

Council Substitute for House Bill No. 173

An act relating to controlled substances; amending s. 893.02, F.S.; defining the term “cultivating” for specified purposes; amending s. 893.1351, F.S.; prohibiting a person from owning or actually or constructively possessing a place, structure, trailer, or other described place with knowledge that the place will be used to manufacture, sell, or traffic in a controlled substance; providing that possession of a specified number or more of cannabis plants constitutes prima facie evidence of intent to sell or distribute; providing that a person with actual or constructive possession of a place, structure, trailer, or conveyance being used to manufacture a controlled substance for sale and distribution commits a felony of the first degree if a minor is present or resides in the place, structure, trailer, or conveyance; providing criminal penalties; amending s. 893.10, F.S.; providing that equipment used in the manufacture of controlled substances may be photographed or video recorded and the photograph or video recording used as evidence for later use at trial; providing for the destruction of the equipment; amending s. 921.0022, F.S.; ranking specified offenses in the offense severity ranking chart of the Criminal Punishment Code; amending ss. 465.016, 465.023, and 893.135, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsections (5) through (21) of section 893.02, Florida Statutes, are renumbered as subsections (6) through (22), respectively, and a new subsection (5) is added to that section to read:

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

(5) “Cultivating” means the preparation of any soil or hydroponic medium for the planting of a controlled substance or the tending and care or harvesting of a controlled substance.

Section 2. Section 893.1351, Florida Statutes, is amended to read:

893.1351 Ownership, lease, rental, or possession or rent for the purpose of trafficking in or manufacturing a controlled substance.—

(1) A person may not own, lease, or rent any place, structure, or part thereof, trailer, or other conveyance, with the knowledge that the such place, structure, trailer, or conveyance will be used for the purpose of trafficking in a controlled substance, as provided in s. 893.135; ~~for, or~~ the sale of a controlled substance, as provided in s. 893.13; or for the manufacture of a controlled substance intended for sale or distribution to another. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) A person may not knowingly be in actual or constructive possession of any place, structure, or part thereof, trailer, or other conveyance with the knowledge that the place, structure, or part thereof, trailer, or conveyance will be used for the purpose of trafficking in a controlled substance, as provided in s. 893.135; for the sale of a controlled substance, as provided in s. 893.13; or for the manufacture of a controlled substance intended for sale or distribution to another. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who is in actual or constructive possession of a place, structure, trailer, or conveyance with the knowledge that the place, structure, trailer, or conveyance is being used to manufacture a controlled substance intended for sale or distribution to another and who knew or should have known that a minor is present or resides in the place, structure, trailer, or conveyance commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) For the purposes of this section, proof of the possession of 25 or more cannabis plants constitutes prima facie evidence that the cannabis is intended for sale or distribution.

(2) ~~A person who violates subsection (1) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 3. Section 893.10, Florida Statutes, is amended to read:

893.10 Burden of proof; photograph or video recording of evidence.—

(1) ~~It is shall not be necessary for the state to negative any exemption or exception set forth in this chapter in any indictment, information, or other pleading or in any trial, hearing, or other proceeding under this chapter, and the burden of going forward with the evidence with respect to any such exemption or exception is shall be upon the person claiming its benefit.~~

(2) ~~In the case of a person charged under s. 893.14(1) with the possession of a controlled substance, the label required under s. 893.04(1) or s. 893.05(2) is shall be admissible in evidence and shall be prima facie evidence that such substance was obtained pursuant to a valid prescription form or dispensed by a practitioner while acting in the course of his or her professional practice.~~

(3) In the prosecution of an offense involving the manufacture of a controlled substance, a photograph or video recording of the manufacturing equipment used in committing the offense, including, but not limited to, grow lights, growing trays, and chemical fertilizers, may be introduced as competent evidence of the existence and use of the equipment and is admissible in the prosecution of the offense to the same extent as if the property were introduced as evidence.

(4) After a law enforcement agency documents the manufacturing equipment by photography or video recording, the manufacturing equipment may be destroyed on site and left in disrepair. The law enforcement agency

destroying the equipment is immune from civil liability for the destruction of the equipment. The destruction of the equipment must be recorded by the supervising law enforcement officer in the manner described in s. 893.12(1)(a) and records must be maintained for 24 months.

Section 4. Paragraphs (e), (g), and (h) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(e) LEVEL 5

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|---|
| 316.027(1)(a) | 3rd | Accidents involving personal injuries, failure to stop; leaving scene. |
| 316.1935(4)(a) | 2nd | Aggravated fleeing or eluding. |
| 322.34(6) | 3rd | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury. |
| 327.30(5) | 3rd | Vessel accidents involving personal injury; leaving scene. |
| 381.0041(11)(b) | 3rd | Donate blood, plasma, or organs knowing HIV positive. |
| 440.10(1)(g) | 2nd | Failure to obtain workers' compensation coverage. |
| 440.105(5) | 2nd | Unlawful solicitation for the purpose of making workers' compensation claims. |
| 440.381(2) | 2nd | Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums. |
| 624.401(4)(b)2. | 2nd | Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000. |
| 626.902(1)(c) | 2nd | Representing an unauthorized insurer; repeat offender. |
| 790.01(2) | 3rd | Carrying a concealed firearm. |
| 790.162 | 2nd | Threat to throw or discharge destructive device. |
| 790.163(1) | 2nd | False report of deadly explosive or weapon of mass destruction. |
| 790.221(1) | 2nd | Possession of short-barreled shotgun or machine gun. |

| Florida Statute | Felony Degree | Description |
|---------------------------|---------------|---|
| 790.23 | 2nd | Felons in possession of firearms, ammunition, or electronic weapons or devices. |
| 800.04(6)(c) | 3rd | Lewd or lascivious conduct; offender less than 18 years. |
| 800.04(7)(c) | 2nd | Lewd or lascivious exhibition; offender 18 years or older. |
| 806.111(1) | 3rd | Possess, manufacture, or dispense fire bomb with intent to damage any structure or property. |
| 812.0145(2)(b) | 2nd | Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000. |
| 812.015(8) | 3rd | Retail theft; property stolen is valued at \$300 or more and one or more specified acts. |
| 812.019(1) | 2nd | Stolen property; dealing in or trafficking in. |
| 812.131(2)(b) | 3rd | Robbery by sudden snatching. |
| 812.16(2) | 3rd | Owning, operating, or conducting a chop shop. |
| 817.034(4)(a)2. | 2nd | Communications fraud, value \$20,000 to \$50,000. |
| 817.234(11)(b) | 2nd | Insurance fraud; property value \$20,000 or more but less than \$100,000. |
| 817.2341(1),(2)(a)&(3)(a) | 3rd | Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the 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 individuals. |
| 817.625(2)(b) | 2nd | Second or subsequent fraudulent use of scanning device or reencoder. |
| 825.1025(4) | 3rd | Lewd or lascivious exhibition in the presence of an elderly person or disabled adult. |
| 827.071(4) | 2nd | Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child. |

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|---|
| 827.071(5) | 3rd | Possess any photographic material, motion picture, etc., which includes sexual conduct by a child. |
| 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. |
| 843.01 | 3rd | Resist officer with violence to person; resist arrest with violence. |
| 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. |
| 874.05(2) | 2nd | Encouraging or recruiting another to join a criminal street gang; second or subsequent offense. |
| 893.13(1)(a)1. | 2nd | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs). |
| 893.13(1)(c)2. | 2nd | Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center. |
| 893.13(1)(d)1. | 1st | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university. |
| 893.13(1)(e)2. | 2nd | Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site. |
| 893.13(1)(f)1. | 1st | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility. |
| 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). |

| Florida Statute | Felony Degree | Description |
|--------------------|---------------|--|
| <u>893.1351(1)</u> | <u>3rd</u> | <u>Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.</u> |
| (g) LEVEL 7 | | |
| Florida Statute | Felony Degree | Description |
| 316.027(1)(b) | 1st | Accident involving death, failure to stop; leaving scene. |
| 316.193(3)(c)2. | 3rd | DUI resulting in serious bodily injury. |
| 316.1935(3)(b) | 1st | Causing serious bodily injury or death to another person; 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. |
| 327.35(3)(c)2. | 3rd | Vessel BUI resulting in serious bodily injury. |
| 402.319(2) | 2nd | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfigurement, permanent disability, or death. |
| 409.920(2) | 3rd | Medicaid provider fraud. |
| 456.065(2) | 3rd | Practicing a health care profession without a license. |
| 456.065(2) | 2nd | Practicing a health care profession without a license which results in serious bodily injury. |
| 458.327(1) | 3rd | Practicing medicine without a license. |
| 459.013(1) | 3rd | Practicing osteopathic medicine without a license. |
| 460.411(1) | 3rd | Practicing chiropractic medicine without a license. |
| 461.012(1) | 3rd | Practicing podiatric medicine without a license. |
| 462.17 | 3rd | Practicing naturopathy without a license. |
| 463.015(1) | 3rd | Practicing optometry without a license. |
| 464.016(1) | 3rd | Practicing nursing without a license. |
| 465.015(2) | 3rd | Practicing pharmacy without a license. |
| 466.026(1) | 3rd | Practicing dentistry or dental hygiene without a license. |

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|--|
| 467.201 | 3rd | Practicing midwifery without a license. |
| 468.366 | 3rd | Delivering respiratory care services without a license. |
| 483.828(1) | 3rd | Practicing as clinical laboratory personnel without a license. |
| 483.901(9) | 3rd | Practicing medical physics without a license. |
| 484.013(1)(c) | 3rd | Preparing or dispensing optical devices without a prescription. |
| 484.053 | 3rd | Dispensing hearing aids without a license. |
| 494.0018(2) | 1st | Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims. |
| 560.123(8)(b)1. | 3rd | Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter. |
| 560.125(5)(a) | 3rd | Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000. |
| 655.50(10)(b)1. | 3rd | Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution. |
| 775.21(10)(a) | 3rd | Sexual predator; failure to register; failure to renew driver's license or identification card; other registration violations. |
| 775.21(10)(b) | 3rd | Sexual predator working where children regularly congregate. |
| 775.21(10)(g) | 3rd | Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator. |
| 782.051(3) | 2nd | Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony. |
| 782.07(1) | 2nd | Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter). |
| 782.071 | 2nd | Killing of a human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide). |

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|--|
| 782.072 | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide). |
| 784.045(1)(a)1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 784.045(1)(a)2. | 2nd | Aggravated battery; using deadly weapon. |
| 784.045(1)(b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. |
| 784.048(4) | 3rd | Aggravated stalking; violation of injunction or court order. |
| 784.048(7) | 3rd | Aggravated stalking; violation of court order. |
| 784.07(2)(d) | 1st | Aggravated battery on law enforcement officer. |
| 784.074(1)(a) | 1st | Aggravated battery on sexually violent predators facility staff. |
| 784.08(2)(a) | 1st | Aggravated battery on a person 65 years of age or older. |
| 784.081(1) | 1st | Aggravated battery on specified official or employee. |
| 784.082(1) | 1st | Aggravated battery by detained person on visitor or other detainee. |
| 784.083(1) | 1st | Aggravated battery on code inspector. |
| 790.07(4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2). |
| 790.16(1) | 1st | Discharge of a machine gun under specified circumstances. |
| 790.165(2) | 2nd | Manufacture, sell, possess, or deliver hoax bomb. |
| 790.165(3) | 2nd | Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony. |
| 790.166(3) | 2nd | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction. |
| 790.166(4) | 2nd | Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony. |
| 794.08(4) | 3rd | Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age. |

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|---|
| 796.03 | 2nd | Procuring any person under 16 years for prostitution. |
| 800.04(5)(c)1. | 2nd | Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years. |
| 800.04(5)(c)2. | 2nd | Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older. |
| 806.01(2) | 2nd | Maliciously damage structure by fire or explosive. |
| 810.02(3)(a) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |
| 810.02(3)(b) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |
| 810.02(3)(d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 810.02(3)(e) | 2nd | Burglary of authorized emergency vehicle. |
| 812.014(2)(a)1. | 1st | Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft. |
| 812.014(2)(b)2. | 2nd | Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree. |
| 812.014(2)(b)3. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft. |
| 812.014(2)(b)4. | 2nd | Property stolen, law enforcement equipment from authorized emergency vehicle. |
| 812.0145(2)(a) | 1st | Theft from person 65 years of age or older; \$50,000 or more. |
| 812.019(2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 812.131(2)(a) | 2nd | Robbery by sudden snatching. |
| 812.133(2)(b) | 1st | Carjacking; no firearm, deadly weapon, or other weapon. |
| 817.234(8)(a) | 2nd | Solicitation of motor vehicle accident victims with intent to defraud. |
| 817.234(9) | 2nd | Organizing, planning, or participating in an intentional motor vehicle collision. |
| 817.234(11)(c) | 1st | Insurance fraud; property value \$100,000 or more. |

| Florida Statute | Felony Degree | Description |
|-----------------------|---------------|--|
| 817.2341(2)(b)&(3)(b) | 1st | Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity. |
| 825.102(3)(b) | 2nd | Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement. |
| 825.103(2)(b) | 2nd | Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000. |
| 827.03(3)(b) | 2nd | Neglect of a child causing great bodily harm, disability, or disfigurement. |
| 827.04(3) | 3rd | Impregnation of a child under 16 years of age by person 21 years of age or older. |
| 837.05(2) | 3rd | Giving false information about alleged capital felony to a law enforcement officer. |
| 838.015 | 2nd | Bribery. |
| 838.016 | 2nd | Unlawful compensation or reward for official behavior. |
| 838.021(3)(a) | 2nd | Unlawful harm to a public servant. |
| 838.22 | 2nd | Bid tampering. |
| 847.0135(3) | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. |
| 847.0135(4) | 2nd | Traveling to meet a minor to commit an unlawful sex act. |
| 872.06 | 2nd | Abuse of a dead human body. |
| 893.13(1)(c)1. | 1st | Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center. |
| 893.13(1)(e)1. | 1st | Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site. |
| 893.13(4)(a) | 1st | Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs). |

| Florida Statute | Felony Degree | Description |
|--------------------|---------------|--|
| 893.135(1)(a)1. | 1st | Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs. |
| 893.135(1)(b)1.a. | 1st | Trafficking in cocaine, more than 28 grams, less than 200 grams. |
| 893.135(1)(c)1.a. | 1st | Trafficking in illegal drugs, more than 4 grams, less than 14 grams. |
| 893.135(1)(d)1. | 1st | Trafficking in phencyclidine, more than 28 grams, less than 200 grams. |
| 893.135(1)(e)1. | 1st | Trafficking in methaqualone, more than 200 grams, less than 5 kilograms. |
| 893.135(1)(f)1. | 1st | Trafficking in amphetamine, more than 14 grams, less than 28 grams. |
| 893.135(1)(g)1.a. | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams. |
| 893.135(1)(h)1.a. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms. |
| 893.135(1)(j)1.a. | 1st | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms. |
| 893.135(1)(k)2.a. | 1st | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. |
| <u>893.1351(2)</u> | <u>2nd</u> | <u>Possession of place for trafficking in or manufacturing of controlled substance.</u> |
| 896.101(5)(a) | 3rd | Money laundering, financial transactions exceeding \$300 but less than \$20,000. |
| 896.104(4)(a)1. | 3rd | Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000. |
| 943.0435(4)(c) | 2nd | Sexual offender vacating permanent residence; failure to comply with reporting requirements. |
| 943.0435(8) | 2nd | Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements. |
| 943.0435(9)(a) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 943.0435(13) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 943.0435(14) | 3rd | Sexual offender; failure to report and re-register; failure to respond to address verification. |

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|--|
| 944.607(9) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 944.607(10)(a) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| 944.607(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 944.607(13) | 3rd | Sexual offender; failure to report and re-register; failure to respond to address verification. |
| 985.4815(10) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| 985.4815(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 985.4815(13) | 3rd | Sexual offender; failure to report and re-register; failure to respond to address verification. |

(h) LEVEL 8

| Florida Statute | Felony Degree | Description |
|-------------------|---------------|---|
| 316.193(3)(c)3.a. | 2nd | DUI manslaughter. |
| 316.1935(4)(b) | 1st | Aggravated fleeing or attempted eluding with serious bodily injury or death. |
| 327.35(3)(c)3. | 2nd | Vessel BUI manslaughter. |
| 499.0051(7) | 1st | Forgery of prescription or legend drug labels. |
| 499.0052 | 1st | Trafficking in contraband legend drugs. |
| 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. |
| 560.125(5)(b) | 2nd | Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000. |
| 655.50(10)(b)2. | 2nd | Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions. |
| 777.03(2)(a) | 1st | Accessory after the fact, capital felony. |

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|--|
| 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, aircraft piracy, or unlawfully discharging bomb. |
| 782.051(2) | 1st | Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3). |
| 782.071(1)(b) | 1st | Committing vehicular homicide and failing to render aid or give information. |
| 782.072(2) | 1st | Committing vessel homicide and failing to render aid or give information. |
| 790.161(3) | 1st | Discharging a destructive device which results in bodily harm or property damage. |
| 794.011(5) | 2nd | Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury. |
| 794.08(3) | 2nd | Female genital mutilation, removal of a victim younger than 18 years of age from this state. |
| 800.04(4) | 2nd | Lewd or lascivious battery. |
| 806.01(1) | 1st | Maliciously damage dwelling or structure by fire or explosive, believing person in structure. |
| 810.02(2)(a) | 1st,PBL | Burglary with assault or battery. |
| 810.02(2)(b) | 1st,PBL | Burglary; armed with explosives or dangerous weapon. |
| 810.02(2)(c) | 1st | Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage. |
| 812.014(2)(a)2. | 1st | Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree. |
| 812.13(2)(b) | 1st | Robbery with a weapon. |
| 812.135(2)(c) | 1st | Home-invasion robbery, no firearm, deadly weapon, or other weapon. |
| 817.568(6) | 2nd | Fraudulent use of personal identification information of an individual under the age of 18. |
| 825.102(2) | 2nd | Aggravated abuse of an elderly person or disabled adult. |
| 825.1025(2) | 2nd | Lewd or lascivious battery upon an elderly person or disabled adult. |

| Florida Statute | Felony Degree | Description |
|-------------------|---------------|--|
| 825.103(2)(a) | 1st | Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more. |
| 837.02(2) | 2nd | Perjury in official proceedings relating to prosecution of a capital felony. |
| 837.021(2) | 2nd | Making contradictory statements in official proceedings relating to prosecution of a capital felony. |
| 860.121(2)(c) | 1st | Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm. |
| 860.16 | 1st | Aircraft piracy. |
| 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). |
| 893.13(2)(b) | 1st | Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b). |
| 893.13(6)(c) | 1st | Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b). |
| 893.135(1)(a)2. | 1st | Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs. |
| 893.135(1)(b)1.b. | 1st | Trafficking in cocaine, more than 200 grams, less than 400 grams. |
| 893.135(1)(c)1.b. | 1st | Trafficking in illegal drugs, more than 14 grams, less than 28 grams. |
| 893.135(1)(d)1.b. | 1st | Trafficking in phencyclidine, more than 200 grams, less than 400 grams. |
| 893.135(1)(e)1.b. | 1st | Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms. |
| 893.135(1)(f)1.b. | 1st | Trafficking in amphetamine, more than 28 grams, less than 200 grams. |
| 893.135(1)(g)1.b. | 1st | Trafficking in flunitrazepam, 14 grams or more, less than 28 grams. |
| 893.135(1)(h)1.b. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms. |
| 893.135(1)(j)1.b. | 1st | Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms. |
| 893.135(1)(k)2.b. | 1st | Trafficking in Phenethylamines, 200 grams or more, less than 400 grams. |

| Florida Statute | Felony Degree | Description |
|--------------------|---------------|--|
| <u>893.1351(3)</u> | <u>1st</u> | <u>Possession of a place used to manufacture controlled substance when minor is present or resides there.</u> |
| 895.03(1) | 1st | Use or invest proceeds derived from pattern of racketeering activity. |
| 895.03(2) | 1st | Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property. |
| 895.03(3) | 1st | Conduct or participate in any enterprise through pattern of racketeering activity. |
| 896.101(5)(b) | 2nd | Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000. |
| 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. |

Section 5. Paragraph (s) of subsection (1) of section 465.016, Florida Statutes, is amended to read:

465.016 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(s) Dispensing any medicinal drug based upon a communication that purports to be a prescription as defined by s. 465.003(14) or s. 893.02 ~~893.02(20)~~ when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship.

Section 6. Paragraph (e) of subsection (1) of section 465.023, Florida Statutes, is amended to read:

465.023 Pharmacy permittee; disciplinary action.—

(1) The department or the board may revoke or suspend the permit of any pharmacy permittee, and may fine, place on probation, or otherwise discipline any pharmacy permittee who has:

(e) Dispensed any medicinal drug based upon a communication that purports to be a prescription as defined by s. 465.003(14) or s. 893.02 ~~893.02(20)~~ when the pharmacist knows or has reason to believe that the purported prescription is not based upon a valid practitioner-patient relationship that includes a documented patient evaluation, including history and a physical examination adequate to establish the diagnosis for which any drug is prescribed and any other requirement established by board rule under chapter 458, chapter 459, chapter 461, chapter 463, chapter 464, or chapter 466.

Section 7. Subsection (6) of section 893.135, Florida Statutes, is amended to read:

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

(6) A mixture, as defined in s. ~~893.02~~ 893.02(14), containing any controlled substance described in this section includes, but is not limited to, a solution or a dosage unit, including but not limited to, a pill or tablet, containing a controlled substance. For the purpose of clarifying legislative intent regarding the weighing of a mixture containing a controlled substance described in this section, the weight of the controlled substance is the total weight of the mixture, including the controlled substance and any other substance in the mixture. If there is more than one mixture containing the same controlled substance, the weight of the controlled substance is calculated by aggregating the total weight of each mixture.

Section 8. This act shall take effect July 1, 2008.

Approved by the Governor June 17, 2008.

Filed in Office Secretary of State June 17, 2008.