

By the Committees on Appropriations; and Criminal Justice; and
Senator Clemens

576-03497-17

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1 A bill to be entitled
2 An act relating to marketing practices for substance
3 abuse services; amending s. 16.56, F.S.; authorizing
4 the Office of Statewide Prosecution in the Department
5 of Legal Affairs to investigate and prosecute patient
6 brokering offenses; amending 397.321, F.S.; requiring
7 the Department of Children and Families to ensure that
8 substance abuse service provider personnel providing
9 direct clinical treatment services are certified
10 through a department-recognized certification process;
11 exempting specified licensed individuals from
12 certification; amending s. 397.407, F.S.; revising the
13 requirements for the referral of patients to, and the
14 acceptance of referrals from, a recovery residence;
15 specifying that certain referrals are not prohibited;
16 providing applicability; clarifying that such
17 referrals are not required; amending s. 397.501, F.S.;
18 providing that an application for the disclosure of an
19 individual's records may be filed as part of an active
20 criminal investigation; authorizing a court to approve
21 an application for the disclosure of an individual's
22 substance abuse treatment records without providing
23 express notice of the application to the individual or
24 identified parties with an interest in the records if
25 the application is filed as part of an active criminal
26 investigation; providing that upon implementation of
27 the order granting such application, the individual
28 and identified parties with an interest in the records
29 must be afforded an opportunity to seek revocation or

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30 amendment of that order; creating s. 397.488, F.S.;

31 providing legislative findings; prohibiting service

32 providers, operators of recovery residences, and

33 certain third parties from engaging in specified

34 marketing practices; providing penalties; creating s.

35 817.0345, F.S.; prohibiting a person from knowingly

36 and willfully making specified false or misleading

37 statements or providing specified false or misleading

38 information under certain circumstances; providing

39 penalties; amending s. 817.505, F.S.; providing that

40 it is unlawful for a person to offer or pay, or

41 solicit or receive, benefits under certain

42 circumstances; providing fines and penalties; amending

43 s. 895.02, F.S.; revising the definition of the term

44 "racketeering activity"; amending s. 921.0022, F.S.;

45 ranking offenses; providing an appropriation;

46 providing an effective date.

47

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

49

50 Section 1. Paragraph (a) of subsection (1) of section

51 16.56, Florida Statutes, is amended to read:

52 16.56 Office of Statewide Prosecution.—

53 (1) There is created in the Department of Legal Affairs an

54 Office of Statewide Prosecution. The office shall be a separate

55 "budget entity" as that term is defined in chapter 216. The

56 office may:

57 (a) Investigate and prosecute the offenses of:

58 1. Bribery, burglary, criminal usury, extortion, gambling,

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59 kidnapping, larceny, murder, prostitution, perjury, robbery,
60 carjacking, ~~and~~ home-invasion robbery, and patient brokering;
61 2. Any crime involving narcotic or other dangerous drugs;
62 3. Any violation of the Florida RICO (Racketeer Influenced
63 and Corrupt Organization) Act, including any offense listed in
64 the definition of racketeering activity in s. 895.02(8)(a),
65 providing such listed offense is investigated in connection with
66 a violation of s. 895.03 and is charged in a separate count of
67 an information or indictment containing a count charging a
68 violation of s. 895.03, the prosecution of which listed offense
69 may continue independently if the prosecution of the violation
70 of s. 895.03 is terminated for any reason;
71 4. Any violation of the Florida Anti-Fencing Act;
72 5. Any violation of the Florida Antitrust Act of 1980, as
73 amended;
74 6. Any crime involving, or resulting in, fraud or deceit
75 upon any person;
76 7. Any violation of s. 847.0135, relating to computer
77 pornography and child exploitation prevention, or any offense
78 related to a violation of s. 847.0135 or any violation of
79 chapter 827 where the crime is facilitated by or connected to
80 the use of the Internet or any device capable of electronic data
81 storage or transmission;
82 8. Any violation of chapter 815;
83 9. Any criminal violation of part I of chapter 499;
84 10. Any violation of the Florida Motor Fuel Tax Relief Act
85 of 2004;
86 11. Any criminal violation of s. 409.920 or s. 409.9201;
87 12. Any crime involving voter registration, voting, or

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88 candidate or issue petition activities;

89 13. Any criminal violation of the Florida Money Laundering
90 Act;

91 14. Any criminal violation of the Florida Securities and
92 Investor Protection Act; or

93 15. Any violation of chapter 787, as well as any and all
94 offenses related to a violation of chapter 787;

95

96 or any attempt, solicitation, or conspiracy to commit any of the
97 crimes specifically enumerated above. The office shall have such
98 power only when any such offense is occurring, or has occurred,

99 in two or more judicial circuits as part of a related

100 transaction, or when any such offense is connected with an

101 organized criminal conspiracy affecting two or more judicial

102 circuits. Informations or indictments charging such offenses

103 shall contain general allegations stating the judicial circuits

104 and counties in which crimes are alleged to have occurred or the

105 judicial circuits and counties in which crimes affecting such

106 circuits or counties are alleged to have been connected with an

107 organized criminal conspiracy.

108 Section 2. Subsection (21) of section 397.321, Florida
109 Statutes, is added to read:

110 397.321 Duties of the department.—The department shall:

111 (21) Ensure that substance abuse service provider personnel
112 who provide direct clinical treatment services as defined in s.
113 397.311(25) (a) are certified through a department-recognized
114 certification process. A physician or a physician assistant
115 licensed under chapter 458 or chapter 459; a professional
116 licensed under chapter 490 or chapter 491; or an advanced

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117 registered nurse practitioner licensed under part I of chapter
118 464 is exempt from the requirements of this subsection.

119 Section 3. Subsection (11) of section 397.407, Florida
120 Statutes, is amended to read:

121 397.407 Licensure process; fees.—

122 (11) Effective July 1, 2017 ~~2016~~, a service provider
123 licensed under this part may not refer a prospective, current,
124 or discharged patient to, or accept a referral from, a recovery
125 residence unless the recovery residence holds a valid
126 certificate of compliance as provided in s. 397.487 and is
127 actively managed by a certified recovery residence administrator
128 as provided in s. 397.4871 ~~or the recovery residence is owned~~
129 ~~and operated by a licensed service provider or a licensed~~
130 ~~service provider's wholly owned subsidiary.~~ For purposes of this
131 subsection, the term "refer" means to inform a patient by any
132 means about the name, address, or other details of the recovery
133 residence. However, this subsection does not require a licensed
134 service provider to refer any patient to a recovery residence.
135 This subsection does not require a recovery residence to refer
136 any patient to a licensed service provider. This subsection does
137 not prohibit a referral by a recovery residence to a licensed
138 service provider when the recovery residence, including its
139 owners, operators, and employees, do not benefit, directly or
140 indirectly, from the referral, and does not apply to a licensed
141 service provider under contract with a managing entity as
142 defined in s. 394.9082.

143 Section 4. Paragraphs (g) and (h) of subsection (7) of
144 section 397.501, Florida Statutes, are amended to read:

145 397.501 Rights of individuals.—Individuals receiving

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146 substance abuse services from any service provider are
147 guaranteed protection of the rights specified in this section,
148 unless otherwise expressly provided, and service providers must
149 ensure the protection of such rights.

150 (7) RIGHT TO CONFIDENTIALITY OF INDIVIDUAL RECORDS.—

151 (g) An order authorizing the disclosure of an individual's
152 records may be applied for by any person having a legally
153 recognized interest in the disclosure which is sought. The
154 application may be filed alone ~~separately~~ or as part of a
155 pending civil action or an active criminal investigation in
156 which it appears that the individual's records are needed to
157 provide evidence. An application must use a fictitious name,
158 such as John Doe or Jane Doe, to refer to any individual and may
159 not contain or otherwise disclose any identifying information
160 unless the individual is the applicant or has given a written
161 consent to disclosure or the court has ordered the record of the
162 proceeding sealed from public scrutiny.

163 (h) 1. For applications filed alone or as part of a pending
164 civil action, the individual and the person holding the records
165 from whom disclosure is sought must be given adequate notice in
166 a manner which will not disclose identifying information to
167 other persons, and an opportunity to file a written response to
168 the application, or to appear in person, for the limited purpose
169 of providing evidence on the statutory and regulatory criteria
170 for the issuance of the court order.

171 2. Applications filed as part of an active criminal
172 investigation may, in the discretion of the court, be granted
173 without notice. Although no express notice is required to the
174 agents, owners, and employees of the treatment provider or to

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175 any patient whose records are to be disclosed, upon
176 implementation of an order so granted, any of these persons must
177 be afforded an opportunity to seek revocation or amendment of
178 the order, limited to the presentation of evidence on the
179 statutory and regulatory criteria for the issuance of the order.

180 Section 5. Section 397.488, Florida Statutes, is created to
181 read:

182 397.488 Prohibition of deceptive marketing practices.—

183 (1) The Legislature recognizes that consumers of substance
184 abuse treatment have disabling conditions and that such
185 consumers and their families are vulnerable and at risk of being
186 easily victimized by fraudulent marketing practices that
187 adversely impact the delivery of health care. To protect the
188 health, safety, and welfare of this vulnerable population, a
189 service provider, an operator of a recovery residence, or a
190 third party who provides any form of advertising or marketing
191 services to a service provider or an operator of a recovery
192 residence may not engage in any of the following marketing
193 practices:

194 (a) Making a false or misleading statement or providing
195 false or misleading information about the provider's or
196 operator's or third party's products, goods, services, or
197 geographical locations in its marketing, advertising materials,
198 or media or on its website.

199 (b) Including on its website false information, electronic
200 links, or coding or activation that provides false information
201 or that surreptitiously directs the reader to another website.

202 (c) Soliciting, receiving, or making an attempt to solicit
203 or receive a commission, benefit, bonus, rebate, kickback, or

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204 bribe, directly or indirectly, in cash or in kind, or engaging
205 or making an attempt to engage in a split-fee arrangement in
206 return for a referral or an acceptance or acknowledgment of
207 treatment from a service provider or recovery residence.

208 (d) Entering into a contract with a marketing provider who
209 agrees to generate referrals or leads for the placement of
210 patients with a service provider or in a recovery residence
211 through a call center or a web-based presence, unless the
212 service provider or the operator of the recovery residence
213 discloses the following to the prospective patient so that the
214 patient can make an informed health care decision:

215 1. Information about the specific licensed service
216 providers or recovery residences that are represented by the
217 marketing provider and pay a fee to the marketing provider,
218 including the identity of such service providers or recovery
219 residences; and

220 2. Clear and concise instructions that allow the
221 prospective patient to easily access lists of licensed service
222 providers and recovery residences on the department website.

223 (2) In addition to any other punishment authorized by law,
224 a person or entity that knowingly and willfully violates
225 paragraph (1) (a), paragraph (1) (b), or paragraph (1) (d) commits
226 a misdemeanor of the first degree, punishable as provided in s.
227 775.083 or s. 775.089. A violation of paragraph (1) (c) is a
228 violation of the prohibition on patient brokering and may
229 subject the party committing the violation to criminal penalties
230 under s. 817.505.

231 Section 6. Section 817.0345, Florida Statutes, is created
232 to read:

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233 817.0345 Prohibition of fraudulent marketing practices.—It
234 is unlawful for any person to knowingly and willfully make a
235 materially false or misleading statement or provide false or
236 misleading information about the identity, products, goods,
237 services, or geographical location of a licensed service
238 provider, as defined in chapter 397, in marketing, advertising
239 materials, or other media or on a website with the intent to
240 induce another person to seek treatment with that service
241 provider. A person who violates this section commits a felony of
242 the third degree, punishable as provided in s. 775.082, s.
243 775.083, or s. 775.084.

244 Section 7. Subsections (1) and (4) of section 817.505,
245 Florida Statutes, are amended to read:

246 817.505 Patient brokering prohibited; exceptions;
247 penalties.—

248 (1) It is unlawful for any person, including any health
249 care provider or health care facility, to:

250 (a) Offer or pay a ~~any~~ commission, benefit, bonus, rebate,
251 kickback, or bribe, directly or indirectly, in cash or in kind,
252 or engage in any split-fee arrangement, in any form whatsoever,
253 to induce the referral of a patient ~~patients~~ or patronage to or
254 from a health care provider or health care facility;

255 (b) Solicit or receive a ~~any~~ commission, benefit, bonus,
256 rebate, kickback, or bribe, directly or indirectly, in cash or
257 in kind, or engage in any split-fee arrangement, in any form
258 whatsoever, in return for referring a patient ~~patients~~ or
259 patronage to or from a health care provider or health care
260 facility;

261 (c) Solicit or receive a ~~any~~ commission, benefit, bonus,

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262 rebate, kickback, or bribe, directly or indirectly, in cash or
263 in kind, or engage in any split-fee arrangement, in any form
264 whatsoever, in return for the acceptance or acknowledgment of
265 treatment from a health care provider or health care facility;
266 or

267 (d) Aid, abet, advise, or otherwise participate in the
268 conduct prohibited under paragraph (a), paragraph (b), or
269 paragraph (c).

270 (4) (a) Any person, including an officer, partner, agent,
271 attorney, or other representative of a firm, joint venture,
272 partnership, business trust, syndicate, corporation, or other
273 business entity, who violates any provision of this section
274 commits a felony of the third degree, punishable as provided in
275 s. 775.082, ~~s. 775.083~~, or s. 775.084, and a fine of \$50,000.

276 (b) Any person, including an officer, partner, agent,
277 attorney, or other representative of a firm, joint venture,
278 partnership, business trust, syndicate, corporation, or other
279 business entity, who violates any provision of this section,
280 where the prohibited conduct involves 10 or more patients but
281 fewer than 20 patients, commits a felony of the second degree,
282 punishable as provided in s. 775.082 or s. 775.084, and a fine
283 of \$100,000.

284 (c) Any person, including an officer, partner, agent,
285 attorney, or other representative of a firm, joint venture,
286 partnership, business trust, syndicate, corporation, or other
287 business entity, who violates any provision of this section,
288 where the prohibited conduct involves 20 or more patients,
289 commits a felony of the first degree, punishable as provided in
290 s. 775.082 or s. 775.084, and a fine of \$500,000.

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291 Section 8. Paragraph (a) of subsection (8) of section
292 895.02, Florida Statutes, is amended to read:

293 895.02 Definitions.—As used in ss. 895.01-895.08, the term:

294 (8) "Racketeering activity" means to commit, to attempt to
295 commit, to conspire to commit, or to solicit, coerce, or
296 intimidate another person to commit:

297 (a) Any crime that is chargeable by petition, indictment,
298 or information under the following provisions of the Florida
299 Statutes:

300 1. Section 210.18, relating to evasion of payment of
301 cigarette taxes.

302 2. Section 316.1935, relating to fleeing or attempting to
303 elude a law enforcement officer and aggravated fleeing or
304 eluding.

305 3. Section 403.727(3)(b), relating to environmental
306 control.

307 4. Section 409.920 or s. 409.9201, relating to Medicaid
308 fraud.

309 5. Section 414.39, relating to public assistance fraud.

310 6. Section 440.105 or s. 440.106, relating to workers'
311 compensation.

312 7. Section 443.071(4), relating to creation of a fictitious
313 employer scheme to commit reemployment assistance fraud.

314 8. Section 465.0161, relating to distribution of medicinal
315 drugs without a permit as an Internet pharmacy.

316 9. Section 499.0051, relating to crimes involving
317 contraband, adulterated, or misbranded drugs.

318 10. Part IV of chapter 501, relating to telemarketing.

319 11. Chapter 517, relating to sale of securities and

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320 investor protection.

321 12. Section 550.235 or s. 550.3551, relating to dogracing
322 and horseracing.

323 13. Chapter 550, relating to jai alai frontons.

324 14. Section 551.109, relating to slot machine gaming.

325 15. Chapter 552, relating to the manufacture, distribution,
326 and use of explosives.

327 16. Chapter 560, relating to money transmitters, if the
328 violation is punishable as a felony.

329 17. Chapter 562, relating to beverage law enforcement.

330 18. Section 624.401, relating to transacting insurance
331 without a certificate of authority, s. 624.437(4)(c)1., relating
332 to operating an unauthorized multiple-employer welfare
333 arrangement, or s. 626.902(1)(b), relating to representing or
334 aiding an unauthorized insurer.

335 19. Section 655.50, relating to reports of currency
336 transactions, when such violation is punishable as a felony.

337 20. Chapter 687, relating to interest and usurious
338 practices.

339 21. Section 721.08, s. 721.09, or s. 721.13, relating to
340 real estate timeshare plans.

341 22. Section 775.13(5)(b), relating to registration of
342 persons found to have committed any offense for the purpose of
343 benefiting, promoting, or furthering the interests of a criminal
344 gang.

345 23. Section 777.03, relating to commission of crimes by
346 accessories after the fact.

347 24. Chapter 782, relating to homicide.

348 25. Chapter 784, relating to assault and battery.

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- 349 26. Chapter 787, relating to kidnapping or human
350 trafficking.
- 351 27. Chapter 790, relating to weapons and firearms.
- 352 28. Chapter 794, relating to sexual battery, but only if
353 such crime was committed with the intent to benefit, promote, or
354 further the interests of a criminal gang, or for the purpose of
355 increasing a criminal gang member's own standing or position
356 within a criminal gang.
- 357 29. Former s. 796.03, former s. 796.035, s. 796.04, s.
358 796.05, or s. 796.07, relating to prostitution.
- 359 30. Chapter 806, relating to arson and criminal mischief.
- 360 31. Chapter 810, relating to burglary and trespass.
- 361 32. Chapter 812, relating to theft, robbery, and related
362 crimes.
- 363 33. Chapter 815, relating to computer-related crimes.
- 364 34. Chapter 817, relating to fraudulent practices, false
365 pretenses, fraud generally, ~~and~~ credit card crimes, and patient
366 brokering.
- 367 35. Chapter 825, relating to abuse, neglect, or
368 exploitation of an elderly person or disabled adult.
- 369 36. Section 827.071, relating to commercial sexual
370 exploitation of children.
- 371 37. Section 828.122, relating to fighting or baiting
372 animals.
- 373 38. Chapter 831, relating to forgery and counterfeiting.
- 374 39. Chapter 832, relating to issuance of worthless checks
375 and drafts.
- 376 40. Section 836.05, relating to extortion.
- 377 41. Chapter 837, relating to perjury.

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378 42. Chapter 838, relating to bribery and misuse of public
379 office.

380 43. Chapter 843, relating to obstruction of justice.

381 44. Section 847.011, s. 847.012, s. 847.013, s. 847.06, or
382 s. 847.07, relating to obscene literature and profanity.

383 45. Chapter 849, relating to gambling, lottery, gambling or
384 gaming devices, slot machines, or any of the provisions within
385 that chapter.

386 46. Chapter 874, relating to criminal gangs.

387 47. Chapter 893, relating to drug abuse prevention and
388 control.

389 48. Chapter 896, relating to offenses related to financial
390 transactions.

391 49. Sections 914.22 and 914.23, relating to tampering with
392 or harassing a witness, victim, or informant, and retaliation
393 against a witness, victim, or informant.

394 50. Sections 918.12 and 918.13, relating to tampering with
395 jurors and evidence.

396 Section 9. Paragraphs (c), (d), (f), and (h) of subsection
397 (3) of section 921.0022, Florida Statutes, are amended to read:

398 921.0022 Criminal Punishment Code; offense severity ranking
399 chart.—

400 (3) OFFENSE SEVERITY RANKING CHART

401 (c) LEVEL 3

402

Florida	Felony	
Statute	Degree	Description

403

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

404

316.066
(3) (b) - (d)

3rd

Unlawfully obtaining or
using confidential crash
reports.

405

316.193 (2) (b)

3rd

Felony DUI, 3rd conviction.

406

316.1935 (2)

3rd

Fleeing or attempting to
elude law enforcement
officer in patrol vehicle
with siren and lights
activated.

407

319.30 (4)

3rd

Possession by junkyard of
motor vehicle with
identification number plate
removed.

408

319.33 (1) (a)

3rd

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

409

319.33 (1) (c)

3rd

Procure or pass title on
stolen vehicle.

410

319.33 (4)

3rd

With intent to defraud,

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possess, sell, etc., a
blank, forged, or
unlawfully obtained title
or registration.

411

327.35 (2) (b)

3rd

Felony BUI.

412

328.05 (2)

3rd

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

413

328.07 (4)

3rd

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

414

376.302 (5)

3rd

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

415

379.2431
(1) (e) 5.

3rd

Taking, disturbing,
mutilating, destroying,
causing to be destroyed,
transferring, selling,
offering to sell,
molesting, or harassing

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marine turtles, marine
 turtle eggs, or marine
 turtle nests in violation
 of the Marine Turtle
 Protection Act.

416

379.2431
 (1) (e) 6.

3rd

Soliciting to commit or
 conspiring to commit a
 violation of the Marine
 Turtle Protection Act.

417

400.9935 (4) (a)
 or (b)

3rd

Operating a clinic, or
 offering services requiring
 licensure, without a
 license.

418

400.9935 (4) (e)

3rd

Filing a false license
 application or other
 required information or
 failing to report
 information.

419

440.1051 (3)

3rd

False report of workers'
 compensation fraud or
 retaliation for making such
 a report.

420

501.001 (2) (b)

2nd

Tampers with a consumer
 product or the container

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using materially
false/misleading
information.

421

624.401 (4) (a)

3rd

Transacting insurance
without a certificate of
authority.

422

624.401 (4) (b) 1.

3rd

Transacting insurance
without a certificate of
authority; premium
collected less than
\$20,000.

423

626.902 (1) (a) &
(b)

3rd

Representing an
unauthorized insurer.

424

697.08

3rd

Equity skimming.

425

790.15 (3)

3rd

Person directs another to
discharge firearm from a
vehicle.

426

806.10 (1)

3rd

Maliciously injure,
destroy, or interfere with
vehicles or equipment used
in firefighting.

427

806.10 (2)

3rd

Interferes with or assaults

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firefighter in performance
of duty.

428

810.09(2)(c)

3rd

Trespass on property other
than structure or
conveyance armed with
firearm or dangerous
weapon.

429

812.014(2)(c)2.

3rd

Grand theft; \$5,000 or more
but less than \$10,000.

430

812.0145(2)(c)

3rd

Theft from person 65 years
of age or older; \$300 or
more but less than \$10,000.

431

815.04(5)(b)

2nd

Computer offense devised to
defraud or obtain property.

432

817.034(4)(a)3.

3rd

Engages in scheme to
defraud (Florida
Communications Fraud Act),
property valued at less
than \$20,000.

433

817.233

3rd

Burning to defraud insurer.

434

817.234

3rd

Unlawful solicitation of
persons involved in motor

(8)(b) & (c)

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vehicle accidents.

435

817.234 (11) (a)

3rd

Insurance fraud; property value less than \$20,000.

436

817.236

3rd

Filing a false motor vehicle insurance application.

437

817.2361

3rd

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

438

817.413 (2)

3rd

Sale of used goods as new.

439

~~817.505 (4)~~

~~3rd~~

~~Patient brokering.~~

440

828.12 (2)

3rd

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

441

831.28 (2) (a)

3rd

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

442

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443	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
444	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
445	843.19	3rd	Injure, disable, or kill police dog or horse.
446	860.15 (3)	3rd	Overcharging for repairs and parts.
447	870.01 (2)	3rd	Riot; inciting or encouraging.
448	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).
	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03(1) (c), (2) (c)1., (2) (c)2.,

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(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.

449

893.13 (1) (f) 2.

2nd

Sell, manufacture, or
 deliver s. 893.03 (1) (c),
 (2) (c) 1., (2) (c) 2.,
 (2) (c) 3., (2) (c) 5.,
 (2) (c) 6., (2) (c) 7.,
 (2) (c) 8., (2) (c) 9., (3), or
 (4) drugs within 1,000 feet
 of public housing facility.

450

893.13 (4) (c)

3rd

Use or hire of minor;
 deliver to minor other
 controlled substances.

451

893.13 (6) (a)

3rd

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

452

893.13 (7) (a) 8.

3rd

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

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453

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

454

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

455

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

456

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.

457

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

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animal in obtaining a
controlled substance.

458

893.13(8)(a)3.

3rd

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

459

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.

460

918.13(1)(a)

3rd

Alter, destroy, or conceal
investigation evidence.

461

944.47
(1)(a)1. & 2.

3rd

Introduce contraband to
correctional facility.

462

944.47(1)(c)

2nd

Possess contraband while
upon the grounds of a
correctional institution.

463

985.721

3rd

Escapes from a juvenile
facility (secure detention

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or residential commitment
facility).

464

465

466 (d) LEVEL 4

467

Florida
Statute

Felony
Degree

Description

468

316.1935 (3) (a)

2nd

Driving at high speed or
with wanton disregard
for safety while fleeing
or attempting to elude
law enforcement officer
who is in a patrol
vehicle with siren and
lights activated.

469

499.0051 (1)

3rd

Failure to maintain or
deliver transaction
history, transaction
information, or
transaction statements.

470

499.0051 (5)

2nd

Knowing sale or
delivery, or possession
with intent to sell,
contraband prescription
drugs.

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471

517.07 (1) 3rd Failure to register securities.

472

517.12 (1) 3rd Failure of dealer, associated person, or issuer of securities to register.

473

784.07 (2) (b) 3rd Battery of law enforcement officer, firefighter, etc.

474

784.074 (1) (c) 3rd Battery of sexually violent predators facility staff.

475

784.075 3rd Battery on detention or commitment facility staff.

476

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

477

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

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478

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

479

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

480

784.083 (3) 3rd Battery on code inspector.

481

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

482

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

483

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

484

787.04 (3) 3rd Carrying child beyond

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state lines with
 criminal intent to avoid
 producing child at
 custody hearing or
 delivering to designated
 person.

485

787.07

3rd

Human smuggling.

486

790.115 (1)

3rd

Exhibiting firearm or
 weapon within 1,000 feet
 of a school.

487

790.115 (2) (b)

3rd

Possessing electric
 weapon or device,
 destructive device, or
 other weapon on school
 property.

488

790.115 (2) (c)

3rd

Possessing firearm on
 school property.

489

800.04 (7) (c)

3rd

Lewd or lascivious
 exhibition; offender
 less than 18 years.

490

810.02 (4) (a)

3rd

Burglary, or attempted
 burglary, of an
 unoccupied structure;

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unarmed; no assault or battery.

491

810.02 (4) (b)

3rd

Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

492

810.06

3rd

Burglary; possession of tools.

493

810.08 (2) (c)

3rd

Trespass on property, armed with firearm or dangerous weapon.

494

812.014 (2) (c) 3.

3rd

Grand theft, 3rd degree \$10,000 or more but less than \$20,000.

495

812.014
(2) (c) 4.-10.

3rd

Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.

496

812.0195 (2)

3rd

Dealing in stolen property by use of the Internet; property stolen \$300 or more.

497

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817.505 (4) (a)

3rd

Patient brokering.

498

817.563 (1)

3rd

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

499

817.568 (2) (a)

3rd

Fraudulent use of
personal identification
information.

500

817.625 (2) (a)

3rd

Fraudulent use of
scanning device or
reencoder.

501

828.125 (1)

2nd

Kill, maim, or cause
great bodily harm or
permanent breeding
disability to any
registered horse or
cattle.

502

837.02 (1)

3rd

Perjury in official
proceedings.

503

837.021 (1)

3rd

Make contradictory
statements in official

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proceedings.

504

838.022

3rd

Official misconduct.

505

839.13 (2) (a)

3rd

Falsifying records of an individual in the care and custody of a state agency.

506

839.13 (2) (c)

3rd

Falsifying records of the Department of Children and Families.

507

843.021

3rd

Possession of a concealed handcuff key by a person in custody.

508

843.025

3rd

Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

509

843.15 (1) (a)

3rd

Failure to appear while on bail for felony (bond estreature or bond jumping).

510

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847.0135 (5) (c)

3rd

Lewd or lascivious
exhibition using
computer; offender less
than 18 years.

511

874.05 (1) (a)

3rd

Encouraging or
recruiting another to
join a criminal gang.

512

893.13 (2) (a) 1.

2nd

Purchase of cocaine (or
other s. 893.03 (1) (a),
(b), or (d), (2) (a),
(2) (b), or (2) (c) 4.
drugs).

513

914.14 (2)

3rd

Witnesses accepting
bribes.

514

914.22 (1)

3rd

Force, threaten, etc.,
witness, victim, or
informant.

515

914.23 (2)

3rd

Retaliation against a
witness, victim, or
informant, no bodily
injury.

516

918.12

3rd

Tampering with jurors.

517

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

518
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(f) LEVEL 6

Florida	Felony	
Statute	Degree	Description

316.027 (2) (b)	2nd	Leaving the scene of a crash involving serious bodily injury.
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316.193 (2) (b)	3rd	Felony DUI, 4th or subsequent conviction.
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400.9935 (4) (c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
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499.0051 (2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
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527 499.0051 (3) 2nd Knowing purchase or receipt of prescription drug from unauthorized person.

528 499.0051 (4) 2nd Knowing sale or transfer of prescription drug to unauthorized person.

529 775.0875 (1) 3rd Taking firearm from law enforcement officer.

530 784.021 (1) (a) 3rd Aggravated assault; deadly weapon without intent to kill.

531 784.021 (1) (b) 3rd Aggravated assault; intent to commit felony.

532 784.041 3rd Felony battery; domestic battery by strangulation.

533 784.048 (3) 3rd Aggravated stalking; credible threat.

534 784.048 (5) 3rd Aggravated stalking of person under 16.

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535 784.07 (2) (c) 2nd Aggravated assault on law enforcement officer.

536 784.074 (1) (b) 2nd Aggravated assault on sexually violent predators facility staff.

537 784.08 (2) (b) 2nd Aggravated assault on a person 65 years of age or older.

538 784.081 (2) 2nd Aggravated assault on specified official or employee.

539 784.082 (2) 2nd Aggravated assault by detained person on visitor or other detainee.

540 784.083 (2) 2nd Aggravated assault on code inspector.

541 787.02 (2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.

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542	790.115 (2) (d)	2nd	Discharging firearm or weapon on school property.
543	790.161 (2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
544	790.164 (1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
545	790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
546	794.011 (8) (a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
546	794.05 (1)	2nd	Unlawful sexual activity with specified minor.

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547

800.04 (5) (d) 3rd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.

548

800.04 (6) (b) 2nd Lewd or lascivious conduct; offender 18 years of age or older.

549

806.031 (2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

550

810.02 (3) (c) 2nd Burglary of occupied structure; unarmed; no assault or battery.

551

810.145 (8) (b) 2nd Video voyeurism; certain minor victims; 2nd or subsequent offense.

552

812.014 (2) (b) 1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

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553

812.014 (6) 2nd Theft; property stolen \$3,000 or more; coordination of others.

554

812.015 (9) (a) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

555

812.015 (9) (b) 2nd Retail theft; property stolen \$3,000 or more; coordination of others.

556

812.13 (2) (c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

557

817.4821 (5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

558

817.505 (4) (b) 2nd Patient brokering; 10 or more patients.

559

825.102 (1) 3rd Abuse of an elderly person or disabled adult.

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568

825.102 (3) (c)	3rd	Neglect of an elderly person or disabled adult.
825.1025 (3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103 (3) (c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
827.03 (2) (c)	3rd	Abuse of a child.
827.03 (2) (d)	3rd	Neglect of a child.
827.071 (2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
836.10	2nd	Written threats to kill or do bodily injury.

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569

843.12 3rd Aids or assists person to escape.

570

847.011 3rd Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.

571

847.012 3rd Knowingly using a minor in the production of materials harmful to minors.

572

847.0135 (2) 3rd Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

573

914.23 2nd Retaliation against a witness, victim, or informant, with bodily injury.

944.35 (3) (a) 2. 3rd Committing malicious battery upon or inflicting cruel or

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inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

574

944.40

2nd

Escapes.

575

944.46

3rd

Harboring, concealing, aiding escaped prisoners.

576

944.47 (1) (a) 5.

2nd

Introduction of contraband (firearm, weapon, or explosive) into correctional facility.

577

951.22 (1)

3rd

Intoxicating drug, firearm, or weapon introduced into county facility.

578

579

580

(h) LEVEL 8

581

Florida
Statute

Felony
Degree

Description

582

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316.193	2nd	DUI manslaughter.	
(3) (c) 3.a.			
583			
316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.	
584			
327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.	
585			
499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.	
586			
499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.	
587			
560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.	
588			
560.125 (5) (b)	2nd	Money transmitter business by unauthorized person, currency or payment instruments	

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totaling or exceeding
\$20,000, but less than
\$100,000.

589

655.50 (10) (b) 2.

2nd

Failure to report
financial transactions
totaling or exceeding
\$20,000, but less than
\$100,000 by financial
institutions.

590

777.03 (2) (a)

1st

Accessory after the fact,
capital felony.

591

782.04 (4)

2nd

Killing of human without
design when engaged in
act or attempt of any
felony other than arson,
sexual battery, robbery,
burglary, kidnapping,
aggravated fleeing or
eluding with serious
bodily injury or death,
aircraft piracy, or
unlawfully discharging
bomb.

592

782.051 (2)

1st

Attempted felony murder
while perpetrating or

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attempting to perpetrate
a felony not enumerated
in s. 782.04(3).

593

782.071 (1) (b)

1st

Committing vehicular
homicide and failing to
render aid or give
information.

594

782.072 (2)

1st

Committing vessel
homicide and failing to
render aid or give
information.

595

787.06 (3) (a) 1.

1st

Human trafficking for
labor and services of a
child.

596

787.06 (3) (b)

1st

Human trafficking using
coercion for commercial
sexual activity of an
adult.

597

787.06 (3) (c) 2.

1st

Human trafficking using
coercion for labor and
services of an
unauthorized alien adult.

598

787.06 (3) (e) 1.

1st

Human trafficking for

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labor and services by the transfer or transport of a child from outside Florida to within the state.

599

787.06 (3) (f) 2.

1st

Human trafficking using coercion for commercial sexual activity by the transfer or transport of any adult from outside Florida to within the state.

600

790.161 (3)

1st

Discharging a destructive device which results in bodily harm or property damage.

601

794.011 (5) (a)

1st

Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.

602

794.011 (5) (b)

2nd

Sexual battery; victim and offender 18 years of

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age or older; offender does not use physical force likely to cause serious injury.

603

794.011 (5) (c)

2nd

Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

604

794.011 (5) (d)

1st

Sexual battery; victim 12 years of age or older; offender does not use physical force likely to cause serious injury; prior conviction for specified sex offense.

605

794.08 (3)

2nd

Female genital mutilation, removal of a victim younger than 18 years of age from this state.

606

800.04 (4) (b)

2nd

Lewd or lascivious battery.

607

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608	800.04 (4) (c)	1st	Lewd or lascivious battery; offender 18 years of age or older; prior conviction for specified sex offense.
609	806.01 (1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
610	810.02 (2) (a)	1st, PBL	Burglary with assault or battery.
611	810.02 (2) (b)	1st, PBL	Burglary; armed with explosives or dangerous weapon.
612	810.02 (2) (c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
612	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.

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613

812.13 (2) (b) 1st Robbery with a weapon.

614

812.135 (2) (c) 1st Home-invasion robbery, no
firearm, deadly weapon,
or other weapon.

615

817.505 (4) (c) 1st Patient brokering; 20 or
more patients.

616

817.535 (2) (b) 2nd Filing false lien or
other unauthorized
document; second or
subsequent offense.

617

817.535 (3) (a) 2nd Filing false lien or
other unauthorized
document; property owner
is a public officer or
employee.

618

817.535 (4) (a) 1. 2nd Filing false lien or
other unauthorized
document; defendant is
incarcerated or under
supervision.

619

817.535 (5) (a) 2nd Filing false lien or
other unauthorized

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document; owner of the property incurs financial loss as a result of the false instrument.

620

817.568 (6)

2nd

Fraudulent use of personal identification information of an individual under the age of 18.

621

817.611 (2) (c)

1st

Traffic in or possess 50 or more counterfeit credit cards or related documents.

622

825.102 (2)

1st

Aggravated abuse of an elderly person or disabled adult.

623

825.1025 (2)

2nd

Lewd or lascivious battery upon an elderly person or disabled adult.

624

825.103 (3) (a)

1st

Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.

625

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626 837.02 (2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

627 837.021 (2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

628 860.121 (2) (c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

629 860.16 1st Aircraft piracy.

630 893.13 (1) (b) 1st Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

631 893.13 (2) (b) 1st Purchase in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).

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632	893.13 (6) (c)	1st	Possess in excess of 10 grams of any substance specified in s. 893.03(1) (a) or (b).
633	893.135 (1) (a) 2.	1st	Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.
634	893.135 (1) (b) 1.b.	1st	Trafficking in cocaine, more than 200 grams, less than 400 grams.
635	893.135 (1) (c) 1.b.	1st	Trafficking in illegal drugs, more than 14 grams, less than 28 grams.
636	893.135 (1) (c) 2.c.	1st	Trafficking in hydrocodone, 50 grams or more, less than 200 grams.
637	893.135 (1) (c) 3.c.	1st	Trafficking in oxycodone, 25 grams or more, less than 100 grams.
637	893.135 (1) (d) 1.b.	1st	Trafficking in phencyclidine, more than

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200 grams, less than 400
grams.

638

893.135
(1) (e) 1.b.

1st

Trafficking in
methaqualone, more than 5
kilograms, less than 25
kilograms.

639

893.135
(1) (f) 1.b.

1st

Trafficking in
amphetamine, more than 28
grams, less than 200
grams.

640

893.135
(1) (g) 1.b.

1st

Trafficking in
flunitrazepam, 14 grams
or more, less than 28
grams.

641

893.135
(1) (h) 1.b.

1st

Trafficking in gamma-
hydroxybutyric acid
(GHB), 5 kilograms or
more, less than 10
kilograms.

642

893.135
(1) (j) 1.b.

1st

Trafficking in 1,4-
Butanediol, 5 kilograms
or more, less than 10
kilograms.

643

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893.135 1st Trafficking in
Phenethylamines, 200
grams or more, less than
400 grams.

644

893.1351 (3) 1st Possession of a place
used to manufacture
controlled substance when
minor is present or
resides there.

645

895.03 (1) 1st Use or invest proceeds
derived from pattern of
racketeering activity.

646

895.03 (2) 1st Acquire or maintain
through racketeering
activity any interest in
or control of any
enterprise or real
property.

647

895.03 (3) 1st Conduct or participate in
any enterprise through
pattern of racketeering
activity.

648

896.101 (5) (b) 2nd Money laundering,
financial transactions

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totaling or exceeding
\$20,000, but less than
\$100,000.

649

896.104 (4) (a) 2.

2nd

Structuring transactions
to evade reporting or
registration
requirements, financial
transactions totaling or
exceeding \$20,000 but
less than \$100,000.

650

651 Section 10. For the 2017-2018 fiscal year, the sum of
652 \$194,120 in recurring funds is appropriated from the Operating
653 Trust Fund in the Department of Legal Affairs, and two full-time
654 equivalent positions, with associated salary rate of 130,000,
655 are authorized, for the purpose of implementing this act.

656

Section 11. This act shall take effect July 1, 2017.