent to purchase, a controlled substance. Any person who
 409 | violates this provision with respect to:

410 | 1. A controlled substance named or described in s.
 411 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 412 | commits a felony of the second degree, punishable as provided in
 413 | s. 775.082, s. 775.083, or s. 775.084.

414 | 2. A controlled substance named or described in s.
 415 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 416 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 417 | the third degree, punishable as provided in s. 775.082, s.
 418 | 775.083, or s. 775.084.

419 | 3. A controlled substance named or described in s.
 420 | 893.03(5) commits a misdemeanor of the first degree, punishable

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

421 as provided in s. 775.082 or s. 775.083.

422 (b) Except as provided in this chapter, it is unlawful to
 423 purchase in excess of 10 grams of any substance named or
 424 described in s. 893.03(1)(a) or (1)(b), or any combination
 425 thereof, or any mixture containing any such substance. Any
 426 person who violates this paragraph commits a felony of the first
 427 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 428 775.084.

429 (3) Any person who delivers, without consideration, not
 430 more than 20 grams of cannabis, as defined in this chapter,
 431 commits a misdemeanor of the first degree, punishable as
 432 provided in s. 775.082 or s. 775.083. For the purposes of this
 433 paragraph, "cannabis" does not include the resin extracted from
 434 the plants of the genus Cannabis or any compound manufacture,
 435 salt, derivative, mixture, or preparation of such resin.

436 (4) Except as authorized by this chapter, it is unlawful
 437 for any person 18 years of age or older to deliver any
 438 controlled substance to a person under the age of 18 years, or
 439 to use or hire a person under the age of 18 years as an agent or
 440 employee in the sale or delivery of such a substance, or to use
 441 such person to assist in avoiding detection or apprehension for
 442 a violation of this chapter. Any person who violates this
 443 provision with respect to:

444 (a) A controlled substance named or described in s.
 445 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 446 commits a felony of the first degree, punishable as provided in
 447 s. 775.082, s. 775.083, or s. 775.084.

448 (b) A controlled substance named or described in s.

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

449 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 450 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 451 the second degree, punishable as provided in s. 775.082, s.
 452 775.083, or s. 775.084.

453
 454 Imposition of sentence may not be suspended or deferred, nor
 455 shall the person so convicted be placed on probation.

456 (5) It is unlawful for any person to bring into this state
 457 any controlled substance unless the possession of such
 458 controlled substance is authorized by this chapter or unless
 459 such person is licensed to do so by the appropriate federal
 460 agency. Any person who violates this provision with respect to:

461 (a) A controlled substance named or described in s.
 462 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 463 commits a felony of the second degree, punishable as provided in
 464 s. 775.082, s. 775.083, or s. 775.084.

465 (b) A controlled substance named or described in s.
 466 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 467 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 468 the third degree, punishable as provided in s. 775.082, s.
 469 775.083, or s. 775.084.

470 (c) A controlled substance named or described in s.
 471 893.03(5) commits a misdemeanor of the first degree, punishable
 472 as provided in s. 775.082 or s. 775.083.

473 (6)(a) It is unlawful for any person to be in actual or
 474 constructive possession of a controlled substance unless such
 475 controlled substance was lawfully obtained from a practitioner
 476 or pursuant to a valid prescription or order of a practitioner

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

477 while acting in the course of his or her professional practice
478 or to be in actual or constructive possession of a controlled
479 substance except as otherwise authorized by this chapter. Any
480 person who violates this provision commits a felony of the third
481 degree, punishable as provided in s. 775.082, s. 775.083, or s.
482 775.084.

483 (b) If the offense is the possession of not more than 20
484 grams of cannabis, as defined in this chapter, or 3 grams or
485 less of a controlled substance described in s. 893.03(1)(c)46.-
486 50. and 114.-142., the person commits a misdemeanor of the first
487 degree, punishable as provided in s. 775.082 or s. 775.083. For
488 the purposes of this subsection, "cannabis" does not include the
489 resin extracted from the plants of the genus Cannabis, or any
490 compound manufacture, salt, derivative, mixture, or preparation
491 of such resin, and a controlled substance described in s.
492 893.03(1)(c)46.-50. and 114.-142. does not include the substance
493 in a powdered form.

494 (c) Except as provided in this chapter, it is unlawful to
495 possess in excess of 10 grams of any substance named or
496 described in s. 893.03(1)(a) or (1)(b), or any combination
497 thereof, or any mixture containing any such substance. Any
498 person who violates this paragraph commits a felony of the first
499 degree, punishable as provided in s. 775.082, s. 775.083, or s.
500 775.084.

501 (d) Notwithstanding any provision to the contrary of the
502 laws of this state relating to arrest, a law enforcement officer
503 may arrest without warrant any person who the officer has
504 probable cause to believe is violating the provisions of this

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

505 chapter relating to possession of cannabis.

506 Section 3. For the purpose of incorporating the amendment
 507 made by this act to section 893.03, Florida Statutes, in
 508 references thereto, paragraphs (b), (c), (d), and (e) of
 509 subsection (3) of section 921.0022, Florida Statutes, are
 510 reenacted to read:

511 921.0022 Criminal Punishment Code; offense severity
 512 ranking chart.—

513 (3) OFFENSE SEVERITY RANKING CHART

514 (b) LEVEL 2

515

Florida	Felony	
Statute	Degree	Description

516

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

517

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

518

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.
-----------------	-----	---

519

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

520	517.07	3rd	Registration of securities and furnishing of prospectus required.
521	590.28 (1)	3rd	Intentional burning of lands.
522	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
523	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
524	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
525	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
526	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
527	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

			but less than \$300, taken from unenclosed curtilage of dwelling.
528	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
529	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
530	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
531	817.52 (3)	3rd	Failure to redeliver hired vehicle.
532	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
533	817.60 (5)	3rd	Dealing in credit cards of another.
534	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
535	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
536			

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

537	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
538	831.01	3rd	Forgery.
539	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
540	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
541	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
542	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
543	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
544	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
545	843.08	3rd	Falsely impersonating an officer.
	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

(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.

546
547
548
549
550
551
552
553
554
555

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

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

556	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
557	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
558	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
559	327.35(2)(b)	3rd	Felony BUI.
560	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
561	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
562	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

			<p>563 nests in violation of the Marine Turtle Protection Act.</p>
563	379.2431 (1) (e) 6.	3rd	<p>Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.</p>
564	400.9935 (4)	3rd	<p>Operating a clinic without a license or filing false license application or other required information.</p>
565	440.1051 (3)	3rd	<p>False report of workers' compensation fraud or retaliation for making such a report.</p>
566	501.001 (2) (b)	2nd	<p>Tampers with a consumer product or the container using materially false/misleading information.</p>
567	624.401 (4) (a)	3rd	<p>Transacting insurance without a certificate of authority.</p>
568	624.401 (4) (b) 1.	3rd	<p>Transacting insurance without a certificate of authority; premium collected less than \$20,000.</p>
569	626.902 (1) (a) &	3rd	<p>Representing an unauthorized insurer.</p>

ENROLLED
CS/CS/HB 1175, Engrossed 2

2012 Legislature

570	(b)		
570	697.08	3rd	Equity skimming.
571	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
572	796.05 (1)	3rd	Live on earnings of a prostitute.
573	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
574	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
575	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
576	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
577	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
578			

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

579	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
580	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
581	817.233	3rd	Burning to defraud insurer.
582	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
583	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
584	817.236	3rd	Filing a false motor vehicle insurance application.
585	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
586	817.413 (2)	3rd	Sale of used goods as new.
587	817.505 (4)	3rd	Patient brokering.
	828.12 (2)	3rd	Tortures any animal with intent to

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

588			inflict intense pain, serious physical injury, or death.
589	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
590	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
591	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
592	843.19	3rd	Injure, disable, or kill police dog or horse.
593	860.15 (3)	3rd	Overcharging for repairs and parts.
594	870.01 (2)	3rd	Riot; inciting or encouraging.
595	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).

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

596	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.
597	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.
598	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
599	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
600	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
601	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

602

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

603

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

604

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.

605

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

606

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.

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

607	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
608	944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
609	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
610	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
611	(d) LEVEL 4		
612	Florida	Felony	
613	Statute	Degree	Description
614	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.
615	499.0051(1)	3rd	Failure to maintain or deliver pedigree papers.

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

616	499.0051 (2)	3rd	Failure to authenticate pedigree papers.
617	499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
618	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
619	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
620	784.075	3rd	Battery on detention or commitment facility staff.
621	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
622	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
623	784.081 (3)	3rd	Battery on specified official or employee.
624	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

625	784.083 (3)	3rd	Battery on code inspector.
626	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
627	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
628	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
629	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
630	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
631	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
632	790.115 (2) (c)	3rd	Possessing firearm on school property.

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

633	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
634	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
635	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
636	810.06	3rd	Burglary; possession of tools.
637	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
638	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
639	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
640	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon,

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

641			excluding s. 893.03(5) drugs.
642	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
643	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
644	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
645	837.02 (1)	3rd	Perjury in official proceedings.
646	837.021 (1)	3rd	Make contradictory statements in official proceedings.
647	838.022	3rd	Official misconduct.
648	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
649	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
650	843.021	3rd	Possession of a concealed handcuff key by a person in custody.

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

651	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
652	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
653	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
654	874.05(1)	3rd	Encouraging or recruiting another to join a criminal gang.
655	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).
656	914.14(2)	3rd	Witnesses accepting bribes.
657	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
658	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
659	918.12	3rd	Tampering with jurors.

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

660	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
661	(e) LEVEL 5		
662			
663	Florida Statute	Felony Degree	Description
664	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
665	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
666	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
667	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
668	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
669	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
	440.105(5)	2nd	Unlawful solicitation for the purpose of

ENROLLED
CS/CS/HB 1175, Engrossed 2

2012 Legislature

670			making workers' compensation claims.
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
671			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
672			
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
673			
	790.01 (2)	3rd	Carrying a concealed firearm.
674			
	790.162	2nd	Threat to throw or discharge destructive device.
675			
	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
676			
	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
677			
	790.23	2nd	Felons in possession of firearms,

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

			ammunition, or electronic weapons or devices.
678	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
679	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
680	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
681	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
682	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
683	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
684	812.131 (2) (b)	3rd	Robbery by sudden snatching.
685	812.16 (2)	3rd	Owning, operating, or conducting a chop

ENROLLED
CS/CS/HB 1175, Engrossed 2

2012 Legislature

686			shop.
	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
687			
	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
688			
	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.
689			
	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.
690			
	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
691			
	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or

ENROLLED
CS/CS/HB 1175, Engrossed 2

2012 Legislature

692			disabled adult.
	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
693			
	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
694			
	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.
695			
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
696			
	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
697			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
698			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

699			or equipment.
700	874.05 (2)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
701	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).
702	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.
703	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.
	893.13 (1) (e) 2.	2nd	Sell, manufacture, or deliver cannabis

ENROLLED

CS/CS/HB 1175, Engrossed 2

2012 Legislature

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.

704

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.

705

893.13(4)(b) 2nd Deliver to minor cannabis (or other s.
893.03(1)(c), (2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4) drugs).

706

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

707

708

Section 4. This act shall take effect upon becoming a law.