

ENROLLED  
CS/HB 1363

2008 Legislature

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       providing exceptions from the scheduling of Salvia  
6       divinorum and Salvinorin A; reenacting ss. 893.13(1)(a),  
7       (c), (d), (e), (f), and (h), (2)(a), (4)(b), and (5)(b),  
8       and 921.0022(3)(b), (c), and (e), F.S., relating to  
9       prohibited acts and penalties concerning controlled  
10      substances and the offense severity chart of the Criminal  
11      Punishment Code, to incorporate the amendment to s.  
12      893.03, F.S., in references thereto; providing an  
13      effective date.

14  
15   Be It Enacted by the Legislature of the State of Florida:

16  
17       Section 1. Paragraph (c) of subsection (1) of section  
18       893.03, Florida Statutes, is amended to read:

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

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29 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt  
30 Anabolic Steroid Products."

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

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

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

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- 57 analog of phencyclidine).
- 58 14. N-Ethyl-3-piperidyl benzilate.
- 59 15. N-ethylamphetamine.
- 60 16. Fenethylamine.
- 61 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 62 18. Ibogaine.
- 63 19. Lysergic acid diethylamide (LSD).
- 64 20. Mescaline.
- 65 21. Methcathinone.
- 66 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 67 23. 4-methoxyamphetamine.
- 68 24. 4-methoxymethamphetamine.
- 69 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 70 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 71 27. 3,4-Methylenedioxyamphetamine.
- 72 28. N-Methyl-3-piperidyl benzilate.
- 73 29. N,N-dimethylamphetamine.
- 74 30. Parahexyl.
- 75 31. Peyote.
- 76 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
- 77 analog of phencyclidine).
- 78 33. Psilocybin.
- 79 34. Psilocyn.
- 80 35. Salvia divinorum, except for any drug product approved
- 81 by the United States Food and Drug Administration which contains
- 82 Salvia divinorum or its isomers, esters, ethers, salts, and
- 83 salts of isomers, esters, and ethers, whenever the existence of
- 84 such isomers, esters, ethers, and salts is possible within the

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85 specific chemical designation.

86 36. Salvinorin A, except for any drug product approved by  
87 the United States Food and Drug Administration which contains  
88 Salvinorin A or its isomers, esters, ethers, salts, and salts of  
89 isomers, esters, and ethers, whenever the existence of such  
90 isomers, esters, ethers, and salts is possible within the  
91 specific chemical designation.

92 ~~37.35.~~ Tetrahydrocannabinols.

93 ~~38.36.~~ 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)  
94 (Thiophene analog of phencyclidine).

95 ~~39.37.~~ 3,4,5-Trimethoxyamphetamine.

96 Section 2. For the purpose of incorporating the amendment  
97 made by this act to section 893.03, Florida Statutes, in  
98 references thereto, paragraphs (a), (c), (d), (e), (f), and (h)  
99 of subsection (1), paragraph (a) of subsection (2), paragraph  
100 (b) of subsection (4), and paragraph (b) of subsection (5) of  
101 section 893.13, Florida Statutes, are reenacted to read:

102 893.13 Prohibited acts; penalties.--

103 (1)(a) Except as authorized by this chapter and chapter  
104 499, it is unlawful for any person to sell, manufacture, or  
105 deliver, or possess with intent to sell, manufacture, or  
106 deliver, a controlled substance. Any person who violates this  
107 provision with respect to:

108 1. A controlled substance named or described in s.  
109 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
110 commits a felony of the second degree, punishable as provided in  
111 s. 775.082, s. 775.083, or s. 775.084.

112 2. A controlled substance named or described in s.

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113 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
 114 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
 115 the third degree, punishable as provided in s. 775.082, s.  
 116 775.083, or s. 775.084.

117 3. A controlled substance named or described in s.  
 118 893.03(5) commits a misdemeanor of the first degree, punishable  
 119 as provided in s. 775.082 or s. 775.083.

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

134 1. A controlled substance named or described in s.  
 135 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
 136 commits a felony of the first degree, punishable as provided in  
 137 s. 775.082, s. 775.083, or s. 775.084. The defendant must be  
 138 sentenced to a minimum term of imprisonment of 3 calendar years  
 139 unless the offense was committed within 1,000 feet of the real  
 140 property comprising a child care facility as defined in s.

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141 402.302.

142 2. A controlled substance named or described in s.  
143 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
144 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
145 the second degree, punishable as provided in s. 775.082, s.  
146 775.083, or s. 775.084.

147 3. Any other controlled substance, except as lawfully  
148 sold, manufactured, or delivered, must be sentenced to pay a  
149 \$500 fine and to serve 100 hours of public service in addition  
150 to any other penalty prescribed by law.

151  
152 This paragraph does not apply to a child care facility unless  
153 the owner or operator of the facility posts a sign that is not  
154 less than 2 square feet in size with a word legend identifying  
155 the facility as a licensed child care facility and that is  
156 posted on the property of the child care facility in a  
157 conspicuous place where the sign is reasonably visible to the  
158 public.

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

166 1. A controlled substance named or described in s.  
167 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
168 commits a felony of the first degree, punishable as provided in

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169 s. 775.082, s. 775.083, or s. 775.084.

170 2. A controlled substance named or described in s.  
171 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
172 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
173 the second degree, punishable as provided in s. 775.082, s.  
174 775.083, or s. 775.084.

175 3. Any other controlled substance, except as lawfully  
176 sold, manufactured, or delivered, must be sentenced to pay a  
177 \$500 fine and to serve 100 hours of public service in addition  
178 to any other penalty prescribed by law.

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

187 1. A controlled substance named or described in s.  
188 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
189 commits a felony of the first degree, punishable as provided in  
190 s. 775.082, s. 775.083, or s. 775.084.

191 2. A controlled substance named or described in s.  
192 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
193 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
194 the second degree, punishable as provided in s. 775.082, s.  
195 775.083, or s. 775.084.

196 3. Any other controlled substance, except as lawfully

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197 sold, manufactured, or delivered, must be sentenced to pay a  
198 \$500 fine and to serve 100 hours of public service in addition  
199 to any other penalty prescribed by law.

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

210 1. A controlled substance named or described in s.  
211 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
212 commits a felony of the first degree, punishable as provided in  
213 s. 775.082, s. 775.083, or s. 775.084.

214 2. A controlled substance named or described in s.  
215 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
216 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
217 the second degree, punishable as provided in s. 775.082, s.  
218 775.083, or s. 775.084.

219 3. Any other controlled substance, except as lawfully  
220 sold, manufactured, or delivered, must be sentenced to pay a  
221 \$500 fine and to serve 100 hours of public service in addition  
222 to any other penalty prescribed by law.

223 (h) Except as authorized by this chapter, it is unlawful  
224 for any person to sell, manufacture, or deliver, or possess with



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225 | intent to sell, manufacture, or deliver, a controlled substance  
226 | in, on, or within 1,000 feet of the real property comprising an  
227 | assisted living facility, as that term is used in chapter 429.

228 | Any person who violates this paragraph with respect to:

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

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

238 |       (2)(a) Except as authorized by this chapter and chapter  
239 | 499, it is unlawful for any person to purchase, or possess with  
240 | intent to purchase, a controlled substance. Any person who  
241 | violates this provision with respect to:

242 |       1. A controlled substance named or described in s.  
243 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
244 | commits a felony of the second degree, punishable as provided in  
245 | s. 775.082, s. 775.083, or s. 775.084.

246 |       2. A controlled substance named or described in s.  
247 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
248 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
249 | the third degree, punishable as provided in s. 775.082, s.  
250 | 775.083, or s. 775.084.

251 |       3. A controlled substance named or described in s.  
252 | 893.03(5) commits a misdemeanor of the first degree, punishable

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253 as provided in s. 775.082 or s. 775.083.

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

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

267  
268 Imposition of sentence may not be suspended or deferred, nor  
269 shall the person so convicted be placed on probation.

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

275 (b) A controlled substance named or described in s.  
276 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
277 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
278 the third degree, punishable as provided in s. 775.082, s.  
279 775.083, or s. 775.084.

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

285 921.0022 Criminal Punishment Code; offense severity  
286 ranking chart.--

287 (3) OFFENSE SEVERITY RANKING CHART

288 (b) LEVEL 2

289

Florida Statute	Felony Degree	Description
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290

370.12(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
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291

370.12(1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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292

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.
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293

517.07	3rd	Registration of securities and
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			furnishing of prospectus required.
294	590.28 (1)	3rd	Willful, malicious, or intentional burning.
295	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
296	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
297	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
298	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
299	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
300	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
301	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more

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302	812.015(7)	3rd	but less than \$300, taken from unenclosed curtilage of dwelling.
303	817.234(1)(a)2.	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
304	817.481(3)(a)	3rd	False statement in support of insurance claim.
305	817.52(3)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
306	817.54	3rd	Failure to redeliver hired vehicle.
307	817.60(5)	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
308	817.60(6)(a)	3rd	Dealing in credit cards of another.
309	817.61	3rd	Forgery; purchase goods, services with false card.
310			Fraudulent use of credit cards over \$100 or more within 6 months.

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311	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
312	831.01	3rd	Forgery.
313	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
314	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
315	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
316	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
317	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
318	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
319	843.08	3rd	Falsely impersonating an officer.
	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),

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(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.

320

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

321

322            (c)    LEVEL 3

323

Florida Statute	Felony Degree	Description
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324

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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325

316.066(6)(b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
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326

316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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327

316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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328

319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
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330	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
331	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
332	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
333	327.35 (2) (b)	3rd	Felony BUI.
334	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
335	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
336	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.
	370.12 (1) (e) 6.	3rd	Soliciting to commit or conspiring to



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commit a violation of the Marine Turtle  
Protection Act.

337

376.302 (5) 3rd Fraud related to reimbursement for  
cleanup expenses under the Inland  
Protection Trust Fund.

338

400.903 (3) 3rd Operating a clinic without a license or  
filing false license application or  
other required information.

339

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

340

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

341

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

342

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

343

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

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344	(b)		
345	697.08	3rd	Equity skimming.
346	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
347	796.05 (1)	3rd	Live on earnings of a prostitute.
348	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
349	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
350	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
351	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
352	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

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353	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
354	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
355	817.233	3rd	Burning to defraud insurer.
356	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
357	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
358	817.236	3rd	Filing a false motor vehicle insurance application.
359	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
360	817.413 (2)	3rd	Sale of used goods as new.
361	817.505 (4)	3rd	Patient brokering.
	828.12 (2)	3rd	Tortures any animal with intent to

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inflict intense pain, serious physical injury, or death.

362

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

363

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

364

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

365

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

366

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

367

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

368

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).

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370	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.
371	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.
372	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
373	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
374	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
375	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.

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- 376 893.13 (7) (a) 11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.
- 377 893.13 (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.
- 378 893.13 (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.
- 379 893.13 (8) (a) 3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.
- 380 893.13 (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.

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381	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
382	944.47 (1) (a) 1.- 2.	3rd	Introduce contraband to correctional facility.
383	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
384	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
385	(e) LEVEL 5		
386			
387	Florida Statute	Felony Degree	Description
388	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
389	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
390	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

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391	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
392	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
393	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
394	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
395	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
396	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
397	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
398	790.01 (2)	3rd	Carrying a concealed firearm.



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399	790.162	2nd	Threat to throw or discharge destructive device.
400	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
401	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
402	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
403	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
404	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
405	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
406	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

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407	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
408	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
409	812.131 (2) (b)	3rd	Robbery by sudden snatching.
410	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
411	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
412	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
413	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment

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avoided, or amount of injury or fraud,  
\$5,000 or more or use of personal  
identification information of 10 or  
more individuals.

414

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

415

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

416

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

417

827.071 (5) 3rd Possess any photographic material,  
motion picture, etc., which includes  
sexual conduct by a child.

418

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.

419

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

420

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421	847.0137(2)&(3)	3rd	Transmission of pornography by electronic device or equipment.
422	847.0138(2)&(3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
423	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
424	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).
425	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

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(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.

426

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.

427

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.

428

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).

429

430

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