

By the Committee on Criminal Justice; and Senator Wise

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

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

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

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

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

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

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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.

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- 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

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

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

121 893.13 Prohibited acts; penalties.—

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

127 1. A controlled substance named or described in s.
128 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
129 commits a felony of the second degree, punishable as provided in
130 s. 775.082, s. 775.083, or s. 775.084.

131 2. A controlled substance named or described in s.
132 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
133 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
134 the third degree, punishable as provided in s. 775.082, s.
135 775.083, or s. 775.084.

136 3. A controlled substance named or described in s.
137 893.03(5) commits a misdemeanor of the first degree, punishable
138 as provided in s. 775.082 or s. 775.083.

139 (b) Except as provided in this chapter, it is unlawful to
140 sell or deliver in excess of 10 grams of any substance named or
141 described in s. 893.03(1)(a) or (1)(b), or any combination
142 thereof, or any mixture containing any such substance. Any
143 person who violates this paragraph commits a felony of the first
144 degree, punishable as provided in s. 775.082, s. 775.083, or s.
145 775.084.

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

160 1. A controlled substance named or described in s.
161 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
162 commits a felony of the first degree, punishable as provided in
163 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
164 sentenced to a minimum term of imprisonment of 3 calendar years
165 unless the offense was committed within 1,000 feet of the real
166 property comprising a child care facility as defined in s.
167 402.302.

168 2. A controlled substance named or described in s.
169 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
170 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
171 the second degree, punishable as provided in s. 775.082, s.
172 775.083, or s. 775.084.

173 3. Any other controlled substance, except as lawfully sold,
174 manufactured, or delivered, must be sentenced to pay a \$500 fine

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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. 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

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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 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

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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., (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

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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 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.

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893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
(2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) 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
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

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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.
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

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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 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

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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 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

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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.

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.

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

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

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(c) LEVEL 3

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.

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432 327.35 (2) (b) 3rd Felony BUI.

433 328.05 (2) 3rd Possess, sell, or counterfeit
fictitious, stolen, or fraudulent titles
or bills of sale of vessels.

434 328.07 (4) 3rd Manufacture, exchange, or possess vessel
with counterfeit or wrong ID number.

435 376.302 (5) 3rd Fraud related to reimbursement for
cleanup expenses under the Inland
Protection Trust Fund.

436 379.2431 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.

437 379.2431 3rd Soliciting to commit or conspiring to
(1) (e) 6. commit a violation of the Marine Turtle
Protection Act.

438 400.9935 (4) 3rd Operating a clinic without a license or
filing false license application or
other required information.

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440.1051(3) 3rd False report of workers' compensation fraud or retaliation for making such a report.

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501.001(2)(b) 2nd Tamper with a consumer product or the container using materially false/misleading information.

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624.401(4)(a) 3rd Transacting insurance without a certificate of authority.

442

624.401(4)(b)1. 3rd Transacting insurance without a certificate of authority; premium collected less than \$20,000.

443

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

444

697.08 3rd Equity skimming.

445

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

446

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

447

806.10(1) 3rd Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

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448

806.10(2) 3rd Interferes with or assaults firefighter
in performance of duty.

449

810.09(2)(c) 3rd Trespass on property other than
structure or conveyance armed with
firearm or dangerous weapon.

450

812.014(2)(c)2. 3rd Grand theft; \$5,000 or more but less
than \$10,000.

451

812.0145(2)(c) 3rd Theft from person 65 years of age or
older; \$300 or more but less than
\$10,000.

452

815.04(4)(b) 2nd Computer offense devised to defraud or
obtain property.

453

817.034(4)(a)3. 3rd Engages in scheme to defraud (Florida
Communications Fraud Act), property
valued at less than \$20,000.

454

817.233 3rd Burning to defraud insurer.

455

817.234 3rd Unlawful solicitation of persons
(8)(b)-(c) involved in motor vehicle accidents.

456

817.234(11)(a) 3rd Insurance fraud; property value less
than \$20,000.

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457

817.236 3rd Filing a false motor vehicle insurance application.

458

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

459

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

460

817.505(4) 3rd Patient brokering.

461

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

462

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

463

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

464

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

465

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

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466 860.15(3) 3rd Overcharging for repairs and parts.

467 870.01(2) 3rd Riot; inciting or encouraging.

468 893.13(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).

469 893.13(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.

470 893.13(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.

471 893.13(6)(a) 3rd Possession of any controlled substance
other than felony possession of
cannabis.

472 893.13(7)(a)8. 3rd Withhold information from practitioner

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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.

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

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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 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
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316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
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489 316.1935(4)(a) 2nd Aggravated fleeing or eluding.

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

490 327.30(5) 3rd Vessel accidents involving personal
injury; leaving scene.

491 381.0041(11)(b) 3rd Donate blood, plasma, or organs knowing
HIV positive.

492 440.10(1)(g) 2nd Failure to obtain workers' compensation
coverage.

493 440.105(5) 2nd Unlawful solicitation for the purpose of
making workers' compensation claims.

494 440.381(2) 2nd Submission of false, misleading, or
incomplete information with the purpose
of avoiding or reducing workers'
compensation premiums.

495 624.401(4)(b)2. 2nd Transacting insurance without a
certificate or authority; premium
collected \$20,000 or more but less than
\$100,000.

496 626.902(1)(c) 2nd Representing an unauthorized insurer;

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repeat offender.

497 790.01(2) 3rd Carrying a concealed firearm.

498 790.162 2nd Threat to throw or discharge destructive
device.499 790.163(1) 2nd False report of deadly explosive or
weapon of mass destruction.500 790.221(1) 2nd Possession of short-barreled shotgun or
machine gun.501 790.23 2nd Felons in possession of firearms,
ammunition, or electronic weapons or
devices.502 800.04(6)(c) 3rd Lewd or lascivious conduct; offender
less than 18 years.503 800.04(7)(b) 2nd Lewd or lascivious exhibition; offender
18 years or older.504 806.111(1) 3rd Possess, manufacture, or dispense fire
bomb with intent to damage any structure
or property.505 812.0145(2)(b) 2nd Theft from person 65 years of age or
older; \$10,000 or more but less than

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\$50,000.

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

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avoided, or amount of injury or fraud,
\$5,000 or more or use of personal
identification information of 10 or more
individuals.

514

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

515

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

516

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

517

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

518

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.

519

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

520

847.0135(5)(b) 2nd Lewd or lascivious exhibition using

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computer; offender 18 years or older.

847.0137
(2) & (3)

3rd Transmission of pornography by
electronic device or equipment.

847.0138
(2) & (3)

3rd Transmission of material harmful to
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

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(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.
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.