

By the Committees on Criminal Justice; and Health Policy; and
Senator Smith

591-03851-13

20131448c2

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

591-03851-13

20131448c2

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.

591-03851-13

20131448c2

- 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

591-03851-13

20131448c2

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

591-03851-13

20131448c2

- 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.

591-03851-13

20131448c2

- 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

591-03851-13

20131448c2

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) Human growth hormone (HG).

182 (j) Somatropin.

183 (k) Growth hormone releasing hormone (GHRH, Sermorelin).

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

188 893.13 Prohibited acts; penalties.—

189 (1) (a) Except as authorized by this chapter and chapter
190 499, it is unlawful for any person to sell, manufacture, or
191 deliver, or possess with intent to sell, manufacture, or
192 deliver, a controlled substance. Any person who violates this
193 provision with respect to:

194 1. A controlled substance named or described in s.
195 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
196 commits a felony of the second degree, punishable as provided in
197 s. 775.082, s. 775.083, or s. 775.084.

198 2. A controlled substance named or described in s.
199 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
200 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
201 the third degree, punishable as provided in s. 775.082, s.
202 775.083, or s. 775.084.

203 3. A controlled substance named or described in s.

591-03851-13

20131448c2

204 893.03(5) commits a misdemeanor of the first degree, punishable
205 as provided in s. 775.082 or s. 775.083.

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

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

227 1. A controlled substance named or described in s.
228 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
229 commits a felony of the first degree, punishable as provided in
230 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
231 sentenced to a minimum term of imprisonment of 3 calendar years
232 unless the offense was committed within 1,000 feet of the real

591-03851-13

20131448c2

233 property comprising a child care facility as defined in s.
234 402.302.

235 2. A controlled substance named or described in s.
236 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
237 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
238 the second degree, punishable as provided in s. 775.082, s.
239 775.083, or s. 775.084.

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

244
245 This paragraph does not apply to a child care facility
246 unless the owner or operator of the facility posts a sign that
247 is not less than 2 square feet in size with a word legend
248 identifying the facility as a licensed child care facility and
249 that is posted on the property of the child care facility in a
250 conspicuous place where the sign is reasonably visible to the
251 public.

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

259 1. A controlled substance named or described in s.
260 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
261 commits a felony of the first degree, punishable as provided in

591-03851-13

20131448c2

262 s. 775.082, s. 775.083, or s. 775.084.

263 2. A controlled substance named or described in s.
264 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
265 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
266 the second degree, punishable as provided in s. 775.082, s.
267 775.083, or s. 775.084.

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

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

280 1. A controlled substance named or described in s.
281 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
282 commits a felony of the first degree, punishable as provided in
283 s. 775.082, s. 775.083, or s. 775.084.

284 2. A controlled substance named or described in s.
285 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
286 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
287 the second degree, punishable as provided in s. 775.082, s.
288 775.083, or s. 775.084.

289 3. Any other controlled substance, except as lawfully sold,
290 manufactured, or delivered, must be sentenced to pay a \$500 fine

591-03851-13

20131448c2

291 and to serve 100 hours of public service in addition to any
292 other penalty prescribed by law.

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

303 1. A controlled substance named or described in s.
304 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
305 commits a felony of the first degree, punishable as provided in
306 s. 775.082, s. 775.083, or s. 775.084.

307 2. A controlled substance named or described in s.
308 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
309 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
310 the second degree, punishable as provided in s. 775.082, s.
311 775.083, or s. 775.084.

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

316 (g) Except as authorized by this chapter, it is unlawful
317 for any person to manufacture methamphetamine or phencyclidine,
318 or possess any listed chemical as defined in s. 893.033 in
319 violation of s. 893.149 and with intent to manufacture

591-03851-13

20131448c2

320 methamphetamine or phencyclidine. If any person violates this
321 paragraph and:

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

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

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

340 1. A controlled substance named or described in s.
341 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
342 commits a felony of the first degree, punishable as provided in
343 s. 775.082, s. 775.083, or s. 775.084.

344 2. A controlled substance named or described in s.
345 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
346 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
347 the second degree, punishable as provided in s. 775.082, s.
348 775.083, or s. 775.084.

591-03851-13

20131448c2

349 (2) (a) Except as authorized by this chapter and chapter
350 499, it is unlawful for any person to purchase, or possess with
351 intent to purchase, a controlled substance. Any person who
352 violates this provision with respect to:

353 1. A controlled substance named or described in s.
354 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,
355 commits a felony of the second degree, punishable as provided in
356 s. 775.082, s. 775.083, or s. 775.084.

357 2. A controlled substance named or described in s.
358 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
359 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
360 the third degree, punishable as provided in s. 775.082, s.
361 775.083, or s. 775.084.

362 3. A controlled substance named or described in s.
363 893.03(5) commits a misdemeanor of the first degree, punishable
364 as provided in s. 775.082 or s. 775.083.

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

372 (3) Any person who delivers, without consideration, not
373 more than 20 grams of cannabis, as defined in this chapter,
374 commits a misdemeanor of the first degree, punishable as
375 provided in s. 775.082 or s. 775.083. For the purposes of this
376 paragraph, "cannabis" does not include the resin extracted from
377 the plants of the genus *Cannabis* or any compound manufacture,

591-03851-13

20131448c2

378 salt, derivative, mixture, or preparation of such resin.

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

387 (a) A controlled substance named or described in s.
388 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
389 commits a felony of the first degree, punishable as provided in
390 s. 775.082, s. 775.083, or s. 775.084.

391 (b) A controlled substance named or described in s.
392 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
393 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
394 the second degree, punishable as provided in s. 775.082, s.
395 775.083, or s. 775.084.

396
397 Imposition of sentence may not be suspended or deferred,
398 nor shall the person so convicted be placed on probation.

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

404 (a) A controlled substance named or described in s.
405 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
406 commits a felony of the second degree, punishable as provided in

591-03851-13

20131448c2

407 s. 775.082, s. 775.083, or s. 775.084.

408 (b) A controlled substance named or described in s.
409 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
410 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
411 the third degree, punishable as provided in s. 775.082, s.
412 775.083, or s. 775.084.

413 (c) A controlled substance named or described in s.
414 893.03(5) commits a misdemeanor of the first degree, punishable
415 as provided in s. 775.082 or s. 775.083.

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

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

591-03851-13

20131448c2

436 in a powdered form.

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

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

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

453 921.0022 Criminal Punishment Code; offense severity ranking
 454 chart.—

455 (3) OFFENSE SEVERITY RANKING CHART

456 (b) LEVEL 2

Florida Statute	Felony Degree	Description
379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431	3rd	Possession of more than 11 marine turtle

591-03851-13

20131448c2

(1) (e) 4.

eggs in violation of the Marine Turtle Protection Act.

459

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.

460

517.07 (2)

3rd

Failure to furnish a prospectus meeting requirements.

461

590.28 (1)

3rd

Intentional burning of lands.

462

784.05 (3)

3rd

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

463

787.04 (1)

3rd

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

464

806.13 (1) (b) 3.

3rd

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

465

810.061 (2)

3rd

Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

466

810.09 (2) (e)

3rd

Trespassing on posted commercial

591-03851-13

20131448c2

horticulture property.

467

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

468

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

469

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

470

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

471

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

472

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

473

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

474

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

475

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

591-03851-13

20131448c2

476

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

477

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

478

831.01 3rd Forgery.

479

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

480

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

481

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

482

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

483

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

484

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

485

843.08 3rd Falsely impersonating an officer.

591-03851-13

20131448c2

486

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.

487

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

488

489 (c) LEVEL 3

Florida	Felony	
Statute	Degree	Description

490

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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491

316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
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492

316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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493

316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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494

319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
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495

591-03851-13 20131448c2

496 319.33(1)(a) 3rd Alter or forge any certificate of title
to a motor vehicle or mobile home.

497 319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

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

498 327.35(2)(b) 3rd Felony BUI.

499 328.05(2) 3rd Possess, sell, or counterfeit
fictitious, stolen, or fraudulent titles
or bills of sale of vessels.

500 328.07(4) 3rd Manufacture, exchange, or possess vessel
with counterfeit or wrong ID number.

501 376.302(5) 3rd Fraud related to reimbursement for
cleanup expenses under the Inland
Protection Trust Fund.

502 379.2431 3rd Taking, disturbing, mutilating,
(1)(e)5. destroying, causing to be destroyed,
transferring, selling, offering to sell,
molesting, or harassing marine turtles,
marine turtle eggs, or marine turtle
nests in violation of the Marine Turtle
Protection Act.

591-03851-13

20131448c2

503
504
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507
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511

379.2431 3rd Soliciting to commit or conspiring to
 (1) (e) 6. commit a violation of the Marine Turtle
 Protection Act.

400.9935 (4) 3rd Operating a clinic without a license or
 filing false license application or
 other required information.

440.1051 (3) 3rd False report of workers' compensation
 fraud or retaliation for making such a
 report.

501.001 (2) (b) 2nd Tamper with a consumer product or the
 container using materially
 false/misleading information.

624.401 (4) (a) 3rd Transacting insurance without a
 certificate of authority.

624.401 (4) (b) 1. 3rd Transacting insurance without a
 certificate of authority; premium
 collected less than \$20,000.

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

697.08 3rd Equity skimming.

591-03851-13

20131448c2

512	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
513	796.05(1)	3rd	Live on earnings of a prostitute.
514	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
515	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
516	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
517	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
518	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
519	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

591-03851-13

20131448c2

520

817.233 3rd Burning to defraud insurer.

521

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

522

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

523

817.236 3rd Filing a false motor vehicle insurance
application.

524

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

525

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

526

817.505 (4) 3rd Patient brokering.

527

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

528

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

529

831.29 2nd Possession of instruments for

591-03851-13

20131448c2

counterfeiting drivers' licenses or
identification cards.

530

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

531

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

532

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

533

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

534

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).

535

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.

536

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

591-03851-13

20131448c2

within 1,000 feet of public housing facility.

537

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

538

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

539

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

540

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

541

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

542

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.

543

591-03851-13

20131448c2

544

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.

545

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

546

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.

547

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

548

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

549

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

550

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

591-03851-13

20131448c2

551	(d) LEVEL 4	Florida	Felony	Description
	Statute	Degree		
552	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.	
553	499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.	
554	499.0051 (2)	3rd	Failure to authenticate pedigree papers.	
555	499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.	
556	517.07 (1)	3rd	Failure to register securities.	
557	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.	
558	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.	
559	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.	

591-03851-13

20131448c2

560

784.075 3rd Battery on detention or commitment facility staff.

561

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

562

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

563

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

564

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

565

784.083 (3) 3rd Battery on code inspector.

566

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

567

787.03 (1) 3rd Interference with custody; wrongly takes minor from appointed guardian.

568

787.04 (2) 3rd Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.

591-03851-13

20131448c2

569

787.04 (3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

570

787.07 3rd Human smuggling.

571

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

572

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

573

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

574

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

575

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

576

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

577

810.06 3rd Burglary; possession of tools.

591-03851-13

20131448c2

578

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

579

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

580

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

581

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

582

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

583

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

584

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

585

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

586

837.02(1) 3rd Perjury in official proceedings.

587

591-03851-13 20131448c2

588	837.021(1)	3rd	Make contradictory statements in official proceedings.
589	838.022	3rd	Official misconduct.
590	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
591	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Family Services.
592	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
593	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
594	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
595	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
596	874.05(1)	3rd	Encouraging or recruiting another to join a criminal gang.
	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s.

591-03851-13

20131448c2

893.03(1)(a), (b), or (d), (2)(a),
(2)(b), or (2)(c)4. drugs).

597

914.14(2) 3rd Witnesses accepting bribes.

598

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

599

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

600

918.12 3rd Tampering with jurors.

601

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

602

603 (e) LEVEL 5

Florida	Felony	
Statute	Degree	Description

604

316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
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605

316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
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606

322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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607

591-03851-13

20131448c2

608

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

609

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

610

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

611

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

612

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

613

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

614

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

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

591-03851-13

20131448c2

\$100,000.

615

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

616

790.01 (2) 3rd Carrying a concealed firearm.

617

790.162 2nd Threat to throw or discharge
destructive device.

618

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

619

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

620

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

621

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

622

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

623

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

591-03851-13

20131448c2

624

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

625

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

626

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

627

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

628

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

629

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

630

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

631

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.

632

591-03851-13 20131448c2

- 633
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.
- 634
817.625 (2) (b)
2nd

 Second or subsequent fraudulent use of scanning device or reencoder.
- 635
825.1025 (4)
3rd

 Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
- 636
827.071 (4)
2nd

 Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
- 637
827.071 (5)
3rd

 Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
- 638
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.

591-03851-13 20131448c2

639	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
640	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
641	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
642	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
643	874.05 (2)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
644	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs).
	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly

591-03851-13

20131448c2

owned recreational facility or
community center.

645

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.

646

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.

647

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.

648

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).

649

893.1351(1) 3rd Ownership, lease, or rental for

591-03851-13

20131448c2

trafficking in or manufacturing of
controlled substance.

650

651

Section 4. This act shall take effect July 1, 2013.