

1 A bill to be entitled
 2 An act relating to controlled substances; amending s.
 3 893.03, F.S.; including Salvia divinorum and Salvinorin A
 4 on the list of controlled substances in Schedule I;
 5 reenacting ss. 893.13(1)(a), (c), (d), (e), (f), and (h),
 6 (2)(a), (4)(b), and (5)(b), and 921.0022(3)(b), (c), and
 7 (e), F.S., relating to prohibited acts and penalties
 8 concerning controlled substances and the offense severity
 9 chart of the Criminal Punishment Code, to incorporate the
 10 amendment to s. 893.03, F.S., in references thereto;
 11 providing an effective date.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Paragraph (c) of subsection (1) of section
 16 893.03, Florida Statutes, is amended to read:

17 893.03 Standards and schedules.--The substances enumerated
 18 in this section are controlled by this chapter. The controlled
 19 substances listed or to be listed in Schedules I, II, III, IV,
 20 and V are included by whatever official, common, usual,
 21 chemical, or trade name designated. The provisions of this
 22 section shall not be construed to include within any of the
 23 schedules contained in this section any excluded drugs listed
 24 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
 25 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
 26 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
 27 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
 28 Anabolic Steroid Products."

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

34 (c) Unless specifically excepted or unless listed in
35 another schedule, any material, compound, mixture, or
36 preparation which contains any quantity of the following
37 hallucinogenic substances or which contains any of their salts,
38 isomers, and salts of isomers, whenever the existence of such
39 salts, isomers, and salts of isomers is possible within the
40 specific chemical designation:

- 41 1. Alpha-ethyltryptamine.
- 42 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
43 methylaminorex).
- 44 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 45 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 46 5. 4-Bromo-2, 5-dimethoxyphenethylamine.
- 47 6. Bufotenine.
- 48 7. Cannabis.
- 49 8. Cathinone.
- 50 9. Diethyltryptamine.
- 51 10. 2,5-Dimethoxyamphetamine.
- 52 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 53 12. Dimethyltryptamine.
- 54 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
55 analog of phencyclidine).
- 56 14. N-Ethyl-3-piperidyl benzilate.

- 57 | 15. N-ethylamphetamine.
- 58 | 16. Fenethylamine.
- 59 | 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 60 | 18. Ibogaine.
- 61 | 19. Lysergic acid diethylamide (LSD).
- 62 | 20. Mescaline.
- 63 | 21. Methcathinone.
- 64 | 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 65 | 23. 4-methoxyamphetamine.
- 66 | 24. 4-methoxymethamphetamine.
- 67 | 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 68 | 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 69 | 27. 3,4-Methylenedioxyamphetamine.
- 70 | 28. N-Methyl-3-piperidyl benzilate.
- 71 | 29. N,N-dimethylamphetamine.
- 72 | 30. Parahexyl.
- 73 | 31. Peyote.
- 74 | 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
- 75 | analog of phencyclidine).
- 76 | 33. Psilocybin.
- 77 | 34. Psilocyn.
- 78 | 35. Salvia divinorum.
- 79 | 36. Salvinorin A.
- 80 | ~~37.35.~~ Tetrahydrocannabinols.
- 81 | ~~38.36.~~ 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
- 82 | (Thiophene analog of phencyclidine).
- 83 | ~~39.37.~~ 3,4,5-Trimethoxyamphetamine.
- 84 | Section 2. For the purpose of incorporating the amendment

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85 made by this act to section 893.03, Florida Statutes, in
86 references thereto, paragraphs (a), (c), (d), (e), (f), and (h)
87 of subsection (1), paragraph (a) of subsection (2), paragraph
88 (b) of subsection (4), and paragraph (b) of subsection (5) of
89 section 893.13, Florida Statutes, are reenacted to read:

90 893.13 Prohibited acts; penalties.--

91 (1)(a) Except as authorized by this chapter and chapter
92 499, it is unlawful for any person to sell, manufacture, or
93 deliver, or possess with intent to sell, manufacture, or
94 deliver, a controlled substance. Any person who violates this
95 provision with respect to:

96 1. A controlled substance named or described in s.
97 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
98 commits a felony of the second degree, punishable as provided in
99 s. 775.082, s. 775.083, or s. 775.084.

100 2. A controlled substance named or described in s.
101 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
102 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
103 the third degree, punishable as provided in s. 775.082, s.
104 775.083, or s. 775.084.

105 3. A controlled substance named or described in s.
106 893.03(5) commits a misdemeanor of the first degree, punishable
107 as provided in s. 775.082 or s. 775.083.

108 (c) Except as authorized by this chapter, it is unlawful
109 for any person to sell, manufacture, or deliver, or possess with
110 intent to sell, manufacture, or deliver, a controlled substance
111 in, on, or within 1,000 feet of the real property comprising a
112 child care facility as defined in s. 402.302 or a public or

113 private elementary, middle, or secondary school between the
 114 hours of 6 a.m. and 12 midnight, or at any time in, on, or
 115 within 1,000 feet of real property comprising a state, county,
 116 or municipal park, a community center, or a publicly owned
 117 recreational facility. For the purposes of this paragraph, the
 118 term "community center" means a facility operated by a nonprofit
 119 community-based organization for the provision of recreational,
 120 social, or educational services to the public. Any person who
 121 violates this paragraph with respect to:

122 1. A controlled substance named or described in s.
 123 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 124 commits a felony of the first degree, punishable as provided in
 125 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 126 sentenced to a minimum term of imprisonment of 3 calendar years
 127 unless the offense was committed within 1,000 feet of the real
 128 property comprising a child care facility as defined in s.
 129 402.302.

130 2. A controlled substance named or described in s.
 131 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 132 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 133 the second degree, punishable as provided in s. 775.082, s.
 134 775.083, or s. 775.084.

135 3. Any other controlled substance, except as lawfully
 136 sold, manufactured, or delivered, must be sentenced to pay a
 137 \$500 fine and to serve 100 hours of public service in addition
 138 to any other penalty prescribed by law.

139

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

141 the owner or operator of the facility posts a sign that is not
 142 less than 2 square feet in size with a word legend identifying
 143 the facility as a licensed child care facility and that is
 144 posted on the property of the child care facility in a
 145 conspicuous place where the sign is reasonably visible to the
 146 public.

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

154 1. A controlled substance named or described in s.
 155 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 156 commits a felony of the first degree, punishable as provided in
 157 s. 775.082, s. 775.083, or s. 775.084.

158 2. A controlled substance named or described in s.
 159 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 160 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 161 the second degree, punishable as provided in s. 775.082, s.
 162 775.083, or s. 775.084.

163 3. Any other controlled substance, except as lawfully
 164 sold, manufactured, or delivered, must be sentenced to pay a
 165 \$500 fine and to serve 100 hours of public service in addition
 166 to any other penalty prescribed by law.

167 (e) Except as authorized by this chapter, it is unlawful
 168 for any person to sell, manufacture, or deliver, or possess with

169 intent to sell, manufacture, or deliver, a controlled substance
 170 not authorized by law in, on, or within 1,000 feet of a physical
 171 place for worship at which a church or religious organization
 172 regularly conducts religious services or within 1,000 feet of a
 173 convenience business as defined in s. 812.171. Any person who
 174 violates this paragraph with respect to:

175 1. A controlled substance named or described in s.
 176 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 177 commits a felony of the first degree, punishable as provided in
 178 s. 775.082, s. 775.083, or s. 775.084.

179 2. A controlled substance named or described in s.
 180 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 181 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 182 the second degree, punishable as provided in s. 775.082, s.
 183 775.083, or s. 775.084.

184 3. Any other controlled substance, except as lawfully
 185 sold, manufactured, or delivered, must be sentenced to pay a
 186 \$500 fine and to serve 100 hours of public service in addition
 187 to any other penalty prescribed by law.

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

197 with respect to:

198 1. A controlled substance named or described in s.
 199 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 200 commits a felony of the first degree, punishable as provided in
 201 s. 775.082, s. 775.083, or s. 775.084.

202 2. A controlled substance named or described in s.
 203 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 204 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 205 the second degree, punishable as provided in s. 775.082, s.
 206 775.083, or s. 775.084.

207 3. Any other controlled substance, except as lawfully
 208 sold, manufactured, or delivered, must be sentenced to pay a
 209 \$500 fine and to serve 100 hours of public service in addition
 210 to any other penalty prescribed by law.

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

216 Any person who violates this paragraph with respect to:

217 1. A controlled substance named or described in s.
 218 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 219 commits a felony of the first degree, punishable as provided in
 220 s. 775.082, s. 775.083, or s. 775.084.

221 2. A controlled substance named or described in s.
 222 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 223 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 224 the second degree, punishable as provided in s. 775.082, s.

225 775.083, or s. 775.084.

226 (2)(a) Except as authorized by this chapter and chapter
 227 499, it is unlawful for any person to purchase, or possess with
 228 intent to purchase, a controlled substance. Any person who
 229 violates this provision with respect to:

230 1. A controlled substance named or described in s.
 231 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 232 commits a felony of the second degree, punishable as provided in
 233 s. 775.082, s. 775.083, or s. 775.084.

234 2. A controlled substance named or described in s.
 235 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 236 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 237 the third degree, punishable as provided in s. 775.082, s.
 238 775.083, or s. 775.084.

239 3. A controlled substance named or described in s.
 240 893.03(5) commits a misdemeanor of the first degree, punishable
 241 as provided in s. 775.082 or s. 775.083.

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

250 (b) A controlled substance named or described in s.
 251 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 252 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of

253 the second degree, punishable as provided in s. 775.082, s.
 254 775.083, or s. 775.084.

255
 256 Imposition of sentence may not be suspended or deferred, nor
 257 shall the person so convicted be placed on probation.

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

263 (b) A controlled substance named or described in s.
 264 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 265 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 266 the third degree, punishable as provided in s. 775.082, s.
 267 775.083, or s. 775.084.

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

273 921.0022 Criminal Punishment Code; offense severity
 274 ranking chart.--

275 (3) OFFENSE SEVERITY RANKING CHART

276 (b) LEVEL 2

277
 Florida Felony Description
 Statute Degree

278

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279

370.12(1)(e)3. 3rd Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.

280

370.12(1)(e)4. 3rd Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.

281

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.

282

517.07 3rd Registration of securities and furnishing of prospectus required.

283

590.28(1) 3rd Willful, malicious, or intentional burning.

284

784.05(3) 3rd Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

285

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

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			to public communication or any other public service.
286	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
287	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
288	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
289	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
290	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
291	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
292	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
293			

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294	817.52 (3)	3rd	Failure to redeliver hired vehicle.
295	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
296	817.60 (5)	3rd	Dealing in credit cards of another.
297	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
298	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
299	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
300	831.01	3rd	Forgery.
301	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
302	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
303	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.

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304	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
305	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
306	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
307	843.08	3rd	Falsely impersonating an officer.
308	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.
309	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
310	(c)	LEVEL 3	
312	Florida Statute	Felony Degree	Description
313	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.

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314	316.066 (6) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
315	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
316	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
317	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
318	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
320	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
321	327.35 (2) (b)	3rd	Felony BUI.
322	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

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- 323 328.07(4) 3rd Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
- 324 370.12(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.
- 325 370.12(1)(e)6. 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
- 326 376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
- 327 400.903(3) 3rd Operating a clinic without a license or filing false license application or other required information.
- 328 440.1051(3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

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329	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
330	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
331	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
332	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
333	697.08	3rd	Equity skimming.
334	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
335	796.05 (1)	3rd	Live on earnings of a prostitute.
336	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
337	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.

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338	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
339	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
340	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
341	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
342	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
343	817.233	3rd	Burning to defraud insurer.
344	817.234(8)(b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
345	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
	817.236	3rd	Filing a false motor vehicle insurance

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application.

346

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

347

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

348

817.505 (4) 3rd Patient brokering.

349

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

350

831.28 (2) (a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

351

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

352

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

353

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

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355 860.15(3) 3rd Overcharging for repairs and parts.

356 870.01(2) 3rd Riot; inciting or encouraging.

357 893.13(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).

358 893.13(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.

359 893.13(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.

360 893.13(6)(a) 3rd Possession of any controlled substance
other than felony possession of
cannabis.

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893.13 (7) (a) 8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

362

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

363

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

364

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

365

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.

366

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.

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

368

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.

369

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

370

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

371

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

372

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

373

(e) LEVEL 5

374

Florida	Felony	Description
Statute	Degree	

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376	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
377	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
378	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
379	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
380	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
381	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
382	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
383	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

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certificate or authority; premium collected \$20,000 or more but less than \$100,000.

384

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

385

790.01 (2) 3rd Carrying a concealed firearm.

386

790.162 2nd Threat to throw or discharge destructive device.

387

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

388

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

389

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

390

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

391

800.04 (7) (c) 2nd Lewd or lascivious exhibition; offender 18 years or older.

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393	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
394	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
395	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
396	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
397	812.131(2)(b)	3rd	Robbery by sudden snatching.
398	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
399	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
400	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	817.2341(1),(2)	3rd	Filing false financial statements,

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401	(a) & (3) (a)		making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
402	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.
403	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
404	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
405	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 any photographic material, motion picture, etc., which includes

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sexual conduct by a child.

406

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.

407

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

408

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

409

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

410

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

411

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).

412

893.13 (1) (c) 2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1.,

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(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.

413

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.

414

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.

415

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.

416

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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).

417

418

Section 4. This act shall take effect July 1, 2008.