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CS/HB 1039

2011 Legislature

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

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Paragraph (c) of subsection (1) of section
16 893.03, Florida Statutes, is amended to read:

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

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

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

1. Alpha-ethyltryptamine.
2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-methylaminorex).
3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
4. 4-Bromo-2,5-dimethoxyamphetamine.
5. 4-Bromo-2, 5-dimethoxyphenethylamine.
6. Bufotenine.
7. Cannabis.
8. Cathinone.
9. Diethyltryptamine.
10. 2,5-Dimethoxyamphetamine.
11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
12. Dimethyltryptamine.
13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine analog of phencyclidine).
14. N-Ethyl-3-piperidyl benzilate.

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- 57 15. N-ethylamphetamine.
- 58 16. Fenethylamine.
- 59 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 60 18. Ibogaine.
- 61 19. Lysergic acid diethylamide (LSD).
- 62 20. Mescaline.
- 63 21. Methcathinone.
- 64 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 65 23. 4-methoxyamphetamine.
- 66 24. 4-methoxymethamphetamine.
- 67 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 68 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 69 27. 3,4-Methylenedioxyamphetamine.
- 70 28. N-Methyl-3-piperidyl benzilate.
- 71 29. N,N-dimethylamphetamine.
- 72 30. Parahexyl.
- 73 31. Peyote.
- 74 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
75 analog of phencyclidine).
- 76 33. Psilocybin.
- 77 34. Psilocyn.
- 78 35. Salvia divinorum, except for any drug product approved
79 by the United States Food and Drug Administration which contains
80 Salvia divinorum or its isomers, esters, ethers, salts, and
81 salts of isomers, esters, and ethers, whenever the existence of
82 such isomers, esters, ethers, and salts is possible within the
83 specific chemical designation.
- 84 36. Salvinorin A, except for any drug product approved by

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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. 3,4-Methylenedioxymethcathinone.

41. 3,4-Methylenedioxypyrovalerone (MDPV).

42. Methylnmethcathinone.

43. Methoxymethcathinone.

44. Fluoromethcathinone.

45. Methylethcathinone.

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

893.13 Prohibited acts; penalties.—

(1)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. Any person who violates this provision 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 second degree, punishable as provided in

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

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

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

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

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

143 1. A controlled substance named or described in s.
144 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
145 commits a felony of the first degree, punishable as provided in
146 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
147 sentenced to a minimum term of imprisonment of 3 calendar years
148 unless the offense was committed within 1,000 feet of the real
149 property comprising a child care facility as defined in s.
150 402.302.

151 2. A controlled substance named or described in s.
152 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
153 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
154 the second degree, punishable as provided in s. 775.082, s.
155 775.083, or s. 775.084.

156 3. Any other controlled substance, except as lawfully
157 sold, manufactured, or delivered, must be sentenced to pay a
158 \$500 fine and to serve 100 hours of public service in addition
159 to any other penalty prescribed by law.

160
161 This paragraph does not apply to a child care facility unless
162 the owner or operator of the facility posts a sign that is not
163 less than 2 square feet in size with a word legend identifying
164 the facility as a licensed child care facility and that is
165 posted on the property of the child care facility in a
166 conspicuous place where the sign is reasonably visible to the
167 public.

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

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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. 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.

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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
intent to sell, manufacture, or deliver, a controlled substance
in, on, or within 1,000 feet of the real property comprising a
public housing facility at any time. For purposes of this
section, the term "real property comprising a public housing
facility" means real property, as defined in s. 421.03(12), of a
public corporation created as a housing authority pursuant to
part I of chapter 421. 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.,

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225 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
226 the second degree, punishable as provided in s. 775.082, s.
227 775.083, or s. 775.084.

228 3. Any other controlled substance, except as lawfully
229 sold, manufactured, or delivered, must be sentenced to pay a
230 \$500 fine and to serve 100 hours of public service in addition
231 to any other penalty prescribed by law.

232 (g) Except as authorized by this chapter, it is unlawful
233 for any person to manufacture methamphetamine or phencyclidine,
234 or possess any listed chemical as defined in s. 893.033 in
235 violation of s. 893.149 and with intent to manufacture
236 methamphetamine or phencyclidine. If any person violates this
237 paragraph and:

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

244 2. The commission of the crime causes any child under 16
245 years of age to suffer great bodily harm, the person commits a
246 felony of the first degree, punishable as provided in s.
247 775.082, s. 775.083, or s. 775.084. In addition, the defendant
248 must be sentenced to a minimum term of imprisonment of 10
249 calendar years.

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

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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 intent to purchase, a controlled substance. Any person who violates this provision 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 second 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 third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

Section 3. 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.

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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 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 4. For the purpose of incorporating the amendment made by this act to section 893.03, Florida Statutes, in

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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 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.

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378	590.28(1)	3rd	Intentional burning of lands.
379	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
380	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
381	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
382	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
383	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
384	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
385	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.

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386	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
387	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
388	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
389	817.52(3)	3rd	Failure to redeliver hired vehicle.
390	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
391	817.60(5)	3rd	Dealing in credit cards of another.
392	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
393	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
394	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.

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395	831.01	3rd	Forgery.
396	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
397	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
398	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
399	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
400	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
401	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
402	843.08	3rd	Falsely impersonating an officer.
403	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.

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893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
(c) LEVEL 3		
Florida	Felony	
Statute	Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (4) (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.

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414	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
415	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
416	327.35(2)(b)	3rd	Felony BUI.
417	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
418	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
419	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
420	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

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421	379.2431 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
422	400.9935 (4)	3rd	Operating a clinic without a license or filing false license application or other required information.
423	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
424	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
425	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
426	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
427	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
428	697.08	3rd	Equity skimming.

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429	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
430	796.05(1)	3rd	Live on earnings of a prostitute.
431	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
432	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
433	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
434	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
435	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
436	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida

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			Communications Fraud Act), property valued at less than \$20,000.
437			
	817.233	3rd	Burning to defraud insurer.
438			
	817.234	3rd	Unlawful solicitation of persons
	(8) (b) - (c)		involved in motor vehicle accidents.
439			
	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
440			
	817.236	3rd	Filing a false motor vehicle insurance application.
441			
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
442			
	817.413 (2)	3rd	Sale of used goods as new.
443			
	817.505 (4)	3rd	Patient brokering.
444			
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
445			
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with

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			intent to defraud or possessing a counterfeit payment instrument.
446	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
447	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
448	843.19	3rd	Injure, disable, or kill police dog or horse.
449	860.15(3)	3rd	Overcharging for repairs and parts.
450	870.01(2)	3rd	Riot; inciting or encouraging.
451	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).
452	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

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within 1,000 feet of university.

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.

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

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.

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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.

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

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.

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

944.47 3rd Introduce contraband to correctional

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465	(1) (a) 1.-2.		facility.
466	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
467	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
468	(e) LEVEL 5		
469	Florida Statute	Felony Degree	Description
470	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
471	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
472	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
473	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
474	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing

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			HIV positive.
475			
	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
476			
	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
477			
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
478			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
479			
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
480			
	790.01 (2)	3rd	Carrying a concealed firearm.
481			
	790.162	2nd	Threat to throw or discharge destructive device.
482			
	790.163 (1)	2nd	False report of deadly explosive or

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483			weapon of mass destruction.
484	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
485	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
486	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
487	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
488	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
489	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
490	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.

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491	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
492	812.131(2)(b)	3rd	Robbery by sudden snatching.
493	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
494	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
495	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
496	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
497	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.

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498	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
499	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
500	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
501	827.071 (5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
502	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.
503	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
504	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
	847.0137	3rd	Transmission of pornography by

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505	(2) & (3)		electronic device or equipment.
506	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
507	874.05(2)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
508	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).
509	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),

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510	(1) (d), (2) (a), (2) (b), or (2) (c) 4. drugs) within 1,000 feet of university.	
511	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.	
512	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.	
513	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).	
514	893.1351(1) 3rd Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.	
515	Section 5. This act shall take effect July 1, 2011.	