

By the Committee on Criminal Justice; and Senator Latvala

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1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 893.03, F.S.; scheduling Mitragynine and 7-
4 Hydroxymitragynine, constituents of Kratom, in a
5 schedule of controlled substances; scheduling isomers,
6 esters, ethers, salts, and salts of isomers, esters,
7 and ethers of Mitragynine and 7-Hydroxymitragynine in
8 a schedule of controlled substances; providing an
9 exception from scheduling for any drug product
10 approved by the United States Food and Drug
11 Administration which contains Mitragynine or 7-
12 Hydroxymitragynine; amending s. 893.13, F.S.;
13 providing a criminal penalty; reenacting s.
14 39.01(30)(a) and (g), F.S., relating to definitions
15 used in chapter 39, F.S., s. 316.193(5), F.S.,
16 relating to driving under the influence, s.
17 322.2616(2)(c), F.S., relating to suspension of driver
18 licenses, s. 327.35(5), F.S., relating to boating
19 under the influence, s. 440.102(11)(b), F.S., relating
20 to drug-free workplace programs, ss. 458.3265(1)(e)
21 and 459.0137(1)(e), F.S., relating to pain-management
22 clinics, s. 782.04(1)(a) and (4), F.S., relating to
23 murder, s. 787.06(2)(a), F.S., relating to human
24 trafficking, s. 817.563, F.S., relating to sale of
25 substance in lieu of a controlled substance, s.
26 831.31(1)(a) and (2), F.S., relating to counterfeit
27 controlled substance, s. 856.015(1)(c), F.S., relating
28 to open house parties, s. 893.02(4), F.S., relating to
29 definitions, ss. 893.035(2), (7)(a), and (8)(a), and
30 893.0356(2)(a) and (5), F.S., relating to control of
31 new substances, s. 893.05(1), F.S., relating to
32 practitioners and persons administering controlled

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33 substances in their absence, s. 893.12(2)(b), (c), and
34 (d), F.S., relating to contraband, seizure,
35 forfeiture, and sale, s. 893.13(1)(a), (c), (d), (e),
36 (f), and (h), (2)(a), (4)(b), (5)(b), and (7)(a),
37 F.S., relating to prohibited acts and penalties, and
38 921.0022(3)(b), (c), and (e), F.S., relating to the
39 offense severity ranking chart of the Criminal
40 Punishment Code, to incorporate the amendment made by
41 the act to s. 893.03, F.S., in references thereto;
42 providing an effective date.

43
44 Be It Enacted by the Legislature of the State of Florida:

45
46 Section 1. Paragraph (c) of subsection (1) of section
47 893.03, Florida Statutes, is amended to read:

48 893.03 Standards and schedules.—The substances enumerated
49 in this section are controlled by this chapter. The controlled
50 substances listed or to be listed in Schedules I, II, III, IV,
51 and V are included by whatever official, common, usual,
52 chemical, or trade name designated. The provisions of this
53 section shall not be construed to include within any of the
54 schedules contained in this section any excluded drugs listed
55 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
56 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
57 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
58 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
59 Anabolic Steroid Products."

60 (1) SCHEDULE I.—A substance in Schedule I has a high
61 potential for abuse and has no currently accepted medical use in

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62 treatment in the United States and in its use under medical
63 supervision does not meet accepted safety standards. The
64 following substances are controlled in Schedule I:

65 (c) Unless specifically excepted or unless listed in
66 another schedule, any material, compound, mixture, or
67 preparation that contains any quantity of the following
68 hallucinogenic substances or that contains any of their salts,
69 isomers, including optical, positional, or geometric isomers,
70 and salts of isomers, if the existence of such salts, isomers,
71 and salts of isomers is possible within the specific chemical
72 designation:

- 73 1. Alpha-ethyltryptamine.
- 74 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
75 methylaminorex).
- 76 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 77 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 78 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 79 6. Bufotenine.
- 80 7. Cannabis.
- 81 8. Cathinone.
- 82 9. Diethyltryptamine.
- 83 10. 2,5-Dimethoxyamphetamine.
- 84 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 85 12. Dimethyltryptamine.
- 86 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
87 analog of phencyclidine).
- 88 14. N-Ethyl-3-piperidyl benzilate.
- 89 15. N-ethylamphetamine.
- 90 16. Fenethylamine.

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- 91 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
92 18. Ibogaine.
93 19. Lysergic acid diethylamide (LSD).
94 20. Mescaline.
95 21. Methcathinone.
96 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
97 23. 4-methoxyamphetamine.
98 24. 4-methoxymethamphetamine.
99 25. 4-Methyl-2,5-dimethoxyamphetamine.
100 26. 3,4-Methylenedioxy-N-ethylamphetamine.
101 27. 3,4-Methylenedioxyamphetamine.
102 28. N-Methyl-3-piperidyl benzilate.
103 29. N,N-dimethylamphetamine.
104 30. Parahexyl.
105 31. Peyote.
106 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
107 analog of phencyclidine).
108 33. Psilocybin.
109 34. Psilocyn.
110 35. *Salvia divinorum*, except for any drug product approved
111 by the United States Food and Drug Administration which contains
112 *Salvia divinorum* or its isomers, esters, ethers, salts, and
113 salts of isomers, esters, and ethers, if the existence of such
114 isomers, esters, ethers, and salts is possible within the
115 specific chemical designation.
116 36. Salvinorin A, except for any drug product approved by
117 the United States Food and Drug Administration which contains
118 Salvinorin A or its isomers, esters, ethers, salts, and salts of
119 isomers, esters, and ethers, if the existence of such isomers,

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- 120 esters, ethers, and salts is possible within the specific
121 chemical designation.
- 122 37. Tetrahydrocannabinols.
- 123 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
124 (Thiophene analog of phencyclidine).
- 125 39. 3,4,5-Trimethoxyamphetamine.
- 126 40. 3,4-Methylenedioxy methcathinone.
- 127 41. 3,4-Methylenedioxy pyrovalerone (MDPV).
- 128 42. Methylmethcathinone.
- 129 43. Methoxymethcathinone.
- 130 44. Fluoromethcathinone.
- 131 45. Methylethcathinone.
- 132 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
133 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
134 homologue.
- 135 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
136 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
137 also known as HU-210.
- 138 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
- 139 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
- 140 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also
141 known as JWH-200.
- 142 51. BZP (Benzylpiperazine).
- 143 52. Fluorophenylpiperazine.
- 144 53. Methylphenylpiperazine.
- 145 54. Chlorophenylpiperazine.
- 146 55. Methoxyphenylpiperazine.
- 147 56. DBZP (1,4-dibenzylpiperazine).
- 148 57. TFMPP (3-Trifluoromethylphenylpiperazine).

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- 149 58. MBDB (Methylbenzodioxolylbutanamine).
150 59. 5-Hydroxy-alpha-methyltryptamine.
151 60. 5-Hydroxy-N-methyltryptamine.
152 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
153 62. 5-Methoxy-alpha-methyltryptamine.
154 63. Methyltryptamine.
155 64. 5-Methoxy-N,N-dimethyltryptamine.
156 65. 5-Methyl-N,N-dimethyltryptamine.
157 66. Tyramine (4-Hydroxyphenethylamine).
158 67. 5-Methoxy-N,N-Diisopropyltryptamine.
159 68. DiPT (N,N-Diisopropyltryptamine).
160 69. DPT (N,N-Dipropyltryptamine).
161 70. 4-Hydroxy-N,N-diisopropyltryptamine.
162 71. N,N-Diallyl-5-Methoxytryptamine.
163 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
164 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
165 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
166 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
167 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
168 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
169 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
170 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
171 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
172 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
173 82. Ethcathinone.
174 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
175 84. Naphyrone (naphthylpyrovalerone).
176 85. N-N-Dimethyl-3,4-methylenedioxycathinone.
177 86. N-N-Diethyl-3,4-methylenedioxycathinone.

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- 178 87. 3,4-methylenedioxy-propiofenone.
179 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
180 89. 3,4-methylenedioxy-propiofenone-2-oxime.
181 90. N-Acetyl-3,4-methylenedioxcathinone.
182 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
183 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
184 93. Bromomethcathinone.
185 94. Buphedrone (alpha-methylamino-butyrophenone).
186 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
187 96. Dimethylcathinone.
188 97. Dimethylmethcathinone.
189 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
190 99. (MDPPP) 3,4-Methylenedioxy-alpha-
191 pyrrolidinopropiofenone.
192 100. (MDPBP) 3,4-Methylenedioxy-alpha-
193 pyrrolidinobutiophenone.
194 101. Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).
195 102. Methyl-alpha-pyrrolidinohexiofenone (MPHP).
196 103. Benocyclidine (BCP) or
197 benzothiophenylcyclohexylpiperidine (BTCP).
198 104. Fluoromethylaminobutyrophenone (F-MABP).
199 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
200 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
201 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
202 108. Methyleneethylaminobutyrophenone (Me-EABP).
203 109. Methylamino-butyrophenone (MABP).
204 110. Pyrrolidinopropiofenone (PPP).
205 111. Pyrrolidinobutiophenone (PBP).
206 112. Pyrrolidinovalerophenone (PVP).

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- 207 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
- 208 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
- 209 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
- 210 naphthalenylmethanone).
- 211 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-
- 212 yl)methanone).
- 213 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- 214 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-
- 215 yl)methanone).
- 216 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-
- 217 yl)methanone).
- 218 120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
- 219 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-
- 220 tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
- 221 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-
- 222 indole).
- 223 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
- 224 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-
- 225 yl)ethanone).
- 226 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
- 227 yl)methanone).
- 228 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
- 229 yl)ethanone).
- 230 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-
- 231 yl)ethanone).
- 232 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
- 233 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- 234 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
- 235 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-

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236 ol) .

237 131. HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-

238 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]

239 methanol) .

240 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-

241 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-

242 1,4-dione) .

243 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-

244 yl)methanone) .

245 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-

246 undecanamide) .

247 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-

248 undecanamide) .

249 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-

250 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol) .

251 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-

252 iodophenyl)methanone) .

253 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-

254 (naphthalen-1-yl)methanone) .

255 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-

256 yl)methanone) .

257 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-

258 methoxyphenylethanone) .

259 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-

260 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

261 naphthalenylmethanone) .

262 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-

263 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

264 naphthalenylmethanone) .

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- 265 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).
266 144. Fluoroamphetamine.
267 145. Fluoromethamphetamine.
268 146. Methoxetamine.
269 147. Methiopropamine.
270 148. 4-Methylbuphedrone (2-Methylamino-1-(4-
271 methylphenyl)butan-1-one).
272 149. APB ((2-aminopropyl)benzofuran).
273 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
274 151. UR-144 ((1-pentyl-1H-indol-3-yl) (2,2,3,3-
275 tetramethylcyclopropyl)methanone).
276 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl) (2,2,3,3-
277 tetramethylcyclopropyl)methanone).
278 153. (1-(5-chloropentyl)-1H-indol-3-yl) (2,2,3,3-
279 tetramethylcyclopropyl)methanone.
280 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-
281 indazole-3-carboxamide).
282 155. AM-2233 ((2-iodophenyl) [1-[(1-methyl-2-
283 piperidinyl)methyl]-1H-indol-3-yl]-methanone).
284 156. STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-
285 1-yl-1H-indole-3-carboxamide).
286 157. URB-597 ((3'-(aminocarbonyl) [1,1'-biphenyl]-3-yl)-
287 cyclohexylcarbamate).
288 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,
289 cyclohexyl ester).
290 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-
291 benzoxazin-4-one).
292 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).
293 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).

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

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

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

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

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

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

338 893.13 Prohibited acts; penalties.—

339 (11) This subsection shall apply exclusively to a violation
340 of this section involving a controlled substance described in s.
341 893.03(1)(c)181. A person who sells or delivers a controlled
342 substance described in s. 893.03(1)(c)181. to a person younger
343 than 18 years of age, or possesses a controlled substance
344 described in s. 893.03(1)(c)181. with the intent to sell or
345 deliver such substance to a person younger than 18 years of age,
346 commits a misdemeanor of the first degree, punishable as
347 provided in s. 775.082 or s. 775.083.

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

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352 39.01 Definitions.—When used in this chapter, unless the
353 context otherwise requires:

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

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

364 1. Willful acts that produce the following specific
365 injuries:

366 a. Sprains, dislocations, or cartilage damage.

367 b. Bone or skull fractures.

368 c. Brain or spinal cord damage.

369 d. Intracranial hemorrhage or injury to other internal
370 organs.

371 e. Asphyxiation, suffocation, or drowning.

372 f. Injury resulting from the use of a deadly weapon.

373 g. Burns or scalding.

374 h. Cuts, lacerations, punctures, or bites.

375 i. Permanent or temporary disfigurement.

376 j. Permanent or temporary loss or impairment of a body part
377 or function.

378

379 As used in this subparagraph, the term "willful" refers to the
380 intent to perform an action, not to the intent to achieve a

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381 result or to cause an injury.

382 2. Purposely giving a child poison, alcohol, drugs, or
383 other substances that substantially affect the child's behavior,
384 motor coordination, or judgment or that result in sickness or
385 internal injury. For the purposes of this subparagraph, the term
386 "drugs" means prescription drugs not prescribed for the child or
387 not administered as prescribed, and controlled substances as
388 outlined in Schedule I or Schedule II of s. 893.03.

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

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

- 404 a. Sprains, dislocations, or cartilage damage.
405 b. Bone or skull fractures.
406 c. Brain or spinal cord damage.
407 d. Intracranial hemorrhage or injury to other internal
408 organs.
409 e. Asphyxiation, suffocation, or drowning.

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410 f. Injury resulting from the use of a deadly weapon.

411 g. Burns or scalding.

412 h. Cuts, lacerations, punctures, or bites.

413 i. Permanent or temporary disfigurement.

414 j. Permanent or temporary loss or impairment of a body part
415 or function.

416 k. Significant bruises or welts.

417 (g) Exposes a child to a controlled substance or alcohol.

418 Exposure to a controlled substance or alcohol is established by:

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

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

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

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

436 316.193 Driving under the influence; penalties.—

437 (5) The court shall place all offenders convicted of
438 violating this section on monthly reporting probation and shall

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439 require completion of a substance abuse course conducted by a
440 DUI program licensed by the department under s. 322.292, which
441 must include a psychosocial evaluation of the offender. If the
442 DUI program refers the offender to an authorized substance abuse
443 treatment provider for substance abuse treatment, in addition to
444 any sentence or fine imposed under this section, completion of
445 all such education, evaluation, and treatment is a condition of
446 reporting probation. The offender shall assume reasonable costs
447 for such education, evaluation, and treatment. The referral to
448 treatment resulting from a psychosocial evaluation shall not be
449 waived without a supporting independent psychosocial evaluation
450 conducted by an authorized substance abuse treatment provider
451 appointed by the court, which shall have access to the DUI
452 program's psychosocial evaluation before the independent
453 psychosocial evaluation is conducted. The court shall review the
454 results and recommendations of both evaluations before
455 determining the request for waiver. The offender shall bear the
456 full cost of this procedure. The term "substance abuse" means
457 the abuse of alcohol or any substance named or described in
458 Schedules I through V of s. 893.03. If an offender referred to
459 treatment under this subsection fails to report for or complete
460 such treatment or fails to complete the DUI program substance
461 abuse education course and evaluation, the DUI program shall
462 notify the court and the department of the failure. Upon receipt
463 of the notice, the department shall cancel the offender's
464 driving privilege, notwithstanding the terms of the court order
465 or any suspension or revocation of the driving privilege. The
466 department may temporarily reinstate the driving privilege on a
467 restricted basis upon verification from the DUI program that the

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

484 Section 5. For the purpose of incorporating the amendment
485 made by this act to section 893.03, Florida Statutes, in a
486 reference thereto, paragraph (c) of subsection (2) of section
487 322.2616, Florida Statutes, is reenacted to read:

488 322.2616 Suspension of license; persons under 21 years of
489 age; right to review.—

490 (2)

491 (c) When a driver subject to this section has a blood-
492 alcohol or breath-alcohol level of 0.05 or higher, the
493 suspension shall remain in effect until such time as the driver
494 has completed a substance abuse course offered by a DUI program
495 licensed by the department. The driver shall assume the
496 reasonable costs for the substance abuse course. As part of the

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497 substance abuse course, the program shall conduct a substance
498 abuse evaluation of the driver, and notify the parents or legal
499 guardians of drivers under the age of 19 years of the results of
500 the evaluation. The term "substance abuse" means the abuse of
501 alcohol or any substance named or described in Schedules I
502 through V of s. 893.03. If a driver fails to complete the
503 substance abuse education course and evaluation, the driver
504 license shall not be reinstated by the department.

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

509 327.35 Boating under the influence; penalties; "designated
510 drivers."—

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

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526 abuse of alcohol or any substance named or described in
527 Schedules I-V of s. 893.03.

528 Section 7. For the purpose of incorporating the amendment
529 made by this act to section 893.03, Florida Statutes, in a
530 reference thereto, paragraph (b) of subsection (11) of section
531 440.102, Florida Statutes, is reenacted to read:

532 440.102 Drug-free workplace program requirements.—The
533 following provisions apply to a drug-free workplace program
534 implemented pursuant to law or to rules adopted by the Agency
535 for Health Care Administration:

536 (11) PUBLIC EMPLOYEES IN MANDATORY-TESTING OR SPECIAL-RISK
537 POSITIONS.—

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

550 Section 8. For the purpose of incorporating the amendment
551 made by this act to section 893.03, Florida Statutes, in a
552 reference thereto, paragraph (e) of subsection (1) of section
553 458.3265, Florida Statutes, is reenacted to read:

554 458.3265 Pain-management clinics.—

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555 (1) REGISTRATION.—

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

559 1. Whose Drug Enforcement Administration number has ever
560 been revoked.

561 2. Whose application for a license to prescribe, dispense,
562 or administer a controlled substance has been denied by any
563 jurisdiction.

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

570 Section 9. For the purpose of incorporating the amendment
571 made by this act to section 893.03, Florida Statutes, in a
572 reference thereto, paragraph (e) of subsection (1) of section
573 459.0137, Florida Statutes, is reenacted to read:

574 459.0137 Pain-management clinics.—

575 (1) REGISTRATION.—

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

579 1. Whose Drug Enforcement Administration number has ever
580 been revoked.

581 2. Whose application for a license to prescribe, dispense,
582 or administer a controlled substance has been denied by any
583 jurisdiction.

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

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

595 782.04 Murder.—

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

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

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

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

602 b. Arson,

603 c. Sexual battery,

604 d. Robbery,

605 e. Burglary,

606 f. Kidnapping,

607 g. Escape,

608 h. Aggravated child abuse,

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

610 j. Aircraft piracy,

611 k. Unlawful throwing, placing, or discharging of a

612 destructive device or bomb,

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- 613 l. Carjacking,
614 m. Home-invasion robbery,
615 n. Aggravated stalking,
616 o. Murder of another human being,
617 p. Resisting an officer with violence to his or her person,
618 q. Aggravated fleeing or eluding with serious bodily injury
619 or death,
620 r. Felony that is an act of terrorism or is in furtherance
621 of an act of terrorism; or
622 3. Which resulted from the unlawful distribution of any
623 substance controlled under s. 893.03(1), cocaine as described in
624 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
625 compound, derivative, or preparation of opium, or methadone by a
626 person 18 years of age or older, when such drug is proven to be
627 the proximate cause of the death of the user,
628
629 is murder in the first degree and constitutes a capital felony,
630 punishable as provided in s. 775.082.
631 (4) The unlawful killing of a human being, when perpetrated
632 without any design to effect death, by a person engaged in the
633 perpetration of, or in the attempt to perpetrate, any felony
634 other than any:
635 (a) Trafficking offense prohibited by s. 893.135(1),
636 (b) Arson,
637 (c) Sexual battery,
638 (d) Robbery,
639 (e) Burglary,
640 (f) Kidnapping,
641 (g) Escape,

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642 (h) Aggravated child abuse,
643 (i) Aggravated abuse of an elderly person or disabled
644 adult,
645 (j) Aircraft piracy,
646 (k) Unlawful throwing, placing, or discharging of a
647 destructive device or bomb,
648 (l) Unlawful distribution of any substance controlled under
649 s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or
650 opium or any synthetic or natural salt, compound, derivative, or
651 preparation of opium by a person 18 years of age or older, when
652 such drug is proven to be the proximate cause of the death of
653 the user,
654 (m) Carjacking,
655 (n) Home-invasion robbery,
656 (o) Aggravated stalking,
657 (p) Murder of another human being,
658 (q) Aggravated fleeing or eluding with serious bodily
659 injury or death,
660 (r) Resisting an officer with violence to his or her
661 person, or
662 (s) Felony that is an act of terrorism or is in furtherance
663 of an act of terrorism,
664
665 is murder in the third degree and constitutes a felony of the
666 second degree, punishable as provided in s. 775.082, s. 775.083,
667 or s. 775.084.
668 Section 11. For the purpose of incorporating the amendment
669 made by this act to section 893.03, Florida Statutes, in a
670 reference thereto, paragraph (a) of subsection (2) of section

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671 787.06, Florida Statutes, is reenacted to read:

672 787.06 Human trafficking.—

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

674 (a) "Coercion" means:

675 1. Using or threatening to use physical force against any
676 person;

677 2. Restraining, isolating, or confining or threatening to
678 restrain, isolate, or confine any person without lawful
679 authority and against her or his will;

680 3. Using lending or other credit methods to establish a
681 debt by any person when labor or services are pledged as a
682 security for the debt, if the value of the labor or services as
683 reasonably assessed is not applied toward the liquidation of the
684 debt, the length and nature of the labor or services are not
685 respectively limited and defined;

686 4. Destroying, concealing, removing, confiscating,
687 withholding, or possessing any actual or purported passport,
688 visa, or other immigration document, or any other actual or
689 purported government identification document, of any person;

690 5. Causing or threatening to cause financial harm to any
691 person;

692 6. Enticing or luring any person by fraud or deceit; or

693 7. Providing a controlled substance as outlined in Schedule
694 I or Schedule II of s. 893.03 to any person for the purpose of
695 exploitation of that person.

696 Section 12. For the purpose of incorporating the amendment
697 made by this act to section 893.03, Florida Statutes, in a
698 reference thereto, section 817.563, Florida Statutes, is
699 reenacted to read:

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700 817.563 Controlled substance named or described in s.
701 893.03; sale of substance in lieu thereof.—It is unlawful for
702 any person to agree, consent, or in any manner offer to
703 unlawfully sell to any person a controlled substance named or
704 described in s. 893.03 and then sell to such person any other
705 substance in lieu of such controlled substance. Any person who
706 violates this section with respect to:

707 (1) A controlled substance named or described in s.
708 893.03(1), (2), (3), or (4) is guilty of a felony of the third
709 degree, punishable as provided in s. 775.082, s. 775.083, or s.
710 775.084.

711 (2) A controlled substance named or described in s.
712 893.03(5) is guilty of a misdemeanor of the second degree,
713 punishable as provided in s. 775.082 or s. 775.083.

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

719 831.31 Counterfeit controlled substance; sale, manufacture,
720 delivery, or possession with intent to sell, manufacture, or
721 deliver.—

722 (1) It is unlawful for any person to sell, manufacture, or
723 deliver, or to possess with intent to sell, manufacture, or
724 deliver, a counterfeit controlled substance. Any person who
725 violates this subsection with respect to:

726 (a) A controlled substance named or described in s.
727 893.03(1), (2), (3), or (4) is guilty of a felony of the third
728 degree, punishable as provided in s. 775.082, s. 775.083, or s.

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729 775.084.

730 (2) For purposes of this section, "counterfeit controlled
731 substance" means:

732 (a) A controlled substance named or described in s. 893.03
733 which, or the container or labeling of which, without
734 authorization bears the trademark, trade name, or other
735 identifying mark, imprint, or number, or any likeness thereof,
736 of a manufacturer other than the person who in fact manufactured
737 the controlled substance; or

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

740 Section 14. For the purpose of incorporating the amendment
741 made by this act to section 893.03, Florida Statutes, in a
742 reference thereto, paragraph (c) of subsection (1) of section
743 856.015, Florida Statutes, is reenacted to read:

744 856.015 Open house parties.—

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

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

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

752 893.02 Definitions.—The following words and phrases as used
753 in this chapter shall have the following meanings, unless the
754 context otherwise requires:

755 (4) "Controlled substance" means any substance named or
756 described in Schedules I-V of s. 893.03. Laws controlling the
757 manufacture, distribution, preparation, dispensing, or

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758 administration of such substances are drug abuse laws.

759 Section 16. For the purpose of incorporating the amendment
760 made by this act to section 893.03, Florida Statutes, in a
761 reference thereto, subsection (2), paragraph (a) of subsection
762 (7), and paragraph (a) of subsection (8) of section 893.035,
763 Florida Statutes, are reenacted to read:

764 893.035 Control of new substances; findings of fact;
765 delegation of authority to Attorney General to control
766 substances by rule.—

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

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

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

779

780 Rules adopted under this section shall be made pursuant to the
781 rulemaking procedures prescribed by chapter 120.

782 (7) (a) If the Attorney General finds that the scheduling of
783 a substance in Schedule I of s. 893.03 on a temporary basis is
784 necessary to avoid an imminent hazard to the public safety, he
785 or she may by rule and without regard to the requirements of
786 subsection (5) relating to the Department of Health and the

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787 Department of Law Enforcement schedule such substance in
788 Schedule I if the substance is not listed in any other schedule
789 of s. 893.03. The Attorney General shall be required to
790 consider, with respect to his or her finding of imminent hazard
791 to the public safety, only those factors set forth in paragraphs
792 (3) (a) and (4) (d), (e), and (f), including actual abuse,
793 diversion from legitimate channels, and clandestine importation,
794 manufacture, or distribution.

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

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

806 893.0356 Control of new substances; findings of fact;
807 "controlled substance analog" defined.-

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

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

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816 nervous system substantially similar to or greater than that of
817 a controlled substance listed in Schedule I or Schedule II of s.
818 893.03.

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

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

826 893.05 Practitioners and persons administering controlled
827 substances in their absence.—

828 (1) A practitioner, in good faith and in the course of his
829 or her professional practice only, may prescribe, administer,
830 dispense, mix, or otherwise prepare a controlled substance, or
831 the practitioner may cause the same to be administered by a
832 licensed nurse or an intern practitioner under his or her
833 direction and supervision only. A veterinarian may so prescribe,
834 administer, dispense, mix, or prepare a controlled substance for
835 use on animals only, and may cause it to be administered by an
836 assistant or orderly under the veterinarian's direction and
837 supervision only. A certified optometrist licensed under chapter
838 463 may not administer or prescribe a controlled substance
839 listed in Schedule I or Schedule II of s. 893.03.

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

844 893.12 Contraband; seizure, forfeiture, sale.—

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845 (2)

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

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

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874 the knowledge or consent of that owner or lienholder.

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

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

889 893.13 Prohibited acts; penalties.—

890 (1) (a) Except as authorized by this chapter and chapter
891 499, a person may not sell, manufacture, or deliver, or possess
892 with intent to sell, manufacture, or deliver, a controlled
893 substance. A person who violates this provision with respect to:

894 1. A controlled substance named or described in s.
895 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.
896 commits a felony of the second degree, punishable as provided in
897 s. 775.082, s. 775.083, or s. 775.084.

898 2. A controlled substance named or described in s.
899 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
900 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
901 the third degree, punishable as provided in s. 775.082, s.
902 775.083, or s. 775.084.

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903 3. A controlled substance named or described in s.
904 893.03(5) commits a misdemeanor of the first degree, punishable
905 as provided in s. 775.082 or s. 775.083.

906 (c) Except as authorized by this chapter, a person may not
907 sell, manufacture, or deliver, or possess with intent to sell,
908 manufacture, or deliver, a controlled substance in, on, or
909 within 1,000 feet of the real property comprising a child care
910 facility as defined in s. 402.302 or a public or private
911 elementary, middle, or secondary school between the hours of 6
912 a.m. and 12 midnight, or at any time in, on, or within 1,000
913 feet of real property comprising a state, county, or municipal
914 park, a community center, or a publicly owned recreational
915 facility. As used in this paragraph, the term "community center"
916 means a facility operated by a nonprofit community-based
917 organization for the provision of recreational, social, or
918 educational services to the public. A person who violates this
919 paragraph with respect to:

920 1. A controlled substance named or described in s.
921 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
922 commits a felony of the first degree, punishable as provided in
923 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
924 sentenced to a minimum term of imprisonment of 3 calendar years
925 unless the offense was committed within 1,000 feet of the real
926 property comprising a child care facility as defined in s.
927 402.302.

928 2. A controlled substance named or described in s.
929 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
930 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
931 the second degree, punishable as provided in s. 775.082, s.

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932 775.083, or s. 775.084.

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

937

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

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

952 1. A controlled substance named or described in s.
953 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
954 commits a felony of the first degree, punishable as provided in
955 s. 775.082, s. 775.083, or s. 775.084.

956 2. A controlled substance named or described in s.
957 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
958 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
959 the second degree, punishable as provided in s. 775.082, s.
960 775.083, or s. 775.084.

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

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

973 1. A controlled substance named or described in s.
974 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
975 commits a felony of the first degree, punishable as provided in
976 s. 775.082, s. 775.083, or s. 775.084.

977 2. A controlled substance named or described in s.
978 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
979 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
980 the second degree, punishable as provided in s. 775.082, s.
981 775.083, or s. 775.084.

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

986 (f) Except as authorized by this chapter, a person may not
987 sell, manufacture, or deliver, or possess with intent to sell,
988 manufacture, or deliver, a controlled substance in, on, or
989 within 1,000 feet of the real property comprising a public

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990 housing facility at any time. As used in this section, the term
991 "real property comprising a public housing facility" means real
992 property, as defined in s. 421.03(12), of a public corporation
993 created as a housing authority pursuant to part I of chapter
994 421. A person who violates this paragraph with respect to:

995 1. A controlled substance named or described in s.
996 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
997 commits a felony of the first degree, punishable as provided in
998 s. 775.082, s. 775.083, or s. 775.084.

999 2. A controlled substance named or described in s.
1000 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1001 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1002 the second degree, punishable as provided in s. 775.082, s.
1003 775.083, or s. 775.084.

1004 3. Any other controlled substance, except as lawfully sold,
1005 manufactured, or delivered, must be sentenced to pay a \$500 fine
1006 and to serve 100 hours of public service in addition to any
1007 other penalty prescribed by law.

1008 (h) Except as authorized by this chapter, a person may not
1009 sell, manufacture, or deliver, or possess with intent to sell,
1010 manufacture, or deliver, a controlled substance in, on, or
1011 within 1,000 feet of the real property comprising an assisted
1012 living facility, as that term is used in chapter 429. A person
1013 who violates this paragraph with respect to:

1014 1. A controlled substance named or described in s.
1015 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1016 commits a felony of the first degree, punishable as provided in
1017 s. 775.082, s. 775.083, or s. 775.084.

1018 2. A controlled substance named or described in s.

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1019 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1020 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1021 the second degree, punishable as provided in s. 775.082, s.
1022 775.083, or s. 775.084.

1023 (2)(a) Except as authorized by this chapter and chapter
1024 499, a person may not purchase, or possess with intent to
1025 purchase, a controlled substance. A person who violates this
1026 provision with respect to:

1027 1. A controlled substance named or described in s.
1028 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
1029 commits a felony of the second degree, punishable as provided in
1030 s. 775.082, s. 775.083, or s. 775.084.

1031 2. A controlled substance named or described in s.
1032 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1033 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1034 the third degree, punishable as provided in s. 775.082, s.
1035 775.083, or s. 775.084.

1036 3. A controlled substance named or described in s.
1037 893.03(5) commits a misdemeanor of the first degree, punishable
1038 as provided in s. 775.082 or s. 775.083.

1039 (4) Except as authorized by this chapter, a person 18 years
1040 of age or older may not deliver any controlled substance to a
1041 person younger than 18 years of age, use or hire a person
1042 younger than 18 years of age as an agent or employee in the sale
1043 or delivery of such a substance, or use such person to assist in
1044 avoiding detection or apprehension for a violation of this
1045 chapter. A person who violates this provision with respect to:

1046 (b) A controlled substance named or described in s.
1047 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

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1048 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1049 the second degree, punishable as provided in s. 775.082, s.
1050 775.083, or s. 775.084.

1051
1052 Imposition of sentence may not be suspended or deferred, and the
1053 person so convicted may not be placed on probation.

1054 (5) A person may not bring into this state any controlled
1055 substance unless the possession of such controlled substance is
1056 authorized by this chapter or unless such person is licensed to
1057 do so by the appropriate federal agency. A person who violates
1058 this provision with respect to:

1059 (b) A controlled substance named or described in s.
1060 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
1061 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
1062 the third degree, punishable as provided in s. 775.082, s.
1063 775.083, or s. 775.084.

1064 (7)(a) A person may not:

1065 1. Distribute or dispense a controlled substance in
1066 violation of this chapter.

1067 2. Refuse or fail to make, keep, or furnish any record,
1068 notification, order form, statement, invoice, or information
1069 required under this chapter.

1070 3. Refuse entry into any premises for any inspection or
1071 refuse to allow any inspection authorized by this chapter.

1072 4. Distribute a controlled substance named or described in
1073 s. 893.03(1) or (2) except pursuant to an order form as required
1074 by s. 893.06.

1075 5. Keep or maintain any store, shop, warehouse, dwelling,
1076 building, vehicle, boat, aircraft, or other structure or place

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1077 which is resorted to by persons using controlled substances in
1078 violation of this chapter for the purpose of using these
1079 substances, or which is used for keeping or selling them in
1080 violation of this chapter.

1081 6. Use to his or her own personal advantage, or reveal, any
1082 information obtained in enforcement of this chapter except in a
1083 prosecution or administrative hearing for a violation of this
1084 chapter.

1085 7. Possess a prescription form unless it has been signed by
1086 the practitioner whose name appears printed thereon and
1087 completed. This subparagraph does not apply if the person in
1088 possession of the form is the practitioner whose name appears
1089 printed thereon, an agent or employee of that practitioner, a
1090 pharmacist, or a supplier of prescription forms who is
1091 authorized by that practitioner to possess those forms.

1092 8. Withhold information from a practitioner from whom the
1093 person seeks to obtain a controlled substance or a prescription
1094 for a controlled substance that the person making the request
1095 has received a controlled substance or a prescription for a
1096 controlled substance of like therapeutic use from another
1097 practitioner within the previous 30 days.

1098 9. Acquire or obtain, or attempt to acquire or obtain,
1099 possession of a controlled substance by misrepresentation,
1100 fraud, forgery, deception, or subterfuge.

1101 10. Affix any false or forged label to a package or
1102 receptacle containing a controlled substance.

1103 11. Furnish false or fraudulent material information in, or
1104 omit any material information from, any report or other document
1105 required to be kept or filed under this chapter or any record

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1106 required to be kept by this chapter.

1107 12. Store anhydrous ammonia in a container that is not
 1108 approved by the United States Department of Transportation to
 1109 hold anhydrous ammonia or is not constructed in accordance with
 1110 sound engineering, agricultural, or commercial practices.

1111 13. With the intent to obtain a controlled substance or
 1112 combination of controlled substances that are not medically
 1113 necessary for the person or an amount of a controlled substance
 1114 or substances that is not medically necessary for the person,
 1115 obtain or attempt to obtain from a practitioner a controlled
 1116 substance or a prescription for a controlled substance by
 1117 misrepresentation, fraud, forgery, deception, subterfuge, or
 1118 concealment of a material fact. For purposes of this
 1119 subparagraph, a material fact includes whether the person has an
 1120 existing prescription for a controlled substance issued for the
 1121 same period of time by another practitioner or as described in
 1122 subparagraph 8.

1123 Section 21. For the purpose of incorporating the amendment
 1124 made by this act to section 893.03, Florida Statutes, in a
 1125 reference thereto, paragraphs (b), (c), and (e) of subsection
 1126 (3) of section 921.0022, Florida Statutes, are reenacted to
 1127 read:

1128 921.0022 Criminal Punishment Code; offense severity ranking
 1129 chart.—

1130 (3) OFFENSE SEVERITY RANKING CHART

1131 (b) LEVEL 2

1132

1133

Florida	Felony	Description
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	Statute	Degree	
1134	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
1135	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
1136	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.
1137	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
1138	590.28 (1)	3rd	Intentional burning of lands.
1139	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
1140	787.04 (1)	3rd	In violation of court order,

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1141	806.13(1)(b)3.	3rd	take, entice, etc., minor beyond state limits.
1142	810.061(2)	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
1143	810.09(2)(e)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
1144	812.014(2)(c)1.	3rd	Trespassing on posted commercial horticulture property.
1145	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
1146	812.015(7)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
			Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

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1147	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
1148	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
1149	817.52(3)	3rd	Failure to redeliver hired vehicle.
1150	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
1151	817.60(5)	3rd	Dealing in credit cards of another.
1152	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
1153	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
1154	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.

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1155	831.01	3rd	Forgery.
1156	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
1157	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
1158	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
1159	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
1160	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
1161	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
1162	843.08	3rd	False personation.
1163	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1.,

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(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.

1164

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

1165

1166 (c) LEVEL 3

1167

1168

Florida Statute	Felony Degree	Description
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1169

119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
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1170

316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
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1171

316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
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1172

316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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1173

319.30 (4)	3rd	Possession by junkyard of motor
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1174

vehicle with identification
number plate removed.

319.33(1)(a)

3rd

Alter or forge any certificate
of title to a motor vehicle or
mobile home.

1175

319.33(1)(c)

3rd

Procure or pass title on stolen
vehicle.

1176

319.33(4)

3rd

With intent to defraud,
possess, sell, etc., a blank,
forged, or unlawfully obtained
title or registration.

1177

327.35(2)(b)

3rd

Felony BUI.

1178

328.05(2)

3rd

Possess, sell, or counterfeit
fictitious, stolen, or
fraudulent titles or bills of
sale of vessels.

1179

328.07(4)

3rd

Manufacture, exchange, or
possess vessel with counterfeit
or wrong ID number.

1180

376.302(5)

3rd

Fraud related to reimbursement
for cleanup expenses under the
Inland Protection Trust Fund.

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			duty.
1194	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
1195	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
1196	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
1197	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
1198	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1199	817.233	3rd	Burning to defraud insurer.
1200	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1201	817.234(11)(a)	3rd	Insurance fraud; property value

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1202

less than \$20,000.

817.236

3rd

Filing a false motor vehicle insurance application.

1203

817.2361

3rd

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

1204

817.413 (2)

3rd

Sale of used goods as new.

1205

817.505 (4)

3rd

Patient brokering.

1206

828.12 (2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

1207

831.28 (2) (a)

3rd

Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

1208

831.29

2nd

Possession of instruments for counterfeiting driver licenses or identification cards.

1209

838.021 (3) (b)

3rd

Threatens unlawful harm to

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			public servant.
1210	843.19	3rd	Injure, disable, or kill police dog or horse.
1211	860.15 (3)	3rd	Overcharging for repairs and parts.
1212	870.01 (2)	3rd	Riot; inciting or encouraging.
1213	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).
1214	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.
1215	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.,

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1216

(2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.

893.13(6)(a)

3rd

Possession of any controlled substance other than felony possession of cannabis.

1217

893.13(7)(a)8.

3rd

Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

1218

893.13(7)(a)9.

3rd

Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

1219

893.13(7)(a)10.

3rd

Affix false or forged label to package of controlled substance.

1220

893.13(7)(a)11.

3rd

Furnish false or fraudulent material information on any document or record required by chapter 893.

1221

893.13(8)(a)1.

3rd

Knowingly assist a patient, other person, or owner of an

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1222

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

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.

1223

893.13(8)(a)3.

3rd

Knowingly write a prescription for a controlled substance for a fictitious person.

1224

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.

1225

918.13(1)(a)

3rd

Alter, destroy, or conceal investigation evidence.

1226

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1227

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

1228

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

1229

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

1230

(e) LEVEL 5

1231

1232

Florida Statute	Felony Degree	Description
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1233

316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
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1234

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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1235

322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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1236

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

1237

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

1238

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

1239

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

1240

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

1241

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

1242

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

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1243

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

1244

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

1245

790.01 (2) 3rd Carrying a concealed firearm.

1246

790.162 2nd Threat to throw or discharge destructive device.

1247

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

1248

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

1249

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

1250

796.05 (1) 2nd Live on earnings of a prostitute; 1st offense.

1251

800.04 (6) (c) 3rd Lewd or lascivious conduct;

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1252

offender less than 18 years of age.

800.04 (7) (b)

2nd

Lewd or lascivious exhibition; offender 18 years of age or older.

1253

806.111 (1)

3rd

Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

1254

812.0145 (2) (b)

2nd

Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

1255

812.015 (8)

3rd

Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

1256

812.019 (1)

2nd

Stolen property; dealing in or trafficking in.

1257

812.131 (2) (b)

3rd

Robbery by sudden snatching.

1258

812.16 (2)

3rd

Owning, operating, or conducting a chop shop.

1259

817.034 (4) (a) 2.

2nd

Communications fraud, value

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1260

\$20,000 to \$50,000.

817.234 (11) (b)

2nd

Insurance fraud; property value \$20,000 or more but less than \$100,000.

1261

817.2341 (1),
(2) (a) & (3) (a)

3rd

Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

1262

817.568 (2) (b)

2nd

Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.

1263

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device or reencoder.

1264

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly

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1265

person or disabled adult.

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

1266

827.071 (5)

3rd

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

1267

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.

1268

843.01

3rd

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

1269

847.0135 (5) (b)

2nd

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

1270

847.0137

3rd

Transmission of pornography by

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1271	(2) & (3)		electronic device or equipment.
	847.0138	3rd	Transmission of material
1272	(2) & (3)		harmful to minors to a minor by electronic device or equipment.
	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
1273	874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
1274	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).
1275	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

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state, county, or municipal park or publicly owned recreational facility or community center.

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.

1277

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.

1278

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.

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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).

1280

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

1281

1282

Section 22. This act shall take effect October 1, 2016.