

By the Committee on Appropriations; and Senator Bradley

576-02868-13

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1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 893.03, F.S.; adding to the list of Schedule I
4 controlled substances certain specified materials,
5 compounds, mixtures, or preparations that contain
6 hallucinogenic substances, or any of their salts,
7 isomers, and salts of isomers, if the existence of
8 such salts, isomers, and salts of isomers is possible
9 within the specific chemical designation; amending s.
10 893.0355, F.S.; revising provisions relating to
11 rulemaking; reenacting and amending s. 893.13, F.S.;
12 providing reduced penalties for possession of 3 grams
13 or less of specified controlled substances; reenacting
14 to incorporate the amendments made to s. 893.03, F.S.,
15 in references thereto; amending s. 893.135, F.S.;
16 providing criminal penalties for a person who
17 knowingly sells, purchases, manufactures, delivers, or
18 brings into this state, or who is knowingly in actual
19 or constructive possession of, a specified quantity of
20 specified controlled substances; reenacting s.
21 921.0022(3)(b)-(e), F.S., relating to prohibited acts
22 involving controlled substances and the Criminal
23 Punishment Code, respectively, to incorporate the
24 amendments made to s. 893.03, F.S., in references
25 thereto; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Paragraphs (a) and (c) of subsection (1) of

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30 section 893.03, Florida Statutes, are amended to read:

31 893.03 Standards and schedules.—The substances enumerated
32 in this section are controlled by this chapter. The controlled
33 substances listed or to be listed in Schedules I, II, III, IV,
34 and V are included by whatever official, common, usual,
35 chemical, or trade name designated. The provisions of this
36 section shall not be construed to include within any of the
37 schedules contained in this section any excluded drugs listed
38 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
39 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
40 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
41 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
42 Anabolic Steroid Products."

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

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

- 54 1. Acetyl-alpha-methylfentanyl.
- 55 2. Acetylmethadol.
- 56 3. Allylprodine.
- 57 4. Alphacetylmethadol (except levo-alpha-acetylmethadol, also
58 known as levo-alpha-acetylmethadol, levomethadyl acetate, or

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- 59 LAAM) .
- 60 5. Alphamethadol.
- 61 6. Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl)
- 62 ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-
- 63 (N-propanilido) piperidine).
- 64 7. Alpha-methylthiofentanyl.
- 65 8. Alphameprodine.
- 66 9. Benzethidine.
- 67 10. Benzylfentanyl.
- 68 11. Betacetylmethadol.
- 69 12. Beta-hydroxyfentanyl.
- 70 13. Beta-hydroxy-3-methylfentanyl.
- 71 14. Betameprodine.
- 72 15. Betamethadol.
- 73 16. Betaprodine.
- 74 17. Clonitazene.
- 75 18. Dextromoramide.
- 76 19. Diampromide.
- 77 20. Diethylthiambutene.
- 78 21. Difenoxin.
- 79 22. Dimenoxadol.
- 80 23. Dimepheptanol.
- 81 24. Dimethylthiambutene.
- 82 25. Dioxaphetyl butyrate.
- 83 26. Dipipanone.
- 84 27. Ethylmethylthiambutene.
- 85 28. Etonitazene.
- 86 29. Etoxeridine.
- 87 30. Flunitrazepam.

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88 31. Furethidine.

89 32. Hydroxypethidine.

90 33. Ketobemidone.

91 34. Levomoramide.

92 35. Levophenacymorphan.

93 36. 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP).

94 37. 3-Methylfentanyl (N-

95 [3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).

96 38. 3-Methylthiofentanyl.

97 ~~39. 3,4-Methylenedioxymethamphetamine~~

98 ~~(MDMA).~~

99 39.40. Morpheridine.

100 40.41. Noracymethadol.

101 41.42. Norlevorphanol.

102 42.43. Normethadone.

103 43.44. Norpipanone.

104 44.45. Para-Fluorofentanyl.

105 45.46. Phenadoxone.

106 46.47. Phenampromide.

107 47.48. Phenomorphan.

108 48.49. Phenoperidine.

109 49.50. 1-(2-Phenylethyl)-4-Phenyl-4-Acetyloxypiperidine

110 (PEPAP).

111 50.51. Piritramide.

112 51.52. Proheptazine.

113 52.53. Properidine.

114 53.54. Propiram.

115 54.55. Racemoramide.

116 55.56. Thenylfentanyl.

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117 ~~56.57.~~ Thiofentanyl.

118 ~~57.58.~~ Tilidine.

119 ~~58.59.~~ Trimeperidine.

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

128 1. Alpha-ethyltryptamine.

129 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
130 methylaminorex).

131 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).

132 4. 4-Bromo-2,5-dimethoxyamphetamine.

133 5. 4-Bromo-2,5-dimethoxyphenethylamine.

134 6. Bufotenine.

135 7. Cannabis.

136 8. Cathinone.

137 9. Diethyltryptamine.

138 10. 2,5-Dimethoxyamphetamine.

139 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).

140 12. Dimethyltryptamine.

141 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
142 analog of phencyclidine).

143 14. N-Ethyl-3-piperidyl benzilate.

144 15. N-ethylamphetamine.

145 16. Fenethylamine.

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- 146 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
147 18. Ibogaine.
148 19. Lysergic acid diethylamide (LSD).
149 20. Mescaline.
150 21. Methcathinone.
151 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
152 23. 4-methoxyamphetamine.
153 24. 4-methoxymethamphetamine.
154 25. 4-Methyl-2,5-dimethoxyamphetamine.
155 26. 3,4-Methylenedioxy-N-ethylamphetamine.
156 27. 3,4-Methylenedioxyamphetamine.
157 28. N-Methyl-3-piperidyl benzilate.
158 29. N,N-dimethylamphetamine.
159 30. Parahexyl.
160 31. Peyote.
161 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
162 analog of phencyclidine).
163 33. Psilocybin.
164 34. Psilocyn.
165 35. *Salvia divinorum*, except for any drug product approved
166 by the United States Food and Drug Administration which contains
167 *Salvia divinorum* or its isomers, esters, ethers, salts, and
168 salts of isomers, esters, and ethers, if the existence of such
169 isomers, esters, ethers, and salts is possible within the
170 specific chemical designation.
171 36. Salvinorin A, except for any drug product approved by
172 the United States Food and Drug Administration which contains
173 Salvinorin A or its isomers, esters, ethers, salts, and salts of
174 isomers, esters, and ethers, if the existence of such isomers,

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- 175 esters, ethers, and salts is possible within the specific
176 chemical designation.
- 177 37. Tetrahydrocannabinols.
- 178 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
179 (Thiophene analog of phencyclidine).
- 180 39. 3,4,5-Trimethoxyamphetamine.
- 181 40. 3,4-Methylenedioxy methcathinone.
- 182 41. 3,4-Methylenedioxy pyrovalerone (MDPV).
- 183 42. Methylmethcathinone.
- 184 43. Methoxymethcathinone.
- 185 44. Fluoromethcathinone.
- 186 45. Methylethcathinone.
- 187 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
188 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
189 homologue.
- 190 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
191 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
192 also known as HU-210.
- 193 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
- 194 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
- 195 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also
196 known as JWH-200.
- 197 51. BZP (Benzylpiperazine).
- 198 52. Fluorophenylpiperazine.
- 199 53. Methylphenylpiperazine.
- 200 54. Chlorophenylpiperazine.
- 201 55. Methoxyphenylpiperazine.
- 202 56. DBZP (1,4-dibenzylpiperazine).
- 203 57. TFMPP (3-Trifluoromethylphenylpiperazine).

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- 204 58. MBDB (Methylbenzodioxolylbutanamine).
205 59. 5-Hydroxy-alpha-methyltryptamine.
206 60. 5-Hydroxy-N-methyltryptamine.
207 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
208 62. 5-Methoxy-alpha-methyltryptamine.
209 63. Methyltryptamine.
210 64. 5-Methoxy-N,N-dimethyltryptamine.
211 65. 5-Methyl-N,N-dimethyltryptamine.
212 66. Tyramine (4-Hydroxyphenethylamine).
213 67. 5-Methoxy-N,N-Diisopropyltryptamine.
214 68. DiPT (N,N-Diisopropyltryptamine).
215 69. DPT (N,N-Dipropyltryptamine).
216 70. 4-Hydroxy-N,N-diisopropyltryptamine.
217 71. N,N-Diallyl-5-Methoxytryptamine.
218 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
219 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
220 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
221 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
222 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
223 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
224 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
225 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
226 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
227 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
228 82. Ethcathinone.
229 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
230 84. Naphyrone (naphthylpyrovalerone).
231 85. N-N-Dimethyl-3,4-methylenedioxycathinone.
232 86. N-N-Diethyl-3,4-methylenedioxycathinone.

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- 233 87. 3,4-methylenedioxy-propiofenone.
234 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
235 89. 3,4-methylenedioxy-propiofenone-2-oxime.
236 90. N-Acetyl-3,4-methylenedioxcathinone.
237 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
238 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
239 93. Bromomethcathinone.
240 94. Buphedrone (alpha-methylamino-butyrophenone).
241 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
242 96. Dimethylcathinone.
243 97. Dimethylmethcathinone.
244 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
245 99. (MDPPP) 3,4-Methylenedioxy-alpha-
246 pyrrolidinopropiofenone.
247 100. (MDPBP) 3,4-Methylenedioxy-alpha-
248 pyrrolidinobutiophenone.
249 101. Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).
250 102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
251 103. Benocyclidine (BCP) or
252 benzothiophenylcyclohexylpiperidine (BTCP).
253 104. Fluoromethylaminobutyrophenone (F-MABP).
254 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
255 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
256 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
257 108. Methylethylaminobutyrophenone (Me-EABP).
258 109. Methylamino-butyrophenone (MABP).
259 110. Pyrrolidinopropiofenone (PPP).
260 111. Pyrrolidinobutiophenone (PBP).
261 112. Pyrrolidinovalerophenone (PVP).

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- 262 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
- 263 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
- 264 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
- 265 naphthalenylmethanone).
- 266 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-
- 267 yl)methanone).
- 268 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- 269 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-
- 270 yl)methanone).
- 271 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-
- 272 yl)methanone).
- 273 120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
- 274 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-
- 275 tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
- 276 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-
- 277 indole).
- 278 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
- 279 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-
- 280 yl)ethanone).
- 281 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
- 282 yl)methanone).
- 283 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
- 284 yl)ethanone).
- 285 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-
- 286 yl)ethanone).
- 287 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
- 288 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- 289 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
- 290 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-

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291 ol) .

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

293 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]

294 methanol) .

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

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

297 1,4-dione) .

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

299 yl)methanone) .

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

301 undecanamide) .

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

303 undecanamide) .

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

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

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

307 iodophenyl)methanone) .

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

309 (naphthalen-1-yl)methanone) .

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

311 yl)methanone) .

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

313 methoxyphenylethanone) .

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

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

316 naphthalenylmethanone) .

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

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

319 naphthalenylmethanone) .

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- 320 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).
- 321 144. Fluoroamphetamine.
- 322 145. Fluoromethamphetamine.
- 323 146. Methoxetamine.
- 324 147. Methiopropamine.
- 325 148. 4-Methylbuphedrone (2-Methylamino-1-(4-
- 326 methylphenyl)butan-1-one).
- 327 149. APB ((2-aminopropyl)benzofuran).
- 328 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
- 329 151. UR-144 ((1-pentyl-1H-indol-3-yl) (2,2,3,3-
- 330 tetramethylcyclopropyl)methanone).
- 331 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl) (2,2,3,3-
- 332 tetramethylcyclopropyl)methanone).
- 333 153. (1-(5-chloropentyl)-1H-indol-3-yl) (2,2,3,3-
- 334 tetramethylcyclopropyl)methanone.
- 335 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-
- 336 indazole-3-carboxamide).
- 337 155. AM-2233 ((2-iodophenyl) [1-[(1-methyl-2-
- 338 piperidinyl)methyl]-1H-indol-3-yl]-methanone).
- 339 156. STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-
- 340 1-yl-1H-indole-3-carboxamide).
- 341 157. URB-597 ((3'-(aminocarbonyl) [1,1'-biphenyl]-3-yl)-
- 342 cyclohexylcarbamate).
- 343 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,
- 344 cyclohexyl ester).
- 345 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-
- 346 benzoxazin-4-one).
- 347 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).
- 348 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).

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- 349 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
350 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine).
351 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-
352 methoxyphenyl)methyl]-benzeneethanamine).
353 165. 3,4-Methylenedioxymethamphetamine (MDMA).
354 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-
355 carboxylic acid).
356 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-fluoropentyl)-
357 1H-indole-3-carboxylic acid).
358 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-
359 indole-3-carboxylic acid).
360 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-
361 fluoropentyl)-1H-indazole-3-carboxamide).

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

364 893.0355 Control of scheduled substances; delegation of
365 authority to Attorney General to reschedule substance, or delete
366 substance, by rule.—

367 (4) Rulemaking under this section shall be in accordance
368 with the procedural requirements of chapter 120, including the
369 emergency rule provisions found in s. 120.54, except that s.
370 120.54(7) does not apply. The Attorney General may initiate
371 proceedings for adoption, amendment, or repeal of any rule on
372 his or her own motion or upon the petition of any interested
373 party.

374 Section 3. For the purpose of incorporating the amendment
375 made by this act to section 893.03, Florida Statutes, in a
376 reference thereto, subsections (1) through (6) of section
377 893.13, Florida Statutes, are reenacted and amended to read:

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378 893.13 Prohibited acts; penalties.—

379 (1) (a) Except as authorized by this chapter and chapter
380 499, it is unlawful for any person to sell, manufacture, or
381 deliver, or possess with intent to sell, manufacture, or
382 deliver, a controlled substance. Any person who violates this
383 provision with respect to:

384 1. A controlled substance named or described in s.
385 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,
386 commits a felony of the second degree, punishable as provided in
387 s. 775.082, s. 775.083, or s. 775.084.

388 2. A controlled substance named or described in s.
389 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
390 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
391 the third degree, punishable as provided in s. 775.082, s.
392 775.083, or s. 775.084.

393 3. A controlled substance named or described in s.
394 893.03(5) commits a misdemeanor of the first degree, punishable
395 as provided in s. 775.082 or s. 775.083.

396 (b) Except as provided in this chapter, it is unlawful to
397 sell or deliver in excess of 10 grams of any substance named or
398 described in s. 893.03(1) (a) or (1) (b), or any combination
399 thereof, or any mixture containing any such substance. Any
400 person who violates this paragraph commits a felony of the first
401 degree, punishable as provided in s. 775.082, s. 775.083, or s.
402 775.084.

403 (c) Except as authorized by this chapter, it is unlawful
404 for any person to sell, manufacture, or deliver, or possess with
405 intent to sell, manufacture, or deliver, a controlled substance
406 in, on, or within 1,000 feet of the real property comprising a

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407 child care facility as defined in s. 402.302 or a public or
408 private elementary, middle, or secondary school between the
409 hours of 6 a.m. and 12 midnight, or at any time in, on, or
410 within 1,000 feet of real property comprising a state, county,
411 or municipal park, a community center, or a publicly owned
412 recreational facility. For the purposes of this paragraph, the
413 term "community center" means a facility operated by a nonprofit
414 community-based organization for the provision of recreational,
415 social, or educational services to the public. Any person who
416 violates this paragraph with respect to:

417 1. A controlled substance named or described in s.
418 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
419 commits a felony of the first degree, punishable as provided in
420 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
421 sentenced to a minimum term of imprisonment of 3 calendar years
422 unless the offense was committed within 1,000 feet of the real
423 property comprising a child care facility as defined in s.
424 402.302.

425 2. A controlled substance named or described in s.
426 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
427 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
428 the second degree, punishable as provided in s. 775.082, s.
429 775.083, or s. 775.084.

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

434

435 This paragraph does not apply to a child care facility unless

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436 the owner or operator of the facility posts a sign that is not
437 less than 2 square feet in size with a word legend identifying
438 the facility as a licensed child care facility and that is
439 posted on the property of the child care facility in a
440 conspicuous place where the sign is reasonably visible to the
441 public.

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

449 1. A controlled substance named or described in s.
450 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
451 commits a felony of the first degree, punishable as provided in
452 s. 775.082, s. 775.083, or s. 775.084.

453 2. A controlled substance named or described in s.
454 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
455 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
456 the second degree, punishable as provided in s. 775.082, s.
457 775.083, or s. 775.084.

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

462 (e) Except as authorized by this chapter, it is unlawful
463 for any person to sell, manufacture, or deliver, or possess with
464 intent to sell, manufacture, or deliver, a controlled substance

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465 not authorized by law in, on, or within 1,000 feet of a physical
466 place for worship at which a church or religious organization
467 regularly conducts religious services or within 1,000 feet of a
468 convenience business as defined in s. 812.171. Any person who
469 violates this paragraph with respect to:

470 1. A controlled substance named or described in s.
471 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
472 commits a felony of the first degree, punishable as provided in
473 s. 775.082, s. 775.083, or s. 775.084.

474 2. A controlled substance named or described in s.
475 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
476 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
477 the second degree, punishable as provided in s. 775.082, s.
478 775.083, or s. 775.084.

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

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

493 1. A controlled substance named or described in s.

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494 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
495 commits a felony of the first degree, punishable as provided in
496 s. 775.082, s. 775.083, or s. 775.084.

497 2. A controlled substance named or described in s.
498 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
499 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
500 the second degree, punishable as provided in s. 775.082, s.
501 775.083, or s. 775.084.

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

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

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

518 2. The commission of the crime causes any child under 16
519 years of age to suffer great bodily harm, the person commits a
520 felony of the first degree, punishable as provided in s.
521 775.082, s. 775.083, or s. 775.084. In addition, the defendant
522 must be sentenced to a minimum term of imprisonment of 10

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523 calendar years.

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

529 Any person who violates this paragraph with respect to:

530 1. A controlled substance named or described in s.
531 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
532 commits a felony of the first degree, punishable as provided in
533 s. 775.082, s. 775.083, or s. 775.084.

534 2. A controlled substance named or described in s.
535 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
536 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
537 the second degree, punishable as provided in s. 775.082, s.
538 775.083, or s. 775.084.

539 (2)(a) Except as authorized by this chapter and chapter
540 499, it is unlawful for any person to purchase, or possess with
541 intent to purchase, a controlled substance. Any person who
542 violates this provision with respect to:

543 1. A controlled substance named or described in s.
544 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
545 commits a felony of the second degree, punishable as provided in
546 s. 775.082, s. 775.083, or s. 775.084.

547 2. A controlled substance named or described in s.
548 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
549 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
550 the third degree, punishable as provided in s. 775.082, s.
551 775.083, or s. 775.084.

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552 3. A controlled substance named or described in s.
553 893.03(5) commits a misdemeanor of the first degree, punishable
554 as provided in s. 775.082 or s. 775.083.

555 (b) Except as provided in this chapter, it is unlawful to
556 purchase in excess of 10 grams of any substance named or
557 described in s. 893.03(1)(a) or (1)(b), or any combination
558 thereof, or any mixture containing any such substance. Any
559 person who violates this paragraph commits a felony of the first
560 degree, punishable as provided in s. 775.082, s. 775.083, or s.
561 775.084.

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

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

577 (a) A controlled substance named or described in s.
578 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
579 commits a felony of the first degree, punishable as provided in
580 s. 775.082, s. 775.083, or s. 775.084.

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581 (b) A controlled substance named or described in s.
582 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
583 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
584 the second degree, punishable as provided in s. 775.082, s.
585 775.083, or s. 775.084.

586

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

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

594 (a) A controlled substance named or described in s.
595 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
596 commits a felony of the second degree, punishable as provided in
597 s. 775.082, s. 775.083, or s. 775.084.

598 (b) A controlled substance named or described in s.
599 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
600 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
601 the third degree, punishable as provided in s. 775.082, s.
602 775.083, or s. 775.084.

603 (c) A controlled substance named or described in s.
604 893.03(5) commits a misdemeanor of the first degree, punishable
605 as provided in s. 775.082 or s. 775.083.

606 (6)(a) It is unlawful for any person to be in actual or
607 constructive possession of a controlled substance unless such
608 controlled substance was lawfully obtained from a practitioner
609 or pursuant to a valid prescription or order of a practitioner

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610 while acting in the course of his or her professional practice
611 or to be in actual or constructive possession of a controlled
612 substance except as otherwise authorized by this chapter. Any
613 person who violates this provision commits a felony of the third
614 degree, punishable as provided in s. 775.082, s. 775.083, or s.
615 775.084.

616 (b) If the offense is the possession of not more than 20
617 grams of cannabis, as defined in this chapter, or 3 grams or
618 less of a controlled substance described in s. 893.03(1)(c)46.-
619 50., and 114.-142., 151.-159, or 166.-169., the person commits a
620 misdemeanor of the first degree, punishable as provided in s.
621 775.082 or s. 775.083. For the purposes of this subsection,
622 "cannabis" does not include the resin extracted from the plants
623 of the genus *Cannabis*, or any compound manufacture, salt,
624 derivative, mixture, or preparation of such resin, and a
625 controlled substance described in s. 893.03(1)(c)46.-50., ~~and~~
626 114.-142., 151.-159, or 166.-169., does not include the
627 substance in a powdered form.

628 (c) Except as provided in this chapter, it is unlawful to
629 possess in excess of 10 grams of any substance named or
630 described in s. 893.03(1)(a) or (1)(b), or any combination
631 thereof, or any mixture containing any such substance. Any
632 person who violates this paragraph commits a felony of the first
633 degree, punishable as provided in s. 775.082, s. 775.083, or s.
634 775.084.

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

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639 chapter relating to possession of cannabis.

640 Section 4. Paragraph (k) of subsection (1) of section
641 893.135, Florida Statutes, is amended to read:

642 893.135 Trafficking; mandatory sentences; suspension or
643 reduction of sentences; conspiracy to engage in trafficking.—

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

646 (k)1. Any person who knowingly sells, purchases,
647 manufactures, delivers, or brings into this state, or who is
648 knowingly in actual or constructive possession of, 10 grams or
649 more of any of the following substances described in s.

650 893.03(1)(c) ~~s. 893.03(1)(a) or (e)~~:

- 651 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 652 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 653 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 654 d. 2,5-Dimethoxyamphetamine;
- 655 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 656 f. N-ethylamphetamine;
- 657 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 658 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 659 i. 4-methoxyamphetamine;
- 660 j. 4-methoxymethamphetamine;
- 661 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 662 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 663 m. 3,4-Methylenedioxyamphetamine;
- 664 n. N,N-dimethylamphetamine; or
- 665 o. 3,4,5-Trimethoxyamphetamine,

666
667 individually or in any combination of or any mixture containing

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668 any substance listed in sub-subparagraphs a.-o., commits a
669 felony of the first degree, which felony shall be known as
670 "trafficking in Phenethylamines," punishable as provided in s.
671 775.082, s. 775.083, or s. 775.084.

672 2. If the quantity involved:

673 a. Is 10 grams or more but less than 200 grams, such person
674 shall be sentenced to a mandatory minimum term of imprisonment
675 of 3 years, and the defendant shall be ordered to pay a fine of
676 \$50,000.

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

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

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

- 687 a. 3,4-Methylenedioxyamphetamine (MDMA);
688 b. 4-Bromo-2,5-dimethoxyamphetamine;
689 c. 4-Bromo-2,5-dimethoxyphenethylamine;
690 d. 2,5-Dimethoxyamphetamine;
691 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
692 f. N-ethylamphetamine;
693 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
694 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
695 i. 4-methoxyamphetamine;
696 j. 4-methoxymethamphetamine;

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- 697 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 698 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 699 m. 3,4-Methylenedioxyamphetamine;
- 700 n. N,N-dimethylamphetamine; or
- 701 o. 3,4,5-Trimethoxyamphetamine,

702
 703 individually or in any combination of or any mixture containing
 704 any substance listed in sub-subparagraphs a.-o., and who knows
 705 that the probable result of such manufacture or importation
 706 would be the death of any person commits capital manufacture or
 707 importation of Phenethylamines, a capital felony punishable as
 708 provided in ss. 775.082 and 921.142. Any person sentenced for a
 709 capital felony under this paragraph shall also be sentenced to
 710 pay the maximum fine provided under subparagraph 1.

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

716 921.0022 Criminal Punishment Code; offense severity ranking
 717 chart.—

- 718 (3) OFFENSE SEVERITY RANKING CHART
- 719 (b) LEVEL 2

720

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

721

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Protection Act.

722

379.2431
(1) (e) 4.

3rd

Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.

723

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.

724

517.07 (2)

3rd

Failure to furnish a prospectus meeting requirements.

725

590.28 (1)

3rd

Intentional burning of lands.

726

784.05 (3)

3rd

Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

727

787.04 (1)

3rd

In violation of court order, take, entice, etc., minor beyond state limits.

728

806.13 (1) (b) 3.

3rd

Criminal mischief; damage \$1,000 or more to public communication or any other public service.

729

810.061 (2)

3rd

Impairing or impeding telephone or power to a dwelling; facilitating or

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furthering burglary.

730

810.09(2)(e) 3rd Trespassing on posted commercial horticulture property.

731

812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$300 or more but less than \$5,000.

732

812.014(2)(d) 3rd Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.

733

812.015(7) 3rd Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

734

817.234(1)(a)2. 3rd False statement in support of insurance claim.

735

817.481(3)(a) 3rd Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

736

817.52(3) 3rd Failure to redeliver hired vehicle.

737

817.54 3rd With intent to defraud, obtain mortgage note, etc., by false representation.

738

817.60(5) 3rd Dealing in credit cards of another.

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739
740
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745
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748

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

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to defraud.

749

843.08 3rd Falsely impersonating an officer.

750

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.

751

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

752

(c) LEVEL 3

753

754

Florida	Felony	
Statute	Degree	Description

755

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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756

316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
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757

316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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758

316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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759

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760	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
761	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
762	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
763	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
764	327.35(2)(b)	3rd	Felony BUI.
765	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
766	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
767	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell,

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

768

379.2431 3rd Soliciting to commit or conspiring to
(1) (e) 6. commit a violation of the Marine Turtle Protection Act.

769

400.9935 (4) 3rd Operating a clinic without a license or filing false license application or other required information.

770

440.1051 (3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

771

501.001 (2) (b) 2nd Tampers with a consumer product or the container using materially false/misleading information.

772

624.401 (4) (a) 3rd Transacting insurance without a certificate of authority.

773

624.401 (4) (b) 1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

774

626.902 (1) (a) & 3rd Representing an unauthorized insurer.

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(b)

775

697.08 3rd Equity skimming.

776

790.15(3) 3rd Person directs another to discharge
firearm from a vehicle.

777

796.05(1) 3rd Live on earnings of a prostitute.

778

806.10(1) 3rd Maliciously injure, destroy, or
interfere with vehicles or equipment
used in firefighting.

779

806.10(2) 3rd Interferes with or assaults firefighter
in performance of duty.

780

810.09(2)(c) 3rd Trespass on property other than
structure or conveyance armed with
firearm or dangerous weapon.

781

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but less
than \$10,000.

782

812.0145(2)(c) 3rd Theft from person 65 years of age or
older; \$300 or more but less than
\$10,000.

783

815.04(4)(b) 2nd Computer offense devised to defraud or
obtain property.

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784

817.034 (4) (a) 3. 3rd Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

785

817.233 3rd Burning to defraud insurer.

786

817.234 3rd Unlawful solicitation of persons
(8) (b) - (c) involved in motor vehicle accidents.

787

817.234 (11) (a) 3rd Insurance fraud; property value less than \$20,000.

788

817.236 3rd Filing a false motor vehicle insurance application.

789

817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

790

817.413 (2) 3rd Sale of used goods as new.

791

817.505 (4) 3rd Patient brokering.

792

828.12 (2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

793

831.28 (2) (a) 3rd Counterfeiting a payment instrument with

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intent to defraud or possessing a counterfeit payment instrument.

794

831.29 2nd Possession of instruments for counterfeiting drivers' licenses or identification cards.

795

838.021(3)(b) 3rd Threatens unlawful harm to public servant.

796

843.19 3rd Injure, disable, or kill police dog or horse.

797

860.15(3) 3rd Overcharging for repairs and parts.

798

870.01(2) 3rd Riot; inciting or encouraging.

799

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).

800

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.

801

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- 802
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.
- 803
893.13(6)(a)
3rd
Possession of any controlled substance
other than felony possession of
cannabis.
- 804
893.13(7)(a)8.
3rd
Withhold information from practitioner
regarding previous receipt of or
prescription for a controlled substance.
- 805
893.13(7)(a)9.
3rd
Obtain or attempt to obtain controlled
substance by fraud, forgery,
misrepresentation, etc.
- 806
893.13(7)(a)10.
3rd
Affix false or forged label to package
of controlled substance.
- 807
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

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deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

808

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.

809

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

810

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.

811

918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

812

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

813

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

814

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

815

816 (d) LEVEL 4

817

Florida	Felony	
Statute	Degree	Description

818

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.
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819

499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.
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820

499.0051 (2)	3rd	Failure to authenticate pedigree papers.
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821

499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
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822

517.07 (1)	3rd	Failure to register securities.
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823

517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
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825

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

826

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

827

784.075 3rd Battery on detention or commitment
facility staff.

828

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

829

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

830

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

831

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

832

784.083(3) 3rd Battery on code inspector.

833

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

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minor from appointed guardian.

834

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

835

787.04 (3) 3rd Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.

836

787.07 3rd Human smuggling.

837

790.115 (1) 3rd Exhibiting firearm or weapon within 1,000 feet of a school.

838

790.115 (2) (b) 3rd Possessing electric weapon or device, destructive device, or other weapon on school property.

839

790.115 (2) (c) 3rd Possessing firearm on school property.

840

800.04 (7) (c) 3rd Lewd or lascivious exhibition; offender less than 18 years.

841

810.02 (4) (a) 3rd Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.

842

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843	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
844	810.06	3rd	Burglary; possession of tools.
845	810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
846	812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
847	812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
848	812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
849	817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
850	817.568(2)(a)	3rd	Fraudulent use of personal identification information.
851	817.625(2)(a)	3rd	Fraudulent use of scanning device or reencoder.
	828.125(1)	2nd	Kill, maim, or cause great bodily harm

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or permanent breeding disability to any registered horse or cattle.

852

837.02(1) 3rd Perjury in official proceedings.

853

837.021(1) 3rd Make contradictory statements in official proceedings.

854

838.022 3rd Official misconduct.

855

839.13(2)(a) 3rd Falsifying records of an individual in the care and custody of a state agency.

856

839.13(2)(c) 3rd Falsifying records of the Department of Children and Family Services.

857

843.021 3rd Possession of a concealed handcuff key by a person in custody.

858

843.025 3rd Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

859

843.15(1)(a) 3rd Failure to appear while on bail for felony (bond estreature or bond jumping).

860

847.0135(5)(c) 3rd Lewd or lascivious exhibition using computer; offender less than 18 years.

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861	874.05(1)	3rd	Encouraging or recruiting another to join a criminal gang.
862	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).
863	914.14(2)	3rd	Witnesses accepting bribes.
864	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
865	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
866	918.12	3rd	Tampering with jurors.
867	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.

(e) LEVEL 5

871	Florida Statute	Felony Degree	Description
872	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.

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873	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
874	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
875	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
876	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
877	379.3671(2)(c)3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
878	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
879	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
880	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

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of avoiding or reducing workers' compensation premiums.

881

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

882

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

883

790.01 (2) 3rd Carrying a concealed firearm.

884

790.162 2nd Threat to throw or discharge destructive device.

885

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

886

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

887

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

888

800.04 (6) (c) 3rd Lewd or lascivious conduct; offender less than 18 years.

889

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890	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
891	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
892	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
893	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
894	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
895	812.131(2)(b)	3rd	Robbery by sudden snatching.
896	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
897	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
898	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.

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817.2341(1), 3rd Filing false financial statements,
 (2) (a) & (3) (a) making false entries of material fact
 or false statements regarding property
 values relating to the solvency of an
 insuring entity.

899

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.

900

817.625(2) (b) 2nd Second or subsequent fraudulent use of
 scanning device or reencoder.

901

825.1025(4) 3rd Lewd or lascivious exhibition in the
 presence of an elderly person or
 disabled adult.

902

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

903

827.071(5) 3rd Possess, control, or intentionally view
 any photographic material, motion
 picture, etc., which includes sexual

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conduct by a child.

904

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.

905

843.01 3rd Resist officer with violence to person; resist arrest with violence.

906

847.0135(5)(b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

907

847.0137 3rd Transmission of pornography by (2) & (3) electronic device or equipment.

908

847.0138 3rd Transmission of material harmful to (2) & (3) minors to a minor by electronic device or equipment.

909

874.05(2) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

910

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).

911

893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis

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(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.

912

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.

913

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.

914

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.

915

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893.13(4)(b) 2nd Deliver to minor cannabis (or other s.
893.03(1)(c), (2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4) drugs).

916

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

917

918

919

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

920