

By Senator Wise

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

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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.
- 57 15. N-ethylamphetamine.
- 58 16. Fenethylamine.

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- 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

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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

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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

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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 sold,
157 manufactured, or delivered, must be sentenced to pay a \$500 fine
158 and to serve 100 hours of public service in addition to any
159 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
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:

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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 sold,
185 manufactured, or delivered, must be sentenced to pay a \$500 fine
186 and to serve 100 hours of public service in addition to any
187 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.
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.

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204 775.083, 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
208 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 sold,
229 manufactured, or delivered, must be sentenced to pay a \$500 fine
230 and to serve 100 hours of public service in addition to any
231 other penalty prescribed by law.

232 (g) Except as authorized by this chapter, it is unlawful

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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
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.,

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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

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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

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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

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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
 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 ranking
 369 chart.—

370 (3) OFFENSE SEVERITY RANKING CHART
 371 (b) LEVEL 2

372

Florida	Felony	
Statute	Degree	Description

373

379.2431	3rd	Possession of 11 or fewer marine turtle
(1)(e)3.		eggs in violation of the Marine Turtle

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Protection Act.

374

379.2431
(1) (e) 4.

3rd

Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.

375

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.

376

517.07

3rd

Registration of securities and furnishing of prospectus required.

377

590.28 (1)

3rd

Intentional burning of lands.

378

784.05 (3)

3rd

Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

379

787.04 (1)

3rd

In violation of court order, take, entice, etc., minor beyond state limits.

380

806.13 (1) (b) 3.

3rd

Criminal mischief; damage \$1,000 or more to public communication or any other public service.

381

810.061 (2)

3rd

Impairing or impeding telephone or power to a dwelling; facilitating or

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furthering burglary.

382

810.09(2)(e) 3rd Trespassing on posted commercial horticulture property.

383

812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$300 or more but less than \$5,000.

384

812.014(2)(d) 3rd Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.

385

812.015(7) 3rd Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

386

817.234(1)(a)2. 3rd False statement in support of insurance claim.

387

817.481(3)(a) 3rd Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

388

817.52(3) 3rd Failure to redeliver hired vehicle.

389

817.54 3rd With intent to defraud, obtain mortgage note, etc., by false representation.

390

817.60(5) 3rd Dealing in credit cards of another.

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391	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
392	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
393	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
394	831.01	3rd	Forgery.
395	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
396	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
397	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
398	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
399	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
400	832.05 (3) (a)	3rd	Cashing or depositing item with intent

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to defraud.

401

843.08 3rd Falsely impersonating an officer.

402

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.

403

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

404

405 (c) LEVEL 3

406

Florida	Felony	
Statute	Degree	Description

407

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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408

316.066 (4)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
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409

316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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410

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

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.

379.2431 3rd Taking, disturbing, mutilating,
(1)(e)5. destroying, causing to be destroyed,
transferring, selling, offering to sell,

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molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

420

379.2431 (1) (e) 6. 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

421

400.9935 (4) 3rd Operating a clinic without a license or filing false license application or other required information.

422

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

423

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

424

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

425

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

426

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

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(b)

427

697.08 3rd Equity skimming.

428

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

429

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

430

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

431

806.10(2) 3rd Interferes with or assaults firefighter
in performance of duty.

432

810.09(2)(c) 3rd Trespass on property other than
structure or conveyance armed with
firearm or dangerous weapon.

433

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but less
than \$10,000.

434

812.0145(2)(c) 3rd Theft from person 65 years of age or
older; \$300 or more but less than
\$10,000.

435

815.04(4)(b) 2nd Computer offense devised to defraud or
obtain property.

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436

817.034(4)(a)3. 3rd Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

437

817.233 3rd Burning to defraud insurer.

438

817.234 3rd Unlawful solicitation of persons
(8)(b)-(c) involved in motor vehicle accidents.

439

817.234(11)(a) 3rd Insurance fraud; property value less than \$20,000.

440

817.236 3rd Filing a false motor vehicle insurance application.

441

817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

442

817.413(2) 3rd Sale of used goods as new.

443

817.505(4) 3rd Patient brokering.

444

828.12(2) 3rd Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

445

831.28(2)(a) 3rd Counterfeiting a payment instrument with

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intent to defraud or possessing a counterfeit payment instrument.

446

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

447

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

448

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

449

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

450

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

451

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).

452

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.

453

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- 454
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.
- 455
893.13(6)(a)
3rd
Possession of any controlled substance
 other than felony possession of
 cannabis.
- 456
893.13(7)(a)8.
3rd
Withhold information from practitioner
 regarding previous receipt of or
 prescription for a controlled substance.
- 457
893.13(7)(a)9.
3rd
Obtain or attempt to obtain controlled
 substance by fraud, forgery,
 misrepresentation, etc.
- 458
893.13(7)(a)10.
3rd
Affix false or forged label to package
 of controlled substance.
- 459
893.13(7)(a)11.
3rd
Furnish false or fraudulent material
 information on any document or record
 required by chapter 893.
- 893.13(8)(a)1.
3rd
Knowingly assist a patient, other
 person, or owner of an animal in
 obtaining a controlled substance through

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deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

460

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.

461

893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

462

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.

463

918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

464

944.47 3rd Introduce contraband to correctional facility.
(1)(a)1.-2.

465

944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

466

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985.721 3rd Escapes from a juvenile facility (secure
detention or residential commitment
facility).

467

468 (e) LEVEL 5

469

Florida Statute	Felony Degree	Description
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470

316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
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471

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
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472

322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
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473

327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
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474

381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
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475

440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
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476

440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
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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 weapon of mass destruction.

483

790.221 (1) 2nd Possession of short-barreled shotgun or machine gun.

484

790.23 2nd Felons in possession of firearms, ammunition, or electronic weapons or devices.

485

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- 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.
- 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.

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495 817.234(11)(b) 2nd Insurance fraud; property value \$20,000
or more but less than \$100,000.

496 817.2341(1), 3rd Filing false financial statements,
(2)(a) & making false entries of material fact or
(3)(a) 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.

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.

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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.

505 847.0137 3rd Transmission of pornography by
(2) & (3) electronic device or equipment.

506 847.0138 3rd Transmission of material harmful to
(2) & (3) minors to a minor by electronic device
or equipment.

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

507 893.13(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).

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508

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), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

510

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

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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.