

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
 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
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.
- 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,
- 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-Methylenedioxymethcathinone.
- 127 | 41. 3,4-Methylenedioxypyrovalerone (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,
- 141 also 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).
- 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.
- 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-methylenedioxycathinone.
- 182 | 91. N-Acetyl-N-Methyl-3,4-Methylenedioxycathinone.

- 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 | pyrrolidinopropiophenone.
- 192 | 100. (MDPBP) 3,4-Methylenedioxy-alpha-
- 193 | pyrrolidinobutiophenone.
- 194 | 101. Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
- 195 | 102. Methyl-alpha-pyrrolidinohexiophenone (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. Methylethylaminobutyrophenone (Me-EABP).
- 203 | 109. Methylamino-butyrophenone (MABP).
- 204 | 110. Pyrrolidinopropiophenone (PPP).
- 205 | 111. Pyrrolidinobutiophenone (PBP).
- 206 | 112. Pyrrolidinovalerophenone (PVP).
- 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)-
 220 | 6a,7,10,10a-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-
236 ol).
- 237 131. HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-
238 methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-
239 enyl] 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).
- 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-
- 285 tricyclo[3.3.1.1^{3,7}]dec-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).
- 294 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
- 295 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-
296 propylphenyl)ethanamine).
- 297 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-
298 methoxyphenyl)methyl]-benzeneethanamine).
- 299 165. 3,4-Methylenedioxymethamphetamine (MDMA).
- 300 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-
301 carboxylic acid).
- 302 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-
303 fluoropentyl)-1H-indole-3-carboxylic acid).
- 304 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-
305 indole-3-carboxylic acid).
- 306 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-
307 fluoropentyl)-1H-indazole-3-carboxamide).
- 308 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
309 pentyl-1H-indazole-3-carboxamide).
- 310 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-
311 (4-fluorobenzyl)-1H-indazole-3-carboxamide).
- 312 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-

313 1-pentyl-1H-indazole-3-carboxamide).

314 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-
315 yl)-1-(fluoropentyl)-1H-indole-3-carboxamide).

316 174. 25B-NBOMe (4-bromo-2,5-dimethoxy-N-[(2-
317 methoxyphenyl)methyl]-benzeneethanamine).

318 175. 2C-C-NBOMe (4-chloro-2,5-dimethoxy-N-[(2-
319 methoxyphenyl)methyl]-benzeneethanamine).

320 176. AB-CHMINACA: N-[1-(aminocarbonyl)-2-methylpropyl]-1-
321 (cyclohexylmethyl)-1H-indazole-3-carboxamide.

322 177. FUB-PB-22: Quinolin-8-yl-1-(4-fluorobenzyl)-1H-
323 indole-3-carboxylate.

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

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

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

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

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

339 893.13 Prohibited acts; penalties.—
 340 (11) Any prohibited act related to the controlled
 341 substance described in s. 893.03(1)(c)181. shall be exclusively
 342 governed by this subsection. A person who sells, delivers,
 343 manufactures, or brings into this state, or possesses with
 344 intent to sell, deliver, manufacture, or bring into this state,
 345 the controlled substance described in s. 893.03(1)(c)181.
 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:

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
 - 377 part 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

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

390 arrangement appropriate for the child's age or mental or

391 physical condition, so that the child is unable to care for the
392 child's own needs or another's basic needs or is unable to
393 exercise good judgment in responding to any kind of physical or
394 emotional crisis.

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

- 405 a. Sprains, dislocations, or cartilage damage.
- 406 b. Bone or skull fractures.
- 407 c. Brain or spinal cord damage.
- 408 d. Intracranial hemorrhage or injury to other internal
409 organs.
- 410 e. Asphyxiation, suffocation, or drowning.
- 411 f. Injury resulting from the use of a deadly weapon.
- 412 g. Burns or scalding.
- 413 h. Cuts, lacerations, punctures, or bites.
- 414 i. Permanent or temporary disfigurement.
- 415 j. Permanent or temporary loss or impairment of a body
416 part or function.

- 417 k. Significant bruises or welts.
- 418 (g) Exposes a child to a controlled substance or alcohol.
- 419 Exposure to a controlled substance or alcohol is established by:
- 420 1. A test, administered at birth, which indicated that the
- 421 child's blood, urine, or meconium contained any amount of
- 422 alcohol or a controlled substance or metabolites of such
- 423 substances, the presence of which was not the result of medical
- 424 treatment administered to the mother or the newborn infant; or
- 425 2. Evidence of extensive, abusive, and chronic use of a
- 426 controlled substance or alcohol by a parent when the child is
- 427 demonstrably adversely affected by such usage.

428

429 As used in this paragraph, the term "controlled substance" means

430 prescription drugs not prescribed for the parent or not

431 administered as prescribed and controlled substances as outlined

432 in Schedule I or Schedule II of s. 893.03.

433 Section 4. For the purpose of incorporating the amendment

434 made by this act to section 893.03, Florida Statutes, in a

435 reference thereto, subsection (5) of section 316.193, Florida

436 Statutes, is reenacted to read:

437 316.193 Driving under the influence; penalties.—

438 (5) The court shall place all offenders convicted of

439 violating this section on monthly reporting probation and shall

440 require completion of a substance abuse course conducted by a

441 DUI program licensed by the department under s. 322.292, which

442 must include a psychosocial evaluation of the offender. If the

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

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

485 Section 5. For the purpose of incorporating the amendment
486 made by this act to section 893.03, Florida Statutes, in a
487 reference thereto, paragraph (c) of subsection (2) of section
488 322.2616, Florida Statutes, is reenacted to read:

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

491 (2)

492 (c) When a driver subject to this section has a blood-
493 alcohol or breath-alcohol level of 0.05 or higher, the
494 suspension shall remain in effect until such time as the driver

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

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

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

512 (5) In addition to any sentence or fine, the court shall
513 place any offender convicted of violating this section on
514 monthly reporting probation and shall require attendance at a
515 substance abuse course specified by the court; and the agency
516 conducting the course may refer the offender to an authorized
517 service provider for substance abuse evaluation and treatment,
518 in addition to any sentence or fine imposed under this section.
519 The offender shall assume reasonable costs for such education,
520 evaluation, and treatment, with completion of all such

521 education, evaluation, and treatment being a condition of
522 reporting probation. Treatment resulting from a psychosocial
523 evaluation may not be waived without a supporting psychosocial
524 evaluation conducted by an agency appointed by the court and
525 with access to the original evaluation. The offender shall bear
526 the cost of this procedure. The term "substance abuse" means the
527 abuse of alcohol or any substance named or described in
528 Schedules I-V of s. 893.03.

529 Section 7. For the purpose of incorporating the amendment
530 made by this act to section 893.03, Florida Statutes, in a
531 reference thereto, paragraph (b) of subsection (11) of section
532 440.102, Florida Statutes, is reenacted to read:

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

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

539 (b) An employee who is employed by a public employer in a
540 special-risk position may be discharged or disciplined by a
541 public employer for the first positive confirmed test result if
542 the drug confirmed is an illicit drug under s. 893.03. A
543 special-risk employee who is participating in an employee
544 assistance program or drug rehabilitation program may not be
545 allowed to continue to work in any special-risk or mandatory-
546 testing position of the public employer, but may be assigned to

547 a position other than a mandatory-testing position or placed on
548 leave while the employee is participating in the program.
549 However, the employee shall be permitted to use any accumulated
550 annual leave credits before leave may be ordered without pay.

551 Section 8. For the purpose of incorporating the amendment
552 made by this act to section 893.03, Florida Statutes, in a
553 reference thereto, paragraph (e) of subsection (1) of section
554 458.3265, Florida Statutes, is reenacted to read:

555 458.3265 Pain-management clinics.—

556 (1) REGISTRATION.—

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

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

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

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

571 Section 9. For the purpose of incorporating the amendment
572 made by this act to section 893.03, Florida Statutes, in a

573 reference thereto, paragraph (e) of subsection (1) of section
 574 459.0137, Florida Statutes, is reenacted to read:
 575 459.0137 Pain-management clinics.—
 576 (1) REGISTRATION.—
 577 (e) The department shall deny registration to any pain-
 578 management clinic owned by or with any contractual or employment
 579 relationship with a physician:
 580 1. Whose Drug Enforcement Administration number has ever
 581 been revoked.
 582 2. Whose application for a license to prescribe, dispense,
 583 or administer a controlled substance has been denied by any
 584 jurisdiction.
 585 3. Who has been convicted of or pleaded guilty or nolo
 586 contendere to, regardless of adjudication, an offense that
 587 constitutes a felony for receipt of illicit and diverted drugs,
 588 including a controlled substance listed in Schedule I, Schedule
 589 II, Schedule III, Schedule IV, or Schedule V of s. 893.03, in
 590 this state, any other state, or the United States.
 591 Section 10. For the purpose of incorporating the amendment
 592 made by this act to section 893.03, Florida Statutes, in a
 593 reference thereto, paragraph (a) of subsection (1) and
 594 subsection (4) of section 782.04, Florida Statutes, are
 595 reenacted to read:
 596 782.04 Murder.—
 597 (1) (a) The unlawful killing of a human being:
 598 1. When perpetrated from a premeditated design to effect

599 | the death of the person killed or any human being;
600 | 2. When committed by a person engaged in the perpetration
601 | of, or in the attempt to perpetrate, any:
602 | a. Trafficking offense prohibited by s. 893.135(1),
603 | b. Arson,
604 | c. Sexual battery,
605 | d. Robbery,
606 | e. Burglary,
607 | f. Kidnapping,
608 | g. Escape,
609 | h. Aggravated child abuse,
610 | i. Aggravated abuse of an elderly person or disabled
611 | adult,
612 | j. Aircraft piracy,
613 | k. Unlawful throwing, placing, or discharging of a
614 | destructive device or bomb,
615 | l. Carjacking,
616 | m. Home-invasion robbery,
617 | n. Aggravated stalking,
618 | o. Murder of another human being,
619 | p. Resisting an officer with violence to his or her
620 | person,
621 | q. Aggravated fleeing or eluding with serious bodily
622 | injury or death,
623 | r. Felony that is an act of terrorism or is in furtherance
624 | of an act of terrorism; or

625 3. Which resulted from the unlawful distribution of any
 626 substance controlled under s. 893.03(1), cocaine as described in
 627 s. 893.03(2)(a)4., opium or any synthetic or natural salt,
 628 compound, derivative, or preparation of opium, or methadone by a
 629 person 18 years of age or older, when such drug is proven to be
 630 the proximate cause of the death of the user,

631
 632 is murder in the first degree and constitutes a capital felony,
 633 punishable as provided in s. 775.082.

634 (4) The unlawful killing of a human being, when
 635 perpetrated without any design to effect death, by a person
 636 engaged in the perpetration of, or in the attempt to perpetrate,
 637 any felony other than any:

- 638 (a) Trafficking offense prohibited by s. 893.135(1),
- 639 (b) Arson,
- 640 (c) Sexual battery,
- 641 (d) Robbery,
- 642 (e) Burglary,
- 643 (f) Kidnapping,
- 644 (g) Escape,
- 645 (h) Aggravated child abuse,
- 646 (i) Aggravated abuse of an elderly person or disabled
 647 adult,
- 648 (j) Aircraft piracy,
- 649 (k) Unlawful throwing, placing, or discharging of a
 650 destructive device or bomb,

651 (l) Unlawful distribution of any substance controlled
 652 under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4.,
 653 or opium or any synthetic or natural salt, compound, derivative,
 654 or preparation of opium by a person 18 years of age or older,
 655 when such drug is proven to be the proximate cause of the death
 656 of the user,

657 (m) Carjacking,

658 (n) Home-invasion robbery,

659 (o) Aggravated stalking,

660 (p) Murder of another human being,

661 (q) Aggravated fleeing or eluding with serious bodily
 662 injury or death,

663 (r) Resisting an officer with violence to his or her
 664 person, or

665 (s) Felony that is an act of terrorism or is in
 666 furtherance of an act of terrorism,

667
 668 is murder in the third degree and constitutes a felony of the
 669 second degree, punishable as provided in s. 775.082, s. 775.083,
 670 or s. 775.084.

671 Section 11. For the purpose of incorporating the amendment
 672 made by this act to section 893.03, Florida Statutes, in a
 673 reference thereto, paragraph (a) of subsection (2) of section
 674 787.06, Florida Statutes, is reenacted to read:

675 787.06 Human trafficking.—

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

- 677 (a) "Coercion" means:
- 678 1. Using or threatening to use physical force against any
- 679 person;
- 680 2. Restraining, isolating, or confining or threatening to
- 681 restrain, isolate, or confine any person without lawful
- 682 authority and against her or his will;
- 683 3. Using lending or other credit methods to establish a
- 684 debt by any person when labor or services are pledged as a
- 685 security for the debt, if the value of the labor or services as
- 686 reasonably assessed is not applied toward the liquidation of the
- 687 debt, the length and nature of the labor or services are not
- 688 respectively limited and defined;
- 689 4. Destroying, concealing, removing, confiscating,
- 690 withholding, or possessing any actual or purported passport,
- 691 visa, or other immigration document, or any other actual or
- 692 purported government identification document, of any person;
- 693 5. Causing or threatening to cause financial harm to any
- 694 person;
- 695 6. Enticing or luring any person by fraud or deceit; or
- 696 7. Providing a controlled substance as outlined in
- 697 Schedule I or Schedule II of s. 893.03 to any person for the
- 698 purpose of exploitation of that person.

699 Section 12. For the purpose of incorporating the amendment

700 made by this act to section 893.03, Florida Statutes, in a

701 reference thereto, section 817.563, Florida Statutes, is

702 reenacted to read:

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

710 (1) A controlled substance named or described in s.
 711 893.03(1), (2), (3), or (4) is guilty of a felony of the third
 712 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 713 775.084.

714 (2) A controlled substance named or described in s.
 715 893.03(5) is guilty of a misdemeanor of the second degree,
 716 punishable as provided in s. 775.082 or s. 775.083.

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

722 831.31 Counterfeit controlled substance; sale,
 723 manufacture, delivery, or possession with intent to sell,
 724 manufacture, or deliver.—

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

729 (a) A controlled substance named or described in s.
 730 893.03(1), (2), (3), or (4) is guilty of a felony of the third
 731 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 732 775.084.

733 (2) For purposes of this section, "counterfeit controlled
 734 substance" means:

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

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

743 Section 14. For the purpose of incorporating the amendment
 744 made by this act to section 893.03, Florida Statutes, in a
 745 reference thereto, paragraph (c) of subsection (1) of section
 746 856.015, Florida Statutes, is reenacted to read:

747 856.015 Open house parties.—

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

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

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

755 893.02 Definitions.—The following words and phrases as
 756 used in this chapter shall have the following meanings, unless
 757 the context otherwise requires:

758 (4) "Controlled substance" means any substance named or
 759 described in Schedules I-V of s. 893.03. Laws controlling the
 760 manufacture, distribution, preparation, dispensing, or
 761 administration of such substances are drug abuse laws.

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

767 893.035 Control of new substances; findings of fact;
 768 delegation of authority to Attorney General to control
 769 substances by rule.—

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

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

779 (b) Remove a substance previously added to a schedule if
 780 he or she finds the substance does not meet the requirements for

781 inclusion in that schedule.

782

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

785 (7) (a) If the Attorney General finds that the scheduling
786 of a substance in Schedule I of s. 893.03 on a temporary basis
787 is necessary to avoid an imminent hazard to the public safety,
788 he or she may by rule and without regard to the requirements of
789 subsection (5) relating to the Department of Health and the
790 Department of Law Enforcement schedule such substance in
791 Schedule I if the substance is not listed in any other schedule
792 of s. 893.03. The Attorney General shall be required to
793 consider, with respect to his or her finding of imminent hazard
794 to the public safety, only those factors set forth in paragraphs
795 (3) (a) and (4) (d), (e), and (f), including actual abuse,
796 diversion from legitimate channels, and clandestine importation,
797 manufacture, or distribution.

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

804 Section 17. For the purpose of incorporating the amendment
805 made by this act to section 893.03, Florida Statutes, in a
806 reference thereto, paragraph (a) of subsection (2) and

807 subsection (5) of section 893.0356, Florida Statutes, are
 808 reenacted to read:

809 893.0356 Control of new substances; findings of fact;
 810 "controlled substance analog" defined.—

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

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

816 2. Has a stimulant, depressant, or hallucinogenic effect
 817 on the central nervous system or is represented or intended to
 818 have a stimulant, depressant, or hallucinogenic effect on the
 819 central nervous system substantially similar to or greater than
 820 that of a controlled substance listed in Schedule I or Schedule
 821 II of s. 893.03.

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

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

829 893.05 Practitioners and persons administering controlled
 830 substances in their absence.—

831 (1) A practitioner, in good faith and in the course of his
 832 or her professional practice only, may prescribe, administer,

833 dispense, mix, or otherwise prepare a controlled substance, or
834 the practitioner may cause the same to be administered by a
835 licensed nurse or an intern practitioner under his or her
836 direction and supervision only. A veterinarian may so prescribe,
837 administer, dispense, mix, or prepare a controlled substance for
838 use on animals only, and may cause it to be administered by an
839 assistant or orderly under the veterinarian's direction and
840 supervision only. A certified optometrist licensed under chapter
841 463 may not administer or prescribe a controlled substance
842 listed in Schedule I or Schedule II of s. 893.03.

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

847 893.12 Contraband; seizure, forfeiture, sale.—

848 (2)

849 (b) All real property, including any right, title,
850 leasehold interest, and other interest in the whole of any lot
851 or tract of land and any appurtenances or improvements, which
852 real property is used, or intended to be used, in any manner or
853 part, to commit or to facilitate the commission of, or which
854 real property is acquired with proceeds obtained as a result of,
855 a violation of any provision of this chapter related to a
856 controlled substance described in s. 893.03(1) or (2) may be
857 seized and forfeited as provided by the Florida Contraband
858 Forfeiture Act except that no property shall be forfeited under

859 | this paragraph to the extent of an interest of an owner or
860 | lienholder by reason of any act or omission established by that
861 | owner or lienholder to have been committed or omitted without
862 | the knowledge or consent of that owner or lienholder.

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

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

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

892 893.13 Prohibited acts; penalties.—

893 (1)(a) Except as authorized by this chapter and chapter
 894 499, a person may not sell, manufacture, or deliver, or possess
 895 with intent to sell, manufacture, or deliver, a controlled
 896 substance. A person who violates this provision with respect to:

897 1. A controlled substance named or described in s.
 898 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 899 commits a felony of the second degree, punishable as provided in
 900 s. 775.082, s. 775.083, or s. 775.084.

901 2. A controlled substance named or described in s.
 902 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 903 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 904 the third degree, punishable as provided in s. 775.082, s.
 905 775.083, or s. 775.084.

906 3. A controlled substance named or described in s.
 907 893.03(5) commits a misdemeanor of the first degree, punishable
 908 as provided in s. 775.082 or s. 775.083.

909 (c) Except as authorized by this chapter, a person may not
 910 sell, manufacture, or deliver, or possess with intent to sell,

911 manufacture, or deliver, a controlled substance in, on, or
912 within 1,000 feet of the real property comprising a child care
913 facility as defined in s. 402.302 or a public or private
914 elementary, middle, or secondary school between the hours of 6
915 a.m. and 12 midnight, or at any time in, on, or within 1,000
916 feet of real property comprising a state, county, or municipal
917 park, a community center, or a publicly owned recreational
918 facility. As used in this paragraph, the term "community center"
919 means a facility operated by a nonprofit community-based
920 organization for the provision of recreational, social, or
921 educational services to the public. A person who violates this
922 paragraph with respect to:

923 1. A controlled substance named or described in s.
924 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
925 commits a felony of the first degree, punishable as provided in
926 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
927 sentenced to a minimum term of imprisonment of 3 calendar years
928 unless the offense was committed within 1,000 feet of the real
929 property comprising a child care facility as defined in s.
930 402.302.

931 2. A controlled substance named or described in s.
932 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
933 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
934 the second degree, punishable as provided in s. 775.082, s.
935 775.083, or s. 775.084.

936 3. Any other controlled substance, except as lawfully

937 sold, manufactured, or delivered, must be sentenced to pay a
938 \$500 fine and to serve 100 hours of public service in addition
939 to any other penalty prescribed by law.

940

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

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

955 1. A controlled substance named or described in s.
956 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
957 commits a felony of the first degree, punishable as provided in
958 s. 775.082, s. 775.083, or s. 775.084.

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

963 775.083, or s. 775.084.

964 3. Any other controlled substance, except as lawfully
965 sold, manufactured, or delivered, must be sentenced to pay a
966 \$500 fine and to serve 100 hours of public service in addition
967 to any other penalty prescribed by law.

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

976 1. A controlled substance named or described in s.
977 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
978 commits a felony of the first degree, punishable as provided in
979 s. 775.082, s. 775.083, or s. 775.084.

980 2. A controlled substance named or described in s.
981 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
982 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
983 the second degree, punishable as provided in s. 775.082, s.
984 775.083, or s. 775.084.

985 3. Any other controlled substance, except as lawfully
986 sold, manufactured, or delivered, must be sentenced to pay a
987 \$500 fine and to serve 100 hours of public service in addition
988 to any other penalty prescribed by law.

989 (f) Except as authorized by this chapter, a person may not
 990 sell, manufacture, or deliver, or possess with intent to sell,
 991 manufacture, or deliver, a controlled substance in, on, or
 992 within 1,000 feet of the real property comprising a public
 993 housing facility at any time. As used in this section, the term
 994 "real property comprising a public housing facility" means real
 995 property, as defined in s. 421.03(12), of a public corporation
 996 created as a housing authority pursuant to part I of chapter
 997 421. A person who violates this paragraph with respect to:

- 998 1. A controlled substance named or described in s.
 999 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 1000 commits a felony of the first degree, punishable as provided in
 1001 s. 775.082, s. 775.083, or s. 775.084.
- 1002 2. A controlled substance named or described in s.
 1003 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 1004 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 1005 the second degree, punishable as provided in s. 775.082, s.
 1006 775.083, or s. 775.084.
- 1007 3. Any other controlled substance, except as lawfully
 1008 sold, manufactured, or delivered, must be sentenced to pay a
 1009 \$500 fine and to serve 100 hours of public service in addition
 1010 to any other penalty prescribed by law.

1011 (h) Except as authorized by this chapter, a person may not
 1012 sell, manufacture, or deliver, or possess with intent to sell,
 1013 manufacture, or deliver, a controlled substance in, on, or
 1014 within 1,000 feet of the real property comprising an assisted

1015 living facility, as that term is used in chapter 429. A person
 1016 who violates this paragraph with respect to:

1017 1. A controlled substance named or described in s.
 1018 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 1019 commits a felony of the first degree, punishable as provided in
 1020 s. 775.082, s. 775.083, or s. 775.084.

1021 2. A controlled substance named or described in s.
 1022 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 1023 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 1024 the second degree, punishable as provided in s. 775.082, s.
 1025 775.083, or s. 775.084.

1026 (2)(a) Except as authorized by this chapter and chapter
 1027 499, a person may not purchase, or possess with intent to
 1028 purchase, a controlled substance. A person who violates this
 1029 provision with respect to:

1030 1. A controlled substance named or described in s.
 1031 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 1032 commits a felony of the second degree, punishable as provided in
 1033 s. 775.082, s. 775.083, or s. 775.084.

1034 2. A controlled substance named or described in s.
 1035 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 1036 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 1037 the third degree, punishable as provided in s. 775.082, s.
 1038 775.083, or s. 775.084.

1039 3. A controlled substance named or described in s.
 1040 893.03(5) commits a misdemeanor of the first degree, punishable

1041 as provided in s. 775.082 or s. 775.083.

1042 (4) Except as authorized by this chapter, a person 18
 1043 years of age or older may not deliver any controlled substance
 1044 to a person younger than 18 years of age, use or hire a person
 1045 younger than 18 years of age as an agent or employee in the sale
 1046 or delivery of such a substance, or use such person to assist in
 1047 avoiding detection or apprehension for a violation of this
 1048 chapter. A person who violates this provision with respect to:

1049 (b) A controlled substance named or described in s.
 1050 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 1051 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 1052 the second degree, punishable as provided in s. 775.082, s.
 1053 775.083, or s. 775.084.

1054
 1055 Imposition of sentence may not be suspended or deferred, and the
 1056 person so convicted may not be placed on probation.

1057 (5) A person may not bring into this state any controlled
 1058 substance unless the possession of such controlled substance is
 1059 authorized by this chapter or unless such person is licensed to
 1060 do so by the appropriate federal agency. A person who violates
 1061 this provision with respect to:

1062 (b) A controlled substance named or described in s.
 1063 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 1064 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 1065 the third degree, punishable as provided in s. 775.082, s.
 1066 775.083, or s. 775.084.

- 1067 (7) (a) A person may not:
- 1068 1. Distribute or dispense a controlled substance in
- 1069 violation of this chapter.
- 1070 2. Refuse or fail to make, keep, or furnish any record,
- 1071 notification, order form, statement, invoice, or information
- 1072 required under this chapter.
- 1073 3. Refuse entry into any premises for any inspection or
- 1074 refuse to allow any inspection authorized by this chapter.
- 1075 4. Distribute a controlled substance named or described in
- 1076 s. 893.03(1) or (2) except pursuant to an order form as required
- 1077 by s. 893.06.
- 1078 5. Keep or maintain any store, shop, warehouse, dwelling,
- 1079 building, vehicle, boat, aircraft, or other structure or place
- 1080 which is resorted to by persons using controlled substances in
- 1081 violation of this chapter for the purpose of using these
- 1082 substances, or which is used for keeping or selling them in
- 1083 violation of this chapter.
- 1084 6. Use to his or her own personal advantage, or reveal,
- 1085 any information obtained in enforcement of this chapter except
- 1086 in a prosecution or administrative hearing for a violation of
- 1087 this chapter.
- 1088 7. Possess a prescription form unless it has been signed
- 1089 by the practitioner whose name appears printed thereon and
- 1090 completed. This subparagraph does not apply if the person in
- 1091 possession of the form is the practitioner whose name appears
- 1092 printed thereon, an agent or employee of that practitioner, a

1093 pharmacist, or a supplier of prescription forms who is
 1094 authorized by that practitioner to possess those forms.

1095 8. Withhold information from a practitioner from whom the
 1096 person seeks to obtain a controlled substance or a prescription
 1097 for a controlled substance that the person making the request
 1098 has received a controlled substance or a prescription for a
 1099 controlled substance of like therapeutic use from another
 1100 practitioner within the previous 30 days.

1101 9. Acquire or obtain, or attempt to acquire or obtain,
 1102 possession of a controlled substance by misrepresentation,
 1103 fraud, forgery, deception, or subterfuge.

1104 10. Affix any false or forged label to a package or
 1105 receptacle containing a controlled substance.

1106 11. Furnish false or fraudulent material information in,
 1107 or omit any material information from, any report or other
 1108 document required to be kept or filed under this chapter or any
 1109 record required to be kept by this chapter.

1110 12. Store anhydrous ammonia in a container that is not
 1111 approved by the United States Department of Transportation to
 1112 hold anhydrous ammonia or is not constructed in accordance with
 1113 sound engineering, agricultural, or commercial practices.

1114 13. With the intent to obtain a controlled substance or
 1115 combination of controlled substances that are not medically
 1116 necessary for the person or an amount of a controlled substance
 1117 or substances that is not medically necessary for the person,
 1118 obtain or attempt to obtain from a practitioner a controlled

1119 substance or a prescription for a controlled substance by
 1120 misrepresentation, fraud, forgery, deception, subterfuge, or
 1121 concealment of a material fact. For purposes of this
 1122 subparagraph, a material fact includes whether the person has an
 1123 existing prescription for a controlled substance issued for the
 1124 same period of time by another practitioner or as described in
 1125 subparagraph 8.

1126 Section 21. For the purpose of incorporating the amendment
 1127 made by this act to section 893.03, Florida Statutes, in a
 1128 reference thereto, paragraphs (b), (c), and (e) of subsection
 1129 (3) of section 921.0022, Florida Statutes, are reenacted to
 1130 read:

1131 921.0022 Criminal Punishment Code; offense severity
 1132 ranking chart.—

- 1133 (3) OFFENSE SEVERITY RANKING CHART
- 1134 (b) LEVEL 2

1135

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.

1136

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379.2431	3rd	Possession of more than 11
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1138	(1) (e) 4.		marine turtle eggs in violation of the Marine Turtle Protection Act.
	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.
1139	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
1140	590.28 (1)	3rd	Intentional burning of lands.
1141	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
1142	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
1143	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public

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			communication or any other public service.
1144	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
1145	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
1146	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
1147	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
1148	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
1149	817.234(1)(a)2.	3rd	False statement in support of

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1150			insurance claim.
	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
1151			
	817.52 (3)	3rd	Failure to redeliver hired vehicle.
1152			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
1153			
	817.60 (5)	3rd	Dealing in credit cards of another.
1154			
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
1155			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
1156			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom

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1157			related.
1158	831.01	3rd	Forgery.
1159	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
1160	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
1161	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
1162	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
1163	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
1164	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.

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1165	843.08	3rd	False personation.
1166	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.
1167	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
1168	(c) LEVEL 3		
1169	Florida	Felony	
1170	Statute	Degree	Description
1171	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
1172	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
1173	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.

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1174	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
1175	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
1176	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
1177	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
1178	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
1179	327.35(2)(b)	3rd	Felony BUI.
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of

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1180			sale of vessels.
	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
1181			
	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
1182			
	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
1183			
	379.2431 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
1184			
	400.9935 (4) (a)	3rd	Operating a clinic, or offering

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1185	or (b)		services requiring licensure, without a license.
1186	400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
1187	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
1188	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
1189	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
1190	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.

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1191	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
1192	697.08	3rd	Equity skimming.
1193	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
1194	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
1195	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
1196	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
1197	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
	812.0145 (2) (c)	3rd	Theft from person 65 years of

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			age or older; \$300 or more but less than \$10,000.
1198	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
1199	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
1200	817.233	3rd	Burning to defraud insurer.
1201	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
1202	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
1203	817.236	3rd	Filing a false motor vehicle insurance application.
1204	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle

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1205			insurance card.
1206	817.413 (2)	3rd	Sale of used goods as new.
1207	817.505 (4)	3rd	Patient brokering.
1208	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
1209	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
1210	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
1211	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
1212	843.19	3rd	Injure, disable, or kill police dog or horse.

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1213	860.15 (3)	3rd	Overcharging for repairs and parts.
1214	870.01 (2)	3rd	Riot; inciting or encouraging.
1215	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).
1216	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.
	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within 1,000 feet of public

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1217			housing facility.
	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
1218			
	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
1219			
	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
1220			
	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
1221			
	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
1222			
	893.13 (8) (a) 1.	3rd	Knowingly assist a patient,

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

1223

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.

1224

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

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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.

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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

Florida	Felony	
Statute	Degree	Description

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

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1235	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
1236	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
1237	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
1238	379.367 (4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
1239	379.3671 (2) (c) 3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
1240	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
1241	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.

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1242	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
1243	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
1244	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
1245	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
1246	790.01 (2)	3rd	Carrying a concealed firearm.
1247	790.162	2nd	Threat to throw or discharge destructive device.
	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.

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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; offender less than 18 years of age.
1252	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

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			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 \$20,000 to \$50,000.
1260	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

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1262 solvency of an insuring entity.

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 person or disabled adult.

1265 827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

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1267	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
1268	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.
1269	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
1270	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
1271	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.

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1272	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 state, county, or municipal park or publicly owned

1276	893.13(1)(d)1.	1st	recreational facility or community center.
1277	893.13(1)(e)2.	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) within 1,000 feet of university.
1278	893.13(1)(f)1.	1st	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.
	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

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1279			public housing facility.
1280	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).
1281	893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
1282	Section 22. This act shall take effect October 1, 2016.		