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CS/HB 897

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1
2 An act relating to controlled substances; amending s.
3 893.03, F.S.; adding certain substances to the
4 Schedule I list of controlled substances; reenacting
5 s. 39.01(30)(a) and (g), F.S., relating to definitions
6 used in chapter 39, F.S., s. 316.193(5), F.S.,
7 relating to driving under the influence, s.
8 322.2616(2)(c), F.S., relating to suspension of driver
9 licenses, s. 327.35(5), F.S., relating to boating
10 under the influence, s. 440.102(11)(b), F.S., relating
11 to drug-free workplace programs, ss. 458.3265(1)(e)
12 and 459.0137(1)(e), F.S., relating to pain-management
13 clinics, s. 782.04(1)(a) and (4), F.S., relating to
14 murder, s. 893.0356(2)(a) and (5), F.S., relating to
15 controlled substance analogs, s. 893.05(1), F.S.,
16 relating to practitioners and persons administering
17 controlled substances in their absence, s.
18 893.12(2)(b), (c), and (d), F.S., relating to
19 contraband seizure and forfeiture, s. 893.13(1)(a),
20 (c), (d), (e), (f), (h), (2)(a), (4)(b), (5)(b), and
21 (7)(a), F.S., relating to controlled substance
22 offenses, s. 893.135(1)(k) and (l), F.S., relating to
23 offenses involving trafficking in controlled
24 substances, and s.921.0022(3)(b), (c), and (e), F.S.,
25 relating to the offense severity ranking chart of the
26 Criminal Punishment Code, F.S., to incorporate the

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27 amendment made by the act to s. 893.03, F.S., in
 28 references thereto; providing an effective date.

29

30 Be It Enacted by the Legislature of the State of Florida:

31

32 Section 1. Paragraph (c) of subsection (1) of section
 33 893.03, Florida Statutes, is amended to read:

34 893.03 Standards and schedules.—The substances enumerated
 35 in this section are controlled by this chapter. The controlled
 36 substances listed or to be listed in Schedules I, II, III, IV,
 37 and V are included by whatever official, common, usual,
 38 chemical, or trade name designated. The provisions of this
 39 section shall not be construed to include within any of the
 40 schedules contained in this section any excluded drugs listed
 41 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
 42 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
 43 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
 44 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
 45 Anabolic Steroid Products."

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

51 (c) Unless specifically excepted or unless listed in
 52 another schedule, any material, compound, mixture, or

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53 preparation that contains any quantity of the following
 54 hallucinogenic substances or that contains any of their salts,
 55 isomers, including optical, positional, or geometric isomers,
 56 and salts of isomers, if the existence of such salts, isomers,
 57 and salts of isomers is possible within the specific chemical
 58 designation:

- 59 1. Alpha-ethyltryptamine.
- 60 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
 61 methylaminorex).
- 62 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 63 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 64 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 65 6. Bufotenine.
- 66 7. Cannabis.
- 67 8. Cathinone.
- 68 9. Diethyltryptamine.
- 69 10. 2,5-Dimethoxyamphetamine.
- 70 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 71 12. Dimethyltryptamine.
- 72 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
 73 analog of phencyclidine).
- 74 14. N-Ethyl-3-piperidyl benzilate.
- 75 15. N-ethylamphetamine.
- 76 16. Fenethylamine.
- 77 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 78 18. Ibogaine.

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- 79 | 19. Lysergic acid diethylamide (LSD).
- 80 | 20. Mescaline.
- 81 | 21. Methcathinone.
- 82 | 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 83 | 23. 4-methoxyamphetamine.
- 84 | 24. 4-methoxymethamphetamine.
- 85 | 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 86 | 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 87 | 27. 3,4-Methylenedioxyamphetamine.
- 88 | 28. N-Methyl-3-piperidyl benzilate.
- 89 | 29. N,N-dimethylamphetamine.
- 90 | 30. Parahexyl.
- 91 | 31. Peyote.
- 92 | 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
- 93 | analog of phencyclidine).
- 94 | 33. Psilocybin.
- 95 | 34. Psilocyn.
- 96 | 35. *Salvia divinorum*, except for any drug product approved
- 97 | by the United States Food and Drug Administration which contains
- 98 | *Salvia divinorum* or its isomers, esters, ethers, salts, and
- 99 | salts of isomers, esters, and ethers, if the existence of such
- 100 | isomers, esters, ethers, and salts is possible within the
- 101 | specific chemical designation.
- 102 | 36. Salvinorin A, except for any drug product approved by
- 103 | the United States Food and Drug Administration which contains
- 104 | Salvinorin A or its isomers, esters, ethers, salts, and salts of

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105 isomers, esters, and ethers, if the existence of such isomers,
 106 esters, ethers, and salts is possible within the specific
 107 chemical designation.

108 37. Tetrahydrocannabinols.

109 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
 110 (Thiophene analog of phencyclidine).

111 39. 3,4,5-Trimethoxyamphetamine.

112 40. 3,4-Methylenedioxy methcathinone.

113 41. 3,4-Methylenedioxy pyrovalerone (MDPV).

114 42. Methylmethcathinone.

115 43. Methoxymethcathinone.

116 44. Fluoromethcathinone.

117 45. Methylethcathinone.

118 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
 119 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
 120 homologue.

121 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
 122 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
 123 also known as HU-210.

124 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

125 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

126 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole,
 127 also known as JWH-200.

128 51. BZP (Benzylpiperazine).

129 52. Fluorophenylpiperazine.

130 53. Methylphenylpiperazine.

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- 131 | 54. Chlorophenylpiperazine.
- 132 | 55. Methoxyphenylpiperazine.
- 133 | 56. DBZP (1,4-dibenzylpiperazine).
- 134 | 57. TFMPP (3-Trifluoromethylphenylpiperazine).
- 135 | 58. MBDB (Methylbenzodioxolylbutanamine).
- 136 | 59. 5-Hydroxy-alpha-methyltryptamine.
- 137 | 60. 5-Hydroxy-N-methyltryptamine.
- 138 | 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
- 139 | 62. 5-Methoxy-alpha-methyltryptamine.
- 140 | 63. Methyltryptamine.
- 141 | 64. 5-Methoxy-N,N-dimethyltryptamine.
- 142 | 65. 5-Methyl-N,N-dimethyltryptamine.
- 143 | 66. Tyramine (4-Hydroxyphenethylamine).
- 144 | 67. 5-Methoxy-N,N-Diisopropyltryptamine.
- 145 | 68. DiPT (N,N-Diisopropyltryptamine).
- 146 | 69. DPT (N,N-Dipropyltryptamine).
- 147 | 70. 4-Hydroxy-N,N-diisopropyltryptamine.
- 148 | 71. N,N-Diallyl-5-Methoxytryptamine.
- 149 | 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 150 | 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 151 | 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 152 | 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 153 | 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 154 | 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 155 | 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 156 | 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).

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- 157 | 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 158 | 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
- 159 | 82. Ethcathinone.
- 160 | 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- 161 | 84. Naphyrone (naphthylpyrovalerone).
- 162 | 85. N-N-Dimethyl-3,4-methylenedioxycathinone.
- 163 | 86. N-N-Diethyl-3,4-methylenedioxycathinone.
- 164 | 87. 3,4-methylenedioxy-propiofenone.
- 165 | 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
- 166 | 89. 3,4-methylenedioxy-propiofenone-2-oxime.
- 167 | 90. N-Acetyl-3,4-methylenedioxycathinone.
- 168 | 91. N-Acetyl-N-Methyl-3,4-Methylenedioxycathinone.
- 169 | 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxycathinone.
- 170 | 93. Bromomethcathinone.
- 171 | 94. Buphedrone (alpha-methylamino-butyrophenone).
- 172 | 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- 173 | 96. Dimethylcathinone.
- 174 | 97. Dimethylmethcathinone.
- 175 | 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 176 | 99. (MDPPP) 3,4-Methylenedioxy-alpha-
- 177 | pyrrolidinopropiofenone.
- 178 | 100. (MDPBP) 3,4-Methylenedioxy-alpha-
- 179 | pyrrolidinobutiophenone.
- 180 | 101. Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).
- 181 | 102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
- 182 | 103. Benocyclidine (BCP) or

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- 183 benzothiophenylcyclohexylpiperidine (BTCP).
- 184 104. Fluoromethylaminobutyrophenone (F-MABP).
- 185 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
- 186 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
- 187 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
- 188 108. Methylethylaminobutyrophenone (Me-EABP).
- 189 109. Methylamino-butyrophenone (MABP).
- 190 110. Pyrrolidinopropiophenone (PPP).
- 191 111. Pyrrolidinobutiophenone (PBP).
- 192 112. Pyrrolidinovalerophenone (PVP).
- 193 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
- 194 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
- 195 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
- 196 naphthalenylmethanone).
- 197 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-
- 198 yl)methanone).
- 199 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- 200 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-
- 201 yl)methanone).
- 202 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-
- 203 yl)methanone).
- 204 120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
- 205 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-
- 206 6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
- 207 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-
- 208 indole).

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- 209 | 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
 210 | 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-
 211 | yl)ethanone).
 212 | 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
 213 | yl)methanone).
 214 | 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
 215 | yl)ethanone).
 216 | 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-
 217 | yl)ethanone).
 218 | 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
 219 | 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
 220 | 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
 221 | (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
 222 | ol).
 223 | 131. HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-
 224 | methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-
 225 | enyl] methanol).
 226 | 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-
 227 | methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
 228 | 1,4-dione).
 229 | 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-
 230 | yl)methanone).
 231 | 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
 232 | undecanamide).
 233 | 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
 234 | undecanamide).

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- 235 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-
 236 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
- 237 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-
 238 iodophenyl)methanone).
- 239 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-
 240 (naphthalen-1-yl)methanone).
- 241 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-
 242 yl)methanone).
- 243 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-
 244 methoxyphenylethano-1-one).
- 245 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
 246 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
 247 naphthalenyl)methanone).
- 248 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
 249 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
 250 naphthalenyl)methanone).
- 251 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).
- 252 144. Fluoroamphetamine.
- 253 145. Fluoromethamphetamine.
- 254 146. Methoxetamine.
- 255 147. Methiopropamine.
- 256 148. 4-Methylbuphedrone (2-Methylamino-1-(4-
 257 methylphenyl)butan-1-one).
- 258 149. APB ((2-aminopropyl)benzofuran).
- 259 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
- 260 151. UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-

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- 261 tetramethylcyclopropyl)methanone).
- 262 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-
- 263 tetramethylcyclopropyl)methanone).
- 264 153. (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-
- 265 tetramethylcyclopropyl)methanone.
- 266 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.13,7]dec-1-yl-1H-
- 267 indazole-3-carboxamide).
- 268 155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-
- 269 piperidinyl)methyl]-1H-indol-3-yl]-methanone).
- 270 156. STS-135 (1-(5-fluoropentyl)-N-
- 271 tricyclo[3.3.1.13,7]dec-1-yl-1H-indole-3-carboxamide).
- 272 157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-
- 273 cyclohexylcarbamate).
- 274 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,
- 275 cyclohexyl ester).
- 276 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-
- 277 benzoxazin-4-one).
- 278 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).
- 279 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).
- 280 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
- 281 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-
- 282 propylphenyl)ethanamine).
- 283 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-
- 284 methoxyphenyl)methyl]-benzeneethanamine).
- 285 165. 3,4-Methylenedioxymethamphetamine (MDMA).
- 286 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-

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- 287 | carboxylic acid).
- 288 | 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-
- 289 | fluoropentyl)-1H-indole-3-carboxylic acid).
- 290 | 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-
- 291 | indole-3-carboxylic acid).
- 292 | 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-
- 293 | fluoropentyl)-1H-indazole-3-carboxamide).
- 294 | 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
- 295 | pentyl-1H-indazole-3-carboxamide).
- 296 | 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
- 297 | (4-fluorobenzyl)-1H-indazole-3-carboxamide).
- 298 | 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-
- 299 | 1-pentyl-1H-indazole-3-carboxamide).
- 300 | 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
- 301 | yl)-1-(fluoropentyl)-1H-indole-3-carboxamide).
- 302 | 174. 25B-NBOMe (4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)
- 303 | methyl]-benzeneethanamine).
- 304 | 175. 2C-C-NBOMe (4-chloro-2,5-dimethoxy-N-[(2-
- 305 | methoxyphenyl)methyl]-benzeneethanamine).
- 306 | 176. AB-CHMINACA: N-[1-(aminocarbonyl)-2-methylpropyl]-1-
- 307 | (cyclohexylmethyl)-1H-indazole-3-carboxamide.
- 308 | 177. FUB-PB-22: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-
- 309 | indole-3-carboxylate.
- 310 | 178. Fluoro-NNEI: 1-(Fluoropentyl)-N-(naphthalen-1-yl)-1H-
- 311 | indole-3-carboxamide.
- 312 | 179. Fluoro-AMB: Methyl 2-(1-(fluoropentyl)-1H-indazole-3-

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313 carboxamido)-3-methylbutanoate.

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

316 Section 2. For the purpose of incorporating the amendment
 317 made by this act to section 893.03, Florida Statutes, in
 318 references thereto, paragraphs (a) and (g) of subsection (30) of
 319 section 39.01, Florida Statutes, are reenacted to read:

320 39.01 Definitions.—When used in this chapter, unless the
 321 context otherwise requires:

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

324 (a) Inflicts or allows to be inflicted upon the child
 325 physical, mental, or emotional injury. In determining whether
 326 harm has occurred, the following factors must be considered in
 327 evaluating any physical, mental, or emotional injury to a child:
 328 the age of the child; any prior history of injuries to the
 329 child; the location of the injury on the body of the child; the
 330 multiplicity of the injury; and the type of trauma inflicted.
 331 Such injury includes, but is not limited to:

332 1. Willful acts that produce the following specific
 333 injuries:

- 334 a. Sprains, dislocations, or cartilage damage.
- 335 b. Bone or skull fractures.
- 336 c. Brain or spinal cord damage.
- 337 d. Intracranial hemorrhage or injury to other internal
 338 organs.

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- 339 e. Asphyxiation, suffocation, or drowning.
- 340 f. Injury resulting from the use of a deadly weapon.
- 341 g. Burns or scalding.
- 342 h. Cuts, lacerations, punctures, or bites.
- 343 i. Permanent or temporary disfigurement.
- 344 j. Permanent or temporary loss or impairment of a body
- 345 part or function.

346

347 As used in this subparagraph, the term "willful" refers to the
 348 intent to perform an action, not to the intent to achieve a
 349 result or to cause an injury.

350 2. Purposely giving a child poison, alcohol, drugs, or
 351 other substances that substantially affect the child's behavior,
 352 motor coordination, or judgment or that result in sickness or
 353 internal injury. For the purposes of this subparagraph, the term
 354 "drugs" means prescription drugs not prescribed for the child or
 355 not administered as prescribed, and controlled substances as
 356 outlined in Schedule I or Schedule II of s. 893.03.

357 3. Leaving a child without adult supervision or
 358 arrangement appropriate for the child's age or mental or
 359 physical condition, so that the child is unable to care for the
 360 child's own needs or another's basic needs or is unable to
 361 exercise good judgment in responding to any kind of physical or
 362 emotional crisis.

363 4. Inappropriate or excessively harsh disciplinary action
 364 that is likely to result in physical injury, mental injury as

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365 defined in this section, or emotional injury. The significance
 366 of any injury must be evaluated in light of the following
 367 factors: the age of the child; any prior history of injuries to
 368 the child; the location of the injury on the body of the child;
 369 the multiplicity of the injury; and the type of trauma
 370 inflicted. Corporal discipline may be considered excessive or
 371 abusive when it results in any of the following or other similar
 372 injuries:

- 373 a. Sprains, dislocations, or cartilage damage.
- 374 b. Bone or skull fractures.
- 375 c. Brain or spinal cord damage.
- 376 d. Intracranial hemorrhage or injury to other internal
 377 organs.
- 378 e. Asphyxiation, suffocation, or drowning.
- 379 f. Injury resulting from the use of a deadly weapon.
- 380 g. Burns or scalding.
- 381 h. Cuts, lacerations, punctures, or bites.
- 382 i. Permanent or temporary disfigurement.
- 383 j. Permanent or temporary loss or impairment of a body
 384 part or function.
- 385 k. Significant bruises or welts.

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

- 388 1. A test, administered at birth, which indicated that the
 389 child's blood, urine, or meconium contained any amount of
 390 alcohol or a controlled substance or metabolites of such

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391 substances, the presence of which was not the result of medical
 392 treatment administered to the mother or the newborn infant; or

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

396
 397 As used in this paragraph, the term "controlled substance" means
 398 prescription drugs not prescribed for the parent or not
 399 administered as prescribed and controlled substances as outlined
 400 in Schedule I or Schedule II of s. 893.03.

401 Section 3. For the purpose of incorporating the amendment
 402 made by this act to section 893.03, Florida Statutes, in a
 403 reference thereto, subsection (5) of section 316.193, Florida
 404 Statutes, is reenacted to read:

405 316.193 Driving under the influence; penalties.—

406 (5) The court shall place all offenders convicted of
 407 violating this section on monthly reporting probation and shall
 408 require completion of a substance abuse course conducted by a
 409 DUI program licensed by the department under s. 322.292, which
 410 must include a psychosocial evaluation of the offender. If the
 411 DUI program refers the offender to an authorized substance abuse
 412 treatment provider for substance abuse treatment, in addition to
 413 any sentence or fine imposed under this section, completion of
 414 all such education, evaluation, and treatment is a condition of
 415 reporting probation. The offender shall assume reasonable costs
 416 for such education, evaluation, and treatment. The referral to

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417 treatment resulting from a psychosocial evaluation shall not be
418 waived without a supporting independent psychosocial evaluation
419 conducted by an authorized substance abuse treatment provider
420 appointed by the court, which shall have access to the DUI
421 program's psychosocial evaluation before the independent
422 psychosocial evaluation is conducted. The court shall review the
423 results and recommendations of both evaluations before
424 determining the request for waiver. The offender shall bear the
425 full cost of this procedure. The term "substance abuse" means
426 the abuse of alcohol or any substance named or described in
427 Schedules I through V of s. 893.03. If an offender referred to
428 treatment under this subsection fails to report for or complete
429 such treatment or fails to complete the DUI program substance
430 abuse education course and evaluation, the DUI program shall
431 notify the court and the department of the failure. Upon receipt
432 of the notice, the department shall cancel the offender's
433 driving privilege, notwithstanding the terms of the court order
434 or any suspension or revocation of the driving privilege. The
435 department may temporarily reinstate the driving privilege on a
436 restricted basis upon verification from the DUI program that the
437 offender is currently participating in treatment and the DUI
438 education course and evaluation requirement has been completed.
439 If the DUI program notifies the department of the second failure
440 to complete treatment, the department shall reinstate the
441 driving privilege only after notice of completion of treatment
442 from the DUI program. The organization that conducts the

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443 substance abuse education and evaluation may not provide
 444 required substance abuse treatment unless a waiver has been
 445 granted to that organization by the department. A waiver may be
 446 granted only if the department determines, in accordance with
 447 its rules, that the service provider that conducts the substance
 448 abuse education and evaluation is the most appropriate service
 449 provider and is licensed under chapter 397 or is exempt from
 450 such licensure. A statistical referral report shall be submitted
 451 quarterly to the department by each organization authorized to
 452 provide services under this section.

453 Section 4. For the purpose of incorporating the amendment
 454 made by this act to section 893.03, Florida Statutes, in a
 455 reference thereto, paragraph (c) of subsection (2) of section
 456 322.2616, Florida Statutes, is reenacted to read:

457 322.2616 Suspension of license; persons under 21 years of
 458 age; right to review.—

459 (2)

460 (c) When a driver subject to this section has a blood-
 461 alcohol or breath-alcohol level of 0.05 or higher, the
 462 suspension shall remain in effect until such time as the driver
 463 has completed a substance abuse course offered by a DUI program
 464 licensed by the department. The driver shall assume the
 465 reasonable costs for the substance abuse course. As part of the
 466 substance abuse course, the program shall conduct a substance
 467 abuse evaluation of the driver, and notify the parents or legal
 468 guardians of drivers under the age of 19 years of the results of

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469 the evaluation. The term "substance abuse" means the abuse of
 470 alcohol or any substance named or described in Schedules I
 471 through V of s. 893.03. If a driver fails to complete the
 472 substance abuse education course and evaluation, the driver
 473 license shall not be reinstated by the department.

474 Section 5. For the purpose of incorporating the amendment
 475 made by this act to section 893.03, Florida Statutes, in a
 476 reference thereto, subsection (5) of section 327.35, Florida
 477 Statutes, is reenacted to read:

478 327.35 Boating under the influence; penalties; "designated
 479 drivers."—

480 (5) In addition to any sentence or fine, the court shall
 481 place any offender convicted of violating this section on
 482 monthly reporting probation and shall require attendance at a
 483 substance abuse course specified by the court; and the agency
 484 conducting the course may refer the offender to an authorized
 485 service provider for substance abuse evaluation and treatment,
 486 in addition to any sentence or fine imposed under this section.
 487 The offender shall assume reasonable costs for such education,
 488 evaluation, and treatment, with completion of all such
 489 education, evaluation, and treatment being a condition of
 490 reporting probation. Treatment resulting from a psychosocial
 491 evaluation may not be waived without a supporting psychosocial
 492 evaluation conducted by an agency appointed by the court and
 493 with access to the original evaluation. The offender shall bear
 494 the cost of this procedure. The term "substance abuse" means the

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495 | abuse of alcohol or any substance named or described in
 496 | Schedules I-V of s. 893.03.

497 | Section 6. For the purpose of incorporating the amendment
 498 | made by this act to section 893.03, Florida Statutes, in a
 499 | reference thereto, paragraph (b) of subsection (11) of section
 500 | 440.102, Florida Statutes, is reenacted to read:

501 | 440.102 Drug-free workplace program requirements.—The
 502 | following provisions apply to a drug-free workplace program
 503 | implemented pursuant to law or to rules adopted by the Agency
 504 | for Health Care Administration:

505 | (11) PUBLIC EMPLOYEES IN MANDATORY-TESTING OR SPECIAL-RISK
 506 | POSITIONS.—

507 | (b) An employee who is employed by a public employer in a
 508 | special-risk position may be discharged or disciplined by a
 509 | public employer for the first positive confirmed test result if
 510 | the drug confirmed is an illicit drug under s. 893.03. A
 511 | special-risk employee who is participating in an employee
 512 | assistance program or drug rehabilitation program may not be
 513 | allowed to continue to work in any special-risk or mandatory-
 514 | testing position of the public employer, but may be assigned to
 515 | a position other than a mandatory-testing position or placed on
 516 | leave while the employee is participating in the program.
 517 | However, the employee shall be permitted to use any accumulated
 518 | annual leave credits before leave may be ordered without pay.

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

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521 reference thereto, paragraph (e) of subsection (1) of section
 522 458.3265, Florida Statutes, is reenacted to read:
 523 458.3265 Pain-management clinics.—
 524 (1) REGISTRATION.—
 525 (e) The department shall deny registration to any pain-
 526 management clinic owned by or with any contractual or employment
 527 relationship with a physician:
 528 1. Whose Drug Enforcement Administration number has ever
 529 been revoked.
 530 2. Whose application for a license to prescribe, dispense,
 531 or administer a controlled substance has been denied by any
 532 jurisdiction.
 533 3. Who has been convicted of or pleaded guilty or nolo
 534 contendere to, regardless of adjudication, an offense that
 535 constitutes a felony for receipt of illicit and diverted drugs,
 536 including a controlled substance listed in Schedule I, Schedule
 537 II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in
 538 this state, any other state, or the United States.
 539 Section 8. For the purpose of incorporating the amendment
 540 made by this act to section 893.03, Florida Statutes, in a
 541 reference thereto, paragraph (e) of subsection (1) of section
 542 459.0137, Florida Statutes, is reenacted to read:
 543 459.0137 Pain-management clinics.—
 544 (1) REGISTRATION.—
 545 (e) The department shall deny registration to any pain-
 546 management clinic owned by or with any contractual or employment

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547 relationship with a physician:

548 1. Whose Drug Enforcement Administration number has ever
549 been revoked.

550 2. Whose application for a license to prescribe, dispense,
551 or administer a controlled substance has been denied by any
552 jurisdiction.

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

559 Section 9. For the purpose of incorporating the amendment
560 made by this act to section 893.03, Florida Statutes, in
561 references thereto, paragraph (a) of subsection (1) and
562 subsection (4) of section 782.04, Florida Statutes, are
563 reenacted to read:

564 782.04 Murder.—

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

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

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

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

571 b. Arson,

572 c. Sexual battery,

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- 573 d. Robbery,
- 574 e. Burglary,
- 575 f. Kidnapping,
- 576 g. Escape,
- 577 h. Aggravated child abuse,
- 578 i. Aggravated abuse of an elderly person or disabled
- 579 adult,
- 580 j. Aircraft piracy,
- 581 k. Unlawful throwing, placing, or discharging of a
- 582 destructive device or bomb,
- 583 l. Carjacking,
- 584 m. Home-invasion robbery,
- 585 n. Aggravated stalking,
- 586 o. Murder of another human being,
- 587 p. Resisting an officer with violence to his or her
- 588 person,
- 589 q. Aggravated fleeing or eluding with serious bodily
- 590 injury or death,
- 591 r. Felony that is an act of terrorism or is in furtherance
- 592 of an act of terrorism; or
- 593 3. Which resulted from the unlawful distribution of any
- 594 substance controlled under s. 893.03(1), cocaine as described in
- 595 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
- 596 compound, derivative, or preparation of opium, or methadone by a
- 597 person 18 years of age or older, when such drug is proven to be
- 598 the proximate cause of the death of the user,

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599
 600 is murder in the first degree and constitutes a capital felony,
 601 punishable as provided in s. 775.082.
 602 (4) The unlawful killing of a human being, when
 603 perpetrated without any design to effect death, by a person
 604 engaged in the perpetration of, or in the attempt to perpetrate,
 605 any felony other than any:
 606 (a) Trafficking offense prohibited by s. 893.135(1),
 607 (b) Arson,
 608 (c) Sexual battery,
 609 (d) Robbery,
 610 (e) Burglary,
 611 (f) Kidnapping,
 612 (g) Escape,
 613 (h) Aggravated child abuse,
 614 (i) Aggravated abuse of an elderly person or disabled
 615 adult,
 616 (j) Aircraft piracy,
 617 (k) Unlawful throwing, placing, or discharging of a
 618 destructive device or bomb,
 619 (l) Unlawful distribution of any substance controlled
 620 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
 621 or opium or any synthetic or natural salt, compound, derivative,
 622 or preparation of opium by a person 18 years of age or older,
 623 when such drug is proven to be the proximate cause of the death
 624 of the user,

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625 (m) Carjacking,
 626 (n) Home-invasion robbery,
 627 (o) Aggravated stalking,
 628 (p) Murder of another human being,
 629 (q) Aggravated fleeing or eluding with serious bodily
 630 injury or death,
 631 (r) Resisting an officer with violence to his or her
 632 person, or
 633 (s) Felony that is an act of terrorism or is in
 634 furtherance of an act of terrorism,
 635
 636 is murder in the third degree and constitutes a felony of the
 637 second degree, punishable as provided in s. 775.082, s. 775.083,
 638 or s. 775.084.

639 Section 10. For the purpose of incorporating the amendment
 640 made by this act to section 893.03, Florida Statutes, in
 641 references thereto, paragraph (a) of subsection (2) and
 642 subsection (5) of section 893.0356, Florida Statutes, are
 643 reenacted to read:

644 893.0356 Control of new substances; findings of fact;
 645 "controlled substance analog" defined.—

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

649 1. Is substantially similar to that of a controlled
 650 substance listed in Schedule I or Schedule II of s. 893.03; and

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651 2. Has a stimulant, depressant, or hallucinogenic effect
 652 on the central nervous system or is represented or intended to
 653 have a stimulant, depressant, or hallucinogenic effect on the
 654 central nervous system substantially similar to or greater than
 655 that of a controlled substance listed in Schedule I or Schedule
 656 II of s. 893.03.

657 (5) A controlled substance analog shall, for purposes of
 658 drug abuse prevention and control, be treated as a controlled
 659 substance in Schedule I of s. 893.03.

660 Section 11. For the purpose of incorporating the amendment
 661 made by this act to section 893.03, Florida Statutes, in a
 662 reference thereto, subsection (1) of section 893.05, Florida
 663 Statutes, is reenacted to read:

664 893.05 Practitioners and persons administering controlled
 665 substances in their absence.—

666 (1) A practitioner, in good faith and in the course of his
 667 or her professional practice only, may prescribe, administer,
 668 dispense, mix, or otherwise prepare a controlled substance, or
 669 the practitioner may cause the same to be administered by a
 670 licensed nurse or an intern practitioner under his or her
 671 direction and supervision only. A veterinarian may so prescribe,
 672 administer, dispense, mix, or prepare a controlled substance for
 673 use on animals only, and may cause it to be administered by an
 674 assistant or orderly under the veterinarian's direction and
 675 supervision only. A certified optometrist licensed under chapter
 676 463 may not administer or prescribe a controlled substance

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677 listed in Schedule I or Schedule II of s. 893.03.

678 Section 12. For the purpose of incorporating the amendment
 679 made by this act to section 893.03, Florida Statutes, in
 680 references thereto, paragraphs (b), (c), and (d) of subsection
 681 (2) of section 893.12, Florida Statutes, are reenacted to read:

682 893.12 Contraband; seizure, forfeiture, sale.—

683 (2)

684 (b) All real property, including any right, title,
 685 leasehold interest, and other interest in the whole of any lot
 686 or tract of land and any appurtenances or improvements, which
 687 real property is used, or intended to be used, in any manner or
 688 part, to commit or to facilitate the commission of, or which
 689 real property is acquired with proceeds obtained as a result of,
 690 a violation of any provision of this chapter related to a
 691 controlled substance described in s. 893.03(1) or (2) may be
 692 seized and forfeited as provided by the Florida Contraband
 693 Forfeiture Act except that no property shall be forfeited under
 694 this paragraph to the extent of an interest of an owner or
 695 lienholder by reason of any act or omission established by that
 696 owner or lienholder to have been committed or omitted without
 697 the knowledge or consent of that owner or lienholder.

698 (c) All moneys, negotiable instruments, securities, and
 699 other things of value furnished or intended to be furnished by
 700 any person in exchange for a controlled substance described in
 701 s. 893.03(1) or (2) or a listed chemical in violation of any
 702 provision of this chapter, all proceeds traceable to such an

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703 exchange, and all moneys, negotiable instruments, and securities
 704 used or intended to be used to facilitate any violation of any
 705 provision of this chapter or which are acquired with proceeds
 706 obtained in violation of any provision of this chapter may be
 707 seized and forfeited as provided by the Florida Contraband
 708 Forfeiture Act, except that no property shall be forfeited under
 709 this paragraph to the extent of an interest of an owner or
 710 lienholder by reason of any act or omission established by that
 711 owner or lienholder to have been committed or omitted without
 712 the knowledge or consent of that owner or lienholder.

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

720 Section 13. For the purpose of incorporating the amendment
 721 made by this act to section 893.03, Florida Statutes, in
 722 references thereto, paragraphs (a), (c), (d), (e), (f), and (h)
 723 of subsection (1), paragraph (a) of subsection (2), paragraph
 724 (b) of subsection (4), paragraph (b) of subsection (5), and
 725 paragraph (a) of subsection (7) of section 893.13, Florida
 726 Statutes, are reenacted to read:

727 893.13 Prohibited acts; penalties.—

728 (1) (a) Except as authorized by this chapter and chapter

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729 499, a person may not sell, manufacture, or deliver, or possess
 730 with intent to sell, manufacture, or deliver, a controlled
 731 substance. A person who violates this provision with respect to:

732 1. A controlled substance named or described in s.
 733 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 734 commits a felony of the second degree, punishable as provided in
 735 s. 775.082, s. 775.083, or s. 775.084.

736 2. A controlled substance named or described in s.
 737 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 738 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 739 the third degree, punishable as provided in s. 775.082, s.
 740 775.083, or s. 775.084.

741 3. A controlled substance named or described in s.
 742 893.03(5) commits a misdemeanor of the first degree, punishable
 743 as provided in s. 775.082 or s. 775.083.

744 (c) Except as authorized by this chapter, a person may not
 745 sell, manufacture, or deliver, or possess with intent to sell,
 746 manufacture, or deliver, a controlled substance in, on, or
 747 within 1,000 feet of the real property comprising a child care
 748 facility as defined in s. 402.302 or a public or private
 749 elementary, middle, or secondary school between the hours of 6
 750 a.m. and 12 midnight, or at any time in, on, or within 1,000
 751 feet of real property comprising a state, county, or municipal
 752 park, a community center, or a publicly owned recreational
 753 facility. As used in this paragraph, the term "community center"
 754 means a facility operated by a nonprofit community-based

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755 organization for the provision of recreational, social, or
 756 educational services to the public. A person who violates this
 757 paragraph with respect to:

758 1. A controlled substance named or described in s.
 759 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 760 commits a felony of the first degree, punishable as provided in
 761 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 762 sentenced to a minimum term of imprisonment of 3 calendar years
 763 unless the offense was committed within 1,000 feet of the real
 764 property comprising a child care facility as defined in s.
 765 402.302.

766 2. A controlled substance named or described in s.
 767 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 768 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 769 the second degree, punishable as provided in s. 775.082, s.
 770 775.083, or s. 775.084.

771 3. Any other controlled substance, except as lawfully
 772 sold, manufactured, or delivered, must be sentenced to pay a
 773 \$500 fine and to serve 100 hours of public service in addition
 774 to any other penalty prescribed by law.

775
 776 This paragraph does not apply to a child care facility unless
 777 the owner or operator of the facility posts a sign that is not
 778 less than 2 square feet in size with a word legend identifying
 779 the facility as a licensed child care facility and that is
 780 posted on the property of the child care facility in a

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781 conspicuous place where the sign is reasonably visible to the
782 public.

783 (d) Except as authorized by this chapter, a person may not
784 sell, manufacture, or deliver, or possess with intent to sell,
785 manufacture, or deliver, a controlled substance in, on, or
786 within 1,000 feet of the real property comprising a public or
787 private college, university, or other postsecondary educational
788 institution. A person who violates this paragraph with respect
789 to:

790 1. A controlled substance named or described in s.
791 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
792 commits a felony of the first degree, punishable as provided in
793 s. 775.082, s. 775.083, or s. 775.084.

794 2. A controlled substance named or described in s.
795 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
796 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
797 the second degree, punishable as provided in s. 775.082, s.
798 775.083, or s. 775.084.

799 3. Any other controlled substance, except as lawfully
800 sold, manufactured, or delivered, must be sentenced to pay a
801 \$500 fine and to serve 100 hours of public service in addition
802 to any other penalty prescribed by law.

803 (e) Except as authorized by this chapter, a person may not
804 sell, manufacture, or deliver, or possess with intent to sell,
805 manufacture, or deliver, a controlled substance not authorized
806 by law in, on, or within 1,000 feet of a physical place for

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807 | worship at which a church or religious organization regularly
808 | conducts religious services or within 1,000 feet of a
809 | convenience business as defined in s. 812.171. A person who
810 | violates this paragraph with respect to:

811 | 1. A controlled substance named or described in s.
812 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
813 | commits a felony of the first degree, punishable as provided in
814 | s. 775.082, s. 775.083, or s. 775.084.

815 | 2. A controlled substance named or described in s.
816 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
817 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
818 | the second degree, punishable as provided in s. 775.082, s.
819 | 775.083, or s. 775.084.

820 | 3. Any other controlled substance, except as lawfully
821 | sold, manufactured, or delivered, must be sentenced to pay a
822 | \$500 fine and to serve 100 hours of public service in addition
823 | to any other penalty prescribed by law.

824 | (f) Except as authorized by this chapter, a person may not
825 | sell, manufacture, or deliver, or possess with intent to sell,
826 | manufacture, or deliver, a controlled substance in, on, or
827 | within 1,000 feet of the real property comprising a public
828 | housing facility at any time. As used in this section, the term
829 | "real property comprising a public housing facility" means real
830 | property, as defined in s. 421.03(12), of a public corporation
831 | created as a housing authority pursuant to part I of chapter
832 | 421. A person who violates this paragraph with respect to:

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833 1. A controlled substance named or described in s.
834 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
835 commits a felony of the first degree, punishable as provided in
836 s. 775.082, s. 775.083, or s. 775.084.

837 2. A controlled substance named or described in s.
838 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
839 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
840 the second degree, punishable as provided in s. 775.082, s.
841 775.083, or s. 775.084.

842 3. Any other controlled substance, except as lawfully
843 sold, manufactured, or delivered, must be sentenced to pay a
844 \$500 fine and to serve 100 hours of public service in addition
845 to any other penalty prescribed by law.

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

852 1. A controlled substance named or described in s.
853 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
854 commits a felony of the first degree, punishable as provided in
855 s. 775.082, s. 775.083, or s. 775.084.

856 2. A controlled substance named or described in s.
857 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
858 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of

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859 the second degree, punishable as provided in s. 775.082, s.
860 775.083, or s. 775.084.

861 (2) (a) Except as authorized by this chapter and chapter
862 499, a person may not purchase, or possess with intent to
863 purchase, a controlled substance. A person who violates this
864 provision with respect to:

865 1. A controlled substance named or described in s.
866 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.
867 commits a felony of the second degree, punishable as provided in
868 s. 775.082, s. 775.083, or s. 775.084.

869 2. A controlled substance named or described in s.
870 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
871 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
872 the third degree, punishable as provided in s. 775.082, s.
873 775.083, or s. 775.084.

874 3. A controlled substance named or described in s.
875 893.03(5) commits a misdemeanor of the first degree, punishable
876 as provided in s. 775.082 or s. 775.083.

877 (4) Except as authorized by this chapter, a person 18
878 years of age or older may not deliver any controlled substance
879 to a person younger than 18 years of age, use or hire a person
880 younger than 18 years of age as an agent or employee in the sale
881 or delivery of such a substance, or use such person to assist in
882 avoiding detection or apprehension for a violation of this
883 chapter. A person who violates this provision with respect to:

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

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885 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 886 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 887 the second degree, punishable as provided in s. 775.082, s.
 888 775.083, or s. 775.084.

889
 890 Imposition of sentence may not be suspended or deferred, and the
 891 person so convicted may not be placed on probation.

892 (5) A person may not bring into this state any controlled
 893 substance unless the possession of such controlled substance is
 894 authorized by this chapter or unless such person is licensed to
 895 do so by the appropriate federal agency. A person who violates
 896 this provision with respect to:

897 (b) A controlled substance named or described in s.
 898 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 899 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 900 the third degree, punishable as provided in s. 775.082, s.
 901 775.083, or s. 775.084.

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

903 1. Distribute or dispense a controlled substance in
 904 violation of this chapter.

905 2. Refuse or fail to make, keep, or furnish any record,
 906 notification, order form, statement, invoice, or information
 907 required under this chapter.

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

910 4. Distribute a controlled substance named or described in

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911 s. 893.03(1) or (2) except pursuant to an order form as required
 912 by s. 893.06.

913 5. Keep or maintain any store, shop, warehouse, dwelling,
 914 building, vehicle, boat, aircraft, or other structure or place
 915 which is resorted to by persons using controlled substances in
 916 violation of this chapter for the purpose of using these
 917 substances, or which is used for keeping or selling them in
 918 violation of this chapter.

919 6. Use to his or her own personal advantage, or reveal,
 920 any information obtained in enforcement of this chapter except
 921 in a prosecution or administrative hearing for a violation of
 922 this chapter.

923 7. Possess a prescription form unless it has been signed
 924 by the practitioner whose name appears printed thereon and
 925 completed. This subparagraph does not apply if the person in
 926 possession of the form is the practitioner whose name appears
 927 printed thereon, an agent or employee of that practitioner, a
 928 pharmacist, or a supplier of prescription forms who is
 929 authorized by that practitioner to possess those forms.

930 8. Withhold information from a practitioner from whom the
 931 person seeks to obtain a controlled substance or a prescription
 932 for a controlled substance that the person making the request
 933 has received a controlled substance or a prescription for a
 934 controlled substance of like therapeutic use from another
 935 practitioner within the previous 30 days.

936 9. Acquire or obtain, or attempt to acquire or obtain,

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937 possession of a controlled substance by misrepresentation,
 938 fraud, forgery, deception, or subterfuge.

939 10. Affix any false or forged label to a package or
 940 receptacle containing a controlled substance.

941 11. Furnish false or fraudulent material information in,
 942 or omit any material information from, any report or other
 943 document required to be kept or filed under this chapter or any
 944 record required to be kept by this chapter.

945 12. Store anhydrous ammonia in a container that is not
 946 approved by the United States Department of Transportation to
 947 hold anhydrous ammonia or is not constructed in accordance with
 948 sound engineering, agricultural, or commercial practices.

949 13. With the intent to obtain a controlled substance or
 950 combination of controlled substances that are not medically
 951 necessary for the person or an amount of a controlled substance
 952 or substances that is not medically necessary for the person,
 953 obtain or attempt to obtain from a practitioner a controlled
 954 substance or a prescription for a controlled substance by
 955 misrepresentation, fraud, forgery, deception, subterfuge, or
 956 concealment of a material fact. For purposes of this
 957 subparagraph, a material fact includes whether the person has an
 958 existing prescription for a controlled substance issued for the
 959 same period of time by another practitioner or as described in
 960 subparagraph 8.

961 Section 14. For the purpose of incorporating the amendment
 962 made by this act to section 893.03, Florida Statutes, in

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963 references thereto, paragraphs (k) and (l) of subsection (1) of
 964 section 893.135, Florida Statutes, are reenacted to read:

965 893.135 Trafficking; mandatory sentences; suspension or
 966 reduction of sentences; conspiracy to engage in trafficking.—

967 (1) Except as authorized in this chapter or in chapter 499
 968 and notwithstanding the provisions of s. 893.13:

969 (k)1. A person who knowingly sells, purchases,
 970 manufactures, delivers, or brings into this state, or who is
 971 knowingly in actual or constructive possession of, 10 grams or
 972 more of any of the following substances described in s.

973 893.03(1) (c):

- 974 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 975 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 976 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 977 d. 2,5-Dimethoxyamphetamine;
- 978 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 979 f. N-ethylamphetamine;
- 980 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 981 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 982 i. 4-methoxyamphetamine;
- 983 j. 4-methoxymethamphetamine;
- 984 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 985 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 986 m. 3,4-Methylenedioxyamphetamine;
- 987 n. N,N-dimethylamphetamine;
- 988 o. 3,4,5-Trimethoxyamphetamine;

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989 p. 3,4-Methylenedioxymethcathinone;
 990 q. 3,4-Methylenedioxypropylone (MDPV); or
 991 r. Methylenedioxymethamphetamine,
 992
 993 individually or analogs thereto or isomers thereto or in any
 994 combination of or any mixture containing any substance listed in
 995 sub-subparagraphs a.-r., commits a felony of the first degree,
 996 which felony shall be known as "trafficking in Phenethylamines,"
 997 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 998 2. If the quantity involved:
 999 a. Is 10 grams or more, but less than 200 grams, such
 1000 person shall be sentenced to a mandatory minimum term of
 1001 imprisonment of 3 years and shall be ordered to pay a fine of
 1002 \$50,000.
 1003 b. Is 200 grams or more, but less than 400 grams, such
 1004 person shall be sentenced to a mandatory minimum term of
 1005 imprisonment of 7 years and shall be ordered to pay a fine of
 1006 \$100,000.
 1007 c. Is 400 grams or more, such person shall be sentenced to
 1008 a mandatory minimum term of imprisonment of 15 years and shall
 1009 be ordered to pay a fine of \$250,000.
 1010 3. A person who knowingly manufactures or brings into this
 1011 state 30 kilograms or more of any of the following substances
 1012 described in s. 893.03(1)(c):
 1013 a. 3,4-Methylenedioxymethamphetamine (MDMA);
 1014 b. 4-Bromo-2,5-dimethoxyamphetamine;

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- 1015 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 1016 d. 2,5-Dimethoxyamphetamine;
- 1017 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 1018 f. N-ethylamphetamine;
- 1019 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 1020 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 1021 i. 4-methoxyamphetamine;
- 1022 j. 4-methoxymethamphetamine;
- 1023 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 1024 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 1025 m. 3,4-Methylenedioxyamphetamine;
- 1026 n. N,N-dimethylamphetamine;
- 1027 o. 3,4,5-Trimethoxyamphetamine;
- 1028 p. 3,4-Methylenedioxymethcathinone;
- 1029 q. 3,4-Methylenedioxypyrovalerone (MDPV); or
- 1030 r. Methylmethcathinone,

1031
 1032 individually or analogs thereto or isomers thereto or in any
 1033 combination of or any mixture containing any substance listed in
 1034 sub-subparagraphs a.-r., and who knows that the probable result
 1035 of such manufacture or importation would be the death of any
 1036 person commits capital manufacture or importation of
 1037 Phenethylamines, a capital felony punishable as provided in ss.
 1038 775.082 and 921.142. A person sentenced for a capital felony
 1039 under this paragraph shall also be sentenced to pay the maximum
 1040 fine provided under subparagraph 1.

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1041 (1)1. Any person who knowingly sells, purchases,
 1042 manufactures, delivers, or brings into this state, or who is
 1043 knowingly in actual or constructive possession of, 1 gram or
 1044 more of lysergic acid diethylamide (LSD) as described in s.
 1045 893.03(1)(c), or of any mixture containing lysergic acid
 1046 diethylamide (LSD), commits a felony of the first degree, which
 1047 felony shall be known as "trafficking in lysergic acid
 1048 diethylamide (LSD)," punishable as provided in s. 775.082, s.
 1049 775.083, or s. 775.084. If the quantity involved:

1050 a. Is 1 gram or more, but less than 5 grams, such person
 1051 shall be sentenced to a mandatory minimum term of imprisonment
 1052 of 3 years, and the defendant shall be ordered to pay a fine of
 1053 \$50,000.

1054 b. Is 5 grams or more, but less than 7 grams, such person
 1055 shall be sentenced to a mandatory minimum term of imprisonment
 1056 of 7 years, and the defendant shall be ordered to pay a fine of
 1057 \$100,000.

1058 c. Is 7 grams or more, such person shall be sentenced to a
 1059 mandatory minimum term of imprisonment of 15 calendar years and
 1060 pay a fine of \$500,000.

1061 2. Any person who knowingly manufactures or brings into
 1062 this state 7 grams or more of lysergic acid diethylamide (LSD)
 1063 as described in s. 893.03(1)(c), or any mixture containing
 1064 lysergic acid diethylamide (LSD), and who knows that the
 1065 probable result of such manufacture or importation would be the
 1066 death of any person commits capital manufacture or importation

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1067 of lysergic acid diethylamide (LSD), a capital felony punishable
 1068 as provided in ss. 775.082 and 921.142. Any person sentenced for
 1069 a capital felony under this paragraph shall also be sentenced to
 1070 pay the maximum fine provided under subparagraph 1.

1071 Section 15. For the purpose of incorporating the amendment
 1072 made by this act to section 893.03, Florida Statutes, in
 1073 references thereto, paragraphs (b), (c), and (e) of subsection
 1074 (3) of section 921.0022, Florida Statutes, are reenacted to
 1075 read:

1076 921.0022 Criminal Punishment Code; offense severity
 1077 ranking chart.—

1078 (3) OFFENSE SEVERITY RANKING CHART

1079 (b) LEVEL 2

1080

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

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1083	403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
1084	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
1085	590.28 (1)	3rd	Intentional burning of lands.
1086	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
1087	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
1088			

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1089	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
1090	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
1091	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
1092	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
1093	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
	812.015 (7)	3rd	Possession, use, or attempted

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1094	817.234 (1) (a) 2.	3rd	use of an antishoplifting or inventory control device countermeasure. False statement in support of insurance claim.
1095	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
1096	817.52 (3)	3rd	Failure to redeliver hired vehicle.
1097	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
1098	817.60 (5)	3rd	Dealing in credit cards of another.
1099	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.

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1100	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
1101	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
1102	831.01	3rd	Forgery.
1103	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
1104	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
1105	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
1106	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
1107			

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1108	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
1109	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
1110	843.08	3rd	Falsely impersonating an officer.
1111	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.
1112	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
1113	(c) LEVEL 3		
1114	Florida	Felony	
1115	Statute	Degree	Description

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1116	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
1117	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
1118	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
1119	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
1120	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
1121	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
	319.33 (1) (c)	3rd	Procure or pass title

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1122			on stolen vehicle.
1123	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
1124	327.35 (2) (b)	3rd	Felony BUI.
1125	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
1126	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
1127	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,

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1128	379.2431 (1) (e) 6.	3rd	selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
1129	400.9935 (4)	3rd	Operating a clinic without a license or filing false license application or other required information.
1130	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
1131	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.

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1132	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
1133	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
1134	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
1135	697.08	3rd	Equity skimming.
1136	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
1137	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
1138	806.10 (2)	3rd	Interferes with or assaults firefighter in performance

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1139	810.09(2)(c)	3rd	of duty. Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
1140	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
1141	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
1142	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
1143	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less

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1144			than \$20,000.
1144	817.233	3rd	Burning to defraud insurer.
1145	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1146	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
1147	817.236	3rd	Filing a false motor vehicle insurance application.
1148	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
1149	817.413 (2)	3rd	Sale of used goods as new.
1150	817.505 (4)	3rd	Patient brokering.
1151			

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1152	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
1153	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
1154	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
1155	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
1156	843.19	3rd	Injure, disable, or kill police dog or horse.
1157	860.15 (3)	3rd	Overcharging for repairs and parts.

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1158	870.01 (2)	3rd	Riot; inciting or encouraging.
1159	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).
1160	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.
1160	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.,

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1161	893.13 (6) (a)	3rd	(2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of public housing facility.
1162	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
1163	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
1164	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
1165	893.13 (7) (a) 11.	3rd	Furnish false or

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1166	893.13(8)(a)1.	3rd	<p>fraudulent material information on any document or record required by chapter 893.</p> <p>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.</p>
1167	893.13(8)(a)2.	3rd	<p>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.</p>
1168	893.13(8)(a)3.	3rd	<p>Knowingly write a prescription for a controlled substance for a fictitious person.</p>

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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.
918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
(e) LEVEL 5		

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1176	Florida	Felony		Description
	Statute	Degree		
1177	316.027 (2) (a)		3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
1178	316.1935 (4) (a)		2nd	Aggravated fleeing or eluding.
1179	322.34 (6)		3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
1180	327.30 (5)		3rd	Vessel accidents involving personal injury; leaving scene.
1181	379.367 (4)		3rd	Willful molestation of a commercial harvester's

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1182	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
1183	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
1184	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
1185	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
1186	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing

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1187	624.401 (4) (b) 2.	2nd	workers' compensation premiums. Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1188	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
1189	790.01 (2)	3rd	Carrying a concealed firearm.
1190	790.162	2nd	Threat to throw or discharge destructive device.
1191	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
1192	790.221 (1)	2nd	Possession of short-barreled shotgun or

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1193			machine gun.
1194	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
1195	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
1196	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
1197	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
1198	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than

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1199			\$50,000.
1200	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
1201	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
1202	812.131 (2) (b)	3rd	Robbery by sudden snatching.
1203	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
1204	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
1205	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false

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1206	817.568 (2) (b)	2nd	<p>entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.</p> <p>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.</p>
1207	817.625 (2) (b)	2nd	<p>Second or subsequent fraudulent use of scanning device or reencoder.</p>
1208	825.1025 (4)	3rd	<p>Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.</p>
1209			

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1210	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
1211	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
1212	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.
1213	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
1213	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.

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1214	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
1215	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
1216	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
1217	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
1218	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).
1219	893.13 (1) (c) 2.	2nd	Sell, manufacture, or deliver cannabis (or other

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			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.
1220	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.
1221	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.,

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1222	893.13 (1) (f) 1.	1st	(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.
1223	893.13 (4) (b)	2nd	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.
1224	893.1351 (1)	3rd	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).
			Ownership, lease, or rental for trafficking in or manufacturing of controlled

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substance.

1225

1226

1227

Section 16. This act shall take effect upon becoming a
law.