

1 A bill to be entitled
 2 An act relating to controlled substances; amending s.
 3 893.03, F.S.; including certain hallucinogenic substances
 4 on the list of controlled substances in Schedule I;
 5 reenacting ss. 893.13(1), (2), (4), and (5),
 6 893.135(1)(1), and 921.0022(3)(b), (c), and (e), F.S.,
 7 relating to prohibited acts and penalties regarding
 8 controlled substances and the offense severity chart of
 9 the Criminal Punishment Code, to incorporate the amendment
 10 to s. 893.03, F.S., in references thereto; providing an
 11 effective date.

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

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

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

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

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

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

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

85 the United States Food and Drug Administration which contains
 86 Salvinorin A or its isomers, esters, ethers, salts, and salts of
 87 isomers, esters, and ethers, whenever the existence of such
 88 isomers, esters, ethers, and salts is possible within the
 89 specific chemical designation.

90 37. Tetrahydrocannabinols.

91 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
 92 (Thiophene analog of phencyclidine).

93 39. 3,4,5-Trimethoxyamphetamine.

94 40. 3,4-Methylenedioxymethcathinone (Methylone).

95 41. 3,4-Methylenedioxypyrovalerone (MDPV).

96 42. 4-Methylmethcathinone (Mephedrone).

97 43. 3-Methoxymethcathinone.

98 44. 3-Fluoromethcathinone.

99 45. 4-Fluoromethcathinone (Flephedrone).

100 Section 2. For the purpose of incorporating the amendment
 101 made by this act to section 893.03, Florida Statutes, in
 102 references thereto, subsections (1), (2), (4), and (5) of
 103 section 893.13, Florida Statutes, are reenacted to read:

104 893.13 Prohibited acts; penalties.—

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

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

113 s. 775.082, s. 775.083, or s. 775.084.

114 2. A controlled substance named or described in s.
 115 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 116 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 117 the third degree, punishable as provided in s. 775.082, s.
 118 775.083, or s. 775.084.

119 3. A controlled substance named or described in s.
 120 893.03(5) commits a misdemeanor of the first degree, punishable
 121 as provided in s. 775.082 or s. 775.083.

122 (b) Except as provided in this chapter, it is unlawful to
 123 sell or deliver in excess of 10 grams of any substance named or
 124 described in s. 893.03(1)(a) or (1)(b), or any combination
 125 thereof, or any mixture containing any such substance. Any
 126 person who violates this paragraph commits a felony of the first
 127 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 128 775.084.

129 (c) Except as authorized by this chapter, it is unlawful
 130 for any person to sell, manufacture, or deliver, or possess with
 131 intent to sell, manufacture, or deliver, a controlled substance
 132 in, on, or within 1,000 feet of the real property comprising a
 133 child care facility as defined in s. 402.302 or a public or
 134 private elementary, middle, or secondary school between the
 135 hours of 6 a.m. and 12 midnight, or at any time in, on, or
 136 within 1,000 feet of real property comprising a state, county,
 137 or municipal park, a community center, or a publicly owned
 138 recreational facility. For the purposes of this paragraph, the
 139 term "community center" means a facility operated by a nonprofit
 140 community-based organization for the provision of recreational,

141 social, or educational services to the public. Any person who
 142 violates this paragraph with respect to:

143 1. A controlled substance named or described in s.
 144 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 145 commits a felony of the first degree, punishable as provided in
 146 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 147 sentenced to a minimum term of imprisonment of 3 calendar years
 148 unless the offense was committed within 1,000 feet of the real
 149 property comprising a child care facility as defined in s.
 150 402.302.

151 2. A controlled substance named or described in s.
 152 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 153 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 154 the second degree, punishable as provided in s. 775.082, s.
 155 775.083, or s. 775.084.

156 3. Any other controlled substance, except as lawfully
 157 sold, manufactured, or delivered, must be sentenced to pay a
 158 \$500 fine and to serve 100 hours of public service in addition
 159 to any other penalty prescribed by law.

160
 161 This paragraph does not apply to a child care facility unless
 162 the owner or operator of the facility posts a sign that is not
 163 less than 2 square feet in size with a word legend identifying
 164 the facility as a licensed child care facility and that is
 165 posted on the property of the child care facility in a
 166 conspicuous place where the sign is reasonably visible to the
 167 public.

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

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169 for any person to sell, manufacture, or deliver, or possess with
 170 intent to sell, manufacture, or deliver, a controlled substance
 171 in, on, or within 1,000 feet of the real property comprising a
 172 public or private college, university, or other postsecondary
 173 educational institution. Any person who violates this paragraph
 174 with respect to:

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

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

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

188 (e) Except as authorized by this chapter, it is unlawful
 189 for any person to sell, manufacture, or deliver, or possess with
 190 intent to sell, manufacture, or deliver, a controlled substance
 191 not authorized by law in, on, or within 1,000 feet of a physical
 192 place for worship at which a church or religious organization
 193 regularly conducts religious services or within 1,000 feet of a
 194 convenience business as defined in s. 812.171. Any person who
 195 violates this paragraph with respect to:

196 1. A controlled substance named or described in s.

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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
 203 the second degree, punishable as provided in s. 775.082, s.
 204 775.083, or s. 775.084.

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

209 (f) 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 a
 213 public housing facility at any time. For purposes of this
 214 section, the term "real property comprising a public housing
 215 facility" means real property, as defined in s. 421.03(12), of a
 216 public corporation created as a housing authority pursuant to
 217 part I of chapter 421. Any person who violates this paragraph
 218 with respect to:

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

223 2. A controlled substance named or described in s.
 224 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

225 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 226 the second degree, punishable as provided in s. 775.082, s.
 227 775.083, or s. 775.084.

228 3. Any other controlled substance, except as lawfully
 229 sold, manufactured, or delivered, must be sentenced to pay a
 230 \$500 fine and to serve 100 hours of public service in addition
 231 to any other penalty prescribed by law.

232 (g) Except as authorized by this chapter, it is unlawful
 233 for any person to manufacture methamphetamine or phencyclidine,
 234 or possess any listed chemical as defined in s. 893.033 in
 235 violation of s. 893.149 and with intent to manufacture
 236 methamphetamine or phencyclidine. If any person violates this
 237 paragraph and:

238 1. The commission or attempted commission of the crime
 239 occurs in a structure or conveyance where any child under 16
 240 years of age is present, the person commits a felony of the
 241 first degree, punishable as provided in s. 775.082, s. 775.083,
 242 or s. 775.084. In addition, the defendant must be sentenced to a
 243 minimum term of imprisonment of 5 calendar years.

244 2. The commission of the crime causes any child under 16
 245 years of age to suffer great bodily harm, the person commits a
 246 felony of the first degree, punishable as provided in s.
 247 775.082, s. 775.083, or s. 775.084. In addition, the defendant
 248 must be sentenced to a minimum term of imprisonment of 10
 249 calendar years.

250 (h) Except as authorized by this chapter, it is unlawful
 251 for any person to sell, manufacture, or deliver, or possess with
 252 intent to sell, manufacture, or deliver, a controlled substance

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253 in, on, or within 1,000 feet of the real property comprising an
254 assisted living facility, as that term is used in chapter 429.

255 Any person who violates this paragraph with respect to:

256 1. A controlled substance named or described in s.
257 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
258 commits a felony of the first degree, punishable as provided in
259 s. 775.082, s. 775.083, or s. 775.084.

260 2. 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.,
262 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
263 the second degree, punishable as provided in s. 775.082, s.
264 775.083, or s. 775.084.

265 (2)(a) Except as authorized by this chapter and chapter
266 499, it is unlawful for any person to purchase, or possess with
267 intent to purchase, a controlled substance. Any person who
268 violates this provision with respect to:

269 1. A controlled substance named or described in s.
270 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
271 commits a felony of the second degree, punishable as provided in
272 s. 775.082, s. 775.083, or s. 775.084.

273 2. 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
276 the third degree, punishable as provided in s. 775.082, s.
277 775.083, or s. 775.084.

278 3. A controlled substance named or described in s.
279 893.03(5) commits a misdemeanor of the first degree, punishable
280 as provided in s. 775.082 or s. 775.083.

281 (b) Except as provided in this chapter, it is unlawful to
 282 purchase in excess of 10 grams of any substance named or
 283 described in s. 893.03(1)(a) or (1)(b), or any combination
 284 thereof, or any mixture containing any such substance. Any
 285 person who violates this paragraph commits a felony of the first
 286 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 287 775.084.

288 (4) Except as authorized by this chapter, it is unlawful
 289 for any person 18 years of age or older to deliver any
 290 controlled substance to a person under the age of 18 years, or
 291 to use or hire a person under the age of 18 years as an agent or
 292 employee in the sale or delivery of such a substance, or to use
 293 such person to assist in avoiding detection or apprehension for
 294 a violation of this chapter. Any person who violates this
 295 provision with respect to:

296 (a) A controlled substance named or described in s.
 297 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 298 commits a felony of the first degree, punishable as provided in
 299 s. 775.082, s. 775.083, or s. 775.084.

300 (b) A controlled substance named or described in s.
 301 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 302 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 303 the second degree, punishable as provided in s. 775.082, s.
 304 775.083, or s. 775.084.

305
 306 Imposition of sentence may not be suspended or deferred, nor
 307 shall the person so convicted be placed on probation.

308 (5) It is unlawful for any person to bring into this state

309 any controlled substance unless the possession of such
 310 controlled substance is authorized by this chapter or unless
 311 such person is licensed to do so by the appropriate federal
 312 agency. Any person who violates this provision with respect to:

313 (a) A controlled substance named or described in s.
 314 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 315 commits a felony of the second degree, punishable as provided in
 316 s. 775.082, s. 775.083, or s. 775.084.

317 (b) A controlled substance named or described in s.
 318 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 319 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 320 the third degree, punishable as provided in s. 775.082, s.
 321 775.083, or s. 775.084.

322 (c) A controlled substance named or described in s.
 323 893.03(5) commits a misdemeanor of the first degree, punishable
 324 as provided in s. 775.082 or s. 775.083.

325 Section 3. For the purpose of incorporating the amendment
 326 made by this act to section 893.03, Florida Statutes, in
 327 references thereto, paragraph (1) of subsection (1) of section
 328 893.135, Florida Statutes, is reenacted to read:

329 893.135 Trafficking; mandatory sentences; suspension or
 330 reduction of sentences; conspiracy to engage in trafficking.—

331 (1) Except as authorized in this chapter or in chapter 499
 332 and notwithstanding the provisions of s. 893.13:

333 (1)1. Any person who knowingly sells, purchases,
 334 manufactures, delivers, or brings into this state, or who is
 335 knowingly in actual or constructive possession of, 1 gram or
 336 more of lysergic acid diethylamide (LSD) as described in s.

337 893.03(1)(c), or of any mixture containing lysergic acid
 338 diethylamide (LSD), commits a felony of the first degree, which
 339 felony shall be known as "trafficking in lysergic acid
 340 diethylamide (LSD)," punishable as provided in s. 775.082, s.
 341 775.083, or s. 775.084. If the quantity involved:

342 a. Is 1 gram or more, but less than 5 grams, such person
 343 shall be sentenced to a mandatory minimum term of imprisonment
 344 of 3 years, and the defendant shall be ordered to pay a fine of
 345 \$50,000.

346 b. Is 5 grams or more, but less than 7 grams, such person
 347 shall be sentenced to a mandatory minimum term of imprisonment
 348 of 7 years, and the defendant shall be ordered to pay a fine of
 349 \$100,000.

350 c. Is 7 grams or more, such person shall be sentenced to a
 351 mandatory minimum term of imprisonment of 15 calendar years and
 352 pay a fine of \$500,000.

353 2. Any person who knowingly manufactures or brings into
 354 this state 7 grams or more of lysergic acid diethylamide (LSD)
 355 as described in s. 893.03(1)(c), or any mixture containing
 356 lysergic acid diethylamide (LSD), and who knows that the
 357 probable result of such manufacture or importation would be the
 358 death of any person commits capital manufacture or importation
 359 of lysergic acid diethylamide (LSD), a capital felony punishable
 360 as provided in ss. 775.082 and 921.142. Any person sentenced for
 361 a capital felony under this paragraph shall also be sentenced to
 362 pay the maximum fine provided under subparagraph 1.

363 Section 4. For the purpose of incorporating the amendment
 364 made by this act to section 893.03, Florida Statutes, in

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365 references thereto, paragraphs (b), (c), and (e) of subsection
 366 (3) of section 921.0022, Florida Statutes, are reenacted to
 367 read:

368 921.0022 Criminal Punishment Code; offense severity
 369 ranking chart.—

370 (3) OFFENSE SEVERITY RANKING CHART

371 (b) LEVEL 2

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| Florida Statute | Felony Degree | Description |
|--------------------|------------------|-------------|
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| 379.2431 (1) (e) 3. | 3rd | Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act. |
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| 379.2431 (1) (e) 4. | 3rd | Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act. |
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| 403.413 (5) (c) | 3rd | Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste. |
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| 517.07 | 3rd | Registration of securities and furnishing of prospectus required. |
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| 378 | 590.28(1) | 3rd | Intentional burning of lands. |
| 379 | 784.05(3) | 3rd | Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death. |
| 380 | 787.04(1) | 3rd | In violation of court order, take, entice, etc., minor beyond state limits. |
| 381 | 806.13(1)(b)3. | 3rd | Criminal mischief; damage \$1,000 or more to public communication or any other public service. |
| 382 | 810.061(2) | 3rd | Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary. |
| 383 | 810.09(2)(e) | 3rd | Trespassing on posted commercial horticulture property. |
| 384 | 812.014(2)(c)1. | 3rd | Grand theft, 3rd degree; \$300 or more but less than \$5,000. |
| 385 | 812.014(2)(d) | 3rd | Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling. |

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| 386 | 812.015 (7) | 3rd | Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure. |
| 387 | 817.234 (1) (a) 2. | 3rd | False statement in support of insurance claim. |
| 388 | 817.481 (3) (a) | 3rd | Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300. |
| 389 | 817.52 (3) | 3rd | Failure to redeliver hired vehicle. |
| 390 | 817.54 | 3rd | With intent to defraud, obtain mortgage note, etc., by false representation. |
| 391 | 817.60 (5) | 3rd | Dealing in credit cards of another. |
| 392 | 817.60 (6) (a) | 3rd | Forgery; purchase goods, services with false card. |
| 393 | 817.61 | 3rd | Fraudulent use of credit cards over \$100 or more within 6 months. |
| 394 | 826.04 | 3rd | Knowingly marries or has sexual intercourse with person to whom related. |

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| 395 | 831.01 | 3rd | Forgery. |
| 396 | 831.02 | 3rd | Uttering forged instrument; utters or publishes alteration with intent to defraud. |
| 397 | 831.07 | 3rd | Forging bank bills, checks, drafts, or promissory notes. |
| 398 | 831.08 | 3rd | Possessing 10 or more forged notes, bills, checks, or drafts. |
| 399 | 831.09 | 3rd | Uttering forged notes, bills, checks, drafts, or promissory notes. |
| 400 | 831.11 | 3rd | Bringing into the state forged bank bills, checks, drafts, or notes. |
| 401 | 832.05(3)(a) | 3rd | Cashing or depositing item with intent to defraud. |
| 402 | 843.08 | 3rd | Falsely impersonating an officer. |
| 403 | 893.13(2)(a)2. | 3rd | Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis. |

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| 404 | 893.147(2) | 3rd | Manufacture or delivery of drug paraphernalia. |
| 405 | (c) LEVEL 3 | | |
| 406 | | | |
| 407 | Florida Statute | Felony Degree | Description |
| 408 | 119.10(2)(b) | 3rd | Unlawful use of confidential information from police reports. |
| 409 | 316.066 (4)(b)-(d) | 3rd | Unlawfully obtaining or using confidential crash reports. |
| 410 | 316.193(2)(b) | 3rd | Felony DUI, 3rd conviction. |
| 411 | 316.1935(2) | 3rd | Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated. |
| 412 | 319.30(4) | 3rd | Possession by junkyard of motor vehicle with identification number plate removed. |
| 413 | 319.33(1)(a) | 3rd | Alter or forge any certificate of title to a motor vehicle or mobile home. |

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| 414 | 319.33(1)(c) | 3rd | Procure or pass title on stolen vehicle. |
| 415 | 319.33(4) | 3rd | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration. |
| 416 | 327.35(2)(b) | 3rd | Felony BUI. |
| 417 | 328.05(2) | 3rd | Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels. |
| 418 | 328.07(4) | 3rd | Manufacture, exchange, or possess vessel with counterfeit or wrong ID number. |
| 419 | 376.302(5) | 3rd | Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund. |
| 420 | 379.2431 (1)(e)5. | 3rd | Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act. |

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| 421 | 379.2431 (1) (e) 6. | 3rd | Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act. |
| 422 | 400.9935 (4) | 3rd | Operating a clinic without a license or filing false license application or other required information. |
| 423 | 440.1051 (3) | 3rd | False report of workers' compensation fraud or retaliation for making such a report. |
| 424 | 501.001 (2) (b) | 2nd | Tampers with a consumer product or the container using materially false/misleading information. |
| 425 | 624.401 (4) (a) | 3rd | Transacting insurance without a certificate of authority. |
| 426 | 624.401 (4) (b) 1. | 3rd | Transacting insurance without a certificate of authority; premium collected less than \$20,000. |
| 427 | 626.902 (1) (a) & (b) | 3rd | Representing an unauthorized insurer. |
| 428 | 697.08 | 3rd | Equity skimming. |

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| 429 | 790.15 (3) | 3rd | Person directs another to discharge firearm from a vehicle. |
| 430 | 796.05 (1) | 3rd | Live on earnings of a prostitute. |
| 431 | 806.10 (1) | 3rd | Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting. |
| 432 | 806.10 (2) | 3rd | Interferes with or assaults firefighter in performance of duty. |
| 433 | 810.09 (2) (c) | 3rd | Trespass on property other than structure or conveyance armed with firearm or dangerous weapon. |
| 434 | 812.014 (2) (c) 2. | 3rd | Grand theft; \$5,000 or more but less than \$10,000. |
| 435 | 812.0145 (2) (c) | 3rd | Theft from person 65 years of age or older; \$300 or more but less than \$10,000. |
| 436 | 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 |

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| 437 | | | Communications Fraud Act), property valued at less than \$20,000. |
| 438 | 817.233 | 3rd | Burning to defraud insurer. |
| 439 | 817.234 (8) (b) - (c) | 3rd | Unlawful solicitation of persons involved in motor vehicle accidents. |
| 440 | 817.234 (11) (a) | 3rd | Insurance fraud; property value less than \$20,000. |
| 441 | 817.236 | 3rd | Filing a false motor vehicle insurance application. |
| 442 | 817.2361 | 3rd | Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card. |
| 443 | 817.413 (2) | 3rd | Sale of used goods as new. |
| 444 | 817.505 (4) | 3rd | Patient brokering. |
| 445 | 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 |

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| 446 | | | intent to defraud or possessing a counterfeit payment instrument. |
| 447 | 831.29 | 2nd | Possession of instruments for counterfeiting drivers' licenses or identification cards. |
| 448 | 838.021(3)(b) | 3rd | Threatens unlawful harm to public servant. |
| 449 | 843.19 | 3rd | Injure, disable, or kill police dog or horse. |
| 450 | 860.15(3) | 3rd | Overcharging for repairs and parts. |
| 451 | 870.01(2) | 3rd | Riot; inciting or encouraging. |
| 452 | 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 |

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453 within 1,000 feet of university.

453 893.13(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.

454 893.13(6)(a) 3rd Possession of any controlled substance
 other than felony possession of
 cannabis.

455 893.13(7)(a)8. 3rd Withhold information from practitioner
 regarding previous receipt of or
 prescription for a controlled substance.

456 893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled
 substance by fraud, forgery,
 misrepresentation, etc.

457 893.13(7)(a)10. 3rd Affix false or forged label to package
 of controlled substance.

458 893.13(7)(a)11. 3rd Furnish false or fraudulent material
 information on any document or record
 required by chapter 893.

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- 460 893.13(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.
- 461 893.13(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.
- 462 893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.
- 463 893.13(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.
- 464 918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.
- 944.47 3rd Introduce contraband to correctional

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| 465 | (1) (a) 1.-2. | | facility. |
| 466 | 944.47 (1) (c) | 2nd | Possess contraband while upon the grounds of a correctional institution. |
| 467 | 985.721 | 3rd | Escapes from a juvenile facility (secure detention or residential commitment facility). |
| 468 | (e) LEVEL 5 | | |
| 469 | Florida Statute | Felony Degree | Description |
| 470 | 316.027 (1) (a) | 3rd | Accidents involving personal injuries, failure to stop; leaving scene. |
| 471 | 316.1935 (4) (a) | 2nd | Aggravated fleeing or eluding. |
| 472 | 322.34 (6) | 3rd | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury. |
| 473 | 327.30 (5) | 3rd | Vessel accidents involving personal injury; leaving scene. |
| 474 | 381.0041 (11) (b) | 3rd | Donate blood, plasma, or organs knowing |

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| 475 | | | HIV positive. |
| | 440.10 (1) (g) | 2nd | Failure to obtain workers' compensation coverage. |
| 476 | | | |
| | 440.105 (5) | 2nd | Unlawful solicitation for the purpose of making workers' compensation claims. |
| 477 | | | |
| | 440.381 (2) | 2nd | Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums. |
| 478 | | | |
| | 624.401 (4) (b) 2. | 2nd | Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000. |
| 479 | | | |
| | 626.902 (1) (c) | 2nd | Representing an unauthorized insurer; repeat offender. |
| 480 | | | |
| | 790.01 (2) | 3rd | Carrying a concealed firearm. |
| 481 | | | |
| | 790.162 | 2nd | Threat to throw or discharge destructive device. |
| 482 | | | |
| | 790.163 (1) | 2nd | False report of deadly explosive or |

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| 483 | | | weapon of mass destruction. |
| 484 | 790.221 (1) | 2nd | Possession of short-barreled shotgun or machine gun. |
| 485 | 790.23 | 2nd | Felons in possession of firearms, ammunition, or electronic weapons or devices. |
| 486 | 800.04 (6) (c) | 3rd | Lewd or lascivious conduct; offender less than 18 years. |
| 487 | 800.04 (7) (b) | 2nd | Lewd or lascivious exhibition; offender 18 years or older. |
| 488 | 806.111 (1) | 3rd | Possess, manufacture, or dispense fire bomb with intent to damage any structure or property. |
| 489 | 812.0145 (2) (b) | 2nd | Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000. |
| 490 | 812.015 (8) | 3rd | Retail theft; property stolen is valued at \$300 or more and one or more specified acts. |

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| 491 | 812.019 (1) | 2nd | Stolen property; dealing in or trafficking in. |
| 492 | 812.131 (2) (b) | 3rd | Robbery by sudden snatching. |
| 493 | 812.16 (2) | 3rd | Owning, operating, or conducting a chop shop. |
| 494 | 817.034 (4) (a) 2. | 2nd | Communications fraud, value \$20,000 to \$50,000. |
| 495 | 817.234 (11) (b) | 2nd | Insurance fraud; property value \$20,000 or more but less than \$100,000. |
| 496 | 817.2341 (1), (2) (a) & (3) (a) | 3rd | Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity. |
| 497 | 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. |

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| 498 | 817.625 (2) (b) | 2nd | Second or subsequent fraudulent use of scanning device or reencoder. |
| 499 | 825.1025 (4) | 3rd | Lewd or lascivious exhibition in the presence of an elderly person or disabled adult. |
| 500 | 827.071 (4) | 2nd | Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child. |
| 501 | 827.071 (5) | 3rd | Possess any photographic material, motion picture, etc., which includes sexual conduct by a child. |
| 502 | 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. |
| 503 | 843.01 | 3rd | Resist officer with violence to person; resist arrest with violence. |
| 504 | 847.0135 (5) (b) | 2nd | Lewd or lascivious exhibition using computer; offender 18 years or older. |
| | 847.0137 | 3rd | Transmission of pornography by |

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| 505 | (2) & (3) | | electronic device or equipment. |
| 506 | 847.0138 (2) & (3) | 3rd | Transmission of material harmful to minors to a minor by electronic device or equipment. |
| 507 | 874.05(2) | 2nd | Encouraging or recruiting another to join a criminal gang; second or subsequent offense. |
| 508 | 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). |
| 509 | 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. |
| 509 | 893.13(1)(d)1. | 1st | Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), |

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510

(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.

511

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.

512

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).

513

893.1351(1) 3rd Ownership, lease, or rental for
trafficking in or manufacturing of
controlled substance.

514

515 Section 5. This act shall take effect July 1, 2011.