

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

18
 19 Be It Enacted by the Legislature of the State of Florida:

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

25 893.02 Definitions.—The following words and phrases as
 26 used in this chapter shall have the following meanings, unless
 27 the context otherwise requires:

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

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

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

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

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

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

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

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- 85 | 27. 3,4-Methylenedioxyamphetamine.
- 86 | 28. N-Methyl-3-piperidyl benzilate.
- 87 | 29. N,N-dimethylamphetamine.
- 88 | 30. Parahexyl.
- 89 | 31. Peyote.
- 90 | 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
- 91 | analog of phencyclidine).
- 92 | 33. Psilocybin.
- 93 | 34. Psilocyn.
- 94 | 35. Salvia divinorum, except for any drug product approved
- 95 | by the United States Food and Drug Administration which contains
- 96 | Salvia divinorum or its isomers, esters, ethers, salts, and
- 97 | salts of isomers, esters, and ethers, whenever the existence of
- 98 | such isomers, esters, ethers, and salts is possible within the
- 99 | specific chemical designation.
- 100 | 36. Salvinorin A, except for any drug product approved by
- 101 | the United States Food and Drug Administration which contains
- 102 | Salvinorin A or its isomers, esters, ethers, salts, and salts of
- 103 | isomers, esters, and ethers, whenever the existence of such
- 104 | isomers, esters, ethers, and salts is possible within the
- 105 | specific chemical designation.
- 106 | 37. Tetrahydrocannabinols.
- 107 | 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
- 108 | (Thiophene analog of phencyclidine).
- 109 | 39. 3,4,5-Trimethoxyamphetamine.
- 110 | 40. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
- 111 | yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
- 112 | homologue.

113 41. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
 114 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
 115 also known as HU-210.

116 42. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

117 43. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

118 44. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole,
 119 also known as JWH-200.

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

122 893.13 Prohibited acts; penalties.—

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

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

141 of such resin, and a controlled substance described in s.
 142 893.03(1)(c)40.-44. does not include the substance in a powdered
 143 form.

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

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

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

160 893.13 Prohibited acts; penalties.—

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

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

169 s. 775.082, s. 775.083, or s. 775.084.

170 2. A controlled substance named or described in s.
 171 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 172 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 173 the third degree, punishable as provided in s. 775.082, s.
 174 775.083, or s. 775.084.

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

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

185 (c) 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 child care facility as defined in s. 402.302 or a public or
 190 private elementary, middle, or secondary school between the
 191 hours of 6 a.m. and 12 midnight, or at any time in, on, or
 192 within 1,000 feet of real property comprising a state, county,
 193 or municipal park, a community center, or a publicly owned
 194 recreational facility. For the purposes of this paragraph, the
 195 term "community center" means a facility operated by a nonprofit
 196 community-based organization for the provision of recreational,

197 social, or educational services to the public. Any person who
 198 violates this paragraph with respect to:

199 1. A controlled substance named or described in s.
 200 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 201 commits a felony of the first degree, punishable as provided in
 202 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 203 sentenced to a minimum term of imprisonment of 3 calendar years
 204 unless the offense was committed within 1,000 feet of the real
 205 property comprising a child care facility as defined in s.
 206 402.302.

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

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

216
 217 This paragraph does not apply to a child care facility unless
 218 the owner or operator of the facility posts a sign that is not
 219 less than 2 square feet in size with a word legend identifying
 220 the facility as a licensed child care facility and that is
 221 posted on the property of the child care facility in a
 222 conspicuous place where the sign is reasonably visible to the
 223 public.

224 (d) Except as authorized by this chapter, it is unlawful

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

231 1. A controlled substance named or described in s.
 232 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 233 commits a felony of the first degree, punishable as provided in
 234 s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

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

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

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

279 2. A controlled substance named or described in s.
 280 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,

281 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 282 the second degree, punishable as provided in s. 775.082, s.
 283 775.083, or s. 775.084.

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

288 (g) Except as authorized by this chapter, it is unlawful
 289 for any person to manufacture methamphetamine or phencyclidine,
 290 or possess any listed chemical as defined in s. 893.033 in
 291 violation of s. 893.149 and with intent to manufacture
 292 methamphetamine or phencyclidine. If any person violates this
 293 paragraph and:

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

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

306 (h) Except as authorized by this chapter, it is unlawful
 307 for any person to sell, manufacture, or deliver, or possess with
 308 intent to sell, manufacture, or deliver, a controlled substance

309 in, on, or within 1,000 feet of the real property comprising an
 310 assisted living facility, as that term is used in chapter 429.

311 Any person who violates this paragraph with respect to:

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

316 2. A controlled substance named or described in s.
 317 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 318 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 319 the second degree, punishable as provided in s. 775.082, s.
 320 775.083, or s. 775.084.

321 (2)(a) Except as authorized by this chapter and chapter
 322 499, it is unlawful for any person to purchase, or possess with
 323 intent to purchase, a controlled substance. Any person who
 324 violates this provision with respect to:

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

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

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

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

344 (4) Except as authorized by this chapter, it is unlawful
 345 for any person 18 years of age or older to deliver any
 346 controlled substance to a person under the age of 18 years, or
 347 to use or hire a person under the age of 18 years as an agent or
 348 employee in the sale or delivery of such a substance, or to use
 349 such person to assist in avoiding detection or apprehension for
 350 a violation of this chapter. Any person who violates this
 351 provision with respect to:

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

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

361
 362 Imposition of sentence may not be suspended or deferred, nor
 363 shall the person so convicted be placed on probation.

364 (5) It is unlawful for any person to bring into this state

365 any controlled substance unless the possession of such
 366 controlled substance is authorized by this chapter or unless
 367 such person is licensed to do so by the appropriate federal
 368 agency. Any person who violates this provision with respect to:

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

373 (b) A controlled substance named or described in s.
 374 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 375 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 376 the third degree, punishable as provided in s. 775.082, s.
 377 775.083, or s. 775.084.

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

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

385 893.135 Trafficking; mandatory sentences; suspension or
 386 reduction of sentences; conspiracy to engage in trafficking.—

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

389 (1)1. Any person who knowingly sells, purchases,
 390 manufactures, delivers, or brings into this state, or who is
 391 knowingly in actual or constructive possession of, 1 gram or
 392 more of lysergic acid diethylamide (LSD) as described in s.

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393 893.03(1)(c), or of any mixture containing lysergic acid
 394 diethylamide (LSD), commits a felony of the first degree, which
 395 felony shall be known as "trafficking in lysergic acid
 396 diethylamide (LSD)," punishable as provided in s. 775.082, s.
 397 775.083, or s. 775.084. If the quantity involved:

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

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

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

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

419 Section 6. For the purpose of incorporating the amendment
 420 made by this act to section 893.03, Florida Statutes, in

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421 references thereto, paragraphs (b), (c), and (e) of subsection
 422 (3) of section 921.0022, Florida Statutes, are reenacted to
 423 read:

424 921.0022 Criminal Punishment Code; offense severity
 425 ranking chart.—

426 (3) OFFENSE SEVERITY RANKING CHART

427 (b) LEVEL 2

428

Florida Statute	Felony Degree	Description
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429

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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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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431

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 furnishing of prospectus required.
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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.
439	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
440	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
441	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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442	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
443	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
444	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
445	817.52 (3)	3rd	Failure to redeliver hired vehicle.
446	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
447	817.60 (5)	3rd	Dealing in credit cards of another.
448	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
449	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
450	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.

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451	831.01	3rd	Forgery.
452	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
453	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
454	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
455	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
456	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
457	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
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.

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460	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
461	(c) LEVEL 3		
462			
463	Florida Statute	Felony Degree	Description
464	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
465	316.066 (4)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
466	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
467	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
468	319.30(4)	3rd	Possession by junkyard of motor vehicle 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.

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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(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.

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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.
484	697.08	3rd	Equity skimming.

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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.
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida

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			Communications Fraud Act), property valued at less than \$20,000.
493	817.233	3rd	Burning to defraud insurer.
494	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
495	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
496	817.236	3rd	Filing a false motor vehicle insurance application.
497	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
498	817.413 (2)	3rd	Sale of used goods as new.
499	817.505 (4)	3rd	Patient brokering.
500	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
501	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with

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			intent to defraud or possessing a counterfeit payment instrument.
502	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
503	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
504	843.19	3rd	Injure, disable, or kill police dog or horse.
505	860.15 (3)	3rd	Overcharging for repairs and parts.
506	870.01 (2)	3rd	Riot; inciting or encouraging.
507	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).
508	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

509	893.13(1)(f)2.	2nd	within 1,000 feet of university. 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.
510	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
511	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
512	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
513	893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
514	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
515			

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

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521	2.		facility.
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 detention or residential commitment facility).
524	(e)	LEVEL 5	
525	Florida Statute	Felony Degree	Description
526	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
527	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
528	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
529	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
530	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing

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531			HIV positive.
	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
532			
	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
533			
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
534			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
535			
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
536			
	790.01 (2)	3rd	Carrying a concealed firearm.
537			
	790.162	2nd	Threat to throw or discharge destructive device.
538			
	790.163 (1)	2nd	False report of deadly explosive or

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539			weapon of mass destruction.
540	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
541	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
542	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender 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.

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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 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.

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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, 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.
	847.0137 (2) &	3rd	Transmission of pornography by

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561	(3)		electronic device or equipment.
	847.0138	3rd	Transmission of material harmful to
	(2) & (3)		minors to a minor by electronic device
			or equipment.
562			
	874.05(2)	2nd	Encouraging or recruiting another to
			join a criminal gang; second or
			subsequent offense.
563			
	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).
564			
	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.
565			
	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine
			(or other s. 893.03(1)(a), (1)(b),

566

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

567

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.

568

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).

569

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

570

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