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1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 893.02, F.S.; defining the term "homologue" for purposes
4 of the Florida Comprehensive Drug Abuse Prevention and
5 Control Act; amending s. 893.03, F.S.; including certain
6 hallucinogenic substances on the list of controlled
7 substances in Schedule I; reenacting ss. 893.13(1), (2),
8 (4) and (5), 893.135(1)(1), and 921.0022(3)(b), (c), and
9 (e), F.S., relating to prohibited acts and penalties
10 regarding controlled substances and the offense severity
11 chart of the Criminal Punishment Code, to incorporate the
12 amendment to s. 893.03, F.S., in references thereto;
13 providing an effective date.

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

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

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

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

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

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

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

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

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

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

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31. Peyote.

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

33. Psilocybin.

34. Psilocyn.

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

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

37. Tetrahydrocannabinols.

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

39. 3,4,5-Trimethoxyamphetamine.

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

41. (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.

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

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

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

118 893.13 Prohibited acts; penalties.—

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

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

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

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

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

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

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

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

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

775.083, or s. 775.084.

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

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

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

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

2. A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s.

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775.083, or s. 775.084.

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

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

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

2. A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

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

252 1. The commission or attempted commission of the crime

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

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

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

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

2. A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

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

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provision with respect to:

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

(b) A controlled substance named or described in 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) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

(b) A controlled substance named or described in 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) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

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

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

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

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

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

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

Florida Statute	Felony Degree	Description
379.2431(1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle

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Protection Act.

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

403.413(5)(c) 3rd Dumps waste litter exceeding 500 lbs. in
weight or 100 cubic feet in volume or
any quantity for commercial purposes, or
hazardous waste.

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

590.28(1) 3rd Intentional burning of lands.

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

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

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

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396	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
397	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
398	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
399	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
400	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
401	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
402	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
403	817.52(3)	3rd	Failure to redeliver hired vehicle.

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404	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
405	817.60 (5)	3rd	Dealing in credit cards of another.
406	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
407	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
408	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
409	831.01	3rd	Forgery.
410	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
411	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
412	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
	831.09	3rd	Uttering forged notes, bills, checks,

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			drafts, or promissory notes.
413	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
414	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
415	843.08	3rd	Falsely impersonating an officer.
416	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.
417	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
418	(c) LEVEL 3		
419			
420	Florida	Felony	
	Statute	Degree	Description
421	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
422	316.066	3rd	Unlawfully obtaining or using

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423	(4) (b) - (d)		confidential crash reports.
424	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
425	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
426	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
427	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
428	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
429	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
430	327.35 (2) (b)	3rd	Felony BUI.
431	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

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432	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
433	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
434	379.2431(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
435	379.2431(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
436	400.9935(4)	3rd	Operating a clinic without a license or filing false license application or other required information.
437	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.

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438	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
439	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
440	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
441	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
442	697.08	3rd	Equity skimming.
443	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
444	796.05(1)	3rd	Live on earnings of a prostitute.
445	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
446	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.

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447	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
448	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
449	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
450	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
451	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
452	817.233	3rd	Burning to defraud insurer.
453	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
454	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
	817.236	3rd	Filing a false motor vehicle insurance

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			application.
455	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
456	817.413(2)	3rd	Sale of used goods as new.
457	817.505(4)	3rd	Patient brokering.
458	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
459	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
460	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
461	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
462	843.19	3rd	Injure, disable, or kill police dog or horse.
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464	860.15(3)	3rd	Overcharging for repairs and parts.
465	870.01(2)	3rd	Riot; inciting or encouraging.
466	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
467	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of university.
468	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs within 1,000 feet of public housing facility.
469	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.

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

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

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

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

893.13(8)(a)1. 3rd Knowingly assist a patient, other
person, or owner of an animal in
obtaining a controlled substance through
deceptive, untrue, or fraudulent
representations in or related to the
practitioner's practice.

893.13(8)(a)2. 3rd Employ a trick or scheme in the
practitioner's practice to assist a
patient, other person, or owner of an
animal in obtaining a controlled
substance.

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476	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
477	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
478	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
479	944.47(1)(a)1.- 2.	3rd	Introduce contraband to correctional facility.
480	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
481	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
482	(e) LEVEL 5		
483	Florida	Felony	
484	Statute	Degree	Description

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485	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
486	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
487	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
488	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
489	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
490	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
491	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
492	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
	624.401(4)(b)2.	2nd	Transacting insurance without a

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

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

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(2) (a) & (3) (a) making false entries of material fact or
false statements regarding property
values relating to the solvency of an
insuring entity.

510

817.568 (2) (b) 2nd Fraudulent use of personal
identification information; value of
benefit, services received, payment
avoided, or amount of injury or fraud,
\$5,000 or more or use of personal
identification information of 10 or more
individuals.

511

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

512

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

513

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

514

827.071 (5) 3rd Possess any photographic material,
motion picture, etc., which includes

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			sexual conduct by a child.
515	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
516	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
517	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
518	847.0137(2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
519	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
520	874.05(2)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
521	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).
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893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis
(or other s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9., (3), or
(4) drugs) within 1,000 feet of a child
care facility, school, or state, county,
or municipal park or publicly owned
recreational facility or community
center.

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 cannabis
or other drug prohibited under s.
893.03(1)(c), (2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4) within
1,000 feet of property used for
religious services or a specified
business site.

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine
(or other s. 893.03(1)(a), (1)(b),
(1)(d), or (2)(a), (2)(b), or (2)(c)4.

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

526

893.13(4)(b) 2nd Deliver to minor cannabis (or other s.
893.03(1)(c), (2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9., (3), or (4) drugs).

527

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

528

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