

By Senator Bullard

39-01297-15

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1                   A bill to be entitled  
2       An act relating to cannabis; amending s. 893.03, F.S.;  
3       removing cannabis from the schedule of controlled  
4       substances; amending ss. 456.0635, 772.12, 856.015,  
5       893.02, 893.055, 893.0551, 893.13, 893.135, 893.1351,  
6       893.145, 893.147, 893.15, 921.0022, 944.47, 948.20,  
7       951.22, 985.711, and 1003.57, F.S.; conforming  
8       provisions to changes made by the act; providing an  
9       effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13       Section 1. Paragraph (c) of subsection (1) of section  
14       893.03, Florida Statutes, is amended to read:

15       893.03 Standards and schedules.—The substances enumerated  
16       in this section are controlled by this chapter. The controlled  
17       substances listed or to be listed in Schedules I, II, III, IV,  
18       and V are included by whatever official, common, usual,  
19       chemical, or trade name designated. The provisions of this  
20       section shall not be construed to include within any of the  
21       schedules contained in this section any excluded drugs listed  
22       within the purview of 21 C.F.R. s. 1308.22, styled "Excluded  
23       Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical  
24       Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted  
25       Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt  
26       Anabolic Steroid Products."

27       (1) SCHEDULE I.—A substance in Schedule I has a high  
28       potential for abuse and has no currently accepted medical use in  
29       treatment in the United States and in its use under medical

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30 supervision does not meet accepted safety standards. The  
31 following substances are controlled in Schedule I:

32 (c) Unless specifically excepted or unless listed in  
33 another schedule, any material, compound, mixture, or  
34 preparation that contains any quantity of the following  
35 hallucinogenic substances or that contains any of their salts,  
36 isomers, including optical, positional, or geometric isomers,  
37 and salts of isomers, if the existence of such salts, isomers,  
38 and salts of isomers is possible within the specific chemical  
39 designation:

- 40 1. Alpha-ethyltryptamine.
- 41 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-  
42 methylaminorex).
- 43 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 44 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 45 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 46 6. Bufotenine.
- 47 ~~7. Cannabis.~~
- 48 7.8. Cathinone.
- 49 ~~8.9.~~ Diethyltryptamine.
- 50 ~~9.10.~~ 2,5-Dimethoxyamphetamine.
- 51 ~~10.11.~~ 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 52 ~~11.12.~~ Dimethyltryptamine.
- 53 ~~12.13.~~ N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine  
54 analog of phencyclidine).
- 55 ~~13.14.~~ N-Ethyl-3-piperidyl benzilate.
- 56 ~~14.15.~~ N-ethylamphetamine.
- 57 ~~15.16.~~ Fenethylamine.
- 58 ~~16.17.~~ N-Hydroxy-3,4-methylenedioxyamphetamine.

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59       ~~17.18.~~ Ibogaine.  
60       ~~18.19.~~ Lysergic acid diethylamide (LSD).  
61       ~~19.20.~~ Mescaline.  
62       ~~20.21.~~ Methcathinone.  
63       ~~21.22.~~ 5-Methoxy-3,4-methylenedioxyamphetamine.  
64       ~~22.23.~~ 4-methoxyamphetamine.  
65       ~~23.24.~~ 4-methoxymethamphetamine.  
66       ~~24.25.~~ 4-Methyl-2,5-dimethoxyamphetamine.  
67       ~~25.26.~~ 3,4-Methylenedioxy-N-ethylamphetamine.  
68       ~~26.27.~~ 3,4-Methylenedioxyamphetamine.  
69       ~~27.28.~~ N-Methyl-3-piperidyl benzilate.  
70       ~~28.29.~~ N,N-dimethylamphetamine.  
71       ~~29.30.~~ Parahexyl.  
72       ~~30.31.~~ Peyote.  
73       ~~31.32.~~ N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY)  
74 (Pyrrolidine analog of phencyclidine).  
75       ~~32.33.~~ Psilocybin.  
76       ~~33.34.~~ Psilocyn.  
77       ~~34.35.~~ *Salvia divinorum*, except for any drug product  
78 approved by the United States Food and Drug Administration which  
79 contains *Salvia divinorum* or its isomers, esters, ethers, salts,  
80 and salts of isomers, esters, and ethers, if the existence of  
81 such isomers, esters, ethers, and salts is possible within the  
82 specific chemical designation.  
83       ~~35.36.~~ Salvinorin A, except for any drug product approved  
84 by the United States Food and Drug Administration which contains  
85 Salvinorin A or its isomers, esters, ethers, salts, and salts of  
86 isomers, esters, and ethers, if the existence of such isomers,  
87 esters, ethers, and salts is possible within the specific

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88 chemical designation.

89 ~~36.37.~~ Tetrahydrocannabinols.

90 ~~37.38.~~ 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)  
91 (Thiophene analog of phencyclidine).

92 ~~38.39.~~ 3,4,5-Trimethoxyamphetamine.

93 ~~39.40.~~ 3,4-Methylenedioxy methcathinone.

94 ~~40.41.~~ 3,4-Methylenedioxy pyrovalerone (MDPV).

95 ~~41.42.~~ Methylmethcathinone.

96 ~~42.43.~~ Methoxymethcathinone.

97 ~~43.44.~~ Fluoromethcathinone.

98 ~~44.45.~~ Methylethcathinone.

99 ~~45.46.~~ 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)  
100 homologue.  
101

102 ~~46.47.~~ (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol, also known as HU-210.

103 ~~47.48.~~ 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-  
104 018.

105 ~~48.49.~~ 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-  
106 073.

107 ~~49.50.~~ 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also known as JWH-200.  
108

109 ~~50.51.~~ BZP (Benzylpiperazine).

110 ~~51.52.~~ Fluorophenylpiperazine.

111 ~~52.53.~~ Methylphenylpiperazine.

112 ~~53.54.~~ Chlorophenylpiperazine.

113 ~~54.55.~~ Methoxyphenylpiperazine.

114 ~~55.56.~~ DBZP (1,4-dibenzylpiperazine).  
115  
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117 56.57. FMPP (3-Trifluoromethylphenylpiperazine).  
 118 57.58. MBDB (Methylbenzodioxolylbutanamine).  
 119 58.59. 5-Hydroxy-alpha-methyltryptamine.  
 120 59.60. 5-Hydroxy-N-methyltryptamine.  
 121 60.61. 5-Methoxy-N-methyl-N-isopropyltryptamine.  
 122 61.62. 5-Methoxy-alpha-methyltryptamine.  
 123 62.63. Methyltryptamine.  
 124 63.64. 5-Methoxy-N,N-dimethyltryptamine.  
 125 64.65. 5-Methyl-N,N-dimethyltryptamine.  
 126 65.66. Tyramine (4-Hydroxyphenethylamine).  
 127 66.67. 5-Methoxy-N,N-Diisopropyltryptamine.  
 128 67.68. DiPT (N,N-Diisopropyltryptamine).  
 129 68.69. DPT (N,N-Dipropyltryptamine).  
 130 69.70. 4-Hydroxy-N,N-diisopropyltryptamine.  
 131 70.71. N,N-Diallyl-5-Methoxytryptamine.  
 132 71.72. DOI (4-Iodo-2,5-dimethoxyamphetamine).  
 133 72.73. DOC (4-Chloro-2,5-dimethoxyamphetamine).  
 134 73.74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).  
 135 74.75. 2C-T-4 (2,5-Dimethoxy-4-  
 136 isopropylthiophenethylamine).  
 137 75.76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).  
 138 76.77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).  
 139 77.78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).  
 140 78.79. 2C-T-7 (2,5-Dimethoxy-4-(n)-  
 141 propylthiophenethylamine).  
 142 79.80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).  
 143 80.81. Butylone (beta-keto-N-  
 144 methylbenzodioxolylpropylamine).  
 145 81.82. Ethcathinone.

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146       ~~82.83.~~ Ethylone (3,4-methylenedioxy-N-ethylcathinone).  
 147       ~~83.84.~~ Naphyrone (naphthylpyrovalerone).  
 148       ~~84.85.~~ N-N-Dimethyl-3,4-methylenedioxy-cathinone.  
 149       ~~85.86.~~ N-N-Diethyl-3,4-methylenedioxy-cathinone.  
 150       ~~86.87.~~ 3,4-methylenedioxy-propio-phenone.  
 151       ~~87.88.~~ 2-Bromo-3,4-Methylenedioxypropio-phenone.  
 152       ~~88.89.~~ 3,4-methylenedioxy-propio-phenone-2-oxime.  
 153       ~~89.90.~~ N-Acetyl-3,4-methylenedioxy-cathinone.  
 154       ~~90.91.~~ N-Acetyl-N-Methyl-3,4-Methylenedioxy-cathinone.  
 155       ~~91.92.~~ N-Acetyl-N-Ethyl-3,4-Methylenedioxy-cathinone.  
 156       ~~92.93.~~ Bromomethcathinone.  
 157       ~~93.94.~~ Buphedrone (alpha-methylamino-butyrophenone).  
 158       ~~94.95.~~ Etylone (beta-Keto-Ethylbenzodioxolylbutanamine).  
 159       ~~95.96.~~ Dimethylcathinone.  
 160       ~~96.97.~~ Dimethylmethcathinone.  
 161       ~~97.98.~~ Pentylone (beta-Keto-  
 162 Methylbenzodioxolylpentanamine).  
 163       ~~98.99.~~ (MDPPP) 3,4-Methylenedioxy-alpha-  
 164 pyrrolidinopropio-phenone.  
 165       ~~99.100.~~ (MDPBP) 3,4-Methylenedioxy-alpha-  
 166 pyrrolidinobutiophenone.  
 167       ~~100.101.~~ Methoxy-alpha-pyrrolidinopropio-phenone (MOPPP).  
 168       ~~101.102.~~ Methyl-alpha-pyrrolidino-hexiophenone (MPHP).  
 169       ~~102.103.~~ Benocyclidine (BCP) or  
 170 benzothiophenylcyclohexylpiperidine (BTCP).  
 171       ~~103.104.~~ Fluoromethylaminobutyrophenone (F-MABP).  
 172       ~~104.105.~~ Methoxypyrrolidinobutyrophenone (MeO-PBP).  
 173       ~~105.106.~~ Ethyl-pyrrolidinobutyrophenone (Et-PBP).  
 174       ~~106.107.~~ 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).

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175        ~~107.108.~~ Methylethylaminobutyrophenone (Me-EABP).  
176        ~~108.109.~~ Methylamino-butyrophenone (MABP).  
177        ~~109.110.~~ Pyrrolidinopropiophenone (PPP).  
178        ~~110.111.~~ Pyrrolidinobutiophenone (PBP).  
179        ~~111.112.~~ Pyrrolidinovalerophenone (PVP).  
180        ~~112.113.~~ Methyl-alpha-pyrrolidinopropiophenone (MPPP).  
181        ~~113.114.~~ JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).  
182        ~~114.115.~~ JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-  
183 naphthalenylmethanone).  
184        ~~115.116.~~ JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-  
185 yl)methanone).  
186        ~~116.117.~~ JWH-020 (1-heptyl-3-(1-naphthoyl)indole).  
187        ~~117.118.~~ JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-  
188 yl)methanone).  
189        ~~118.119.~~ JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-  
190 3-yl)methanone).  
191        ~~119.120.~~ JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).  
192        ~~120.121.~~ JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-  
193 6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).  
194        ~~121.122.~~ JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-  
195 indole).  
196        ~~122.123.~~ JWH-201 (1-pentyl-3-(4-  
197 methoxyphenylacetyl)indole).  
198        ~~123.124.~~ JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-  
199 yl)ethanone).  
200        ~~124.125.~~ JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-  
201 yl)methanone).  
202        ~~125.126.~~ JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-  
203 yl)ethanone).

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- 204        ~~126.127.~~ JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-  
205 3-yl)ethanone) .
- 206        ~~127.128.~~ JWH-302 (1-pentyl-3-(3-  
207 methoxyphenylacetyl)indole) .
- 208        ~~128.129.~~ JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole) .
- 209        ~~129.130.~~ HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-  
210 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-  
211 ol) .
- 212        ~~130.131.~~ HU-308 ([ (1R,2R,5R) -2-[2,6-dimethoxy-4-(2-  
213 methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-  
214 enyl] methanol) .
- 215        ~~131.132.~~ HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-  
216 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-  
217 1,4-dione) .
- 218        ~~132.133.~~ CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-  
219 yl)methanone) .
- 220        ~~133.134.~~ CB-25 (N-cyclopropyl-11-(3-hydroxy-5-  
221 pentylphenoxy)-undecanamide) .
- 222        ~~134.135.~~ CB-52 (N-cyclopropyl-11-(2-hexyl-5-  
223 hydroxyphenoxy)-undecanamide) .
- 224        ~~135.136.~~ CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-  
225 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol) .
- 226        ~~136.137.~~ AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]- (2-  
227 iodophenyl)methanone) .
- 228        ~~137.138.~~ AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-  
229 (naphthalen-1-yl)methanone) .
- 230        ~~138.139.~~ RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-  
231 yl)methanone) .
- 232        ~~139.140.~~ RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-



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233 (2-methoxyphenylethanone) .

234 ~~140.141.~~ WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-

235 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

236 naphthalenylmethanone) .

237 ~~141.142.~~ WIN55,212-3 ([ (3S)-2,3-Dihydro-5-methyl-3-(4-

238 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-

239 naphthalenylmethanone) .

240 ~~142.143.~~ Pentedrone (2-(methylamino)-1-phenyl-1-pentanone) .

241 ~~143.144.~~ Fluoroamphetamine .

242 ~~144.145.~~ Fluoromethamphetamine .

243 ~~145.146.~~ Methoxetamine .

244 ~~146.147.~~ Methiopropamine .

245 ~~147.148.~~ 4-Methylbuphedrone (2-Methylamino-1-(4-

246 methylphenyl)butan-1-one) .

247 ~~148.149.~~ APB ((2-aminopropyl)benzofuran) .

248 ~~149.150.~~ APDB ((2-aminopropyl)-2,3-dihydrobenzofuran) .

249 ~~150.151.~~ UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-

250 tetramethylcyclopropyl)methanone) .

251 ~~151.152.~~ XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-

252 tetramethylcyclopropyl)methanone) .

253 ~~152.153.~~ (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-

254 tetramethylcyclopropyl)methanone .

255 ~~153.154.~~ AKB48 (1-pentyl-N-tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-

256 indazole-3-carboxamide) .

257 ~~154.155.~~ AM-2233((2-iodophenyl)[1-[(1-methyl-2-

258 piperidinyl)methyl]-1H-indol-3-yl]-methanone) .

259 ~~155.156.~~ STS-135 (1-(5-fluoropentyl)-N-

260 tricyclo[3.3.1.1<sup>3,7</sup>]dec-1-yl-1H-indole-3-carboxamide) .

261 ~~156.157.~~ URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-

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262 cyclohexylcarbamate).

263 ~~157.158.~~ URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,  
264 cyclohexyl ester).

265 ~~158.159.~~ URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-  
266 benzoxazin-4-one).

267 ~~159.160.~~ 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).

268 ~~160.161.~~ 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).

269 ~~161.162.~~ 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).

270 ~~162.163.~~ 2C-P (2-(2,5-Dimethoxy-4-(n)-  
271 propylphenyl)ethanamine).

272 ~~163.164.~~ 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-  
273 methoxyphenyl)methyl]-benzeneethanamine).

274 ~~164.165.~~ 3,4-Methylenedioxymethamphetamine (MDMA).

275 ~~165.166.~~ PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-  
276 carboxylic acid).

277 ~~166.167.~~ 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-  
278 fluoropentyl)-1H-indole-3-carboxylic acid).

279 ~~167.168.~~ BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-  
280 indole-3-carboxylic acid).

281 ~~168.169.~~ 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-  
282 (5-fluoropentyl)-1H-indazole-3-carboxamide).

283 ~~169.170.~~ AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-  
284 pentyl-1H-indazole-3-carboxamide).

285 ~~170.171.~~ AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-  
286 1-(4-fluorobenzyl)-1H-indazole-3-carboxamide).

287 ~~171.172.~~ ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-  
288 yl)-1-pentyl-1H-indazole-3-carboxamide).

289 ~~172.173.~~ Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-  
290 2-yl)-1-(fluoropentyl)-1H-indole-3-carboxamide).

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291       ~~173.174.~~ 25B-NBOMe (4-bromo-2,5-dimethoxy-N-[(2-  
292 methoxyphenyl)methyl]-benzeneethanamine).

293       ~~174.175.~~ 2C-C-NBOMe (4-chloro-2,5-dimethoxy-N-[(2-  
294 methoxyphenyl)methyl]-benzeneethanamine).

295       Section 2. Subsection (2) and paragraph (a) of subsection  
296 (3) of section 456.0635, Florida Statutes, are amended to read:

297       456.0635 Health care fraud; disqualification for license,  
298 certificate, or registration.—

299       (2) Each board within the jurisdiction of the department,  
300 or the department if there is no board, shall refuse to admit a  
301 candidate to any examination and refuse to issue a license,  
302 certificate, or registration to any applicant if the candidate  
303 or applicant or any principal, officer, agent, managing  
304 employee, or affiliated person of the applicant:

305       (a) Has been convicted of, or entered a plea of guilty or  
306 nolo contendere to, regardless of adjudication, a felony under  
307 chapter 409, chapter 817, or chapter 893, or a similar felony  
308 offense committed in another state or jurisdiction, unless the  
309 candidate or applicant has successfully completed a drug court  
310 program for that felony and provides proof that the plea has  
311 been withdrawn or the charges have been dismissed. Any such  
312 conviction or plea shall exclude the applicant or candidate from  
313 licensure, examination, certification, or registration unless  
314 the sentence and any subsequent period of probation for such  
315 conviction or plea ended:

316       1. For felonies of the first or second degree, more than 15  
317 years before the date of application.

318       2. For felonies of the third degree, more than 10 years  
319 before the date of application, except for felonies of the third

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320 degree under s. 893.13(5)(a) ~~s. 893.13(6)(a)~~.

321 3. For felonies of the third degree under s. 893.13(5)(a)  
322 ~~s. 893.13(6)(a)~~, more than 5 years before the date of  
323 application;

324 (b) Has been convicted of, or entered a plea of guilty or  
325 nolo contendere to, regardless of adjudication, a felony under  
326 21 U.S.C. ss. 801-970, or 42 U.S.C. ss. 1395-1396, unless the  
327 sentence and any subsequent period of probation for such  
328 conviction or plea ended more than 15 years before the date of  
329 the application;

330 (c) Has been terminated for cause from the Florida Medicaid  
331 program pursuant to s. 409.913, unless the candidate or  
332 applicant has been in good standing with the Florida Medicaid  
333 program for the most recent 5 years;

334 (d) Has been terminated for cause, pursuant to the appeals  
335 procedures established by the state, from any other state  
336 Medicaid program, unless the candidate or applicant has been in  
337 good standing with a state Medicaid program for the most recent  
338 5 years and the termination occurred at least 20 years before  
339 the date of the application; or

340 (e) Is currently listed on the United States Department of  
341 Health and Human Services Office of Inspector General's List of  
342 Excluded Individuals and Entities.

343  
344 This subsection does not apply to candidates or applicants for  
345 initial licensure or certification who were enrolled in an  
346 educational or training program on or before July 1, 2009, which  
347 was recognized by a board or, if there is no board, recognized  
348 by the department, and who applied for licensure after July 1,

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349 2012.

350 (3) The department shall refuse to renew a license,  
351 certificate, or registration of any applicant if the applicant  
352 or any principal, officer, agent, managing employee, or  
353 affiliated person of the applicant:

354 (a) Has been convicted of, or entered a plea of guilty or  
355 nolo contendere to, regardless of adjudication, a felony under  
356 chapter 409, chapter 817, or chapter 893, or a similar felony  
357 offense committed in another state or jurisdiction, unless the  
358 applicant is currently enrolled in a drug court program that  
359 allows the withdrawal of the plea for that felony upon  
360 successful completion of that program. Any such conviction or  
361 plea excludes the applicant from licensure renewal unless the  
362 sentence and any subsequent period of probation for such  
363 conviction or plea ended:

364 1. For felonies of the first or second degree, more than 15  
365 years before the date of application.

366 2. For felonies of the third degree, more than 10 years  
367 before the date of application, except for felonies of the third  
368 degree under s. 893.13(5)(a) ~~s. 893.13(6)(a)~~.

369 3. For felonies of the third degree under s. 893.13(5)(a)  
370 ~~s. 893.13(6)(a)~~, more than 5 years before the date of  
371 application.

372 Section 3. Subsection (2) of section 772.12, Florida  
373 Statutes, is amended to read:

374 772.12 Drug Dealer Liability Act.—

375 (2) A person, including any governmental entity, has a  
376 cause of action for threefold the actual damages sustained and  
377 is entitled to minimum damages in the amount of \$1,000 and

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378 reasonable attorney ~~attorney's~~ fees and court costs in the trial  
 379 and appellate courts, if the person proves by the greater weight  
 380 of the evidence that:

381 (a) The person was injured because of the defendant's  
 382 actions that resulted in the defendant's conviction for:

383 1. A violation of s. 893.13, except for a violation of s.  
 384 893.13(2)(a) or (b), ~~(3)~~, (4) ~~(5)~~, (5)(a) ~~(6)(a)~~, ~~(b)~~, or (c),  
 385 or (6) ~~(7)~~; or

386 2. A violation of s. 893.135; and

387 (b) The person was not injured by reason of his or her  
 388 participation in the same act or transaction that resulted in  
 389 the defendant's conviction for any offense described in  
 390 subparagraph (a)1.

391 Section 4. Paragraph (c) of subsection (1) of section  
 392 856.015, Florida Statutes, is amended to read:

393 856.015 Open house parties.—

394 (1) Definitions.—As used in this section:

395 (c) "Drug" means a controlled substance, as that term is  
 396 defined in ss. 893.02(3) ~~ss. 893.02(4)~~ and 893.03.

397 Section 5. Present subsection (3) of section 893.02,  
 398 Florida Statutes, is amended, and present subsections (4)  
 399 through (23) of that section are redesignated as subsections (3)  
 400 through (22), respectively, to read:

401 893.02 Definitions.—The following words and phrases as used  
 402 in this chapter shall have the following meanings, unless the  
 403 context otherwise requires:

404 ~~(3) "Cannabis" means all parts of any plant of the genus~~  
 405 ~~Cannabis, whether growing or not; the seeds thereof; the resin~~  
 406 ~~extracted from any part of the plant; and every compound,~~

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407 ~~manufacture, salt, derivative, mixture, or preparation of the~~  
408 ~~plant or its seeds or resin. The term does not include "low-THC~~  
409 ~~cannabis," as defined in s. 381.986, if manufactured, possessed,~~  
410 ~~sold, purchased, delivered, distributed, or dispensed, in~~  
411 ~~conformance with s. 381.986.~~

412 Section 6. Paragraph (a) of subsection (1), paragraph (b)  
413 of subsection (2), and paragraph (f) of subsection (7) of  
414 section 893.055, Florida Statutes, are amended to read:

415 893.055 Prescription drug monitoring program.—

416 (1) As used in this section, the term:

417 (a) "Patient advisory report" or "advisory report" means  
418 information provided by the department in writing, or as  
419 determined by the department, to a prescriber, dispenser,  
420 pharmacy, or patient concerning the dispensing of controlled  
421 substances. All advisory reports are for informational purposes  
422 only and impose no obligations of any nature or any legal duty  
423 on a prescriber, dispenser, pharmacy, or patient. The patient  
424 advisory report shall be provided in accordance with s.  
425 893.13(6)(a)8. ~~s. 893.13(7)(a)8.~~ The advisory reports issued by  
426 the department are not subject to discovery or introduction into  
427 evidence in any civil or administrative action against a  
428 prescriber, dispenser, pharmacy, or patient arising out of  
429 matters that are the subject of the report; and a person who  
430 participates in preparing, reviewing, issuing, or any other  
431 activity related to an advisory report may not be permitted or  
432 required to testify in any such civil action as to any findings,  
433 recommendations, evaluations, opinions, or other actions taken  
434 in connection with preparing, reviewing, or issuing such a  
435 report.

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436 (2)

437 (b) The department, when the direct support organization  
438 receives at least \$20,000 in nonstate moneys or the state  
439 receives at least \$20,000 in federal grants for the prescription  
440 drug monitoring program, shall adopt rules as necessary  
441 concerning the reporting, accessing the database, evaluation,  
442 management, development, implementation, operation, security,  
443 and storage of information within the system, including rules  
444 for when patient advisory reports are provided to pharmacies and  
445 prescribers. The patient advisory report shall be provided in  
446 accordance with s. 893.13(6)(a)8. ~~s. 893.13(7)(a)8.~~ The  
447 department shall work with the professional health care  
448 licensure boards, such as the Board of Medicine, the Board of  
449 Osteopathic Medicine, and the Board of Pharmacy; other  
450 appropriate organizations, such as the Florida Pharmacy  
451 Association, the Florida Medical Association, the Florida Retail  
452 Federation, and the Florida Osteopathic Medical Association,  
453 including those relating to pain management; and the Attorney  
454 General, the Department of Law Enforcement, and the Agency for  
455 Health Care Administration to develop rules appropriate for the  
456 prescription drug monitoring program.

457 (7)

458 (f) The program manager, upon determining a pattern  
459 consistent with the rules established under paragraph (2)(d) and  
460 having cause to believe a violation of s. 893.13(6)(a)8.,  
461 (7)(a), or (7)(b) ~~s. 893.13(7)(a)8., (8)(a), or (8)(b)~~ has  
462 occurred, may provide relevant information to the applicable law  
463 enforcement agency.

464 Section 7. Subsection (4) of section 893.0551, Florida



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465 Statutes, is amended to read:

466 893.0551 Public records exemption for the prescription drug  
467 monitoring program.—

468 (4) If the department determines consistent with its rules  
469 that a pattern of controlled substance abuse exists, the  
470 department may disclose such confidential and exempt information  
471 to the applicable law enforcement agency in accordance with s.  
472 893.055. The law enforcement agency may disclose to a criminal  
473 justice agency, as defined in s. 119.011, only confidential and  
474 exempt information received from the department that is relevant  
475 to an identified active investigation that is specific to a  
476 violation of s. 893.13(6)(a)8. ~~s. 893.13(7)(a)8.~~, s.  
477 893.13(7)(a) ~~s. 893.13(8)(a)~~, or s. 893.13(7)(a) ~~s.~~  
478 ~~893.13(8)(b)~~.

479 Section 8. Present subsection (3) of section 893.13,  
480 Florida Statutes, is amended, present subsections (4) through  
481 (10) are redesignated as subsections (3) through (9),  
482 respectively, and present subsection (6) and present paragraph  
483 (a) of subsection (8) of that section are amended, to read:

484 893.13 Prohibited acts; penalties.—

485 ~~(3) A person who delivers, without consideration, 20 grams~~  
486 ~~or less of cannabis, as defined in this chapter, commits a~~  
487 ~~misdemeanor of the first degree, punishable as provided in s.~~  
488 ~~775.082 or s. 775.083. As used in this paragraph, the term~~  
489 ~~"cannabis" does not include the resin extracted from the plants~~  
490 ~~of the genus Cannabis or any compound manufacture, salt,~~  
491 ~~derivative, mixture, or preparation of such resin.~~

492 (5)(6)(a) A person may not be in actual or constructive  
493 possession of a controlled substance unless such controlled

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494 substance was lawfully obtained from a practitioner or pursuant  
495 to a valid prescription or order of a practitioner while acting  
496 in the course of his or her professional practice or to be in  
497 actual or constructive possession of a controlled substance  
498 except as otherwise authorized by this chapter. A person who  
499 violates this provision commits a felony of the third degree,  
500 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

501 ~~(b) If the offense is the possession of 20 grams or less of~~  
502 ~~cannabis, as defined in this chapter, or 3 grams or less of a~~  
503 ~~controlled substance described in s. 893.03(1)(c) 46.-50., 114.-~~  
504 ~~142., 151.-159., or 166.-173., the person commits a misdemeanor~~  
505 ~~of the first degree, punishable as provided in s. 775.082 or s.~~  
506 ~~775.083. As used in this subsection, the term "cannabis" does~~  
507 ~~not include the resin extracted from the plants of the genus~~  
508 ~~Cannabis, or any compound manufacture, salt, derivative,~~  
509 ~~mixture, or preparation of such resin, and a controlled~~  
510 ~~substance described in s. 893.03(1)(c) 46.-50., 114.-142., 151.-~~  
511 ~~159., or 166.-173. does not include the substance in a powdered~~  
512 ~~form.~~

513 (b)(e) Except as provided in this chapter, a person may not  
514 possess more than 10 grams of any substance named or described  
515 in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any  
516 mixture containing any such substance. A person who violates  
517 this paragraph commits a felony of the first degree, punishable  
518 as provided in s. 775.082, s. 775.083, or s. 775.084.

519 ~~(d) Notwithstanding any provision to the contrary of the~~  
520 ~~laws of this state relating to arrest, a law enforcement officer~~  
521 ~~may arrest without warrant any person who the officer has~~  
522 ~~probable cause to believe is violating the provisions of this~~

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523 ~~chapter relating to possession of cannabis.~~

524 (7)~~(8)~~(a) Notwithstanding subsection (8) ~~(9)~~, a prescribing  
525 practitioner may not:

526 1. Knowingly assist a patient, other person, or the owner  
527 of an animal in obtaining a controlled substance through  
528 deceptive, untrue, or fraudulent representations in or related  
529 to the practice of the prescribing practitioner's professional  
530 practice;

531 2. Employ a trick or scheme in the practice of the  
532 prescribing practitioner's professional practice to assist a  
533 patient, other person, or the owner of an animal in obtaining a  
534 controlled substance;

535 3. Knowingly write a prescription for a controlled  
536 substance for a fictitious person; or

537 4. Write a prescription for a controlled substance for a  
538 patient, other person, or an animal if the sole purpose of  
539 writing such prescription is to provide a monetary benefit to,  
540 or obtain a monetary benefit for, the prescribing practitioner.

541 (8)~~(9)~~ The provisions of subsections (1)-(7) ~~(1)-(8)~~ are  
542 not applicable to the delivery to, or actual or constructive  
543 possession for medical or scientific use or purpose only of  
544 controlled substances by, persons included in any of the  
545 following classes, or the agents or employees of such persons,  
546 for use in the usual course of their business or profession or  
547 in the performance of their official duties:

548 (a) Pharmacists.

549 (b) Practitioners.

550 (c) Persons who procure controlled substances in good faith  
551 and in the course of professional practice only, by or under the

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552 supervision of pharmacists or practitioners employed by them, or  
 553 for the purpose of lawful research, teaching, or testing, and  
 554 not for resale.

555 (d) Hospitals that procure controlled substances for lawful  
 556 administration by practitioners, but only for use by or in the  
 557 particular hospital.

558 (e) Officers or employees of state, federal, or local  
 559 governments acting in their official capacity only, or informers  
 560 acting under their jurisdiction.

561 (f) Common carriers.

562 (g) Manufacturers, wholesalers, and distributors.

563 (h) Law enforcement officers for bona fide law enforcement  
 564 purposes in the course of an active criminal investigation.

565 Section 9. Paragraph (a) of subsection (1) of section  
 566 893.135, Florida Statutes, is amended, and paragraphs (b)  
 567 through (l) of subsection (1) of that section are redesignated  
 568 as paragraphs (a) through (k), respectively, to read:

569 893.135 Trafficking; mandatory sentences; suspension or  
 570 reduction of sentences; conspiracy to engage in trafficking.—

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

573 ~~(a) Any person who knowingly sells, purchases,~~  
 574 ~~manufactures, delivers, or brings into this state, or who is~~  
 575 ~~knowingly in actual or constructive possession of, in excess of~~  
 576 ~~25 pounds of cannabis, or 300 or more cannabis plants, commits a~~  
 577 ~~felony of the first degree, which felony shall be known as~~  
 578 ~~"trafficking in cannabis," punishable as provided in s. 775.082,~~  
 579 ~~s. 775.083, or s. 775.084. If the quantity of cannabis involved:~~  
 580 ~~1. Is in excess of 25 pounds, but less than 2,000 pounds,~~

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581 ~~or is 300 or more cannabis plants, but not more than 2,000~~  
582 ~~cannabis plants, such person shall be sentenced to a mandatory~~  
583 ~~minimum term of imprisonment of 3 years, and the defendant shall~~  
584 ~~be ordered to pay a fine of \$25,000.~~

585 ~~2. Is 2,000 pounds or more, but less than 10,000 pounds, or~~  
586 ~~is 2,000 or more cannabis plants, but not more than 10,000~~  
587 ~~cannabis plants, such person shall be sentenced to a mandatory~~  
588 ~~minimum term of imprisonment of 7 years, and the defendant shall~~  
589 ~~be ordered to pay a fine of \$50,000.~~

590 ~~3. Is 10,000 pounds or more, or is 10,000 or more cannabis~~  
591 ~~plants, such person shall be sentenced to a mandatory minimum~~  
592 ~~term of imprisonment of 15 calendar years and pay a fine of~~  
593 ~~\$200,000.~~

594  
595 ~~For the purpose of this paragraph, a plant, including, but not~~  
596 ~~limited to, a seedling or cutting, is a "cannabis plant" if it~~  
597 ~~has some readily observable evidence of root formation, such as~~  
598 ~~root hairs. To determine if a piece or part of a cannabis plant~~  
599 ~~severed from the cannabis plant is itself a cannabis plant, the~~  
600 ~~severed piece or part must have some readily observable evidence~~  
601 ~~of root formation, such as root hairs. Callous tissue is not~~  
602 ~~readily observable evidence of root formation. The viability and~~  
603 ~~sex of a plant and the fact that the plant may or may not be a~~  
604 ~~dead harvested plant are not relevant in determining if the~~  
605 ~~plant is a "cannabis plant" or in the charging of an offense~~  
606 ~~under this paragraph. Upon conviction, the court shall impose~~  
607 ~~the longest term of imprisonment provided for in this paragraph.~~

608 ~~Section 10. Subsection (4) of section 893.1351, Florida~~  
609 ~~Statutes, is amended to read:~~

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610 893.1351 Ownership, lease, rental, or possession for  
611 trafficking in or manufacturing a controlled substance.—

612 ~~(4) For the purposes of this section, proof of the~~  
613 ~~possession of 25 or more cannabis plants constitutes prima facie~~  
614 ~~evidence that the cannabis is intended for sale or distribution.~~

615 Section 11. Subsections (7) and (12) of section 893.145,  
616 Florida Statutes, are amended, and present subsections (8)  
617 through (11) of that section are redesignated as subsections (7)  
618 through (10), respectively, to read:

619 893.145 "Drug paraphernalia" defined.—The term "drug  
620 paraphernalia" means all equipment, products, and materials of  
621 any kind which are used, intended for use, or designed for use  
622 in planting, propagating, cultivating, growing, harvesting,  
623 manufacturing, compounding, converting, producing, processing,  
624 preparing, testing, analyzing, packaging, repackaging, storing,  
625 containing, concealing, transporting, injecting, ingesting,  
626 inhaling, or otherwise introducing into the human body a  
627 controlled substance in violation of this chapter or s. 877.111.  
628 Drug paraphernalia is deemed to be contraband which shall be  
629 subject to civil forfeiture. The term includes, but is not  
630 limited to:

631 ~~(7) Separation gins and sifters used, intended for use, or~~  
632 ~~designed for use in removing twigs and seeds from, or in~~  
633 ~~otherwise cleaning or refining, cannabis.~~

634 (11)~~(12)~~ Objects used, intended for use, or designed for  
635 use in ingesting, inhaling, or otherwise introducing ~~cannabis,~~  
636 cocaine, hashish, hashish oil, or nitrous oxide into the human  
637 body, such as:

638 (a) Metal, wooden, acrylic, glass, stone, plastic, or

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- 639 ceramic pipes, with or without screens, permanent screens,  
640 hashish heads, or punctured metal bowls.
- 641 (b) Water pipes.
- 642 (c) Carburetion tubes and devices.
- 643 (d) Smoking and carburetion masks.
- 644 (e) Roach clips: meaning objects used to hold burning  
645 material, ~~such as a cannabis cigarette,~~ that has become too  
646 small or too short to be held in the hand.
- 647 (f) Miniature cocaine spoons, and cocaine vials.
- 648 (g) Chamber pipes.
- 649 (h) Carburetor pipes.
- 650 (i) Electric pipes.
- 651 (j) Air-driven pipes.
- 652 (k) Chillums.
- 653 (l) Bonges.
- 654 (m) Ice pipes or chillers.
- 655 (n) A cartridge or canister, which means a small metal  
656 device used to contain nitrous oxide.
- 657 (o) A charger, sometimes referred to as a "cracker," which  
658 means a small metal or plastic device that contains an interior  
659 pin that may be used to expel nitrous oxide from a cartridge or  
660 container.
- 661 (p) A charging bottle, which means a device that may be  
662 used to expel nitrous oxide from a cartridge or canister.
- 663 (q) A whip-it, which means a device that may be used to  
664 expel nitrous oxide.
- 665 (r) A tank.
- 666 (s) A balloon.
- 667 (t) A hose or tube.

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668 (u) A 2-liter-type soda bottle.

669 (v) Duct tape.

670 Section 12. Paragraph (a) of subsection (6) of section  
671 893.147, Florida Statutes, is amended to read:

672 893.147 Use, possession, manufacture, delivery,  
673 transportation, advertisement, or retail sale of drug  
674 paraphernalia.—

675 (6) RETAIL SALE OF DRUG PARAPHERNALIA.—

676 (a) It is unlawful for a person to knowingly and willfully  
677 sell or offer for sale at retail any drug paraphernalia  
678 described in s. 893.145(11)(a)-(c) or (g)-(m) ~~s. 893.145(12)(a)-~~  
679 ~~(e) or (g)-(m)~~, other than a pipe that is primarily made of  
680 briar, meerschaum, clay, or corn cob.

681 Section 13. Section 893.15, Florida Statutes, is amended to  
682 read:

683 893.15 Rehabilitation.—Any person who violates s.  
684 893.13(5)(a) or (b) ~~s. 893.13(6)(a) or (b)~~ relating to  
685 possession may, in the discretion of the trial judge, be  
686 required to participate in a substance abuse services program  
687 approved or regulated by the Department of Children and Families  
688 pursuant to the provisions of chapter 397, provided the director  
689 of such program approves the placement of the defendant in such  
690 program. Such required participation shall be imposed in  
691 addition to any penalty or probation otherwise prescribed by  
692 law. However, the total time of such penalty, probation, and  
693 program participation shall not exceed the maximum length of  
694 sentence possible for the offense.

695 Section 14. Paragraphs (a), (b), (c), (e), (g), (h), and  
696 (i) of subsection (3) of section 921.0022, Florida Statutes, are



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697 amended to read:

698 921.0022 Criminal Punishment Code; offense severity ranking  
699 chart.—

700 (3) OFFENSE SEVERITY RANKING CHART

701 (a) LEVEL 1

702

703

Florida Statute	Felony Degree	Description
--------------------	------------------	-------------

704

24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.
--------------	-----	---

705

212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.
---------------	-----	--

706

212.15(2)(b)	3rd	Failure to remit sales taxes, amount greater than \$300 but less than \$20,000.
--------------	-----	---

707

316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.
-------------	-----	--

708

319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.
-----------	-----	--

709

319.35(1)(a)	3rd	Tamper, adjust, change, etc.,
--------------	-----	-------------------------------

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an odometer.

710

320.26(1)(a)

3rd

Counterfeit, manufacture, or  
sell registration license  
plates or validation stickers.

711

322.212  
(1)(a)-(c)

3rd

Possession of forged, stolen,  
counterfeit, or unlawfully  
issued driver license;  
possession of simulated  
identification.

712

322.212(4)

3rd

Supply or aid in supplying  
unauthorized driver license or  
identification card.

713

322.212(5)(a)

3rd

False application for driver  
license or identification card.

714

414.39(2)

3rd

Unauthorized use, possession,  
forgery, or alteration of food  
assistance program, Medicaid  
ID, value greater than \$200.

715

414.39(3)(a)

3rd

Fraudulent misappropriation of  
public assistance funds by  
employee/official, value more  
than \$200.

716

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717	443.071 (1)	3rd	False statement or representation to obtain or increase reemployment assistance benefits.
718	509.151 (1)	3rd	Defraud an innkeeper, food or lodging value greater than \$300.
719	517.302 (1)	3rd	Violation of the Florida Securities and Investor Protection Act.
720	562.27 (1)	3rd	Possess still or still apparatus.
721	713.69	3rd	Tenant removes property upon which lien has accrued, value more than \$50.
722	812.014 (3) (c)	3rd	Petit theft (3rd conviction); theft of any property not specified in subsection (2).
723	812.081 (2)	3rd	Unlawfully makes or causes to be made a reproduction of a trade secret.
	815.04 (5) (a)	3rd	Offense against intellectual

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property (i.e., computer programs, data).

724

817.52(2) 3rd Hiring with intent to defraud, motor vehicle services.

725

817.569(2) 3rd Use of public record or public records information to facilitate commission of a felony.

726

826.01 3rd Bigamy.

727

828.122(3) 3rd Fighting or baiting animals.

728

831.04(1) 3rd Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.

729

831.31(1)(a) 3rd Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.

730

832.041(1) 3rd Stopping payment with intent to defraud \$150 or more.

731

832.05(2)(b) & 3rd Knowing, making, issuing

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(4) (c) worthless checks \$150 or more  
 or obtaining property in return  
 for worthless check \$150 or  
 more.

732

838.15 (2) 3rd Commercial bribe receiving.

733

838.16 3rd Commercial bribery.

734

843.18 3rd Fleeing by boat to elude a law  
 enforcement officer.

735

847.011 (1) (a) 3rd Sell, distribute, etc.,  
 obscene, lewd, etc., material  
 (2nd conviction).

736

849.01 3rd Keeping gambling house.

737

849.09 (1) (a) - (d) 3rd Lottery; set up, promote, etc.,  
 or assist therein, conduct or  
 advertise drawing for prizes,  
 or dispose of property or money  
 by means of lottery.

738

849.23 3rd Gambling-related machines;  
 "common offender" as to  
 property rights.

739

849.25 (2) 3rd Engaging in bookmaking.

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740

860.08 3rd Interfere with a railroad signal.

741

860.13(1)(a) 3rd Operate aircraft while under the influence.

742

~~893.13(2)(a)2.~~ 3rd ~~Purchase of cannabis.~~

743

~~893.13(6)(a)~~ 3rd ~~Possession of cannabis (more than 20 grams).~~

744

934.03(1)(a) 3rd Intercepts, or procures any other person to intercept, any wire or oral communication.

745

(b) LEVEL 2

746

747

Florida Statute	Felony Degree	Description
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748

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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749

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

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Act.

750

403.413(6)(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.

751

517.07(2) 3rd Failure to furnish a prospectus meeting requirements.

752

590.28(1) 3rd Intentional burning of lands.

753

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

754

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

755

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

756

810.061(2) 3rd Impairing or impeding telephone or power to a dwelling;

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facilitating or furthering  
burglary.

757

810.09(2)(e) 3rd

Trespassing on posted  
commercial horticulture  
property.

758

812.014(2)(c)1. 3rd

Grand theft, 3rd degree; \$300  
or more but less than \$5,000.

759

812.014(2)(d) 3rd

Grand theft, 3rd degree; \$100  
or more but less than \$300,  
taken from unenclosed curtilage  
of dwelling.

760

812.015(7) 3rd

Possession, use, or attempted  
use of an antishoplifting or  
inventory control device  
countermeasure.

761

817.234(1)(a)2. 3rd

False statement in support of  
insurance claim.

762

817.481(3)(a) 3rd

Obtain credit or purchase with  
false, expired, counterfeit,  
etc., credit card, value over  
\$300.

763

817.52(3) 3rd

Failure to redeliver hired



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vehicle.

764

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

765

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

766

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

767

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

768

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

769

831.01                      3rd      Forgery.

770

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

771

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

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773

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

774

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

775

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

776

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

777

843.08 3rd Falsely impersonating an officer.

778

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.~~

779

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

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(c) LEVEL 3

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

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

790

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

791

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

792

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

793

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

794

379.2431 3rd Taking, disturbing, mutilating,  
(1)(e)5. destroying, causing to be  
destroyed, transferring,  
selling, offering to sell,  
molesting, or harassing marine  
turtles, marine turtle eggs, or  
marine turtle nests in  
violation of the Marine Turtle  
Protection Act.

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379.2431 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935 (4)	3rd	Operating a clinic without a license or filing false license application or other required information.
440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.

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626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

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

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

820

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

821

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

822

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

823

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

824

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

825

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

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.,



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(2) (c) 6., (2) (c) 7., (2) (c) 8.,  
(2) (c) 9., (3), or (4) drugs.

826

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.

827

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.

828

893.13(5)(a)            3rd    Possession of any controlled  
~~893.13(6)(a)~~            substance ~~other than felony~~  
~~possession of cannabis.~~

829

893.13(6)(a)8.            3rd    Withhold information from  
~~893.13(7)(a)8.~~            practitioner regarding previous  
receipt of or prescription for  
a controlled substance.

830

893.13(6)(a)9.            3rd    Obtain or attempt to obtain

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831	<del>893.13(7)(a)9.</del>		controlled substance by fraud, forgery, misrepresentation, etc.
832	<u>893.13(6)(a)10.</u> <del>893.13(7)(a)10.</del>	3rd	Affix false or forged label to package of controlled substance.
833	<u>893.13(6)(a)11.</u> <del>893.13(7)(a)11.</del>	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
834	<u>893.13(7)(a)1.</u> <del>893.13(8)(a)1.</del>	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.
835	<u>893.13(7)(a)2.</u> <del>893.13(8)(a)2.</del>	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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893.13(7)(a)3.  
~~893.13(8)(a)3.~~

3rd Knowingly write a prescription for a controlled substance for a fictitious person.

836

893.13(7)(a)4.  
~~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.

837

918.13(1)(a)

3rd Alter, destroy, or conceal investigation evidence.

838

944.47  
 (1)(a)1. & 2.

3rd Introduce contraband to correctional facility.

839

944.47(1)(c)

2nd Possess contraband while upon the grounds of a correctional institution.

840

985.721

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

841

(e) LEVEL 5

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	Florida Statute	Felony Degree	Description
844	316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
845	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
846	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
847	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
848	379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
849	379.3671 (2)(c)3.	3rd	Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.
850	381.0041(11)(b)	3rd	Donate blood, plasma, or organs

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knowing HIV positive.

851

440.10 (1) (g)

2nd

Failure to obtain workers' compensation coverage.

852

440.105 (5)

2nd

Unlawful solicitation for the purpose of making workers' compensation claims.

853

440.381 (2)

2nd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

854

624.401 (4) (b) 2.

2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

855

626.902 (1) (c)

2nd

Representing an unauthorized insurer; repeat offender.

856

790.01 (2)

3rd

Carrying a concealed firearm.

857

790.162

2nd

Threat to throw or discharge destructive device.

858

790.163 (1)

2nd

False report of deadly

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explosive or weapon of mass  
destruction.

859

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

860

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

861

796.05 (1) 2nd Live on earnings of a  
prostitute; 1st offense.

862

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

863

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

864

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

865

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

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- 812.015(8) 3rd Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
- 812.019(1) 2nd Stolen property; dealing in or trafficking in.
- 812.131(2)(b) 3rd Robbery by sudden snatching.
- 812.16(2) 3rd Owning, operating, or conducting a chop shop.
- 817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to \$50,000.
- 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  
(2)(a) & (3)(a) statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
- 817.568(2)(b) 2nd Fraudulent use of personal identification information;

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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.

874

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

875

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

876

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

877

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

878

839.13 (2) (b)           2nd    Falsifying records of an



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individual in the care and custody of a state agency involving great bodily harm or death.

879

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

880

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

881

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

882

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

883

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

884

874.05 (2) (a)                2nd      Encouraging or recruiting person under 13 years of age to join a criminal gang.

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886

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).

887

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.

888

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.

893.13(1)(e)2.            2nd    Sell, manufacture, or deliver a ~~cannabis or other~~ drug prohibited under 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) within  
 1,000 feet of property used for  
 religious services or a  
 specified business site.

889

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.

890

893.13(3)(b)            2nd  
~~893.13(4)(b)~~

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).

891

893.1351(1)            3rd

Ownership, lease, or rental for  
 trafficking in or manufacturing  
 of controlled substance.

892

(g) LEVEL 7

893

894

Florida                            Felony                            Description

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	Statute	Degree	
895	316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
896	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
897	316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
898	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
899	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
900	409.920	3rd	Medicaid provider fraud;
901	(2)(b)1.a.		\$10,000 or less.

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409.920  
(2) (b) 1.b.

2nd Medicaid provider fraud; more  
than \$10,000, but less than  
\$50,000.

902

456.065 (2)

3rd Practicing a health care  
profession without a license.

903

456.065 (2)

2nd Practicing a health care  
profession without a license  
which results in serious bodily  
injury.

904

458.327 (1)

3rd Practicing medicine without a  
license.

905

459.013 (1)

3rd Practicing osteopathic medicine  
without a license.

906

460.411 (1)

3rd Practicing chiropractic  
medicine without a license.

907

461.012 (1)

3rd Practicing podiatric medicine  
without a license.

908

462.17

3rd Practicing naturopathy without  
a license.

909

463.015 (1)

3rd Practicing optometry without a  
license.

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910	464.016(1)	3rd	Practicing nursing without a license.
911	465.015(2)	3rd	Practicing pharmacy without a license.
912	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
913	467.201	3rd	Practicing midwifery without a license.
914	468.366	3rd	Delivering respiratory care services without a license.
915	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
916	483.901(9)	3rd	Practicing medical physics without a license.
917	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
918	484.053	3rd	Dispensing hearing aids without a license.
919			

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920 494.0018(2) 1st Conviction of any violation of  
 ss. 494.001-494.0077 in which  
 the total money and property  
 unlawfully obtained exceeded  
 \$50,000 and there were five or  
 more victims.

921 560.123(8)(b)1. 3rd Failure to report currency or  
 payment instruments exceeding  
 \$300 but less than \$20,000 by a  
 money services business.

922 560.125(5)(a) 3rd Money services business by  
 unauthorized person, currency  
 or payment instruments  
 exceeding \$300 but less than  
 \$20,000.

923 655.50(10)(b)1. 3rd Failure to report financial  
 transactions exceeding \$300 but  
 less than \$20,000 by financial  
 institution.

924 775.21(10)(a) 3rd Sexual predator; failure to  
 register; failure to renew  
 driver license or  
 identification card; other  
 registration violations.

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925	775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
926	775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
927	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
928	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
929	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).



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784.045 (1) (a) 1.            2nd    Aggravated battery;  
intentionally causing great  
bodily harm or disfigurement.

931

784.045 (1) (a) 2.            2nd    Aggravated battery; using  
deadly weapon.

932

784.045 (1) (b)                2nd    Aggravated battery; perpetrator  
aware victim pregnant.

933

784.048 (4)                    3rd    Aggravated stalking; violation  
of injunction or court order.

934

784.048 (7)                    3rd    Aggravated stalking; violation  
of court order.

935

784.07 (2) (d)                1st    Aggravated battery on law  
enforcement officer.

936

784.074 (1) (a)               1st    Aggravated battery on sexually  
violent predators facility  
staff.

937

784.08 (2) (a)                1st    Aggravated battery on a person  
65 years of age or older.

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784.081 (1)                    1st    Aggravated battery on specified  
official or employee.

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784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083 (1)	1st	Aggravated battery on code inspector.
787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.

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947 790.165(3) 2nd Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

948 790.166(3) 2nd Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.

949 790.166(4) 2nd Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.

950 790.23 1st,PBL Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.

951 794.08(4) 3rd Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.

952 796.05(1) 1st Live on earnings of a prostitute; 2nd offense.

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953	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
954	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
955	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
956	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
957	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
958	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
	810.02 (3) (b)	2nd	Burglary of unoccupied

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dwelling; unarmed; no assault  
or battery.

959

810.02 (3) (d)            2nd    Burglary of occupied  
conveyance; unarmed; no assault  
or battery.

960

810.02 (3) (e)            2nd    Burglary of authorized  
emergency vehicle.

961

812.014 (2) (a) 1.        1st    Property stolen, valued at  
\$100,000 or more or a  
semitrailer deployed by a law  
enforcement officer; property  
stolen while causing other  
property damage; 1st degree  
grand theft.

962

812.014 (2) (b) 2.        2nd    Property stolen, cargo valued  
at less than \$50,000, grand  
theft in 2nd degree.

963

812.014 (2) (b) 3.        2nd    Property stolen, emergency  
medical equipment; 2nd degree  
grand theft.

964

812.014 (2) (b) 4.        2nd    Property stolen, law  
enforcement equipment from  
authorized emergency vehicle.

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965  
966  
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973

- 812.0145 (2) (a)            1st     Theft from person 65 years of age or older; \$50,000 or more.
- 812.019 (2)                1st     Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
- 812.131 (2) (a)            2nd     Robbery by sudden snatching.
- 812.133 (2) (b)            1st     Carjacking; no firearm, deadly weapon, or other weapon.
- 817.034 (4) (a) 1.        1st     Communications fraud, value greater than \$50,000.
- 817.234 (8) (a)            2nd     Solicitation of motor vehicle accident victims with intent to defraud.
- 817.234 (9)                2nd     Organizing, planning, or participating in an intentional motor vehicle collision.
- 817.234 (11) (c)           1st     Insurance fraud; property value \$100,000 or more.
- 817.2341                    1st     Making false entries of

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(2) (b) & (3) (b)

material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

974

817.535 (2) (a)

3rd

Filing false lien or other unauthorized document.

975

825.102 (3) (b)

2nd

Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

976

825.103 (3) (b)

2nd

Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.

977

827.03 (2) (b)

2nd

Neglect of a child causing great bodily harm, disability, or disfigurement.

978

827.04 (3)

3rd

Impregnation of a child under 16 years of age by person 21 years of age or older.

979

837.05 (2)

3rd

Giving false information about

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alleged capital felony to a law enforcement officer.

980  
981  
982  
983  
984  
985  
986  
987  
988  
989

838.015

2nd

Bribery.

838.016

2nd

Unlawful compensation or reward for official behavior.

838.021 (3) (a)

2nd

Unlawful harm to a public servant.

838.22

2nd

Bid tampering.

843.0855 (2)

3rd

Impersonation of a public officer or employee.

843.0855 (3)

3rd

Unlawful simulation of legal process.

843.0855 (4)

3rd

Intimidation of a public officer or employee.

847.0135 (3)

3rd

Solicitation of a child, via a computer service, to commit an unlawful sex act.

847.0135 (4)

2nd

Traveling to meet a minor to commit an unlawful sex act.



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990	872.06	2nd	Abuse of a dead human body.
991	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
992	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
993	893.13 (1) (c) 1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
993	893.13 (1) (e) 1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,

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within 1,000 feet of property  
used for religious services or  
a specified business site.

994

893.13(3)(a)

1st

Deliver to minor cocaine (or  
other s. 893.03(1)(a), (1)(b),  
(1)(d), (2)(a), (2)(b), or  
(2)(c)4. drugs).

~~893.13(4)(a)~~

995

~~893.135(1)(a)1.~~

1st

~~Trafficking in cannabis, more  
than 25 lbs., less than 2,000  
lbs.~~

996

893.135

1st

Trafficking in cocaine, more  
than 28 grams, less than 200  
grams.

(1)(a)1.a.

~~893.135~~

~~(1)(b)1.a.~~

997

893.135

1st

Trafficking in illegal drugs,  
more than 4 grams, less than 14  
grams.

(1)(b)1.a.

~~893.135~~

~~(1)(c)1.a.~~

998

893.135

1st

Trafficking in hydrocodone, 14  
grams or more, less than 28  
grams.

(1)(b)2.a.

~~893.135~~

~~(1)(c)2.a.~~

999

893.135

1st

Trafficking in hydrocodone, 28

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	<u>(1) (b) 2.b.</u>		grams or more, less than 50
	<del>893.135</del>		grams.
1000	<del>(1) (c) 2.b.</del>		
	<u>893.135</u>	1st	Trafficking in oxycodone, 7
	<u>(1) (b) 3.a.</u>		grams or more, less than 14
	<del>893.135</del>		grams.
	<del>(1) (c) 3.a.</del>		
1001			
	<u>893.135</u>	1st	Trafficking in oxycodone, 14
	<u>(1) (b) 3.b.</u>		grams or more, less than 25
	<del>893.135</del>		grams.
	<del>(1) (c) 3.b.</del>		
1002			
	<u>893.135 (1) (c) 1.</u>	1st	Trafficking in phencyclidine,
	<del>893.135 (1) (d) 1.</del>		more than 28 grams, less than
			200 grams.
1003			
	<u>893.135 (1) (d) 1.</u>	1st	Trafficking in methaqualone,
	<del>893.135 (1) (e) 1.</del>		more than 200 grams, less than
			5 kilograms.
1004			
	<u>893.135 (1) (e) 1.</u>	1st	Trafficking in amphetamine,
	<del>893.135 (1) (f) 1.</del>		more than 14 grams, less than
			28 grams.
1005			
	<u>893.135</u>	1st	Trafficking in flunitrazepam, 4
	<u>(1) (f) 1.a.</u>		grams or more, less than 14
	<del>893.135</del>		grams.

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~~(1)(g)1.a.~~

1006

893.135  
(1)(g)1.a.

1st

Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

~~893.135~~  
~~(1)(h)1.a.~~

1007

893.135  
(1)(i)1.a.

1st

Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.

~~893.135~~  
~~(1)(j)1.a.~~

1008

893.135  
(1)(j)2.a.

1st

Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

~~893.135~~  
~~(1)(k)2.a.~~

1009

893.1351(2)

2nd

Possession of place for trafficking in or manufacturing of controlled substance.

1010

896.101(5)(a)

3rd

Money laundering, financial transactions exceeding \$300 but less than \$20,000.

1011

896.104(4)(a)1.

3rd

Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but

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1012

less than \$20,000.

943.0435 (4) (c)

2nd

Sexual offender vacating permanent residence; failure to comply with reporting requirements.

1013

943.0435 (8)

2nd

Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

1014

943.0435 (9) (a)

3rd

Sexual offender; failure to comply with reporting requirements.

1015

943.0435 (13)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

1016

943.0435 (14)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

1017

944.607 (9)

3rd

Sexual offender; failure to comply with reporting

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1018

requirements.

944.607(10) (a)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

1019

944.607(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

1020

944.607(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

1021

985.4815(10)

3rd

Sexual offender; failure to submit to the taking of a digitized photograph.

1022

985.4815(12)

3rd

Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.

1023

985.4815(13)

3rd

Sexual offender; failure to report and reregister; failure to respond to address

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verification; providing false registration information.

1024 (h) LEVEL 8

1025

1026

Florida Statute	Felony Degree	Description
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1027

316.193 (3) (c) 3.a.	2nd	DUI manslaughter.
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1028

316.1935 (4) (b)	1st	Aggravated fleeing or attempted eluding with serious bodily injury or death.
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1029

327.35 (3) (c) 3.	2nd	Vessel BUI manslaughter.
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1030

499.0051 (7)	1st	Knowing trafficking in contraband prescription drugs.
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1031

499.0051 (8)	1st	Knowing forgery of prescription labels or prescription drug labels.
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1032

560.123 (8) (b) 2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by money transmitter.
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1033

560.125 (5) (b)            2nd    Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.

1034

655.50 (10) (b) 2.        2nd    Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

1035

777.03 (2) (a)            1st    Accessory after the fact, capital felony.

1036

782.04 (4)                2nd    Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb.

1037

782.051 (2)               1st    Attempted felony murder while perpetrating or attempting to perpetrate a felony not



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1038

enumerated in s. 782.04(3).

782.071(1)(b)

1st

Committing vehicular homicide and failing to render aid or give information.

1039

782.072(2)

1st

Committing vessel homicide and failing to render aid or give information.

1040

787.06(3)(a)1.

1st

Human trafficking for labor and services of a child.

1041

787.06(3)(b)

1st

Human trafficking using coercion for commercial sexual activity of an adult.

1042

787.06(3)(c)2.

1st

Human trafficking using coercion for labor and services of an unauthorized alien adult.

1043

787.06(3)(e)1.

1st

Human trafficking for labor and services by the transfer or transport of a child from outside Florida to within the state.

1044

787.06(3)(f)2.

1st

Human trafficking using coercion for commercial sexual

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1045	790.161 (3)	1st	activity by the transfer or transport of any adult from outside Florida to within the state.
1046	794.011 (5) (a)	1st	Discharging a destructive device which results in bodily harm or property damage.
1047	794.011 (5) (b)	2nd	Sexual battery; victim 12 years of age or older but younger than 18 years; offender 18 years or older; offender does not use physical force likely to cause serious injury.
1048	794.011 (5) (c)	2nd	Sexual battery; victim and offender 18 years of age or older; offender does not use physical force likely to cause serious injury.
1049	794.011 (5) (d)	1st	Sexual battery; victim 12 years of age or older; offender younger than 18 years; offender does not use physical force likely to cause injury.

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1050 of age or older; offender does  
not use physical force likely  
to cause serious injury; prior  
conviction for specified sex  
offense.

794.08 (3) 2nd Female genital mutilation,  
removal of a victim younger  
than 18 years of age from this  
state.

800.04 (4) (b) 2nd Lewd or lascivious battery.

800.04 (4) (c) 1st Lewd or lascivious battery;  
offender 18 years of age or  
older; prior conviction for  
specified sex offense.

806.01 (1) 1st Maliciously damage dwelling or  
structure by fire or explosive,  
believing person in structure.

810.02 (2) (a) 1st, PBL Burglary with assault or  
battery.

810.02 (2) (b) 1st, PBL Burglary; armed with explosives  
or dangerous weapon.

810.02 (2) (c) 1st Burglary of a dwelling or

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			structure causing structural damage or \$1,000 or more property damage.
1057	812.014 (2) (a) 2.	1st	Property stolen; cargo valued at \$50,000 or more, grand theft in 1st degree.
1058	812.13 (2) (b)	1st	Robbery with a weapon.
1059	812.135 (2) (c)	1st	Home-invasion robbery, no firearm, deadly weapon, or other weapon.
1060	817.535 (2) (b)	2nd	Filing false lien or other unauthorized document; second or subsequent offense.
1061	817.535 (3) (a)	2nd	Filing false lien or other unauthorized document; property owner is a public officer or employee.
1062	817.535 (4) (a) 1.	2nd	Filing false lien or other unauthorized document; defendant is incarcerated or under supervision.
1063	817.535 (5) (a)	2nd	Filing false lien or other

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1064			unauthorized document; owner of the property incurs financial loss as a result of the false instrument.
	817.568 (6)	2nd	Fraudulent use of personal identification information of an individual under the age of 18.
1065			
	825.102 (2)	1st	Aggravated abuse of an elderly person or disabled adult.
1066			
	825.1025 (2)	2nd	Lewd or lascivious battery upon an elderly person or disabled adult.
1067			
	825.103 (3) (a)	1st	Exploiting an elderly person or disabled adult and property is valued at \$50,000 or more.
1068			
	837.02 (2)	2nd	Perjury in official proceedings relating to prosecution of a capital felony.
1069			
	837.021 (2)	2nd	Making contradictory statements in official proceedings relating to prosecution of a capital felony.

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1070

860.121(2)(c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

1071

860.16 1st Aircraft piracy.

1072

893.13(1)(b) 1st Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

1073

893.13(2)(b) 1st Purchase in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

1074

893.13(5)(c) 1st Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).  
~~893.13(6)(c)~~

1075

~~893.135(1)(a)2.~~ 1st ~~Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.~~

1076

893.135 1st Trafficking in cocaine, more than 200 grams, less than 400 grams.  
(1)(a)1.b.  
~~893.135~~  
~~(1)(b)1.b.~~

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1077

893.135 1st Trafficking in illegal drugs,  
(1) (b) 1.b. more than 14 grams, less than  
~~893.135~~ 28 grams.  
~~(1) (c) 1.b.~~

1078

893.135 1st Trafficking in hydrocodone, 50  
(1) (b) 2.c. grams or more, less than 200  
~~893.135~~ grams.  
~~(1) (c) 2.c.~~

1079

893.135 1st Trafficking in oxycodone, 25  
(1) (b) 3.c. grams or more, less than 100  
~~893.135~~ grams.  
~~(1) (c) 3.c.~~

1080

893.135 1st Trafficking in phencyclidine,  
(1) (c) 1.b. more than 200 grams, less than  
~~893.135~~ 400 grams.  
~~(1) (d) 1.b.~~

1081

893.135 1st Trafficking in methaqualone,  
(1) (d) 1.b. more than 5 kilograms, less  
~~893.135~~ than 25 kilograms.  
~~(1) (e) 1.b.~~

1082

893.135 1st Trafficking in amphetamine,  
(1) (e) 1.b. more than 28 grams, less than  
~~893.135~~ 200 grams.

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~~(1)(f)1.b.~~

1083

893.135  
(1)(f)1.b.

1st Trafficking in flunitrazepam,  
14 grams or more, less than 28  
grams.

~~893.135~~  
~~(1)(g)1.b.~~

1084

893.135  
(1)(g)1.b.

1st Trafficking in gamma-  
hydroxybutyric acid (GHB), 5  
kilograms or more, less than 10  
kilograms.

~~893.135~~  
~~(1)(h)1.b.~~

1085

893.135  
(1)(i)1.b.

1st Trafficking in 1,4-Butanediol,  
5 kilograms or more, less than  
10 kilograms.

~~893.135~~  
~~(1)(j)1.b.~~

1086

893.135  
(1)(j)2.b.

1st Trafficking in Phenethylamines,  
200 grams or more, less than  
400 grams.

~~893.135~~  
~~(1)(k)2.b.~~

1087

893.1351(3)

1st Possession of a place used to  
manufacture controlled  
substance when minor is present  
or resides there.

1088

895.03(1)

1st Use or invest proceeds derived  
from pattern of racketeering



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1089

activity.

895.03 (2)

1st

Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.

1090

895.03 (3)

1st

Conduct or participate in any enterprise through pattern of racketeering activity.

1091

896.101 (5) (b)

2nd

Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.

1092

896.104 (4) (a) 2.

2nd

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.

1093

(i) LEVEL 9

1094

1095

Florida  
Statute

Felony  
Degree

Description

1096

316.193

1st

DUI manslaughter; failing to

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1097	(3) (c) 3.b.		render aid or give information.
1098	327.35 (3) (c) 3.b.	1st	BUI manslaughter; failing to render aid or give information.
1099	409.920 (2) (b) 1.c.	1st	Medicaid provider fraud; \$50,000 or more.
1100	499.0051 (9)	1st	Knowing sale or purchase of contraband prescription drugs resulting in great bodily harm.
1101	560.123 (8) (b) 3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1102	560.125 (5) (c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1103	655.50 (10) (b) 3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1104	775.0844	1st	Aggravated white collar crime.

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1105

782.04(1) 1st Attempt, conspire, or solicit to commit premeditated murder.

1106

782.04(3) 1st,PBL Accomplice to murder in connection with arson, sexual battery, robbery, burglary, aggravated fleeing or eluding with serious bodily injury or death, and other specified felonies.

1107

782.051(1) 1st Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).

1108

782.07(2) 1st Aggravated manslaughter of an elderly person or disabled adult.

1109

787.01(1)(a)1. 1st,PBL Kidnapping; hold for ransom or reward or as a shield or hostage.

1110

787.01(1)(a)2. 1st,PBL Kidnapping with intent to commit or facilitate commission of any felony.

787.01(1)(a)4. 1st,PBL Kidnapping with intent to

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1111

interfere with performance of  
any governmental or political  
function.

787.02 (3) (a)

1st, PBL

False imprisonment; child under  
age 13; perpetrator also  
commits aggravated child abuse,  
sexual battery, or lewd or  
lascivious battery,  
molestation, conduct, or  
exhibition.

1112

787.06 (3) (c) 1.

1st

Human trafficking for labor and  
services of an unauthorized  
alien child.

1113

787.06 (3) (d)

1st

Human trafficking using  
coercion for commercial sexual  
activity of an unauthorized  
adult alien.

1114

787.06 (3) (f) 1.

1st, PBL

Human trafficking for  
commercial sexual activity by  
the transfer or transport of  
any child from outside Florida  
to within the state.

1115

790.161

1st

Attempted capital destructive  
device offense.

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1116

790.166(2)                    1st,PBL    Possessing, selling, using, or attempting to use a weapon of mass destruction.

1117

794.011(2)                    1st        Attempted sexual battery; victim less than 12 years of age.

1118

794.011(2)                    Life        Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.

1119

794.011(4)(a)                1st,PBL    Sexual battery, certain circumstances; victim 12 years of age or older but younger than 18 years; offender 18 years or older.

1120

794.011(4)(b)                1st        Sexual battery, certain circumstances; victim and offender 18 years of age or older.

1121

794.011(4)(c)                1st        Sexual battery, certain circumstances; victim 12 years of age or older; offender younger than 18 years.

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1122

794.011(4)(d) 1st,PBL Sexual battery, certain circumstances; victim 12 years of age or older; prior conviction for specified sex offenses.

1123

794.011(8)(b) 1st,PBL Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.

1124

794.08(2) 1st Female genital mutilation; victim younger than 18 years of age.

1125

800.04(5)(b) Life Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.

1126

812.13(2)(a) 1st,PBL Robbery with firearm or other deadly weapon.

1127

812.133(2)(a) 1st,PBL Carjacking; firearm or other deadly weapon.

1128

812.135(2)(b) 1st Home-invasion robbery with weapon.

1129

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1130 817.535 (3) (b) 1st Filing false lien or other  
unauthorized document; second  
or subsequent offense; property  
owner is a public officer or  
employee.

1131 817.535 (4) (a) 2. 1st Filing false claim or other  
unauthorized document;  
defendant is incarcerated or  
under supervision.

1132 817.535 (5) (b) 1st Filing false lien or other  
unauthorized document; second  
or subsequent offense; owner of  
the property incurs financial  
loss as a result of the false  
instrument.

1133 817.568 (7) 2nd, Fraudulent use of personal  
PBL identification information of  
an individual under the age of  
18 by his or her parent, legal  
guardian, or person exercising  
custodial authority.

1134 827.03 (2) (a) 1st Aggravated child abuse.

847.0145 (1) 1st Selling, or otherwise  
transferring custody or

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1135

control, of a minor.

847.0145(2)

1st

Purchasing, or otherwise obtaining custody or control, of a minor.

1136

859.01

1st

Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.

1137

893.135

1st

Attempted capital trafficking offense.

1138

~~893.135(1)(a)3.~~

~~1st~~

~~Trafficking in cannabis, more than 10,000 lbs.~~

1139

893.135  
(1)(a)1.c.  
~~893.135~~  
~~(1)(b)1.c.~~

1st

Trafficking in cocaine, more than 400 grams, less than 150 kilograms.

1140

893.135  
(1)(b)1.c.  
~~893.135~~  
~~(1)(c)1.c.~~

1st

Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.



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1141

893.135 1st Trafficking in hydrocodone, 200  
(1) (b) 1.c. grams or more, less than 30  
~~893.135~~ kilograms.  
~~(1) (c) 2.d.~~

1142

893.135 1st Trafficking in oxycodone, 100  
(1) (b) 1.c. grams or more, less than 30  
~~893.135~~ kilograms.  
~~(1) (c) 3.d.~~

1143

893.135 1st Trafficking in phencyclidine,  
(1) (c) 1.c. more than 400 grams.  
~~893.135~~  
~~(1) (d) 1.e.~~

1144

893.135 1st Trafficking in methaqualone,  
(1) (d) 1.c. more than 25 kilograms.  
~~893.135~~  
~~(1) (e) 1.e.~~

1145

893.135 1st Trafficking in amphetamine,  
(1) (e) 1.c. more than 200 grams.  
~~893.135~~  
~~(1) (f) 1.e.~~

1146

893.135 1st Trafficking in gamma-  
(1) (g) 1.c. hydroxybutyric acid (GHB), 10  
~~893.135~~ kilograms or more.

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~~(1)(h)1.c.~~

1147

893.135

1st

Trafficking in 1,4-Butanediol,

(1)(i)1.c.

10 kilograms or more.

~~893.135~~

~~(1)(j)1.c.~~

1148

893.135

1st

Trafficking in Phenethylamines,

(1)(j)1.c.

400 grams or more.

~~893.135~~

~~(1)(k)2.c.~~

1149

896.101(5)(c)

1st

Money laundering, financial instruments totaling or exceeding \$100,000.

1150

896.104(4)(a)3.

1st

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

1151

Section 15. Paragraph (a) of subsection (1) of section 944.47, Florida Statutes, is amended to read:

1152

1153

944.47 Introduction, removal, or possession of certain articles unlawful; penalty.—

1154

1155

(1)(a) Except through regular channels as authorized by the officer in charge of the correctional institution, it is unlawful to introduce into or upon the grounds of any state correctional institution, or to take or attempt to take or send

1156

1157

1158

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1159 or attempt to send therefrom, any of the following articles  
1160 which are hereby declared to be contraband for the purposes of  
1161 this section, to wit:

1162 1. Any written or recorded communication or any currency or  
1163 coin given or transmitted, or intended to be given or  
1164 transmitted, to any inmate of any state correctional  
1165 institution.

1166 2. Any article of food or clothing given or transmitted, or  
1167 intended to be given or transmitted, to any inmate of any state  
1168 correctional institution.

1169 3. Any intoxicating beverage or beverage which causes or  
1170 may cause an intoxicating effect.

1171 4. Any controlled substance as defined in s. 893.02(3) ~~s.~~  
1172 ~~893.02(4)~~ or any prescription or nonprescription drug having a  
1173 hypnotic, stimulating, or depressing effect.

1174 5. Any firearm or weapon of any kind or any explosive  
1175 substance.

1176 6. Any cellular telephone or other portable communication  
1177 device intentionally and unlawfully introduced inside the secure  
1178 perimeter of any state correctional institution without prior  
1179 authorization or consent from the officer in charge of such  
1180 correctional institution. As used in this subparagraph, the term  
1181 "portable communication device" means any device carried, worn,  
1182 or stored which is designed or intended to receive or transmit  
1183 verbal or written messages, access or store data, or connect  
1184 electronically to the Internet or any other electronic device  
1185 and which allows communications in any form. Such devices  
1186 include, but are not limited to, portable two-way pagers, hand-  
1187 held radios, cellular telephones, Blackberry-type devices,

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1188 personal digital assistants or PDA's, laptop computers, or any  
1189 components of these devices which are intended to be used to  
1190 assemble such devices. The term also includes any new technology  
1191 that is developed for similar purposes. Excluded from this  
1192 definition is any device having communication capabilities which  
1193 has been approved or issued by the department for investigative  
1194 or institutional security purposes or for conducting other state  
1195 business.

1196 Section 16. Subsection (1) of section 948.20, Florida  
1197 Statutes, is amended to read:

1198 948.20 Drug offender probation.—

1199 (1) If it appears to the court upon a hearing that the  
1200 defendant is a chronic substance abuser whose criminal conduct  
1201 is a violation of s. 893.13(2) (a) or (5) (a) ~~(6) (a)~~, or other  
1202 nonviolent felony if such nonviolent felony is committed on or  
1203 after July 1, 2009, and notwithstanding s. 921.0024 the  
1204 defendant's Criminal Punishment Code scoresheet total sentence  
1205 points are 60 points or fewer, the court may either adjudge the  
1206 defendant guilty or stay and withhold the adjudication of guilt.  
1207 In either case, the court may also stay and withhold the  
1208 imposition of sentence and place the defendant on drug offender  
1209 probation or into a postadjudicatory treatment-based drug court  
1210 program if the defendant otherwise qualifies. As used in this  
1211 section, the term "nonviolent felony" means a third degree  
1212 felony violation under chapter 810 or any other felony offense  
1213 that is not a forcible felony as defined in s. 776.08.

1214 Section 17. Subsection (1) of section 951.22, Florida  
1215 Statutes, is amended to read:

1216 951.22 County detention facilities; contraband articles.—

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1217 (1) It is unlawful, except through regular channels as duly  
1218 authorized by the sheriff or officer in charge, to introduce  
1219 into or possess upon the grounds of any county detention  
1220 facility as defined in s. 951.23 or to give to or receive from  
1221 any inmate of any such facility wherever said inmate is located  
1222 at the time or to take or to attempt to take or send therefrom  
1223 any of the following articles which are hereby declared to be  
1224 contraband for the purposes of this act, to wit: Any written or  
1225 recorded communication; any currency or coin; any article of  
1226 food or clothing; any tobacco products as defined in s.  
1227 210.25(11); any cigarette as defined in s. 210.01(1); any cigar;  
1228 any intoxicating beverage or beverage which causes or may cause  
1229 an intoxicating effect; any narcotic, hypnotic, or excitative  
1230 drug or drug of any kind or nature, including nasal inhalators,  
1231 sleeping pills, barbiturates, and controlled substances as  
1232 defined in s. 893.02(3) ~~s. 893.02(4)~~; any firearm or any  
1233 instrumentality customarily used or which is intended to be used  
1234 as a dangerous weapon; and any instrumentality of any nature  
1235 that may be or is intended to be used as an aid in effecting or  
1236 attempting to effect an escape from a county facility.

1237 Section 18. Paragraph (a) of subsection (1) of section  
1238 985.711, Florida Statutes, is amended to read:

1239 985.711 Introduction, removal, or possession of certain  
1240 articles unlawful; penalty.—

1241 (1) (a) Except as authorized through program policy or  
1242 operating procedure or as authorized by the facility  
1243 superintendent, program director, or manager, a person may not  
1244 introduce into or upon the grounds of a juvenile detention  
1245 facility or commitment program, or take or send, or attempt to

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1246 take or send, from a juvenile detention facility or commitment  
1247 program, any of the following articles, which are declared to be  
1248 contraband under this section:

- 1249 1. Any unauthorized article of food or clothing.
- 1250 2. Any intoxicating beverage or any beverage that causes or  
1251 may cause an intoxicating effect.
- 1252 3. Any controlled substance, as defined in s. 893.02(3) ~~s.~~  
1253 ~~893.02(4)~~, or any prescription or nonprescription drug that has  
1254 a hypnotic, stimulating, or depressing effect.
- 1255 4. Any firearm or weapon of any kind or any explosive  
1256 substance.

1257 Section 19. Paragraph (i) of subsection (1) of section  
1258 1003.57, Florida Statutes, is amended to read:

1259 1003.57 Exceptional students instruction.—

1260 (1)

1261 (i) For purposes of paragraph (h), the term:

1262 1. "Controlled substance" means a drug or other substance  
1263 identified under Schedule I, Schedule II, Schedule III, Schedule  
1264 IV, or Schedule V of the Controlled Substances Act, 21 U.S.C. s.  
1265 812(c) and s. 893.02(3) ~~s. 893.02(4)~~.

1266 2. "Weapon" means a device, instrument, material, or  
1267 substance, animate or inanimate, which is used for, or is  
1268 readily capable of, causing death or serious bodily injury;  
1269 however, this definition does not include a pocketknife having a  
1270 blade that is less than 2 1/2 inches in length.

1271 Section 20. This act shall take effect July 1, 2015.