

By the Committees on Health Regulation; and Criminal Justice;
and Senators Wise and Dockery

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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; amending
s. 893.13, F.S.; providing that it is a misdemeanor of
the first degree to be in possession of not more than
a specified amount of certain hallucinogenic
substances; providing an exception for the powdered
form of such substances; 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

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30 which each compound differs by one or more alkyl functional
31 groups on an alkyl side chain.

32 Section 2. Paragraph (c) of subsection (1) of section
33 893.03, Florida Statutes, is amended to read:

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

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

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

58 1. Alpha-ethyltryptamine.

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

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- 88 29. N,N-dimethylamphetamine.
- 89 30. Parahexyl.
- 90 31. Peyote.
- 91 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
- 92 analog of phencyclidine).
- 93 33. Psilocybin.
- 94 34. Psilocyn.
- 95 35. Salvia divinorum, except for any drug product approved
- 96 by the United States Food and Drug Administration which contains
- 97 Salvia divinorum or its isomers, esters, ethers, salts, and
- 98 salts of isomers, esters, and ethers, whenever the existence of
- 99 such isomers, esters, ethers, and salts is possible within the
- 100 specific chemical designation.
- 101 36. Salvinorin A, except for any drug product approved by
- 102 the United States Food and Drug Administration which contains
- 103 Salvinorin A or its isomers, esters, ethers, salts, and salts of
- 104 isomers, esters, and ethers, whenever the existence of such
- 105 isomers, esters, ethers, and salts is possible within the
- 106 specific chemical designation.
- 107 37. Tetrahydrocannabinols.
- 108 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
- 109 (Thiophene analog of phencyclidine).
- 110 39. 3,4,5-Trimethoxyamphetamine.
- 111 40. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
- 112 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
- 113 homologue.
- 114 41. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
- 115 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
- 116 also known as HU-210.

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117 42. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

118 43. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

119 44. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also
120 known as JWH-200.

121 Section 3. Subsection (6) of section 893.13, Florida
122 Statutes, is amended to read:

123 893.13 Prohibited acts; penalties.—

124 (6)(a) It is unlawful for any person to be in actual or
125 constructive possession of a controlled substance unless such
126 controlled substance was lawfully obtained from a practitioner
127 or pursuant to a valid prescription or order of a practitioner
128 while acting in the course of his or her professional practice
129 or to be in actual or constructive possession of a controlled
130 substance except as otherwise authorized by this chapter. Any
131 person who violates this provision commits a felony of the third
132 degree, punishable as provided in s. 775.082, s. 775.083, or s.
133 775.084.

134 (b) If the offense is the possession of not more than 20
135 grams of cannabis, as defined in this chapter, or 3 grams or
136 less of a controlled substance described in s. 893.03(1)(c)40.-
137 44., the person commits a misdemeanor of the first degree,
138 punishable as provided in s. 775.082 or s. 775.083. For the
139 purposes of this subsection, "cannabis" does not include the
140 resin extracted from the plants of the genus *Cannabis*, or any
141 compound manufacture, salt, derivative, mixture, or preparation
142 of such resin, and a controlled substance described in s.
143 893.03(1)(c)40.-44. does not include the substance in a powdered
144 form.

145 (c) Except as provided in this chapter, it is unlawful to

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146 possess in excess of 10 grams of any substance named or
147 described in s. 893.03(1)(a) or (1)(b), or any combination
148 thereof, or any mixture containing any such substance. Any
149 person who violates this paragraph commits a felony of the first
150 degree, punishable as provided in s. 775.082, s. 775.083, or s.
151 775.084.

152 (d) Notwithstanding any provision to the contrary of the
153 laws of this state relating to arrest, a law enforcement officer
154 may arrest without warrant any person who the officer has
155 probable cause to believe is violating the provisions of this
156 chapter relating to possession of cannabis.

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

161 893.13 Prohibited acts; penalties.—

162 (1)(a) Except as authorized by this chapter and chapter
163 499, it is unlawful for any person to sell, manufacture, or
164 deliver, or possess with intent to sell, manufacture, or
165 deliver, a controlled substance. Any person who violates this
166 provision with respect to:

167 1. A controlled substance named or described in s.
168 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
169 commits a felony of the second degree, punishable as provided in
170 s. 775.082, s. 775.083, or s. 775.084.

171 2. A controlled substance named or described in s.
172 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
173 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
174 the third degree, punishable as provided in s. 775.082, s.

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175 775.083, or s. 775.084.

176 3. A controlled substance named or described in s.
177 893.03(5) commits a misdemeanor of the first degree, punishable
178 as provided in s. 775.082 or s. 775.083.

179 (b) Except as provided in this chapter, it is unlawful to
180 sell or deliver in excess of 10 grams of any substance named or
181 described in s. 893.03(1)(a) or (1)(b), or any combination
182 thereof, or any mixture containing any such substance. Any
183 person who violates this paragraph commits a felony of the first
184 degree, punishable as provided in s. 775.082, s. 775.083, or s.
185 775.084.

186 (c) Except as authorized by this chapter, it is unlawful
187 for any person to sell, manufacture, or deliver, or possess with
188 intent to sell, manufacture, or deliver, a controlled substance
189 in, on, or within 1,000 feet of the real property comprising a
190 child care facility as defined in s. 402.302 or a public or
191 private elementary, middle, or secondary school between the
192 hours of 6 a.m. and 12 midnight, or at any time in, on, or
193 within 1,000 feet of real property comprising a state, county,
194 or municipal park, a community center, or a publicly owned
195 recreational facility. For the purposes of this paragraph, the
196 term "community center" means a facility operated by a nonprofit
197 community-based organization for the provision of recreational,
198 social, or educational services to the public. Any person who
199 violates this paragraph with respect to:

200 1. A controlled substance named or described in s.
201 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
202 commits a felony of the first degree, punishable as provided in
203 s. 775.082, s. 775.083, or s. 775.084. The defendant must be

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204 sentenced to a minimum term of imprisonment of 3 calendar years
205 unless the offense was committed within 1,000 feet of the real
206 property comprising a child care facility as defined in s.
207 402.302.

208 2. A controlled substance named or described in s.
209 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
210 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
211 the second degree, punishable as provided in s. 775.082, s.
212 775.083, or s. 775.084.

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

217
218 This paragraph does not apply to a child care facility unless
219 the owner or operator of the facility posts a sign that is not
220 less than 2 square feet in size with a word legend identifying
221 the facility as a licensed child care facility and that is
222 posted on the property of the child care facility in a
223 conspicuous place where the sign is reasonably visible to the
224 public.

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

232 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.

(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.

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

266 (f) Except as authorized by this chapter, it is unlawful
267 for any person to sell, manufacture, or deliver, or possess with
268 intent to sell, manufacture, or deliver, a controlled substance
269 in, on, or within 1,000 feet of the real property comprising a
270 public housing facility at any time. For purposes of this
271 section, the term "real property comprising a public housing
272 facility" means real property, as defined in s. 421.03(12), of a
273 public corporation created as a housing authority pursuant to
274 part I of chapter 421. Any person who violates this paragraph
275 with respect to:

276 1. A controlled substance named or described in s.
277 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
278 commits a felony of the first degree, punishable as provided in
279 s. 775.082, s. 775.083, or s. 775.084.

280 2. A controlled substance named or described in s.
281 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
282 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
283 the second degree, punishable as provided in s. 775.082, s.
284 775.083, or s. 775.084.

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

289 (g) Except as authorized by this chapter, it is unlawful
290 for any person to manufacture methamphetamine or phencyclidine,

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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. 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

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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.

(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

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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 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.

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

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

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

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

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

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

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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 6. 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.

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

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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.

433

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

434

590.28(1) 3rd Intentional burning of lands.

435

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

436

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

437

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

438

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

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

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

441

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

442

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

443

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

444

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

445

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

446

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

447

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

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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
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.

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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

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

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with identification number plate
removed.

469

319.33(1)(a) 3rd Alter or forge any certificate of title
to a motor vehicle or mobile home.

470

319.33(1)(c) 3rd Procure or pass title on stolen vehicle.

471

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

472

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

473

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

474

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

475

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

476

379.2431 3rd Taking, disturbing, mutilating,
(1)(e)5. destroying, causing to be destroyed,
transferring, selling, offering to sell,
molesting, or harassing marine turtles,

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marine turtle eggs, or marine turtle
nests in violation of the Marine Turtle
Protection Act.

379.2431
(1) (e) 6.

3rd Soliciting to commit or conspiring to
commit a violation of the Marine Turtle
Protection Act.

400.9935 (4)

3rd Operating a clinic without a license or
filing false license application or
other required information.

440.1051 (3)

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

501.001 (2) (b)

2nd 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) &
(b)

3rd Representing an unauthorized insurer.

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484

697.08 3rd Equity skimming.

485

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

486

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

487

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

488

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

489

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

490

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

491

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

492

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

493

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

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

817.236 3rd Filing a false motor vehicle insurance
application.

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

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

817.505(4) 3rd Patient brokering.

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

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

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counterfeit payment instrument.

831.29

2nd

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

838.021(3)(b)

3rd

Threatens unlawful harm to public
servant.

843.19

3rd

Injure, disable, or kill police dog or
horse.

860.15(3)

3rd

Overcharging for repairs and parts.

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.

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

511

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

512

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

513

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

514

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

515

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

516

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

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

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

985.721 3rd Escapes from a juvenile facility (secure

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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.
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.

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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.

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

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less than 18 years.

543

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

544

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

545

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

546

812.015 (8) 3rd Retail theft; property stolen is valued
at \$300 or more and one or more
specified acts.

547

812.019 (1) 2nd Stolen property; dealing in or
trafficking in.

548

812.131 (2) (b) 3rd Robbery by sudden snatching.

549

812.16 (2) 3rd Owning, operating, or conducting a chop
shop.

550

817.034 (4) (a) 2. 2nd Communications fraud, value \$20,000 to
\$50,000.

551

817.234 (11) (b) 2nd Insurance fraud; property value \$20,000

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or more but less than \$100,000.

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.

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.

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,

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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.

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).

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893.13(1)(c)2. 2nd Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

893.13(1)(d)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of university.

893.13(1)(e)2. 2nd Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within 1,000 feet of public housing facility.

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569

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).

570

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

571

572

Section 7. This act shall take effect July 1, 2011.