

By the Committee on Criminal Justice; and Senator Wise

591-00655-11

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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 44. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also
116 known as JWH-200.

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117 Section 3. For the purpose of incorporating the amendment
118 made by this act to section 893.03, Florida Statutes, in
119 references thereto, subsections (1), (2), (4), and (5) of
120 section 893.13, Florida Statutes, are reenacted to read:

121 893.13 Prohibited acts; penalties.—

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

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

131 2. A controlled substance named or described in s.
132 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
133 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
134 the third degree, punishable as provided in s. 775.082, s.
135 775.083, or s. 775.084.

136 3. A controlled substance named or described in s.
137 893.03(5) commits a misdemeanor of the first degree, punishable
138 as provided in s. 775.082 or s. 775.083.

139 (b) Except as provided in this chapter, it is unlawful to
140 sell or deliver in excess of 10 grams of any substance named or
141 described in s. 893.03(1) (a) or (1) (b), or any combination
142 thereof, or any mixture containing any such substance. Any
143 person who violates this paragraph commits a felony of the first
144 degree, punishable as provided in s. 775.082, s. 775.083, or s.
145 775.084.

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

160 1. A controlled substance named or described in s.
161 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
162 commits a felony of the first degree, punishable as provided in
163 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
164 sentenced to a minimum term of imprisonment of 3 calendar years
165 unless the offense was committed within 1,000 feet of the real
166 property comprising a child care facility as defined in s.
167 402.302.

168 2. A controlled substance named or described in s.
169 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
170 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
171 the second degree, punishable as provided in s. 775.082, s.
172 775.083, or s. 775.084.

173 3. Any other controlled substance, except as lawfully sold,
174 manufactured, or delivered, must be sentenced to pay a \$500 fine

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175 and to serve 100 hours of public service in addition to any
176 other penalty prescribed by law.

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

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

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

196 2. A controlled substance named or described in s.
197 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
198 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
199 the second degree, punishable as provided in s. 775.082, s.
200 775.083, or s. 775.084.

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

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204 other penalty prescribed by law.

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

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

217 2. A controlled substance named or described in s.
218 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
219 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
220 the second degree, punishable as provided in s. 775.082, s.
221 775.083, or s. 775.084.

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

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

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233 public corporation created as a housing authority pursuant to
234 part I of chapter 421. Any person who violates this paragraph
235 with respect to:

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

240 2. A controlled substance named or described in s.
241 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
242 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
243 the second degree, punishable as provided in s. 775.082, s.
244 775.083, or s. 775.084.

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

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

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

261 2. The commission of the crime causes any child under 16

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262 years of age to suffer great bodily harm, the person commits a
263 felony of the first degree, punishable as provided in s.
264 775.082, s. 775.083, or s. 775.084. In addition, the defendant
265 must be sentenced to a minimum term of imprisonment of 10
266 calendar years.

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

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

277 2. A controlled substance named or described in s.
278 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
279 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
280 the second degree, punishable as provided in s. 775.082, s.
281 775.083, or s. 775.084.

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

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

290 2. A controlled substance named or described in s.

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291 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
292 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
293 the third degree, punishable as provided in s. 775.082, s.
294 775.083, or s. 775.084.

295 3. A controlled substance named or described in s.
296 893.03(5) commits a misdemeanor of the first degree, punishable
297 as provided in s. 775.082 or s. 775.083.

298 (b) Except as provided in this chapter, it is unlawful to
299 purchase in excess of 10 grams of any substance named or
300 described in s. 893.03(1)(a) or (1)(b), or any combination
301 thereof, or any mixture containing any such substance. Any
302 person who violates this paragraph commits a felony of the first
303 degree, punishable as provided in s. 775.082, s. 775.083, or s.
304 775.084.

305 (4) Except as authorized by this chapter, it is unlawful
306 for any person 18 years of age or older to deliver any
307 controlled substance to a person under the age of 18 years, or
308 to use or hire a person under the age of 18 years as an agent or
309 employee in the sale or delivery of such a substance, or to use
310 such person to assist in avoiding detection or apprehension for
311 a violation of this chapter. Any person who violates this
312 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 first 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 second degree, punishable as provided in s. 775.082, s.
321 775.083, or s. 775.084.

322

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

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

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

334 (b) A controlled substance named or described in s.
335 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
336 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
337 the third degree, punishable as provided in s. 775.082, s.
338 775.083, or s. 775.084.

339 (c) A controlled substance named or described in s.
340 893.03(5) commits a misdemeanor of the first degree, punishable
341 as provided in s. 775.082 or s. 775.083.

342 Section 4. For the purpose of incorporating the amendment
343 made by this act to section 893.03, Florida Statutes, in
344 references thereto, paragraph (1) of subsection (1) of section
345 893.135, Florida Statutes, is reenacted to read:

346 893.135 Trafficking; mandatory sentences; suspension or
347 reduction of sentences; conspiracy to engage in trafficking.—

348 (1) Except as authorized in this chapter or in chapter 499

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349 and notwithstanding the provisions of s. 893.13:

350 (1)1. Any person who knowingly sells, purchases,
351 manufactures, delivers, or brings into this state, or who is
352 knowingly in actual or constructive possession of, 1 gram or
353 more of lysergic acid diethylamide (LSD) as described in s.
354 893.03(1)(c), or of any mixture containing lysergic acid
355 diethylamide (LSD), commits a felony of the first degree, which
356 felony shall be known as "trafficking in lysergic acid
357 diethylamide (LSD)," punishable as provided in s. 775.082, s.
358 775.083, or s. 775.084. If the quantity involved:

359 a. Is 1 gram or more, but less than 5 grams, such person
360 shall be sentenced to a mandatory minimum term of imprisonment
361 of 3 years, and the defendant shall be ordered to pay a fine of
362 \$50,000.

363 b. Is 5 grams or more, but less than 7 grams, such person
364 shall be sentenced to a mandatory minimum term of imprisonment
365 of 7 years, and the defendant shall be ordered to pay a fine of
366 \$100,000.

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

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

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378 a capital felony under this paragraph shall also be sentenced to
 379 pay the maximum fine provided under subparagraph 1.

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

385 921.0022 Criminal Punishment Code; offense severity ranking
 386 chart.—

387 (3) OFFENSE SEVERITY RANKING CHART

388 (b) LEVEL 2

389

Florida Statute	Felony Degree	Description
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390

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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391

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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392

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
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furnishing of prospectus required.

394

590.28 (1) 3rd Intentional burning of lands.

395

784.05 (3) 3rd Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

396

787.04 (1) 3rd In violation of court order, take, entice, etc., minor beyond state limits.

397

806.13 (1) (b) 3. 3rd Criminal mischief; damage \$1,000 or more to public communication or any other public service.

398

810.061 (2) 3rd Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

399

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

400

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

401

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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403	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
404	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
405	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
406	817.52(3)	3rd	Failure to redeliver hired vehicle.
407	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
408	817.60(5)	3rd	Dealing in credit cards of another.
409	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
410	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
411	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
412	831.01	3rd	Forgery.

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831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
843.08	3rd	Falsely impersonating an officer.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.

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

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327.35 (2) (b)	3rd	Felony BUI.
328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
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.
379.2431 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935 (4)	3rd	Operating a clinic without a license or filing false license application or other required information.

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439

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

440

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

441

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

442

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

443

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

444

697.08 3rd Equity skimming.

445

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

446

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

447

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

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448

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

449

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

450

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

451

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

452

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

453

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

454

817.233 3rd Burning to defraud insurer.

455

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

456

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

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817.236 3rd Filing a false motor vehicle insurance application.

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

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

817.505 (4) 3rd Patient brokering.

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

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

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

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

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

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466

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

467

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

468

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).

469

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.

470

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.

471

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

472

893.13(7)(a)8. 3rd Withhold information from practitioner

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regarding previous receipt of or
prescription for a controlled substance.

473

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

474

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

475

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

476

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.

477

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.

478

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

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person.

479

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.

480

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

481

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

482

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

483

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

484

(e) LEVEL 5

485

486

Florida	Felony	
Statute	Degree	Description

487

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

488

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489

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

490

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

491

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

492

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

493

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

494

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

495

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

496

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

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

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repeat offender.

790.01(2) 3rd Carrying a concealed firearm.

790.162 2nd Threat to throw or discharge destructive device.

790.163(1) 2nd False report of deadly explosive or weapon of mass destruction.

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

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

800.04(6)(c) 3rd Lewd or lascivious conduct; offender less than 18 years.

800.04(7)(b) 2nd Lewd or lascivious exhibition; offender 18 years or older.

806.111(1) 3rd Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

812.0145(2)(b) 2nd Theft from person 65 years of age or older; \$10,000 or more but less than

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\$50,000.

506

812.015 (8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

507

812.019 (1) 2nd Stolen property; dealing in or trafficking in.

508

812.131 (2) (b) 3rd Robbery by sudden snatching.

509

812.16 (2) 3rd Owning, operating, or conducting a chop shop.

510

817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to \$50,000.

511

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

512

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.

513

817.568 (2) (b) 2nd Fraudulent use of personal identification information; value of benefit, services received, payment

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avoided, or amount of injury or fraud,
\$5,000 or more or use of personal
identification information of 10 or more
individuals.

514

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

515

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

516

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

517

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

518

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.

519

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

520

847.0135 (5) (b) 2nd Lewd or lascivious exhibition using

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computer; offender 18 years or older.

521

847.0137
(2) & (3)

3rd Transmission of pornography by
electronic device or equipment.

522

847.0138
(2) & (3)

3rd Transmission of material harmful to
minors to a minor by electronic device
or equipment.

523

874.05(2)

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

524

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).

525

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.

526

893.13(1)(d)1.

1st Sell, manufacture, or deliver cocaine

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(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.

527

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.

528

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.

529

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).

530

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

531

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