

By Senator Wise

5-00051A-11

2011204__

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

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

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

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

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

28 Section 2. Paragraph (c) of subsection (1) of section
29 893.03, Florida Statutes, is amended to read:

5-00051A-11

2011204__

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

(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.

5-00051A-11

2011204__

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

5-00051A-11

2011204__

88 analog of phencyclidine).

89 33. Psilocybin.

90 34. Psilocyn.

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

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

103 37. Tetrahydrocannabinols.

104 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
105 (Thiophene analog of phencyclidine).

106 39. 3,4,5-Trimethoxyamphetamine.

107 40. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
108 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
109 homologue.

110 41. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
111 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
112 also known as HU-210.

113 42. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

114 43. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

115 Section 3. For the purpose of incorporating the amendment
116 made by this act to section 893.03, Florida Statutes, in

5-00051A-11

2011204__

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 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

5-00051A-11

2011204__

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

158 1. A controlled substance named or described in s.
159 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
160 commits a felony of the first degree, punishable as provided in
161 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
162 sentenced to a minimum term of imprisonment of 3 calendar years
163 unless the offense was committed within 1,000 feet of the real
164 property comprising a child care facility as defined in s.
165 402.302.

166 2. A controlled substance named or described in s.
167 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
168 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
169 the second degree, punishable as provided in s. 775.082, s.
170 775.083, or s. 775.084.

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

5-00051A-11

2011204__

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

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

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

194 2. A controlled substance named or described in s.
195 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
196 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
197 the second degree, punishable as provided in s. 775.082, s.
198 775.083, or s. 775.084.

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

203 (e) Except as authorized by this chapter, it is unlawful

5-00051A-11

2011204__

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 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

5-00051A-11

2011204__

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.

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

1. The commission or attempted commission of the crime 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.

5-00051A-11

2011204__

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 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

5-00051A-11

2011204__

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
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.

5-00051A-11

2011204__

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. 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,

5-00051A-11

2011204__

349 manufactures, delivers, or brings into this state, or who is
350 knowingly in actual or constructive possession of, 1 gram or
351 more of lysergic acid diethylamide (LSD) as described in s.
352 893.03(1)(c), or of any mixture containing lysergic acid
353 diethylamide (LSD), commits a felony of the first degree, which
354 felony shall be known as "trafficking in lysergic acid
355 diethylamide (LSD)," punishable as provided in s. 775.082, s.
356 775.083, or s. 775.084. If the quantity involved:

357 a. Is 1 gram or more, but less than 5 grams, such person
358 shall be sentenced to a mandatory minimum term of imprisonment
359 of 3 years, and the defendant shall be ordered to pay a fine of
360 \$50,000.

361 b. Is 5 grams or more, but less than 7 grams, such person
362 shall be sentenced to a mandatory minimum term of imprisonment
363 of 7 years, and the defendant shall be ordered to pay a fine of
364 \$100,000.

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

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

5-00051A-11

2011204__

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 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.

5-00051A-11

2011204__

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.

810.061(2) 3rd Impairing or impeding telephone or power
to a dwelling; facilitating or
furthering burglary.

810.09(2)(e) 3rd Trespassing on posted commercial
horticulture property.

812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$300 or more
but less than \$5,000.

812.014(2)(d) 3rd Grand theft, 3rd degree; \$100 or more
but less than \$300, taken from
unenclosed curtilage of dwelling.

812.015(7) 3rd Possession, use, or attempted use of an
antishoplifting or inventory control

5-00051A-11

2011204__

device countermeasure.

817.234(1)(a)2. 3rd False statement in support of insurance claim.

817.481(3)(a) 3rd Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.

817.52(3) 3rd Failure to redeliver hired vehicle.

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

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

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

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

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

831.01 3rd Forgery.

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

5-00051A-11

2011204__

defraud.

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

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

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

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

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

843.08 3rd Falsely impersonating an officer.

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.

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

(c) LEVEL 3

5-00051A-11

2011204__

Florida Statute	Felony 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.
319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35 (2) (b)	3rd	Felony BUI.

5-00051A-11

2011204__

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

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 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.

435 379.2431 3rd Soliciting to commit or conspiring to
(1) (e) 6. 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

5-00051A-11

2011204__

fraud or retaliation for making such a
report.

501.001(2)(b) 2nd Tamper 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.

626.902(1)(a) & 3rd Representing an unauthorized insurer.
(b)

697.08 3rd Equity skimming.

790.15(3) 3rd Person directs another to discharge
firearm from a vehicle.

796.05(1) 3rd Live on earnings of a prostitute.

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

5-00051A-11

2011204__

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.

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
Communications Fraud Act), property
valued at less than \$20,000.

817.233

3rd

Burning to defraud insurer.

817.234

3rd

(8)(b)-(c)

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

5-00051A-11

2011204__

application.

456

817.2361 3rd Creating, marketing, or presenting a
false or fraudulent motor vehicle
insurance card.

457

817.413(2) 3rd Sale of used goods as new.

458

817.505(4) 3rd Patient brokering.

459

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

460

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

461

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

462

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

463

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

464

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

5-00051A-11

2011204__

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

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.

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.

5-00051A-11

2011204__

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

473 893.13(7)(a)10. 3rd Affix false or forged label to package
of controlled substance.

474 893.13(7)(a)11. 3rd Furnish false or fraudulent material
information on any document or record
required by chapter 893.

475 893.13(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.

476 893.13(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.

477 893.13(8)(a)3. 3rd Knowingly write a prescription for a
controlled substance for a fictitious
person.

5-00051A-11

2011204__

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 facility.
(1)(a)1.-2.

944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

(e) LEVEL 5

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

316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
---------------	-----	--

316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
----------------	-----	--------------------------------

5-00051A-11

2011204__

322.34 (6) 3rd Careless operation of motor vehicle with
suspended license, resulting in death or
serious bodily injury.

327.30 (5) 3rd Vessel accidents involving personal
injury; leaving scene.

381.0041 (11) (b) 3rd Donate blood, plasma, or organs knowing
HIV positive.

440.10 (1) (g) 2nd Failure to obtain workers' compensation
coverage.

440.105 (5) 2nd Unlawful solicitation for the purpose of
making workers' compensation claims.

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
certificate or authority; premium
collected \$20,000 or more but less than
\$100,000.

626.902 (1) (c) 2nd Representing an unauthorized insurer;
repeat offender.

5-00051A-11

2011204__

790.01(2) 3rd Carrying a concealed firearm.

790.162 2nd Threat to throw or discharge destructive device.

790.163(1) 2nd False report of deadly explosive or weapon of mass destruction.

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

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

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

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

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

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

5-00051A-11

2011204__

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

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

5-00051A-11

2011204__

identification information of 10 or more
individuals.

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

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

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

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

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.

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

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

5-00051A-11

2011204__

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

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

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

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).

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.

5-00051A-11

2011204__

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

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).

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

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