

## CHAPTER 2013-29

### Committee Substitute for Senate Bill No. 294

An act relating to controlled substances; amending s. 893.03, F.S.; adding to the list of Schedule I controlled substances certain specified materials, compounds, mixtures, or preparations that contain hallucinogenic substances, or any of their salts, isomers, and salts of isomers, if the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation; amending s. 893.0355, F.S.; revising provisions relating to rulemaking; reenacting and amending s. 893.13, F.S.; providing reduced penalties for possession of 3 grams or less of specified controlled substances; reenacting to incorporate the amendments made to s. 893.03, F.S., in references thereto; amending s. 893.135, F.S.; providing criminal penalties for a person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, a specified quantity of specified controlled substances; reenacting s. 921.0022(3)(b)-(e), F.S., relating to prohibited acts involving controlled substances and the Criminal Punishment Code, respectively, to incorporate the amendments made to s. 893.03, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraphs (a) and (c) of subsection (1) of section 893.03, Florida Statutes, are amended to read:

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

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

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Acetyl-alpha-methylfentanyl.

2. Acetylmethadol.
3. Allylprodine.
4. Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).
5. Alphamethadol.
6. Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl) ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine).
7. Alpha-methylthiofentanyl.
8. Alphameprodine.
9. Benzethidine.
10. Benzylfentanyl.
11. Betacetylmethadol.
12. Beta-hydroxyfentanyl.
13. Beta-hydroxy-3-methylfentanyl.
14. Betameprodine.
15. Betamethadol.
16. Betaprodine.
17. Clonitazene.
18. Dextromoramide.
19. Diampromide.
20. Diethylthiambutene.
21. Difenoxin.
22. Dimenoxadol.
23. Dimepheptanol.
24. Dimethylthiambutene.
25. Dioxaphetyl butyrate.
26. Dipipanone.
27. Ethylmethylthiambutene.

- 28. Etonitazene.
- 29. Etoxeridine.
- 30. Flunitrazepam.
- 31. Furethidine.
- 32. Hydroxypethidine.
- 33. Ketobemidone.
- 34. Levomoramide.
- 35. Levophenacymorphan.
- 36. 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP).
- 37. 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).
- 38. 3-Methylthiofentanyl.
- ~~39. 3, 4-Methylenedioxymethamphetamine (MDMA).~~
- 39.40. Morpheridine.
- 40.41. Noracymethadol.
- 41.42. Norlevorphanol.
- 42.43. Normethadone.
- 43.44. Norpipanone.
- 44.45. Para-Fluorofentanyl.
- 45.46. Phenadoxone.
- 46.47. Phenampromide.
- 47.48. Phenomorphan.
- 48.49. Phenoperidine.
- 49.50. 1-(2-Phenylethyl)-4-Phenyl-4-Acetyloxypiperidine (PEPAP).
- 50.51. Piritramide.
- 51.52. Proheptazine.
- 52.53. Properidine.

- ~~53.54.~~ Propiram.
- ~~54.55.~~ Racemoramide.
- ~~55.56.~~ Thenylfentanyl.
- ~~56.57.~~ Thiofentanyl.
- ~~57.58.~~ Tilidine.
- ~~58.59.~~ Trimeperidine.

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

1. Alpha-ethyltryptamine.
2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-methylaminorex).
3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
4. 4-Bromo-2,5-dimethoxyamphetamine.
5. 4-Bromo-2,5-dimethoxyphenethylamine.
6. Bufotenine.
7. Cannabis.
8. Cathinone.
9. Diethyltryptamine.
10. 2,5-Dimethoxyamphetamine.
11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
12. Dimethyltryptamine.
13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine analog of phencyclidine).
14. N-Ethyl-3-piperidyl benzilate.
15. N-ethylamphetamine.
16. Fenethylamine.
17. N-Hydroxy-3,4-methylenedioxyamphetamine.

18. Ibogaine.
19. Lysergic acid diethylamide (LSD).
20. Mescaline.
21. Methcathinone.
22. 5-Methoxy-3,4-methylenedioxyamphetamine.
23. 4-methoxyamphetamine.
24. 4-methoxymethamphetamine.
25. 4-Methyl-2,5-dimethoxyamphetamine.
26. 3,4-Methylenedioxy-N-ethylamphetamine.
27. 3,4-Methylenedioxyamphetamine.
28. N-Methyl-3-piperidyl benzilate.
29. N,N-dimethylamphetamine.
30. Parahexyl.
31. Peyote.
32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine analog of phencyclidine).
33. Psilocybin.
34. Psilocyn.
35. *Salvia divinorum*, except for any drug product approved by the United States Food and Drug Administration which contains *Salvia divinorum* or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
36. Salvinorin A, except for any drug product approved by the United States Food and Drug Administration which contains Salvinorin A or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, if the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.
37. Tetrahydrocannabinols.
38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP) (Thiophene analog of phencyclidine).
39. 3,4,5-Trimethoxyamphetamine.

40. 3,4-Methylenedioxyamfetamine.
41. 3,4-Methylenedioxypropylamphetamine (MDPV).
42. Methylamfetamine.
43. Methoxyamfetamine.
44. Fluoramfetamine.
45. Methylethamfetamine.
46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8) homologue.
47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol, also known as HU-210.
48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also known as JWH-200.
51. BZP (Benzylpiperazine).
52. Fluorophenylpiperazine.
53. Methylphenylpiperazine.
54. Chlorophenylpiperazine.
55. Methoxyphenylpiperazine.
56. DBZP (1,4-dibenzylpiperazine).
57. TFMPP (3-Trifluoromethylphenylpiperazine).
58. MBDB (Methylbenzodioxolylbutanamine).
59. 5-Hydroxy-alpha-methyltryptamine.
60. 5-Hydroxy-N-methyltryptamine.
61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
62. 5-Methoxy-alpha-methyltryptamine.
63. Methyltryptamine.
64. 5-Methoxy-N,N-dimethyltryptamine.
65. 5-Methyl-N,N-dimethyltryptamine.

66. Tyramine (4-Hydroxyphenethylamine).
67. 5-Methoxy-N,N-Diisopropyltryptamine.
68. DiPT (N,N-Diisopropyltryptamine).
69. DPT (N,N-Dipropyltryptamine).
70. 4-Hydroxy-N,N-diisopropyltryptamine.
71. N,N-Diallyl-5-Methoxytryptamine.
72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
82. Ethcathinone.
83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
84. Naphyrone (naphthylpyrovalerone).
85. N-N-Dimethyl-3,4-methylenedioxcathinone.
86. N-N-Diethyl-3,4-methylenedioxcathinone.
87. 3,4-methylenedioxy-propiofenone.
88. 2-Bromo-3,4-Methylenedioxypropiofenone.
89. 3,4-methylenedioxy-propiofenone-2-oxime.
90. N-Acetyl-3,4-methylenedioxcathinone.
91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.

93. Bromomethcathinone.
94. Buphedrone (alpha-methylamino-butyrophenone).
95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
96. Dimethylcathinone.
97. Dimethylmethcathinone.
98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
99. (MDPPP) 3,4-Methylenedioxy-alpha-pyrrolidinopropiophenone.
100. (MDPBP) 3,4-Methylenedioxy-alpha-pyrrolidinobutiophenone.
101. Methoxy-alpha-pyrrolidinopropiophenone (MOPPP).
102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
103. Benocyclidine (BCP) or benzothiophenylcyclohexylpiperidine (BTCP).
104. Fluoromethylaminobutyrophenone (F-MABP).
105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
108. Methylethylaminobutyrophenone (Me-EABP).
109. Methylamino-butyrophenone (MABP).
110. Pyrrolidinopropiophenone (PPP).
111. Pyrrolidinobutiophenone (PBP).
112. Pyrrolidinovalerophenone (PVP).
113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).
116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-yl)methanone).
117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-yl)methanone).



119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone).
120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-indole).
123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone).
125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone).
126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone).
127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-yl)ethanone).
128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
131. HU-308 ([[(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione).
133. CB-13 (Naphthalen-1-yl-(4-pentylloxynaphthalen-1-yl)methanone).
134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-undecanamide).
135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-undecanamide).
136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone).
138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(naphthalen-1-yl)methanone).
139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).

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

141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).

142. WIN55,212-3 ((3S)-2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).

143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).

144. Fluoroamphetamine.

145. Fluoromethamphetamine.

146. Methoxetamine.

147. Methiopropamine.

148. 4-Methylbuphedrone (2-Methylamino-1-(4-methylphenyl)butan-1-one).

149. APB ((2-aminopropyl)benzofuran).

150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).

151. UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone).

152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone).

153. (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone.

154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-indazole-3-carboxamide).

155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]-methanone).

156. STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-indole-3-carboxamide).

157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-cyclohexylcarbamate).

158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid, cyclohexyl ester).

159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-benzoxazin-4-one).

160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).

161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).
162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
163. 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine).
164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine).
165. 3,4-Methylenedioxymethamphetamine (MDMA).
166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid).
167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-fluoropentyl)-1H-indole-3-carboxylic acid).
168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid).
169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide).

Section 2. Subsection (4) of section 893.0355, Florida Statutes, is amended to read:

893.0355 Control of scheduled substances; delegation of authority to Attorney General to reschedule substance, or delete substance, by rule.—

(4) Rulemaking under this section shall be in accordance with the procedural requirements of chapter 120, including the emergency rule provisions found in s. 120.54, ~~except that s. 120.54(7) does not apply. The Attorney General may initiate proceedings for adoption, amendment, or repeal of any rule on his or her own motion or upon the petition of any interested party.~~

Section 3. For the purpose of incorporating the amendment made by this act to section 893.03, Florida Statutes, in a reference thereto, subsections (1) through (6) of section 893.13, Florida Statutes, are reenacted and amended to read:

893.13 Prohibited acts; penalties.—

(1)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. Any person who violates this provision with respect to:

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

2. A controlled substance named or described in 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) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(b) Except as provided in this chapter, it is unlawful to sell or deliver in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a child care facility as defined in s. 402.302 or a public or private elementary, middle, or secondary school between the hours of 6 a.m. and 12 midnight, or at any time in, on, or within 1,000 feet of real property comprising a state, county, or municipal park, a community center, or a publicly owned recreational facility. For the purposes of this paragraph, the term “community center” means a facility operated by a nonprofit community-based organization for the provision of recreational, social, or educational services to the public. Any person who violates this paragraph with respect to:

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

2. A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

(d) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private college, university, or other postsecondary educational institution. Any person who violates this paragraph with respect to:

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

2. A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(e) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance not authorized by law in, on, or within 1,000 feet of a physical place for worship at which a church or religious organization regularly conducts religious services or within 1,000 feet of a convenience business as defined in s. 812.171. Any person who violates this paragraph with respect to:

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

2. A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(f) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public housing facility at any time. For purposes of this section, the term “real property comprising a public housing facility” means real property, as defined in s. 421.03(12), of a public corporation created as a housing authority pursuant to part I of chapter 421. Any person who violates this paragraph with respect to:

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

2. A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(g) Except as authorized by this chapter, it is unlawful for any person to manufacture methamphetamine or phencyclidine, or possess any listed chemical as defined in s. 893.033 in violation of s. 893.149 and with intent to manufacture methamphetamine or phencyclidine. If any person violates this paragraph and:

1. The commission or attempted commission of the crime occurs in a structure or conveyance where any child under 16 years of age is present, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the defendant must be sentenced to a minimum term of imprisonment of 5 calendar years.

2. The commission of the crime causes any child under 16 years of age to suffer great bodily harm, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the defendant must be sentenced to a minimum term of imprisonment of 10 calendar years.

(h) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising an assisted living facility, as that term is used in chapter 429. Any person who violates this paragraph with respect to:

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

2. A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to purchase, or possess with intent to purchase, a controlled substance. Any person who violates this provision with respect to:

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

2. A controlled substance named or described in 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) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(b) Except as provided in this chapter, it is unlawful to purchase in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Any person who delivers, without consideration, not more than 20 grams of cannabis, as defined in this chapter, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this paragraph, "cannabis" does not include the resin extracted from the plants of the genus *Cannabis* or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

(4) Except as authorized by this chapter, it is unlawful for any person 18 years of age or older to deliver any controlled substance to a person under the age of 18 years, or to use or hire a person under the age of 18 years as an agent or employee in the sale or delivery of such a substance, or to use such person to assist in avoiding detection or apprehension for a violation of this chapter. Any person who violates this provision with respect to:

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

(b) A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Imposition of sentence may not be suspended or deferred, nor shall the person so convicted be placed on probation.

(5) It is unlawful for any person to bring into this state any controlled substance unless the possession of such controlled substance is authorized by this chapter or unless such person is licensed to do so by the appropriate federal agency. Any person who violates this provision with respect to:

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

(b) A controlled substance named or described in 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) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(6)(a) It is unlawful for any person to be in actual or constructive possession of a controlled substance unless such controlled substance was lawfully obtained from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of his or her professional practice or to be in actual or constructive possession of a controlled substance except as otherwise authorized by this chapter. Any person who violates this provision commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the offense is the possession of not more than 20 grams of cannabis, as defined in this chapter, or 3 grams or less of a controlled substance described in s. 893.03(1)(c)46.-50., ~~and 114.-142., 151.-159, or 166.-169.~~, the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this subsection, “cannabis” does not include the resin extracted from the plants of the genus *Cannabis*, or any compound manufacture, salt, derivative, mixture, or preparation of such resin, and a controlled substance described in s. 893.03(1)(c)46.-50., ~~and 114.-142., 151.-159, or 166.-169.~~, does not include the substance in a powdered form.

(c) Except as provided in this chapter, it is unlawful to possess in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. Any person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Notwithstanding any provision to the contrary of the laws of this state relating to arrest, a law enforcement officer may arrest without warrant any person who the officer has probable cause to believe is violating the provisions of this chapter relating to possession of cannabis.

Section 4. Paragraph (k) of subsection (1) 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.—



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

(k)1. Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 10 grams or more of any of the following substances described in s. 893.03(1)(c) ~~s. 893.03(1)(a) or (e)~~:

- a. 3,4-Methylenedioxyamphetamine (MDMA);
- b. 4-Bromo-2,5-dimethoxyamphetamine;
- c. 4-Bromo-2,5-dimethoxyphenethylamine;
- d. 2,5-Dimethoxyamphetamine;
- e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- f. N-ethylamphetamine;
- g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- i. 4-methoxyamphetamine;
- j. 4-methoxymethamphetamine;
- k. 4-Methyl-2,5-dimethoxyamphetamine;
- l. 3,4-Methylenedioxy-N-ethylamphetamine;
- m. 3,4-Methylenedioxyamphetamine;
- n. N,N-dimethylamphetamine; or
- o. 3,4,5-Trimethoxyamphetamine,

individually or in any combination of or any mixture containing any substance listed in sub-subparagraphs a.-o., commits a felony of the first degree, which felony shall be known as “trafficking in Phenethylamines,” punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the quantity involved:

a. Is 10 grams or more but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of \$50,000.

b. Is 200 grams or more, but less than 400 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of \$100,000.

c. Is 400 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of \$250,000.

3. Any person who knowingly manufactures or brings into this state 30 kilograms or more of any of the following substances described in s. 893.03(1)(c) ~~s. 893.03(1)(a) or (e)~~:

- a. 3,4-Methylenedioxyamphetamine (MDMA);
- b. 4-Bromo-2,5-dimethoxyamphetamine;
- c. 4-Bromo-2,5-dimethoxyphenethylamine;
- d. 2,5-Dimethoxyamphetamine;
- e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- f. N-ethylamphetamine;
- g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- i. 4-methoxyamphetamine;
- j. 4-methoxymethamphetamine;
- k. 4-Methyl-2,5-dimethoxyamphetamine;
- l. 3,4-Methylenedioxy-N-ethylamphetamine;
- m. 3,4-Methylenedioxyamphetamine;
- n. N,N-dimethylamphetamine; or
- o. 3,4,5-Trimethoxyamphetamine,

individually or in any combination of or any mixture containing any substance listed in sub-subparagraphs a.-o., and who knows that the probable result of such manufacture or importation would be the death of any person commits capital manufacture or importation of Phenethylamines, a capital felony punishable as provided in ss. 775.082 and 921.142. Any person sentenced to a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

Section 5. For the purpose of incorporating the amendment made by this act to section 893.03, Florida Statutes, in a reference thereto, paragraphs (b), (c), (d), and (e) of subsection (3) of section 921.0022, Florida Statutes, are reenacted to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

| Florida Statute   | Felony Degree | Description  |
|-------------------|---------------|--|
| 379.2431 (1)(e)3. | 3rd           | Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.   |
| 379.2431 (1)(e)4. | 3rd           | Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.  |
| 403.413(5)(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. |
| 517.07(2)         | 3rd           | Failure to furnish a prospectus meeting requirements.  |
| 590.28(1)         | 3rd           | Intentional burning of lands.  |
| 784.05(3)         | 3rd           | Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.  |
| 787.04(1)         | 3rd           | In violation of court order, take, entice, etc., minor beyond state limits.  |
| 806.13(1)(b)3.    | 3rd           | Criminal mischief; damage \$1,000 or more to public communication or any other public service.   |
| 810.061(2)        | 3rd           | Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.   |
| 810.09(2)(e)      | 3rd           | Trespassing on posted commercial horticulture property.  |
| 812.014(2)(c)1.   | 3rd           | Grand theft, 3rd degree; \$300 or more but less than \$5,000.  |
| 812.014(2)(d)     | 3rd           | Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.                                 |
| 812.015(7)        | 3rd           | Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.                                      |

| Florida Statute | Felony Degree | Description   |
|-----------------|---------------|---|
| 817.234(1)(a)2. | 3rd           | False statement in support of insurance claim.  |
| 817.481(3)(a)   | 3rd           | Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.  |
| 817.52(3)       | 3rd           | Failure to redeliver hired vehicle.   |
| 817.54          | 3rd           | With intent to defraud, obtain mortgage note, etc., by false representation.  |
| 817.60(5)       | 3rd           | Dealing in credit cards of another.   |
| 817.60(6)(a)    | 3rd           | Forgery; purchase goods, services with false card.  |
| 817.61          | 3rd           | Fraudulent use of credit cards over \$100 or more within 6 months.  |
| 826.04          | 3rd           | Knowingly marries or has sexual intercourse with person to whom related.  |
| 831.01          | 3rd           | Forgery.  |
| 831.02          | 3rd           | Uttering forged instrument; utters or publishes alteration with intent to defraud.  |
| 831.07          | 3rd           | Forging bank bills, checks, drafts, or promissory notes.  |
| 831.08          | 3rd           | Possessing 10 or more forged notes, bills, checks, or drafts.   |
| 831.09          | 3rd           | Uttering forged notes, bills, checks, drafts, or promissory notes.  |
| 831.11          | 3rd           | Bringing into the state forged bank bills, checks, drafts, or notes.  |
| 832.05(3)(a)    | 3rd           | Cashing or depositing item with intent to defraud.  |
| 843.08          | 3rd           | Falsely impersonating an officer.   |
| 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. |

| Florida Statute | Felony Degree | Description                                    |
|-----------------|---------------|--|
| 893.147(2)      | 3rd           | Manufacture or delivery of drug paraphernalia. |

(c) LEVEL 3

| Florida Statute       | Felony Degree | Description  |
|-----------------------|---------------|--|
| 119.10(2)(b)          | 3rd           | Unlawful use of confidential information from police reports.  |
| 316.066<br>(3)(b)-(d) | 3rd           | Unlawfully obtaining or using confidential crash reports.  |
| 316.193(2)(b)         | 3rd           | Felony DUI, 3rd conviction.  |
| 316.1935(2)           | 3rd           | Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.  |
| 319.30(4)             | 3rd           | Possession by junkyard of motor vehicle with identification number plate removed.  |
| 319.33(1)(a)          | 3rd           | Alter or forge any certificate of title to a motor vehicle or mobile home.   |
| 319.33(1)(c)          | 3rd           | Procure or pass title on stolen vehicle.   |
| 319.33(4)             | 3rd           | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.  |
| 327.35(2)(b)          | 3rd           | Felony BUI.  |
| 328.05(2)             | 3rd           | Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.  |
| 328.07(4)             | 3rd           | Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.  |
| 376.302(5)            | 3rd           | Fraud related to reimbursement for clean-up expenses under the Inland Protection Trust Fund.   |
| 379.2431<br>(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. |

| Florida Statute        | Felony Degree | Description   |
|------------------------|---------------|---|
| 379.2431<br>(1)(e)6.   | 3rd           | Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.           |
| 400.9935(4)            | 3rd           | Operating a clinic without a license or filing false license application or other required information. |
| 440.1051(3)            | 3rd           | False report of workers' compensation fraud or retaliation for making such a report.                    |
| 501.001(2)(b)          | 2nd           | Tampers with a consumer product or the container using materially false/misleading information.         |
| 624.401(4)(a)          | 3rd           | Transacting insurance without a certificate of authority.   |
| 624.401(4)(b)1.        | 3rd           | Transacting insurance without a certificate of authority; premium collected less than \$20,000.         |
| 626.902(1)(a) &<br>(b) | 3rd           | Representing an unauthorized insurer.   |
| 697.08                 | 3rd           | Equity skimming.  |
| 790.15(3)              | 3rd           | Person directs another to discharge firearm from a vehicle.   |
| 796.05(1)              | 3rd           | Live on earnings of a prostitute.   |
| 806.10(1)              | 3rd           | Maliciously injure, destroy, or interfere with vehicles or equipment used in fire-fighting.             |
| 806.10(2)              | 3rd           | Interferes with or assaults firefighter in performance of duty.   |
| 810.09(2)(c)           | 3rd           | Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.         |
| 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 age or older; \$300 or more but less than \$10,000.                       |

| Florida Statute       | Felony Degree | Description   |
|-----------------------|---------------|---|
| 815.04(4)(b)          | 2nd           | Computer offense devised to defraud or obtain property.   |
| 817.034(4)(a)3.       | 3rd           | Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.   |
| 817.233               | 3rd           | Burning to defraud insurer.   |
| 817.234<br>(8)(b)-(c) | 3rd           | Unlawful solicitation of persons involved in motor vehicle accidents.   |
| 817.234(11)(a)        | 3rd           | Insurance fraud; property value less than \$20,000.   |
| 817.236               | 3rd           | Filing a false motor vehicle insurance application.   |
| 817.2361              | 3rd           | Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.  |
| 817.413(2)            | 3rd           | Sale of used goods as new.  |
| 817.505(4)            | 3rd           | Patient brokering.  |
| 828.12(2)             | 3rd           | Tortures any animal with intent to inflict intense pain, serious physical injury, or death.   |
| 831.28(2)(a)          | 3rd           | Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.  |
| 831.29                | 2nd           | Possession of instruments for counterfeiting drivers' licenses or identification cards.   |
| 838.021(3)(b)         | 3rd           | Threatens unlawful harm to public servant.  |
| 843.19                | 3rd           | Injure, disable, or kill police dog or horse.   |
| 860.15(3)             | 3rd           | Overcharging for repairs and parts.   |
| 870.01(2)             | 3rd           | Riot; inciting or encouraging.  |
| 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). |

| Florida Statute | Felony Degree | Description  |
|-----------------|---------------|--|
| 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 housing facility.             |
| 893.13(6)(a)    | 3rd           | Possession of any controlled substance other than felony possession of cannabis.   |
| 893.13(7)(a)8.  | 3rd           | Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.   |
| 893.13(7)(a)9.  | 3rd           | Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.  |
| 893.13(7)(a)10. | 3rd           | Affix false or forged label to package of controlled substance.  |
| 893.13(7)(a)11. | 3rd           | Furnish false or fraudulent material information on any document or record required by chapter 893.  |
| 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. |
| 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.  |
| 893.13(8)(a)3.  | 3rd           | Knowingly write a prescription for a controlled substance for a fictitious person.   |
| 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.                      |



| Florida Statute       | Felony Degree | Description   |
|-----------------------|---------------|---|
| 918.13(1)(a)          | 3rd           | Alter, destroy, or conceal investigation evidence.                                      |
| 944.47<br>(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). |

(d) LEVEL 4

| Florida Statute | Felony Degree | Description  |
|-----------------|---------------|--|
| 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. |
| 499.0051(1)     | 3rd           | Failure to maintain or deliver pedigree papers.  |
| 499.0051(2)     | 3rd           | Failure to authenticate pedigree papers.   |
| 499.0051(6)     | 2nd           | Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.  |
| 517.07(1)       | 3rd           | Failure to register securities.  |
| 517.12(1)       | 3rd           | Failure of dealer, associated person, or issuer of securities to register.   |
| 784.07(2)(b)    | 3rd           | Battery of law enforcement officer, firefighter, etc.  |
| 784.074(1)(c)   | 3rd           | Battery of sexually violent predators facility staff.  |
| 784.075         | 3rd           | Battery on detention or commitment facility staff.   |
| 784.078         | 3rd           | Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.   |

| Florida Statute | Felony Degree | Description  |
|-----------------|---------------|--|
| 784.08(2)(c)    | 3rd           | Battery on a person 65 years of age or older.  |
| 784.081(3)      | 3rd           | Battery on specified official or employee.   |
| 784.082(3)      | 3rd           | Battery by detained person on visitor or other detainee.   |
| 784.083(3)      | 3rd           | Battery on code inspector.   |
| 784.085         | 3rd           | Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.   |
| 787.03(1)       | 3rd           | Interference with custody; wrongly takes minor from appointed guardian.  |
| 787.04(2)       | 3rd           | Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.                                    |
| 787.04(3)       | 3rd           | Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person. |
| 787.07          | 3rd           | Human smuggling.   |
| 790.115(1)      | 3rd           | Exhibiting firearm or weapon within 1,000 feet of a school.  |
| 790.115(2)(b)   | 3rd           | Possessing electric weapon or device, destructive device, or other weapon on school property.  |
| 790.115(2)(c)   | 3rd           | Possessing firearm on school property.   |
| 800.04(7)(c)    | 3rd           | Lewd or lascivious exhibition; offender less than 18 years.  |
| 810.02(4)(a)    | 3rd           | Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.   |
| 810.02(4)(b)    | 3rd           | Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.  |
| 810.06          | 3rd           | Burglary; possession of tools.   |
| 810.08(2)(c)    | 3rd           | Trespass on property, armed with firearm or dangerous weapon.  |

| Florida Statute      | Felony Degree | Description   |
|----------------------|---------------|---|
| 812.014(2)(c)3.      | 3rd           | Grand theft, 3rd degree \$10,000 or more but less than \$20,000.  |
| 812.014 (2)(c)4.-10. | 3rd           | Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.  |
| 812.0195(2)          | 3rd           | Dealing in stolen property by use of the Internet; property stolen \$300 or more.                                 |
| 817.563(1)           | 3rd           | Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.              |
| 817.568(2)(a)        | 3rd           | Fraudulent use of personal identification information.  |
| 817.625(2)(a)        | 3rd           | Fraudulent use of scanning device or reencoder.   |
| 828.125(1)           | 2nd           | Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.        |
| 837.02(1)            | 3rd           | Perjury in official proceedings.  |
| 837.021(1)           | 3rd           | Make contradictory statements in official proceedings.  |
| 838.022              | 3rd           | Official misconduct.  |
| 839.13(2)(a)         | 3rd           | Falsifying records of an individual in the care and custody of a state agency.                                    |
| 839.13(2)(c)         | 3rd           | Falsifying records of the Department of Children and Family Services.   |
| 843.021              | 3rd           | Possession of a concealed handcuff key by a person in custody.  |
| 843.025              | 3rd           | Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication. |
| 843.15(1)(a)         | 3rd           | Failure to appear while on bail for felony (bond estreature or bond jumping).                                     |
| 847.0135(5)(c)       | 3rd           | Lewd or lascivious exhibition using computer; offender less than 18 years.  |
| 874.05(1)            | 3rd           | Encouraging or recruiting another to join a criminal gang.  |

| Florida Statute | Felony Degree | Description   |
|-----------------|---------------|---|
| 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). |
| 914.14(2)       | 3rd           | Witnesses accepting bribes.   |
| 914.22(1)       | 3rd           | Force, threaten, etc., witness, victim, or informant.   |
| 914.23(2)       | 3rd           | Retaliation against a witness, victim, or informant, no bodily injury.                          |
| 918.12          | 3rd           | Tampering with jurors.  |
| 934.215         | 3rd           | Use of two-way communications device to facilitate commission of a crime.                       |

## (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.   |
| 379.367(4)       | 3rd           | Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.                                       |
| 379.3671(2)(c)3. | 3rd           | Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester. |
| 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.  |

| Florida Statute | Felony Degree | Description   |
|-----------------|---------------|---|
| 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.  |
| 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)(b)    | 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.   |

| Florida Statute                 | Felony Degree | Description   |
|---------------------------------|---------------|---|
| 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),<br>(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.   |
| 827.071(5)                      | 3rd           | Possess, control, or intentionally view 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.  |
| 847.0135(5)(b)                  | 2nd           | Lewd or lascivious exhibition using computer; offender 18 years or older.   |
| 847.0137<br>(2) & (3)           | 3rd           | Transmission of pornography by electronic device or equipment.  |

| Florida Statute       | Felony Degree | Description   |
|-----------------------|---------------|---|
| 847.0138<br>(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 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).  |
| 893.1351(1)           | 3rd           | Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.  |

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor April 24, 2013.

Filed in Office Secretary of State April 24, 2013.