

By the Committees on Health Regulation; and Criminal Justice;
and Senators Wise and Dockery

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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; amending
8 s. 893.13, F.S.; providing that it is a misdemeanor of
9 the first degree to be in possession of not more than
10 a specified amount of certain hallucinogenic
11 substances; providing an exception for the powdered
12 form of such substances; reenacting ss. 893.13(1),
13 (2), (4), and (5), 893.135(1)(1), and 921.0022(3)(b),
14 (c), and (e), F.S., relating to prohibited acts and
15 penalties regarding controlled substances and the
16 offense severity chart of the Criminal Punishment
17 Code, to incorporate the amendment to s. 893.03, F.S.,
18 in references thereto; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

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

26 893.02 Definitions.—The following words and phrases as used
27 in this chapter shall have the following meanings, unless the
28 context otherwise requires:

29 (11) "Homologue" means a chemical compound in a series in

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30 which each compound differs by one or more alkyl functional
31 groups on an alkyl side chain.

32 Section 2. Paragraph (c) of subsection (1) of section
33 893.03, Florida Statutes, is amended to read:

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

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

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

58 1. Alpha-ethyltryptamine.

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

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88 29. N,N-dimethylamphetamine.

89 30. Parahexyl.

90 31. Peyote.

91 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
92 analog of phencyclidine).

93 33. Psilocybin.

94 34. Psilocyn.

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

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

107 37. Tetrahydrocannabinols.

108 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
109 (Thiophene analog of phencyclidine).

110 39. 3,4,5-Trimethoxyamphetamine.

111 40. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
112 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
113 homologue.

114 41. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
115 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
116 also known as HU-210.

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117 42. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

118 43. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

119 44. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also
120 known as JWH-200.

121 Section 3. Subsection (6) of section 893.13, Florida
122 Statutes, is amended to read:

123 893.13 Prohibited acts; penalties.—

124 (6) (a) It is unlawful for any person to be in actual or
125 constructive possession of a controlled substance unless such
126 controlled substance was lawfully obtained from a practitioner
127 or pursuant to a valid prescription or order of a practitioner
128 while acting in the course of his or her professional practice
129 or to be in actual or constructive possession of a controlled
130 substance except as otherwise authorized by this chapter. Any
131 person who violates this provision commits a felony of the third
132 degree, punishable as provided in s. 775.082, s. 775.083, or s.
133 775.084.

134 (b) If the offense is the possession of not more than 20
135 grams of cannabis, as defined in this chapter, or 3 grams or
136 less of a controlled substance described in s. 893.03(1)(c)40.-
137 44., the person commits a misdemeanor of the first degree,
138 punishable as provided in s. 775.082 or s. 775.083. For the
139 purposes of this subsection, "cannabis" does not include the
140 resin extracted from the plants of the genus *Cannabis*, or any
141 compound manufacture, salt, derivative, mixture, or preparation
142 of such resin, and a controlled substance described in s.
143 893.03(1)(c)40.-44. does not include the substance in a powdered
144 form.

145 (c) Except as provided in this chapter, it is unlawful to

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146 possess in excess of 10 grams of any substance named or
147 described in s. 893.03(1)(a) or (1)(b), or any combination
148 thereof, or any mixture containing any such substance. Any
149 person who violates this paragraph commits a felony of the first
150 degree, punishable as provided in s. 775.082, s. 775.083, or s.
151 775.084.

152 (d) Notwithstanding any provision to the contrary of the
153 laws of this state relating to arrest, a law enforcement officer
154 may arrest without warrant any person who the officer has
155 probable cause to believe is violating the provisions of this
156 chapter relating to possession of cannabis.

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

161 893.13 Prohibited acts; penalties.—

162 (1)(a) Except as authorized by this chapter and chapter
163 499, it is unlawful for any person to sell, manufacture, or
164 deliver, or possess with intent to sell, manufacture, or
165 deliver, a controlled substance. Any person who violates this
166 provision with respect to:

167 1. A controlled substance named or described in s.
168 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
169 commits a felony of the second degree, punishable as provided in
170 s. 775.082, s. 775.083, or s. 775.084.

171 2. A controlled substance named or described in s.
172 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
173 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
174 the third degree, punishable as provided in s. 775.082, s.

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175 775.083, or s. 775.084.

176 3. A controlled substance named or described in s.
177 893.03(5) commits a misdemeanor of the first degree, punishable
178 as provided in s. 775.082 or s. 775.083.

179 (b) Except as provided in this chapter, it is unlawful to
180 sell or deliver in excess of 10 grams of any substance named or
181 described in s. 893.03(1)(a) or (1)(b), or any combination
182 thereof, or any mixture containing any such substance. Any
183 person who violates this paragraph commits a felony of the first
184 degree, punishable as provided in s. 775.082, s. 775.083, or s.
185 775.084.

186 (c) Except as authorized by this chapter, it is unlawful
187 for any person to sell, manufacture, or deliver, or possess with
188 intent to sell, manufacture, or deliver, a controlled substance
189 in, on, or within 1,000 feet of the real property comprising a
190 child care facility as defined in s. 402.302 or a public or
191 private elementary, middle, or secondary school between the
192 hours of 6 a.m. and 12 midnight, or at any time in, on, or
193 within 1,000 feet of real property comprising a state, county,
194 or municipal park, a community center, or a publicly owned
195 recreational facility. For the purposes of this paragraph, the
196 term "community center" means a facility operated by a nonprofit
197 community-based organization for the provision of recreational,
198 social, or educational services to the public. Any person who
199 violates this paragraph with respect to:

200 1. A controlled substance named or described in s.
201 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
202 commits a felony of the first degree, punishable as provided in
203 s. 775.082, s. 775.083, or s. 775.084. The defendant must be

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204 sentenced to a minimum term of imprisonment of 3 calendar years
205 unless the offense was committed within 1,000 feet of the real
206 property comprising a child care facility as defined in s.
207 402.302.

208 2. A controlled substance named or described in s.
209 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
210 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
211 the second degree, punishable as provided in s. 775.082, s.
212 775.083, or s. 775.084.

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

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218 This paragraph does not apply to a child care facility unless
219 the owner or operator of the facility posts a sign that is not
220 less than 2 square feet in size with a word legend identifying
221 the facility as a licensed child care facility and that is
222 posted on the property of the child care facility in a
223 conspicuous place where the sign is reasonably visible to the
224 public.

225 (d) Except as authorized by this chapter, it is unlawful
226 for any person to sell, manufacture, or deliver, or possess with
227 intent to sell, manufacture, or deliver, a controlled substance
228 in, on, or within 1,000 feet of the real property comprising a
229 public or private college, university, or other postsecondary
230 educational institution. Any person who violates this paragraph
231 with respect to:

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

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233 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
234 commits a felony of the first degree, punishable as provided in
235 s. 775.082, s. 775.083, or s. 775.084.

236 2. A controlled substance named or described in s.
237 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
238 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
239 the second degree, punishable as provided in s. 775.082, s.
240 775.083, or s. 775.084.

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

245 (e) Except as authorized by this chapter, it is unlawful
246 for any person to sell, manufacture, or deliver, or possess with
247 intent to sell, manufacture, or deliver, a controlled substance
248 not authorized by law in, on, or within 1,000 feet of a physical
249 place for worship at which a church or religious organization
250 regularly conducts religious services or within 1,000 feet of a
251 convenience business as defined in s. 812.171. Any person who
252 violates this paragraph with respect to:

253 1. A controlled substance named or described in s.
254 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
255 commits a felony of the first degree, punishable as provided in
256 s. 775.082, s. 775.083, or s. 775.084.

257 2. A controlled substance named or described in s.
258 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
259 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
260 the second degree, punishable as provided in s. 775.082, s.
261 775.083, or s. 775.084.

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

266 (f) Except as authorized by this chapter, it is unlawful
267 for any person to sell, manufacture, or deliver, or possess with
268 intent to sell, manufacture, or deliver, a controlled substance
269 in, on, or within 1,000 feet of the real property comprising a
270 public housing facility at any time. For purposes of this
271 section, the term "real property comprising a public housing
272 facility" means real property, as defined in s. 421.03(12), of a
273 public corporation created as a housing authority pursuant to
274 part I of chapter 421. Any person who violates this paragraph
275 with respect to:

276 1. A controlled substance named or described in s.
277 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
278 commits a felony of the first degree, punishable as provided in
279 s. 775.082, s. 775.083, or s. 775.084.

280 2. A controlled substance named or described in s.
281 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
282 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
283 the second degree, punishable as provided in s. 775.082, s.
284 775.083, or s. 775.084.

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

289 (g) Except as authorized by this chapter, it is unlawful
290 for any person to manufacture methamphetamine or phencyclidine,

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291 or possess any listed chemical as defined in s. 893.033 in
292 violation of s. 893.149 and with intent to manufacture
293 methamphetamine or phencyclidine. If any person violates this
294 paragraph and:

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

301 2. The commission of the crime causes any child under 16
302 years of age to suffer great bodily harm, the person commits a
303 felony of the first degree, punishable as provided in s.
304 775.082, s. 775.083, or s. 775.084. In addition, the defendant
305 must be sentenced to a minimum term of imprisonment of 10
306 calendar years.

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

313 1. 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 2. 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 (2) (a) Except as authorized by this chapter and chapter
323 499, it is unlawful for any person to purchase, or possess with
324 intent to purchase, a controlled substance. Any person who
325 violates this provision with respect to:

326 1. A controlled substance named or described in s.
327 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,
328 commits a felony of the second degree, punishable as provided in
329 s. 775.082, s. 775.083, or s. 775.084.

330 2. A controlled substance named or described in s.
331 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
332 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
333 the third degree, punishable as provided in s. 775.082, s.
334 775.083, or s. 775.084.

335 3. A controlled substance named or described in s.
336 893.03(5) commits a misdemeanor of the first degree, punishable
337 as provided in s. 775.082 or s. 775.083.

338 (b) Except as provided in this chapter, it is unlawful to
339 purchase in excess of 10 grams of any substance named or
340 described in s. 893.03(1) (a) or (1) (b), or any combination
341 thereof, or any mixture containing any such substance. Any
342 person who violates this paragraph commits a felony of the first
343 degree, punishable as provided in s. 775.082, s. 775.083, or s.
344 775.084.

345 (4) Except as authorized by this chapter, it is unlawful
346 for any person 18 years of age or older to deliver any
347 controlled substance to a person under the age of 18 years, or
348 to use or hire a person under the age of 18 years as an agent or

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349 employee in the sale or delivery of such a substance, or to use
350 such person to assist in avoiding detection or apprehension for
351 a violation of this chapter. Any person who violates this
352 provision with respect to:

353 (a) A controlled substance named or described in s.
354 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
355 commits a felony of the first degree, punishable as provided in
356 s. 775.082, s. 775.083, or s. 775.084.

357 (b) A controlled substance named or described in s.
358 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
359 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
360 the second degree, punishable as provided in s. 775.082, s.
361 775.083, or s. 775.084.

362
363 Imposition of sentence may not be suspended or deferred, nor
364 shall the person so convicted be placed on probation.

365 (5) It is unlawful for any person to bring into this state
366 any controlled substance unless the possession of such
367 controlled substance is authorized by this chapter or unless
368 such person is licensed to do so by the appropriate federal
369 agency. Any person who violates this provision with respect to:

370 (a) A controlled substance named or described in s.
371 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
372 commits a felony of the second degree, punishable as provided in
373 s. 775.082, s. 775.083, or s. 775.084.

374 (b) A controlled substance named or described in s.
375 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
376 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
377 the third degree, punishable as provided in s. 775.082, s.

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378 775.083, or s. 775.084.

379 (c) A controlled substance named or described in s.
380 893.03(5) commits a misdemeanor of the first degree, punishable
381 as provided in s. 775.082 or s. 775.083.

382 Section 5. For the purpose of incorporating the amendment
383 made by this act to section 893.03, Florida Statutes, in
384 references thereto, paragraph (1) of subsection (1) of section
385 893.135, Florida Statutes, is reenacted to read:

386 893.135 Trafficking; mandatory sentences; suspension or
387 reduction of sentences; conspiracy to engage in trafficking.—

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

390 (1)1. Any person who knowingly sells, purchases,
391 manufactures, delivers, or brings into this state, or who is
392 knowingly in actual or constructive possession of, 1 gram or
393 more of lysergic acid diethylamide (LSD) as described in s.
394 893.03(1)(c), or of any mixture containing lysergic acid
395 diethylamide (LSD), commits a felony of the first degree, which
396 felony shall be known as "trafficking in lysergic acid
397 diethylamide (LSD)," punishable as provided in s. 775.082, s.
398 775.083, or s. 775.084. If the quantity involved:

399 a. Is 1 gram or more, but less than 5 grams, such person
400 shall be sentenced to a mandatory minimum term of imprisonment
401 of 3 years, and the defendant shall be ordered to pay a fine of
402 \$50,000.

403 b. Is 5 grams or more, but less than 7 grams, such person
404 shall be sentenced to a mandatory minimum term of imprisonment
405 of 7 years, and the defendant shall be ordered to pay a fine of
406 \$100,000.

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

410 2. Any person who knowingly manufactures or brings into
 411 this state 7 grams or more of lysergic acid diethylamide (LSD)
 412 as described in s. 893.03(1)(c), or any mixture containing
 413 lysergic acid diethylamide (LSD), and who knows that the
 414 probable result of such manufacture or importation would be the
 415 death of any person commits capital manufacture or importation
 416 of lysergic acid diethylamide (LSD), a capital felony punishable
 417 as provided in ss. 775.082 and 921.142. Any person sentenced for
 418 a capital felony under this paragraph shall also be sentenced to
 419 pay the maximum fine provided under subparagraph 1.

420 Section 6. For the purpose of incorporating the amendment
 421 made by this act to section 893.03, Florida Statutes, in
 422 references thereto, paragraphs (b), (c), and (e) of subsection
 423 (3) of section 921.0022, Florida Statutes, are reenacted to
 424 read:

425 921.0022 Criminal Punishment Code; offense severity ranking
 426 chart.—

427 (3) OFFENSE SEVERITY RANKING CHART

428 (b) LEVEL 2

429

Florida Statute	Felony Degree	Description
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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431	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
432	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.
433	517.07	3rd	Registration of securities and furnishing of prospectus required.
434	590.28 (1)	3rd	Intentional burning of lands.
435	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
436	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
437	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
438	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

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- 810.09(2)(e) 3rd Trespassing on posted commercial horticulture property.
- 812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$300 or more but less than \$5,000.
- 812.014(2)(d) 3rd Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
- 812.015(7) 3rd Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
- 817.234(1)(a)2. 3rd False statement in support of insurance claim.
- 817.481(3)(a) 3rd Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
- 817.52(3) 3rd Failure to redeliver hired vehicle.
- 817.54 3rd With intent to defraud, obtain mortgage note, etc., by false representation.
- 817.60(5) 3rd Dealing in credit cards of another.

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449	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
450	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
451	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
452	831.01	3rd	Forgery.
453	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
454	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
455	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
456	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
457	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.

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458

843.08 3rd Falsely impersonating an officer.

459

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.

460

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

461

(c) LEVEL 3

462

463

Florida Statute	Felony Degree	Description
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464

119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
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465

316.066 (4)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
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466

316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
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467

316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
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468

319.30(4)	3rd	Possession by junkyard of motor vehicle
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with identification number plate removed.

469

319.33(1)(a) 3rd Alter or forge any certificate of title to a motor vehicle or mobile home.

470

319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

471

319.33(4) 3rd With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

472

327.35(2)(b) 3rd Felony BUI.

473

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

474

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

475

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

476

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

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

477

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

478

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

479

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

480

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

481

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

482

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

483

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

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484
697.08 3rd Equity skimming.

485
790.15(3) 3rd Person directs another to discharge
firearm from a vehicle.

486
796.05(1) 3rd Live on earnings of a prostitute.

487
806.10(1) 3rd Maliciously injure, destroy, or
interfere with vehicles or equipment
used in firefighting.

488
806.10(2) 3rd Interferes with or assaults firefighter
in performance of duty.

489
810.09(2)(c) 3rd Trespass on property other than
structure or conveyance armed with
firearm or dangerous weapon.

490
812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but less
than \$10,000.

491
812.0145(2)(c) 3rd Theft from person 65 years of age or
older; \$300 or more but less than
\$10,000.

492
815.04(4)(b) 2nd Computer offense devised to defraud or
obtain property.

493

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494	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
495	817.233	3rd	Burning to defraud insurer.
496	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
497	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
498	817.236	3rd	Filing a false motor vehicle insurance application.
499	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
500	817.413 (2)	3rd	Sale of used goods as new.
501	817.505 (4)	3rd	Patient brokering.
502	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

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counterfeit payment instrument.

503

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

504

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

505

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

506

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

507

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

508

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).

509

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.

510

893.13(1)(f)2. 2nd Sell, manufacture, or deliver s.

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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.

511

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

512

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

513

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

514

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

515

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

516

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

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representations in or related to the practitioner's practice.

517

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.

518

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

519

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.

520

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

521

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

522

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

523

985.721 3rd Escapes from a juvenile facility (secure

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detention or residential commitment facility).

524
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534

(e) LEVEL 5

Florida Statute	Felony Degree	Description
316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.

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535	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
536	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
537	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
538	790.01(2)	3rd	Carrying a concealed firearm.
539	790.162	2nd	Threat to throw or discharge destructive device.
540	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
541	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
542	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender

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less than 18 years.

543

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

544

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

545

812.0145 (2) (b) 2nd Theft from person 65 years of age or
older; \$10,000 or more but less than
\$50,000.

546

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

547

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

548

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

549

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

550

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

551

817.234 (11) (b) 2nd Insurance fraud; property value \$20,000

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or more but less than \$100,000.

552

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.

553

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.

554

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of
scanning device or reencoder.

555

825.1025 (4)

3rd

Lewd or lascivious exhibition in the
presence of an elderly person or
disabled adult.

556

827.071 (4)

2nd

Possess with intent to promote any
photographic material, motion picture,
etc., which includes sexual conduct by a
child.

557

827.071 (5)

3rd

Possess any photographic material,

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motion picture, etc., which includes sexual conduct by a child.

558

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.

559

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

560

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

561

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

562

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

563

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

564

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).

565

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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.

566

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.

567

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.

568

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.

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569

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).

570

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

571

572

Section 7. This act shall take effect July 1, 2011.