

By the Committees on Criminal Justice; Criminal Justice; and
Senator Lynn

591-04821-08

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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."

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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.

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- 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

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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.

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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.

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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

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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

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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.,

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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.,

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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

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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

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			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			

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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.

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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.,

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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
 other than cannabis.

317

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

318

319 (c) LEVEL 3

320

Florida Statute	Felony Degree	Description
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321

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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322

316.066(6)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
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323

316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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324

316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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325

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

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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

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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.

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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.

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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'

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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.

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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

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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

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practitioner.

377

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

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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.

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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

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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

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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

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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) & (3)

3rd

Transmission of pornography by
electronic device or
equipment.

418

847.0138 (2) & (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

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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.,

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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) 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.