

FOR CONSIDERATION By the Committee on Criminal Justice

591-02866-08

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

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

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

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

28 (1) SCHEDULE I.--A substance in Schedule I has a high
29 potential for abuse and has no currently accepted medical use in

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30 treatment in the United States and in its use under medical
31 supervision does not meet accepted safety standards. The
32 following substances are controlled in Schedule I:

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

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

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

83 Section 2. For the purpose of incorporating the amendment
84 made by this act to section 893.03, Florida Statutes, in
85 references thereto, paragraphs (a), (c), (d), (e), (f), and (h)
86 of subsection (1), paragraph (a) of subsection (2), paragraph (b)
87 of subsection (4), and paragraph (b) of subsection (5) of section

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88 893.13, Florida Statutes, are reenacted to read:

89 893.13 Prohibited acts; penalties.--

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

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

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

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

107 (c) Except as authorized by this chapter, it is unlawful
108 for any person to sell, manufacture, or deliver, or possess with
109 intent to sell, manufacture, or deliver, a controlled substance
110 in, on, or within 1,000 feet of the real property comprising a
111 child care facility as defined in s. 402.302 or a public or
112 private elementary, middle, or secondary school between the hours
113 of 6 a.m. and 12 midnight, or at any time in, on, or within 1,000
114 feet of real property comprising a state, county, or municipal
115 park, a community center, or a publicly owned recreational
116 facility. For the purposes of this paragraph, the term "community

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117 center" means a facility operated by a nonprofit community-based
118 organization for the provision of recreational, social, or
119 educational services to the public. Any person who violates this
120 paragraph with respect to:

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

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

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

138
139 This paragraph does not apply to a child care facility unless the
140 owner or operator of the facility posts a sign that is not less
141 than 2 square feet in size with a word legend identifying the
142 facility as a licensed child care facility and that is posted on
143 the property of the child care facility in a conspicuous place
144 where the sign is reasonably visible to the public.

145 (d) Except as authorized by this chapter, it is unlawful

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146 for any person to sell, manufacture, or deliver, or possess with
147 intent to sell, manufacture, or deliver, a controlled substance
148 in, on, or within 1,000 feet of the real property comprising a
149 public or private college, university, or other postsecondary
150 educational institution. Any person who violates this paragraph
151 with respect to:

152 1. A controlled substance named or described in s.
153 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
154 commits a felony of the first degree, punishable as provided in
155 s. 775.082, s. 775.083, or s. 775.084.

156 2. A controlled substance named or described in s.
157 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
158 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the
159 second degree, punishable as provided in s. 775.082, s. 775.083,
160 or s. 775.084.

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

165 (e) Except as authorized by this chapter, it is unlawful
166 for any person to sell, manufacture, or deliver, or possess with
167 intent to sell, manufacture, or deliver, a controlled substance
168 not authorized by law in, on, or within 1,000 feet of a physical
169 place for worship at which a church or religious organization
170 regularly conducts religious services or within 1,000 feet of a
171 convenience business as defined in s. 812.171. Any person who
172 violates this paragraph with respect to:

173 1. A controlled substance named or described in s.
174 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,

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175 | commits a felony of the first degree, punishable as provided in
176 | s. 775.082, s. 775.083, or s. 775.084.

177 | 2. A controlled substance named or described in s.
178 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
179 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the
180 | second degree, punishable as provided in s. 775.082, s. 775.083,
181 | or s. 775.084.

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

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

196 | 1. A controlled substance named or described in s.
197 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
198 | commits a felony of the first degree, punishable as provided in
199 | s. 775.082, s. 775.083, or s. 775.084.

200 | 2. A controlled substance named or described in s.
201 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
202 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the
203 | second degree, punishable as provided in s. 775.082, s. 775.083,

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204 | or s. 775.084.

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

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

215 | 1. A controlled substance named or described in s.
216 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. commits
217 | a felony of the first degree, punishable as provided in s.
218 | 775.082, s. 775.083, or s. 775.084.

219 | 2. A controlled substance named or described in s.
220 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
221 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the
222 | second degree, punishable as provided in s. 775.082, s. 775.083,
223 | or s. 775.084.

224 | (2)(a) Except as authorized by this chapter and chapter
225 | 499, it is unlawful for any person to purchase, or possess with
226 | intent to purchase, a controlled substance. Any person who
227 | violates this provision with respect to:

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

232 | 2. A controlled substance named or described in s.

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233 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
234 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the
235 third degree, punishable as provided in s. 775.082, s. 775.083,
236 or s. 775.084.

237 3. A controlled substance named or described in s.
238 893.03(5) commits a misdemeanor of the first degree, punishable
239 as provided in s. 775.082 or s. 775.083.

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

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

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

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

261 (b) A controlled substance named or described in s.

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262 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 263 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the
 264 third degree, punishable as provided in s. 775.082, s. 775.083,
 265 or s. 775.084.

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

270 921.0022 Criminal Punishment Code; offense severity ranking
 271 chart.--

272 (3) OFFENSE SEVERITY RANKING CHART

273 (b) LEVEL 2

274

| Florida Statute | Felony Degree | Description |
|-----------------|---------------|---|
| 370.12(1)(e)3. | 3rd | Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act. |
| 370.12(1)(e)4. | 3rd | Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act. |
| 403.413(5)(c) | 3rd | Dumps waste litter exceeding 500 lbs. in weight or 100 |

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| | | cubic feet in volume or any quantity for commercial purposes, or hazardous waste. |
| 517.07 | 3rd | Registration of securities and furnishing of prospectus required. |
| 590.28 (1) | 3rd | Willful, malicious, or intentional burning. |
| 784.05 (3) | 3rd | Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death. |
| 787.04 (1) | 3rd | In violation of court order, take, entice, etc., minor beyond state limits. |
| 806.13 (1) (b) 3. | 3rd | Criminal mischief; damage \$1,000 or more to public communication or any other public service. |
| 810.061 (2) | 3rd | Impairing or impeding telephone |

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| | | or power to a dwelling; |
| | | facilitating or furthering burglary. |
| 810.09 (2) (e) | 3rd | Trespassing on posted commercial horticulture property. |
| 812.014 (2) (c) 1. | 3rd | Grand theft, 3rd degree; \$300 or more but less than \$5,000. |
| 812.014 (2) (d) | 3rd | Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling. |
| 812.015 (7) | 3rd | Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure. |
| 817.234 (1) (a) 2. | 3rd | False statement in support of insurance claim. |
| 817.481 (3) (a) | 3rd | Obtain credit or purchase with false, |

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| | | |
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| | | expired, counterfeit, etc., credit card, value over \$300. |
| 817.52 (3) | 3rd | Failure to redeliver hired vehicle. |
| 817.54 | 3rd | With intent to defraud, obtain mortgage note, etc., by false representation. |
| 817.60 (5) | 3rd | Dealing in credit cards of another. |
| 817.60 (6) (a) | 3rd | Forgery; purchase goods, services with false card. |
| 817.61 | 3rd | Fraudulent use of credit cards over \$100 or more within 6 months. |
| 826.04 | 3rd | Knowingly marries or has sexual intercourse with person to whom related. |
| 831.01 | 3rd | Forgery. |
| 831.02 | 3rd | Uttering forged instrument; utters or publishes |

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| | | alteration with intent to defraud. |
| 831.07 | 3rd | Forging bank bills, checks, drafts, or promissory notes. |
| 831.08 | 3rd | Possessing 10 or more forged notes, bills, checks, or drafts. |
| 831.09 | 3rd | Uttering forged notes, bills, checks, drafts, or promissory notes. |
| 831.11 | 3rd | Bringing into the state forged bank bills, checks, drafts, or notes. |
| 832.05 (3) (a) | 3rd | Cashing or depositing item with intent to defraud. |
| 843.08 | 3rd | Falsely impersonating an officer. |
| 893.13 (2) (a) 2. | 3rd | Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., |

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| | | | (3), or (4) drugs other than cannabis. |
| 275 | 893.147 (2) | 3rd | Manufacture or delivery of drug paraphernalia. |
| 276 | | | |
| 277 | (c) LEVEL 3 | | |
| 278 | | | |
| | Florida | Felony | Description |
| | Statute | Degree | |
| | 119.10 (2) (b) | 3rd | Unlawful use of confidential information from police reports. |
| | 316.066 (6) (b) - (d) | 3rd | Unlawfully obtaining or using confidential crash reports. |
| | 316.193 (2) (b) | 3rd | Felony DUI, 3rd conviction. |
| | 316.1935 (2) | 3rd | Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated. |
| | 319.30 (4) | 3rd | Possession by |

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| | | junkyard of motor vehicle with identification number plate removed. |
| 319.33 (1) (a) | 3rd | Alter or forge any certificate of title to a motor vehicle or mobile home. |
| 319.33 (1) (c) | 3rd | Procure or pass title on stolen vehicle. |
| 319.33 (4) | 3rd | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration. |
| 327.35 (2) (b) | 3rd | Felony BUI. |
| 328.05 (2) | 3rd | Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels. |
| 328.07 (4) | 3rd | Manufacture, exchange, or possess vessel with |

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| 370.12 (1) (e) 5. | 3rd | <p>counterfeit or wrong ID number.</p> <p>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.</p> |
| 370.12 (1) (e) 6. | 3rd | <p>Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.</p> |
| 376.302 (5) | 3rd | <p>Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.</p> |
| 400.903 (3) | 3rd | <p>Operating a clinic without a license or</p> |

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| | | filing false license application or other required information. |
| 440.1051(3) | 3rd | False report of workers' compensation fraud or retaliation for making such a report. |
| 501.001(2)(b) | 2nd | Tampers with a consumer product or the container using materially false/misleading information. |
| 624.401(4)(a) | 3rd | Transacting insurance without a certificate of authority. |
| 624.401(4)(b)1. | 3rd | Transacting insurance without a certificate of authority; premium collected less than \$20,000. |
| 626.902(1)(a) & (b) | 3rd | Representing an unauthorized insurer. |

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

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| | | \$10,000. |
| 815.04 (4) (b) | 2nd | Computer offense devised to defraud or obtain property. |
| 817.034 (4) (a) 3. | 3rd | Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000. |
| 817.233 | 3rd | Burning to defraud insurer. |
| 817.234 (8) (b) - (c) | 3rd | Unlawful solicitation of persons involved in motor vehicle accidents. |
| 817.234 (11) (a) | 3rd | Insurance fraud; property value less than \$20,000. |
| 817.236 | 3rd | Filing a false motor vehicle insurance application. |
| 817.2361 | 3rd | Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card. |
| 817.413 (2) | 3rd | Sale of used goods |

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| | | as new. |
| 817.505 (4) | 3rd | Patient brokering. |
| 828.12 (2) | 3rd | Tortures any animal with intent to inflict intense pain, serious physical injury, or death. |
| 831.28 (2) (a) | 3rd | Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument. |
| 831.29 | 2nd | Possession of instruments for counterfeiting drivers' licenses or identification cards. |
| 838.021 (3) (b) | 3rd | Threatens unlawful harm to public servant. |
| 843.19 | 3rd | Injure, disable, or kill police dog or horse. |
| 860.15 (3) | 3rd | Overcharging for repairs and parts. |

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

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| | | within 1,000 feet of public housing facility. |
| 893.13 (6) (a) | 3rd | Possession of any controlled substance other than felony possession of cannabis. |
| 893.13 (7) (a) 8. | 3rd | Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance. |
| 893.13 (7) (a) 9. | 3rd | Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc. |
| 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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| 893.13 (8) (a) 1. | 3rd | <p>document or record required by chapter 893.</p> <p>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.</p> |
| 893.13 (8) (a) 2. | 3rd | <p>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.</p> |
| 893.13 (8) (a) 3. | 3rd | <p>Knowingly write a prescription for a controlled substance</p> |

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| | | for a fictitious person. |
| 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. |
| 918.13 (1) (a) | 3rd | Alter, destroy, or conceal investigation evidence. |
| 944.47 (1) (a) 1.-2. | 3rd | Introduce contraband to correctional facility. |
| 944.47 (1) (c) | 2nd | Possess contraband while upon the grounds of a correctional institution. |
| 985.721 | 3rd | Escapes from a juvenile facility (secure detention or residential commitment |

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facility).

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(e) LEVEL 5

| Florida Statute | Felony Degree | Description |
|-------------------|---------------|--|
| 316.027 (1) (a) | 3rd | Accidents involving personal injuries, failure to stop; leaving scene. |
| 316.1935 (4) (a) | 2nd | Aggravated fleeing or eluding. |
| 322.34 (6) | 3rd | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury. |
| 327.30 (5) | 3rd | Vessel accidents involving personal injury; leaving scene. |
| 381.0041 (11) (b) | 3rd | Donate blood, plasma, or organs knowing HIV positive. |
| 440.10 (1) (g) | 2nd | Failure to obtain workers' |

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| | | compensation coverage. |
| 440.105 (5) | 2nd | Unlawful solicitation for the purpose of making workers' compensation claims. |
| 440.381 (2) | 2nd | Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums. |
| 624.401 (4) (b) 2. | 2nd | Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000. |
| 626.902 (1) (c) | 2nd | Representing an unauthorized insurer; repeat offender. |
| 790.01 (2) | 3rd | Carrying a concealed firearm. |
| 790.162 | 2nd | Threat to throw or |

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

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

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| 817.568 (2) (b) | 2nd | <p>values relating to the solvency of an insuring entity. 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.</p> |
| 817.625 (2) (b) | 2nd | <p>Second or subsequent fraudulent use of scanning device or reencoder.</p> |
| 825.1025 (4) | 3rd | <p>Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.</p> |
| 827.071 (4) | 2nd | <p>Possess with intent to promote any photographic material, motion</p> |

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| 827.071 (5) | 3rd | picture, etc., which includes sexual conduct by a child. |
| 839.13 (2) (b) | 2nd | Possess any photographic material, motion picture, etc., which includes sexual conduct by a child. |
| 843.01 | 3rd | Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death. |
| 847.0137 (2) & (3) | 3rd | Resist officer with violence to person; resist arrest with violence. |
| 847.0138 (2) & (3) | 3rd | Transmission of pornography by electronic device or equipment. |
| | | Transmission of material harmful to minors to a minor by electronic device or equipment. |

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

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| 893.13 (1) (d) 1. | 1st | facility or community center. 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. |
| 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. |
| 893.13 (1) (f) 1. | 1st | Sell, manufacture, or deliver cocaine (or other s. |

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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.

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).

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