

By Senator Wise

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1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 893.02, F.S.; defining the term "homologue" for
4 purposes of the Florida Comprehensive Drug Abuse
5 Prevention and Control Act; amending s. 893.03, F.S.;
6 including certain hallucinogenic substances on the
7 list of controlled substances in Schedule I;
8 reenacting ss. 893.13(1), (2), (4) and (5),
9 893.135(1)(1), and 921.0022(3)(b), (c), and (e), F.S.,
10 relating to prohibited acts and penalties regarding
11 controlled substances and the offense severity chart
12 of the Criminal Punishment Code, to incorporate the
13 amendment to s. 893.03, F.S., in references thereto;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Present subsections (11) through (22) of section
19 893.02, Florida Statutes, are redesignated as subsections (12)
20 through (23), respectively, and a new subsection (11) is added
21 to that section, to read:

22 893.02 Definitions.—The following words and phrases as used
23 in this chapter shall have the following meanings, unless the
24 context otherwise requires:

25 (11) "Homologue" means a chemical compound in a series in
26 which each compound differs by one or more alkyl functional
27 groups on an alkyl side chain.

28 Section 2. Paragraph (c) of subsection (1) of section
29 893.03, Florida Statutes, is amended to read:

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30 893.03 Standards and schedules.—The substances enumerated
31 in this section are controlled by this chapter. The controlled
32 substances listed or to be listed in Schedules I, II, III, IV,
33 and V are included by whatever official, common, usual,
34 chemical, or trade name designated. The provisions of this
35 section shall not be construed to include within any of the
36 schedules contained in this section any excluded drugs listed
37 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
38 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
39 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
40 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
41 Anabolic Steroid Products."

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

47 (c) Unless specifically excepted or unless listed in
48 another schedule, any material, compound, mixture, or
49 preparation which contains any quantity of the following
50 hallucinogenic substances or which contains any of their salts,
51 isomers, and salts of isomers, whenever the existence of such
52 salts, isomers, and salts of isomers is possible within the
53 specific chemical designation:

- 54 1. Alpha-ethyltryptamine.
- 55 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
56 methylaminorex).
- 57 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 58 4. 4-Bromo-2,5-dimethoxyamphetamine.

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- 59 5. 4-Bromo-2, 5-dimethoxyphenethylamine.
- 60 6. Bufotenine.
- 61 7. Cannabis.
- 62 8. Cathinone.
- 63 9. Diethyltryptamine.
- 64 10. 2,5-Dimethoxyamphetamine.
- 65 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 66 12. Dimethyltryptamine.
- 67 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
- 68 analog of phencyclidine).
- 69 14. N-Ethyl-3-piperidyl benzilate.
- 70 15. N-ethylamphetamine.
- 71 16. Fenethylamine.
- 72 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 73 18. Ibogaine.
- 74 19. Lysergic acid diethylamide (LSD).
- 75 20. Mescaline.
- 76 21. Methcathinone.
- 77 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 78 23. 4-methoxyamphetamine.
- 79 24. 4-methoxymethamphetamine.
- 80 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 81 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 82 27. 3,4-Methylenedioxyamphetamine.
- 83 28. N-Methyl-3-piperidyl benzilate.
- 84 29. N,N-dimethylamphetamine.
- 85 30. Parahexyl.
- 86 31. Peyote.
- 87 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine

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88 analog of phencyclidine).

89 33. Psilocybin.

90 34. Psilocyn.

91 35. *Salvia divinorum*, except for any drug product approved
92 by the United States Food and Drug Administration which contains
93 *Salvia divinorum* or its isomers, esters, ethers, salts, and
94 salts of isomers, esters, and ethers, whenever the existence of
95 such isomers, esters, ethers, and salts is possible within the
96 specific chemical designation.

97 36. Salvinorin A, except for any drug product approved by
98 the United States Food and Drug Administration which contains
99 Salvinorin A or its isomers, esters, ethers, salts, and salts of
100 isomers, esters, and ethers, whenever the existence of such
101 isomers, esters, ethers, and salts is possible within the
102 specific chemical designation.

103 37. Tetrahydrocannabinols.

104 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
105 (Thiophene analog of phencyclidine).

106 39. 3,4,5-Trimethoxyamphetamine.

107 40. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
108 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
109 homologue.

110 41. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
111 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
112 also known as HU-210.

113 42. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

114 43. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

115 Section 3. For the purpose of incorporating the amendment
116 made by this act to section 893.03, Florida Statutes, in

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117 references thereto, subsections (1), (2), (4), and (5) of
118 section 893.13, Florida Statutes, are reenacted to read:

119 893.13 Prohibited acts; penalties.—

120 (1) (a) Except as authorized by this chapter and chapter
121 499, it is unlawful for any person to sell, manufacture, or
122 deliver, or possess with intent to sell, manufacture, or
123 deliver, a controlled substance. Any person who violates this
124 provision with respect to:

125 1. A controlled substance named or described in s.
126 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,
127 commits a felony of the second degree, punishable as provided in
128 s. 775.082, s. 775.083, or s. 775.084.

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
132 the third degree, punishable as provided in s. 775.082, s.
133 775.083, or s. 775.084.

134 3. A controlled substance named or described in s.
135 893.03(5) commits a misdemeanor of the first degree, punishable
136 as provided in s. 775.082 or s. 775.083.

137 (b) Except as provided in this chapter, it is unlawful to
138 sell or deliver in excess of 10 grams of any substance named or
139 described in s. 893.03(1) (a) or (1) (b), or any combination
140 thereof, or any mixture containing any such substance. Any
141 person who violates this paragraph commits a felony of the first
142 degree, punishable as provided in s. 775.082, s. 775.083, or s.
143 775.084.

144 (c) Except as authorized by this chapter, it is unlawful
145 for any person to sell, manufacture, or deliver, or possess with

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146 intent to sell, manufacture, or deliver, a controlled substance
147 in, on, or within 1,000 feet of the real property comprising a
148 child care facility as defined in s. 402.302 or a public or
149 private elementary, middle, or secondary school between the
150 hours of 6 a.m. and 12 midnight, or at any time in, on, or
151 within 1,000 feet of real property comprising a state, county,
152 or municipal park, a community center, or a publicly owned
153 recreational facility. For the purposes of this paragraph, the
154 term "community center" means a facility operated by a nonprofit
155 community-based organization for the provision of recreational,
156 social, or educational services to the public. Any person who
157 violates this paragraph with respect to:

158 1. A controlled substance named or described in s.
159 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
160 commits a felony of the first degree, punishable as provided in
161 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
162 sentenced to a minimum term of imprisonment of 3 calendar years
163 unless the offense was committed within 1,000 feet of the real
164 property comprising a child care facility as defined in s.
165 402.302.

166 2. A controlled substance named or described in s.
167 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
168 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
169 the second degree, punishable as provided in s. 775.082, s.
170 775.083, or s. 775.084.

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

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176 This paragraph does not apply to a child care facility unless
177 the owner or operator of the facility posts a sign that is not
178 less than 2 square feet in size with a word legend identifying
179 the facility as a licensed child care facility and that is
180 posted on the property of the child care facility in a
181 conspicuous place where the sign is reasonably visible to the
182 public.

183 (d) Except as authorized by this chapter, it is unlawful
184 for any person to sell, manufacture, or deliver, or possess with
185 intent to sell, manufacture, or deliver, a controlled substance
186 in, on, or within 1,000 feet of the real property comprising a
187 public or private college, university, or other postsecondary
188 educational institution. Any person who violates this paragraph
189 with respect to:

190 1. A controlled substance named or described in s.
191 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
192 commits a felony of the first degree, punishable as provided in
193 s. 775.082, s. 775.083, or s. 775.084.

194 2. A controlled substance named or described in s.
195 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
196 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
197 the second degree, punishable as provided in s. 775.082, s.
198 775.083, or s. 775.084.

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

203 (e) Except as authorized by this chapter, it is unlawful

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204 for any person to sell, manufacture, or deliver, or possess with
205 intent to sell, manufacture, or deliver, a controlled substance
206 not authorized by law in, on, or within 1,000 feet of a physical
207 place for worship at which a church or religious organization
208 regularly conducts religious services or within 1,000 feet of a
209 convenience business as defined in s. 812.171. Any person who
210 violates this paragraph with respect to:

211 1. A controlled substance named or described in s.
212 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
213 commits a felony of the first degree, punishable as provided in
214 s. 775.082, s. 775.083, or s. 775.084.

215 2. A controlled substance named or described in s.
216 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
217 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
218 the second degree, punishable as provided in s. 775.082, s.
219 775.083, or s. 775.084.

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

224 (f) Except as authorized by this chapter, it is unlawful
225 for any person to sell, manufacture, or deliver, or possess with
226 intent to sell, manufacture, or deliver, a controlled substance
227 in, on, or within 1,000 feet of the real property comprising a
228 public housing facility at any time. For purposes of this
229 section, the term "real property comprising a public housing
230 facility" means real property, as defined in s. 421.03(12), of a
231 public corporation created as a housing authority pursuant to
232 part I of chapter 421. Any person who violates this paragraph

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233 with respect to:

234 1. A controlled substance named or described in s.
235 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
236 commits a felony of the first degree, punishable as provided in
237 s. 775.082, s. 775.083, or s. 775.084.

238 2. A controlled substance named or described in s.
239 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
240 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
241 the second degree, punishable as provided in s. 775.082, s.
242 775.083, or s. 775.084.

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

247 (g) Except as authorized by this chapter, it is unlawful
248 for any person to manufacture methamphetamine or phencyclidine,
249 or possess any listed chemical as defined in s. 893.033 in
250 violation of s. 893.149 and with intent to manufacture
251 methamphetamine or phencyclidine. If any person violates this
252 paragraph and:

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

259 2. The commission of the crime causes any child under 16
260 years of age to suffer great bodily harm, the person commits a
261 felony of the first degree, punishable as provided in s.

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262 775.082, s. 775.083, or s. 775.084. In addition, the defendant
263 must be sentenced to a minimum term of imprisonment of 10
264 calendar years.

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

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

275 2. A controlled substance named or described in s.
276 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
277 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
278 the second degree, punishable as provided in s. 775.082, s.
279 775.083, or s. 775.084.

280 (2)(a) Except as authorized by this chapter and chapter
281 499, it is unlawful for any person to purchase, or possess with
282 intent to purchase, a controlled substance. Any person who
283 violates this provision with respect to:

284 1. A controlled substance named or described in s.
285 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
286 commits a felony of the second degree, punishable as provided in
287 s. 775.082, s. 775.083, or s. 775.084.

288 2. A controlled substance named or described in s.
289 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
290 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of

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291 the third degree, punishable as provided in s. 775.082, s.
292 775.083, or s. 775.084.

293 3. A controlled substance named or described in s.
294 893.03(5) commits a misdemeanor of the first degree, punishable
295 as provided in s. 775.082 or s. 775.083.

296 (b) Except as provided in this chapter, it is unlawful to
297 purchase in excess of 10 grams of any substance named or
298 described in s. 893.03(1)(a) or (1)(b), or any combination
299 thereof, or any mixture containing any such substance. Any
300 person who violates this paragraph commits a felony of the first
301 degree, punishable as provided in s. 775.082, s. 775.083, or s.
302 775.084.

303 (4) Except as authorized by this chapter, it is unlawful
304 for any person 18 years of age or older to deliver any
305 controlled substance to a person under the age of 18 years, or
306 to use or hire a person under the age of 18 years as an agent or
307 employee in the sale or delivery of such a substance, or to use
308 such person to assist in avoiding detection or apprehension for
309 a violation of this chapter. Any person who violates this
310 provision with respect to:

311 (a) A controlled substance named or described in s.
312 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
313 commits a felony of the first degree, punishable as provided in
314 s. 775.082, s. 775.083, or s. 775.084.

315 (b) A controlled substance named or described in s.
316 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
317 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
318 the second degree, punishable as provided in s. 775.082, s.
319 775.083, or s. 775.084.

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

323 (5) It is unlawful for any person to bring into this state
324 any controlled substance unless the possession of such
325 controlled substance is authorized by this chapter or unless
326 such person is licensed to do so by the appropriate federal
327 agency. Any person who violates this provision with respect to:

328 (a) A controlled substance named or described in s.
329 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
330 commits a felony of the second degree, punishable as provided in
331 s. 775.082, s. 775.083, or s. 775.084.

332 (b) A controlled substance named or described in s.
333 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
334 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
335 the third degree, punishable as provided in s. 775.082, s.
336 775.083, or s. 775.084.

337 (c) A controlled substance named or described in s.
338 893.03(5) commits a misdemeanor of the first degree, punishable
339 as provided in s. 775.082 or s. 775.083.

340 Section 4. For the purpose of incorporating the amendment
341 made by this act to section 893.03, Florida Statutes, in
342 references thereto, paragraph (1) of subsection (1) of section
343 893.135, Florida Statutes, is reenacted to read:

344 893.135 Trafficking; mandatory sentences; suspension or
345 reduction of sentences; conspiracy to engage in trafficking.—

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

348 (1)1. Any person who knowingly sells, purchases,

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349 manufactures, delivers, or brings into this state, or who is
350 knowingly in actual or constructive possession of, 1 gram or
351 more of lysergic acid diethylamide (LSD) as described in s.
352 893.03(1)(c), or of any mixture containing lysergic acid
353 diethylamide (LSD), commits a felony of the first degree, which
354 felony shall be known as "trafficking in lysergic acid
355 diethylamide (LSD)," punishable as provided in s. 775.082, s.
356 775.083, or s. 775.084. If the quantity involved:

357 a. Is 1 gram or more, but less than 5 grams, such person
358 shall be sentenced to a mandatory minimum term of imprisonment
359 of 3 years, and the defendant shall be ordered to pay a fine of
360 \$50,000.

361 b. Is 5 grams or more, but less than 7 grams, such person
362 shall be sentenced to a mandatory minimum term of imprisonment
363 of 7 years, and the defendant shall be ordered to pay a fine of
364 \$100,000.

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

368 2. Any person who knowingly manufactures or brings into
369 this state 7 grams or more of lysergic acid diethylamide (LSD)
370 as described in s. 893.03(1)(c), or any mixture containing
371 lysergic acid diethylamide (LSD), and who knows that the
372 probable result of such manufacture or importation would be the
373 death of any person commits capital manufacture or importation
374 of lysergic acid diethylamide (LSD), a capital felony punishable
375 as provided in ss. 775.082 and 921.142. Any person sentenced for
376 a capital felony under this paragraph shall also be sentenced to
377 pay the maximum fine provided under subparagraph 1.

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378 Section 5. For the purpose of incorporating the amendment
 379 made by this act to section 893.03, Florida Statutes, in
 380 references thereto, paragraphs (b), (c), and (e) of subsection
 381 (3) of section 921.0022, Florida Statutes, are reenacted to
 382 read:

383 921.0022 Criminal Punishment Code; offense severity ranking
 384 chart.—

385 (3) OFFENSE SEVERITY RANKING CHART

386 (b) LEVEL 2

387

Florida Statute	Felony Degree	Description
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388

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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389

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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390

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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391

517.07	3rd	Registration of securities and furnishing of prospectus required.
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393	590.28(1)	3rd	Intentional burning of lands.
394	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
395	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
396	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
397	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
398	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
399	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
400	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

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401

device countermeasure.

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

402

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

403

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

404

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

405

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

406

817.60 (6) (a) 3rd Forgery; purchase goods, services with false card.

407

817.61 3rd Fraudulent use of credit cards over \$100 or more within 6 months.

408

826.04 3rd Knowingly marries or has sexual intercourse with person to whom related.

409

831.01 3rd Forgery.

410

831.02 3rd Uttering forged instrument; utters or publishes alteration with intent to

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defraud.

411

831.07 3rd Forging bank bills, checks, drafts, or promissory notes.

412

831.08 3rd Possessing 10 or more forged notes, bills, checks, or drafts.

413

831.09 3rd Uttering forged notes, bills, checks, drafts, or promissory notes.

414

831.11 3rd Bringing into the state forged bank bills, checks, drafts, or notes.

415

832.05 (3) (a) 3rd Cashing or depositing item with intent to defraud.

416

843.08 3rd Falsely impersonating an officer.

417

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.

418

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

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(c) LEVEL 3

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	Florida Statute	Felony Degree	Description
422	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
423	316.066 (4) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
424	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
425	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
426	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
427	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
428	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
429	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
430	327.35 (2) (b)	3rd	Felony BUI.

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431

328.05 (2) 3rd Possess, sell, or counterfeit
fictitious, stolen, or fraudulent titles
or bills of sale of vessels.

432

328.07 (4) 3rd Manufacture, exchange, or possess vessel
with counterfeit or wrong ID number.

433

376.302 (5) 3rd Fraud related to reimbursement for
cleanup expenses under the Inland
Protection Trust Fund.

434

379.2431 3rd Taking, disturbing, mutilating,
(1) (e) 5. 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.

435

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

436

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

437

440.1051 (3) 3rd False report of workers' compensation

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fraud or retaliation for making such a report.

438

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

439

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

440

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

441

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

442

697.08 3rd Equity skimming.

443

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

444

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

445

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

446

806.10 (2) 3rd Interferes with or assaults firefighter

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447

in performance of duty.

810.09(2)(c)

3rd

Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

448

812.014(2)(c)2.

3rd

Grand theft; \$5,000 or more but less than \$10,000.

449

812.0145(2)(c)

3rd

Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

450

815.04(4)(b)

2nd

Computer offense devised to defraud or obtain property.

451

817.034(4)(a)3.

3rd

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

452

817.233

3rd

Burning to defraud insurer.

453

817.234

3rd

Unlawful solicitation of persons involved in motor vehicle accidents.

(8)(b)-(c)

454

817.234(11)(a)

3rd

Insurance fraud; property value less than \$20,000.

455

817.236

3rd

Filing a false motor vehicle insurance

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application.

456

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

457

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

458

817.505(4) 3rd Patient brokering.

459

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

460

831.28(2)(a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

461

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

462

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

463

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

464

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

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465

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

466

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).

467

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.

468

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.

469

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

470

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

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471
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473
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477

- 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 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 deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
- 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.
- 893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

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478 893.13(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.

479 918.13(1)(a) 3rd Alter, destroy, or conceal investigation
evidence.

480 944.47 3rd Introduce contraband to correctional
(1)(a)1.-2. facility.

481 944.47(1)(c) 2nd Possess contraband while upon the
grounds of a correctional institution.

482 985.721 3rd Escapes from a juvenile facility (secure
detention or residential commitment
facility).

483 (e) LEVEL 5

484 Florida Felony
Statute Degree Description

485 316.027(1)(a) 3rd Accidents involving personal injuries,
failure to stop; leaving scene.

486 316.1935(4)(a) 2nd Aggravated fleeing or eluding.

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488

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

489

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

490

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

491

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

492

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

493

440.381(2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

494

624.401(4)(b)2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

495

626.902(1)(c) 2nd Representing an unauthorized insurer; repeat offender.

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496	790.01(2)	3rd	Carrying a concealed firearm.
497	790.162	2nd	Threat to throw or discharge destructive device.
498	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
499	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
500	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
501	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
502	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
503	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
504	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.

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505	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
506	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
507	812.131(2)(b)	3rd	Robbery by sudden snatching.
508	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
509	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
510	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
511	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.
	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

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identification information of 10 or more individuals.

512

817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

513

825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

514

827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

515

827.071 (5) 3rd Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.

516

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.

517

843.01 3rd Resist officer with violence to person; resist arrest with violence.

518

847.0135 (5) (b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.

519

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520 847.0137 3rd Transmission of pornography by
(2) & (3) electronic device or equipment.

521 847.0138 3rd Transmission of material harmful to
(2) & (3) minors to a minor by electronic device
or equipment.

522 874.05(2) 2nd Encouraging or recruiting another to
join a criminal gang; second or
subsequent offense.

523 893.13(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).

524 893.13(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.

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.

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drugs) within 1,000 feet of university.

525

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.

526

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.

527

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).

528

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

529

530

Section 6. This act shall take effect July 1, 2011.