

By the Committee on Criminal Justice

591-04022-08

20081612\_\_

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, chemical,  
23 or trade name designated. The provisions of this section shall  
24 not be construed to include within any of the schedules contained  
25 in this section any excluded drugs listed within the purview of  
26 21 C.F.R. s. 1308.22, styled "Excluded Substances"; 21 C.F.R. s.  
27 1308.24, styled "Exempt Chemical Preparations"; 21 C.F.R. s.  
28 1308.32, styled "Exempted Prescription Products"; or 21 C.F.R. s.  
29 1308.34, styled "Exempt Anabolic Steroid Products."

591-04022-08

20081612\_\_

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

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

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

591-04022-08

20081612\_\_

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

591-04022-08

20081612\_\_

88 isomers, esters, and ethers, whenever the existence of such  
89 isomers, esters, ethers, and salts is possible within the  
90 specific chemical designation.

91 ~~37.35.~~ Tetrahydrocannabinols.

92 ~~38.36.~~ 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)  
93 (Thiophene analog of phencyclidine).

94 ~~39.37.~~ 3,4,5-Trimethoxyamphetamine.

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

101 893.13 Prohibited acts; penalties.--

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

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

111 2. A controlled substance named or described in s.  
112 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
113 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the  
114 third degree, punishable as provided in s. 775.082, s. 775.083,  
115 or s. 775.084.

116 3. A controlled substance named or described in s.

591-04022-08

20081612\_\_

117 893.03(5) commits a misdemeanor of the first degree, punishable  
118 as provided in s. 775.082 or s. 775.083.

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

133 1. A controlled substance named or described in s.  
134 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
135 commits a felony of the first degree, punishable as provided in  
136 s. 775.082, s. 775.083, or s. 775.084. The defendant must be  
137 sentenced to a minimum term of imprisonment of 3 calendar years  
138 unless the offense was committed within 1,000 feet of the real  
139 property comprising a child care facility as defined in s.  
140 402.302.

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

591-04022-08

20081612\_\_

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

150  
151 This paragraph does not apply to a child care facility unless the  
152 owner or operator of the facility posts a sign that is not less  
153 than 2 square feet in size with a word legend identifying the  
154 facility as a licensed child care facility and that is posted on  
155 the property of the child care facility in a conspicuous place  
156 where the sign is reasonably visible to the public.

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

164           1. A controlled substance named or described in s.  
165 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
166 commits a felony of the first degree, punishable as provided in  
167 s. 775.082, s. 775.083, or s. 775.084.

168           2. A controlled substance named or described in s.  
169 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
170 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the  
171 second degree, punishable as provided in s. 775.082, s. 775.083,  
172 or s. 775.084.

173           3. Any other controlled substance, except as lawfully sold,  
174 manufactured, or delivered, must be sentenced to pay a \$500 fine

591-04022-08

20081612\_\_

175 and to serve 100 hours of public service in addition to any other  
176 penalty prescribed by law.

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

185 1. A controlled substance named or described in s.  
186 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
187 commits a felony of the first degree, punishable as provided in  
188 s. 775.082, s. 775.083, or s. 775.084.

189 2. A controlled substance named or described in s.  
190 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
191 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the  
192 second degree, punishable as provided in s. 775.082, s. 775.083,  
193 or s. 775.084.

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

198 (f) Except as authorized by this chapter, it is unlawful  
199 for any person to sell, manufacture, or deliver, or possess with  
200 intent to sell, manufacture, or deliver, a controlled substance  
201 in, on, or within 1,000 feet of the real property comprising a  
202 public housing facility at any time. For purposes of this  
203 section, the term "real property comprising a public housing

591-04022-08

20081612\_\_

204 facility" means real property, as defined in s. 421.03(12), of a  
205 public corporation created as a housing authority pursuant to  
206 part I of chapter 421. Any person who violates this paragraph  
207 with respect to:

208 1. A controlled substance named or described in s.  
209 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
210 commits a felony of the first degree, punishable as provided in  
211 s. 775.082, s. 775.083, or s. 775.084.

212 2. A controlled substance named or described in s.  
213 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
214 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the  
215 second degree, punishable as provided in s. 775.082, s. 775.083,  
216 or s. 775.084.

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

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

227 1. A controlled substance named or described in s.  
228 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. commits  
229 a felony of the first degree, punishable as provided in s.  
230 775.082, s. 775.083, or s. 775.084.

231 2. A controlled substance named or described in s.  
232 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,



591-04022-08

20081612\_\_

233 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of the  
234 second degree, punishable as provided in s. 775.082, s. 775.083,  
235 or s. 775.084.

236 (2) (a) Except as authorized by this chapter and chapter  
237 499, it is unlawful for any person to purchase, or possess with  
238 intent to purchase, a controlled substance. Any person who  
239 violates this provision with respect to:

240 1. A controlled substance named or described in s.  
241 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,  
242 commits a felony of the second degree, punishable as provided in  
243 s. 775.082, s. 775.083, or s. 775.084.

244 2. A controlled substance named or described in s.  
245 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,  
246 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of the  
247 third degree, punishable as provided in s. 775.082, s. 775.083,  
248 or s. 775.084.

249 3. A controlled substance named or described in s.  
250 893.03(5) commits a misdemeanor of the first degree, punishable  
251 as provided in s. 775.082 or s. 775.083.

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

260 (b) A controlled substance named or described in s.  
261 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,

591-04022-08

20081612\_\_

262 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of the  
 263 second degree, punishable as provided in s. 775.082, s. 775.083,  
 264 or s. 775.084.

265  
 266 Imposition of sentence may not be suspended or deferred, nor  
 267 shall the person so convicted be placed on probation.

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

273 (b) A controlled substance named or described in s.  
 274 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,  
 275 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of the  
 276 third degree, punishable as provided in s. 775.082, s. 775.083,  
 277 or s. 775.084.

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

282 921.0022 Criminal Punishment Code; offense severity ranking  
 283 chart.--

284 (3) OFFENSE SEVERITY RANKING CHART

285 (b) LEVEL 2

286

Florida Statute	Felony Degree	Description
370.12(1) (e) 3.	3rd	Possession of 11 or fewer

287

591-04022-08

20081612\_\_

288	370.12 (1) (e) 4.	3rd	marine turtle eggs in violation of the Marine Turtle Protection Act.
289	403.413 (5) (c)	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
290	517.07	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
291	590.28 (1)	3rd	Registration of securities and furnishing of prospectus required.
292	784.05 (3)	3rd	Willful, malicious, or intentional burning.
293	787.04 (1)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
			In violation of court order, take, entice, etc., minor

591-04022-08

20081612\_\_

			beyond state limits.
294	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
295	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
296	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
297	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
298	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
299	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
300			

591-04022-08

20081612\_\_

301	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
302	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
303	817.52 (3)	3rd	Failure to redeliver hired vehicle.
304	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
305	817.60 (5)	3rd	Dealing in credit cards of another.
306	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
307	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
308	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.

591-04022-08

20081612\_\_

309	831.01	3rd	Forgery.
310	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
311	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
312	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
313	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
314	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
315	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
316	843.08	3rd	Falsely impersonating an officer.
	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1.,

591-04022-08

20081612\_\_

(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.

317

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

318

319 (c) LEVEL 3

320

Florida Felony Description  
 Statute Degree

321

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

322

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

323

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

324

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

325

319.30 (4) 3rd Possession by junkyard of  
 motor vehicle with

591-04022-08

20081612\_\_

			identification number plate removed.
326	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
327	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
328	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
329	327.35 (2) (b)	3rd	Felony BUI.
330	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
331	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
332	370.12 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying,



591-04022-08

20081612\_\_

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.

333

370.12 (1) (e) 6.

3rd

Soliciting to commit or  
 conspiring to commit a  
 violation of the Marine Turtle  
 Protection Act.

334

376.302 (5)

3rd

Fraud related to reimbursement  
 for cleanup expenses under the  
 Inland Protection Trust Fund.

335

400.903 (3)

3rd

Operating a clinic without a  
 license or filing false  
 license application or other  
 required information.

336

440.1051 (3)

3rd

False report of workers'  
 compensation fraud or  
 retaliation for making such a  
 report.

337

501.001 (2) (b)

2nd

Tampers with a consumer

591-04022-08

20081612\_\_

product or the container using  
materially false/misleading  
information.

338

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

339

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

340

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

341

697.08 3rd Equity skimming.

342

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

343

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

344

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

345

591-04022-08

20081612\_\_

346	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
347	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
348	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
349	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
350	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
351	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
352	817.233	3rd	Burning to defraud insurer.
	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.

591-04022-08

20081612\_\_

353	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
354	817.236	3rd	Filing a false motor vehicle insurance application.
355	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
356	817.413 (2)	3rd	Sale of used goods as new.
357	817.505 (4)	3rd	Patient brokering.
358	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
359	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
360	831.29	2nd	Possession of instruments for counterfeiting drivers'

591-04022-08

20081612\_\_

			licenses or identification cards.
361	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
362	843.19	3rd	Injure, disable, or kill police dog or horse.
363	860.15 (3)	3rd	Overcharging for repairs and parts.
364	870.01 (2)	3rd	Riot; inciting or encouraging.
365	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).
366	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.
367			

591-04022-08

20081612\_\_

368	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.
369	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
370	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
371	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
372	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any

591-04022-08

20081612\_\_

document or record required by chapter 893.

373

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.

374

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.

375

893.13 (8) (a) 3.

3rd

Knowingly write a prescription for a controlled substance for a fictitious person.

376

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

591-04022-08

20081612\_\_

377			practitioner.
	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
378			
	944.47 (1) (a) 1.-2.	3rd	Introduce contraband to correctional facility.
379			
	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
380			
	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
381			
382	(e) LEVEL 5		
383			
	Florida Statute	Felony Degree	Description
384			
	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
385			
	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
386			
	322.34 (6)	3rd	Careless operation of motor



591-04022-08

20081612\_\_

			vehicle with suspended license, resulting in death or serious bodily injury.
387	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
388	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
389	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
390	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
391	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
392	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

591-04022-08

20081612\_\_

393	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
394	790.01 (2)	3rd	Carrying a concealed firearm.
395	790.162	2nd	Threat to throw or discharge destructive device.
396	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
397	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
398	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
399	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
400	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
401	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or

591-04022-08

20081612\_\_

			property.
402	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
403	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
404	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
405	812.131 (2) (b)	3rd	Robbery by sudden snatching.
406	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
407	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
408	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
409	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding

591-04022-08

20081612\_\_

property values relating to the solvency of an insuring entity.

410

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.

411

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device or reencoder.

412

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

413

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

414

827.071 (5)

3rd

Possess any photographic

591-04022-08

20081612\_\_

material, motion picture,  
etc., which includes sexual  
conduct by a child.

415

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.

416

843.01

3rd

Resist officer with violence  
to person; resist arrest with  
violence.

417

847.0137 (2) &amp; (3)

3rd

Transmission of pornography by  
electronic device or  
equipment.

418

847.0138 (2) &amp; (3)

3rd

Transmission of material  
harmful to minors to a minor  
by electronic device or  
equipment.

419

874.05 (2)

2nd

Encouraging or recruiting  
another to join a criminal  
street gang; second or  
subsequent offense.

420

893.13 (1) (a) 1.

2nd

Sell, manufacture, or deliver

591-04022-08

20081612\_\_

cocaine (or other s.  
893.03(1)(a), (1)(b), (1)(d),  
(2)(a), (2)(b), or (2)(c)4.  
drugs).

421

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.

422

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.

423

893.13(1)(e)2.

2nd

Sell, manufacture, or deliver  
cannabis or other drug  
prohibited under s.  
893.03(1)(c), (2)(c)1.,

591-04022-08

20081612\_\_

(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.

424

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.

425

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).

426

427

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