

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

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Present subsections (11) through (22) of
 18 section 893.02, Florida Statutes, are redesignated as
 19 subsection (12) through (23), respectively, and a new
 20 subsection (11) is added to that section, to read:

21 893.02 Definitions.—The following words and phrases as
 22 used in this chapter shall have the following meanings, unless
 23 the context otherwise requires:

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

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

29 893.03 Standards and schedules.—The substances enumerated
30 in this section are controlled by this chapter. The controlled
31 substances listed or to be listed in Schedules I, II, III, IV,
32 and V are included by whatever official, common, usual,
33 chemical, or trade name designated. The provisions of this
34 section shall not be construed to include within any of the
35 schedules contained in this section any excluded drugs listed
36 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
37 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
38 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
39 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
40 Anabolic Steroid Products."

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

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

- 53 1. Alpha-ethyltryptamine.
- 54 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
55 methylaminorex).
- 56 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).

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- 57 | 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 58 | 5. 4-Bromo-2, 5-dimethoxyphenethylamine.
- 59 | 6. Bufotenine.
- 60 | 7. Cannabis.
- 61 | 8. Cathinone.
- 62 | 9. Diethyltryptamine.
- 63 | 10. 2,5-Dimethoxyamphetamine.
- 64 | 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 65 | 12. Dimethyltryptamine.
- 66 | 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
- 67 | analog of phencyclidine).
- 68 | 14. N-Ethyl-3-piperidyl benzilate.
- 69 | 15. N-ethylamphetamine.
- 70 | 16. Fenethylamine.
- 71 | 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 72 | 18. Ibogaine.
- 73 | 19. Lysergic acid diethylamide (LSD).
- 74 | 20. Mescaline.
- 75 | 21. Methcathinone.
- 76 | 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 77 | 23. 4-methoxyamphetamine.
- 78 | 24. 4-methoxymethamphetamine.
- 79 | 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 80 | 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 81 | 27. 3,4-Methylenedioxyamphetamine.
- 82 | 28. N-Methyl-3-piperidyl benzilate.
- 83 | 29. N,N-dimethylamphetamine.
- 84 | 30. Parahexyl.

- 85 | 31. Peyote.
- 86 | 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
- 87 | analog of phencyclidine).
- 88 | 33. Psilocybin.
- 89 | 34. Psilocyn.
- 90 | 35. Salvia divinorum, except for any drug product approved
- 91 | by the United States Food and Drug Administration which contains
- 92 | Salvia divinorum or its isomers, esters, ethers, salts, and
- 93 | salts of isomers, esters, and ethers, whenever the existence of
- 94 | such isomers, esters, ethers, and salts is possible within the
- 95 | specific chemical designation.
- 96 | 36. Salvinorin A, except for any drug product approved by
- 97 | the United States Food and Drug Administration which contains
- 98 | Salvinorin A or its isomers, esters, ethers, salts, and salts of
- 99 | isomers, esters, and ethers, whenever the existence of such
- 100 | isomers, esters, ethers, and salts is possible within the
- 101 | specific chemical designation.
- 102 | 37. Tetrahydrocannabinols.
- 103 | 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
- 104 | (Thiophene analog of phencyclidine).
- 105 | 39. 3,4,5-Trimethoxyamphetamine.
- 106 | 40. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
- 107 | yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
- 108 | homologue.
- 109 | 41. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
- 110 | methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
- 111 | also known as HU-210.
- 112 | 42. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

113 43. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

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

118 893.13 Prohibited acts; penalties.—

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

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

128 2. A controlled substance named or described in s.
 129 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
 130 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
 131 the third degree, punishable as provided in s. 775.082, s.
 132 775.083, or s. 775.084.

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

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

141 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 142 775.084.

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

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

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

169 775.083, or s. 775.084.

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

174
 175 This paragraph does not apply to a child care facility unless
 176 the owner or operator of the facility posts a sign that is not
 177 less than 2 square feet in size with a word legend identifying
 178 the facility as a licensed child care facility and that is
 179 posted on the property of the child care facility in a
 180 conspicuous place where the sign is reasonably visible to the
 181 public.

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

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

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

197 775.083, or s. 775.084.

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

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

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

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

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

223 (f) Except as authorized by this chapter, it is unlawful
 224 for any person to sell, manufacture, or deliver, or possess with

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

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

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

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

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

252 | 1. The commission or attempted commission of the crime

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

258 2. The commission of the crime causes any child under 16
259 years of age to suffer great bodily harm, the person commits a
260 felony of the first degree, punishable as provided in s.
261 775.082, s. 775.083, or s. 775.084. In addition, the defendant
262 must be sentenced to a minimum term of imprisonment of 10
263 calendar years.

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

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

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

279 (2)(a) Except as authorized by this chapter and chapter
280 499, it is unlawful for any person to purchase, or possess with

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281 intent to purchase, a controlled substance. Any person who
282 violates this provision with respect to:

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

287 2. A controlled substance named or described in s.
288 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
289 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
290 the third degree, punishable as provided in s. 775.082, s.
291 775.083, or s. 775.084.

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

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

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

309 provision with respect to:

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

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

319
 320 Imposition of sentence may not be suspended or deferred, nor
 321 shall the person so convicted be placed on probation.

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

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

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

336 (c) A controlled substance named or described in s.

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337 893.03(5) commits a misdemeanor of the first degree, punishable
338 as provided in s. 775.082 or s. 775.083.

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

343 893.135 Trafficking; mandatory sentences; suspension or
344 reduction of sentences; conspiracy to engage in trafficking.—

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

347 (1)1. Any person who knowingly sells, purchases,
348 manufactures, delivers, or brings into this state, or who is
349 knowingly in actual or constructive possession of, 1 gram or
350 more of lysergic acid diethylamide (LSD) as described in s.
351 893.03(1)(c), or of any mixture containing lysergic acid
352 diethylamide (LSD), commits a felony of the first degree, which
353 felony shall be known as "trafficking in lysergic acid
354 diethylamide (LSD)," punishable as provided in s. 775.082, s.
355 775.083, or s. 775.084. If the quantity involved:

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

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

364 c. Is 7 grams or more, such person shall be sentenced to a

365 mandatory minimum term of imprisonment of 15 calendar years and
 366 pay a fine of \$500,000.

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

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

382 921.0022 Criminal Punishment Code; offense severity
 383 ranking chart.—

384 (3) OFFENSE SEVERITY RANKING CHART
 385 (b) LEVEL 2

386

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

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Protection Act.

388

379.2431(1)(e)4. 3rd Possession of more than 11 marine turtle
eggs in violation of the Marine Turtle
Protection Act.

389

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.

390

517.07 3rd Registration of securities and
furnishing of prospectus required.

391

590.28(1) 3rd Intentional burning of lands.

392

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

393

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

394

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

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396	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
397	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
398	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
399	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
400	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
401	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.

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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 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.
	831.09	3rd	Uttering forged notes, bills, checks,

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413			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.
419	(c)	LEVEL 3	
420	Florida Statute	Felony Degree	Description
421	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
422	316.066	3rd	Unlawfully obtaining or using

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423	(4) (b) - (d)		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.
431	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

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- 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(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.
- 435 379.2431(1)(e)6. 3rd Soliciting to commit or conspiring to
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
fraud or retaliation for making such a
report.

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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) & (b)	3rd	Representing an unauthorized insurer.
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 in performance of duty.

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447	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(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
454	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
	817.236	3rd	Filing a false motor vehicle insurance

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455			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.

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464	860.15(3)	3rd	Overcharging for repairs and parts.
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.

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470 893.13(7)(a)8. 3rd Withhold information from practitioner
regarding previous receipt of or
prescription for a controlled substance.

471 893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled
substance by fraud, forgery,
misrepresentation, etc.

472 893.13(7)(a)10. 3rd Affix false or forged label to package
of controlled substance.

473 893.13(7)(a)11. 3rd Furnish false or fraudulent material
information on any document or record
required by chapter 893.

474 893.13(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.

475 893.13(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.

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476	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
477	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.
478	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
479	944.47(1)(a)1.- 2.	3rd	Introduce contraband to correctional facility.
480	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
481	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
482	(e)	LEVEL 5	
483	Florida	Felony	
484	Statute	Degree	Description

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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.
487	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
488	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
489	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
490	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
491	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
492	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
	624.401 (4) (b) 2.	2nd	Transacting insurance without a

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			certificate or authority; premium collected \$20,000 or more but less than \$100,000.
493	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
494	790.01 (2)	3rd	Carrying a concealed firearm.
495	790.162	2nd	Threat to throw or discharge destructive device.
496	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
497	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
498	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
499	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
500	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
501			

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502	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
503	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
504	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
505	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
506	812.131(2)(b)	3rd	Robbery by sudden snatching.
507	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
508	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
509	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	817.2341(1),	3rd	Filing false financial statements,

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510	(2) (a) & (3) (a)		making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
511	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.
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.
514	827.071 (5)	3rd	Possess any photographic material, motion picture, etc., which includes

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515	839.13(2)(b)	2nd	sexual conduct by a child.
516	843.01	3rd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
517	847.0135(5)(b)	2nd	Resist officer with violence to person; resist arrest with violence.
518	847.0137(2) & (3)	3rd	Lewd or lascivious exhibition using computer; offender 18 years or older.
519	847.0138(2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
520	874.05(2)	2nd	Transmission of material harmful to minors to a minor by electronic device or equipment.
521	893.13(1)(a)1.	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
522			Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

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- 523 893.13(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.
- 524 893.13(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.
- 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.
- 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.

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drugs) within 1,000 feet of public housing facility.

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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).

527

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

528

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