

By Senator Wise

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

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

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

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

29 (1) SCHEDULE I.—A substance in Schedule I has a high

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potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards. The following substances are controlled in Schedule I:

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

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

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

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isomers, esters, ethers, and salts is possible within the specific chemical designation.

37. Tetrahydrocannabinols.

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

39. 3,4,5-Trimethoxyamphetamine.

40. 3,4-Methylenedioxymethcathinone (Methylone).

41. 3,4-Methylenedioxypyrovalerone (MDPV).

42. 4-Methylmethcathinone (Mephedrone).

43. 3-Methoxymethcathinone.

44. 3-Fluoromethcathinone.

45. 4-Fluoromethcathinone (Flephedrone).

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

893.13 Prohibited acts; penalties.—

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

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

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

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

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

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146 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
147 sentenced to a minimum term of imprisonment of 3 calendar years
148 unless the offense was committed within 1,000 feet of the real
149 property comprising a child care facility as defined in s.
150 402.302.

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

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

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

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

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175 1. A controlled substance named or described in s.
176 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
177 commits a felony of the first degree, punishable as provided in
178 s. 775.082, s. 775.083, or s. 775.084.

179 2. A controlled substance named or described in s.
180 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
181 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
182 the second degree, punishable as provided in s. 775.082, s.
183 775.083, or s. 775.084.

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

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

196 1. A controlled substance named or described in s.
197 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
198 commits a felony of the first degree, punishable as provided in
199 s. 775.082, s. 775.083, or s. 775.084.

200 2. A controlled substance named or described in s.
201 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
202 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
203 the second degree, punishable as provided in s. 775.082, s.

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775.083, or s. 775.084.

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

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

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

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (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

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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. 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.,

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

(2)(a) Except as authorized by this chapter and chapter 499, it is unlawful for any person to purchase, or possess with intent to purchase, a controlled substance. Any person who violates this provision with respect to:

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

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

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

(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

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to use or hire a person under the age of 18 years as an agent or employee in the sale or delivery of such a substance, or to use such person to assist in avoiding detection or apprehension for a violation of this chapter. Any person who violates this provision with respect to:

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

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

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

(5) It is unlawful for any person to bring into this state 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

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

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

Section 3. For the purpose of incorporating the amendment
made by this act to section 893.03, Florida Statutes, in
references thereto, paragraph (1) of subsection (1) of section
893.135, Florida Statutes, is reenacted to read:

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

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

(1)1. Any person who knowingly sells, purchases,
manufactures, delivers, or brings into this state, or who is
knowingly in actual or constructive possession of, 1 gram or
more of lysergic acid diethylamide (LSD) as described in s.
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

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\$100,000.

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

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

Section 4. For the purpose of incorporating the amendment made by this act to section 893.03, Florida Statutes, in references thereto, paragraphs (b), (c), and (e) of subsection (3) of section 921.0022, Florida Statutes, are reenacted to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

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

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Protection Act.

374 379.2431

3rd

(1) (e) 4.

Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.

375 403.413 (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.

376 517.07

3rd

Registration of securities and furnishing of prospectus required.

377 590.28 (1)

3rd

Intentional burning of lands.

378 784.05 (3)

3rd

Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.

379 787.04 (1)

3rd

In violation of court order, take, entice, etc., minor beyond state limits.

380 806.13 (1) (b) 3.

3rd

Criminal mischief; damage \$1,000 or more to public communication or any other public service.

381 810.061 (2)

3rd

Impairing or impeding telephone or power to a dwelling; facilitating or

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furthering burglary.

382

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

383

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

384

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

385

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

386

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

387

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

388

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

389

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

390

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

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391 817.60 (6) (a) 3rd Forgery; purchase goods, services with
false card.

392 817.61 3rd Fraudulent use of credit cards over \$100
or more within 6 months.

393 826.04 3rd Knowingly marries or has sexual
intercourse with person to whom related.

394 831.01 3rd Forgery.

395 831.02 3rd Uttering forged instrument; utters or
publishes alteration with intent to
defraud.

396 831.07 3rd Forging bank bills, checks, drafts, or
promissory notes.

397 831.08 3rd Possessing 10 or more forged notes,
bills, checks, or drafts.

398 831.09 3rd Uttering forged notes, bills, checks,
drafts, or promissory notes.

399 831.11 3rd Bringing into the state forged bank
bills, checks, drafts, or notes.

400 832.05 (3) (a) 3rd Cashing or depositing item with intent

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to defraud.

843.08	3rd	Falsely impersonating an officer.
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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	Felony	
Statute	Degree	Description

119.10(2) (b)	3rd	Unlawful use of confidential information from police reports.
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316.066	3rd	Unlawfully obtaining or using
(4) (b) - (d)		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.
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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.

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

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

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

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

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molesting, or harassing marine turtles,
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 Tampers 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.

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(b)

427

697.08 3rd Equity skimming.

428

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

429

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

430

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

431

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

432

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

433

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

434

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

435

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

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436

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

437

817.233 3rd Burning to defraud insurer.

438

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

439

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

440

817.236 3rd Filing a false motor vehicle insurance application.

441

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

442

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

443

817.505(4) 3rd Patient brokering.

444

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

445

831.28(2)(a) 3rd Counterfeiting a payment instrument with

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intent to defraud or possessing a
counterfeit payment instrument.

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.

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893.13(1)(f)2. 2nd Sell, manufacture, or deliver s.
 893.03(1)(c), (2)(c)1., (2)(c)2.,
 (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
 (2)(c)8., (2)(c)9., (3), or (4) drugs
 within 1,000 feet of public housing
 facility.

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

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

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

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

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

893.13(8)(a)1. 3rd Knowingly assist a patient, other
 person, or owner of an animal in
 obtaining a controlled substance through

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deceptive, untrue, or fraudulent
representations in or related to the
practitioner's practice.

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

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

893.13(8)(a)4. 3rd Write a prescription for a controlled
substance for a patient, other person,
or an animal if the sole purpose of
writing the prescription is a monetary
benefit for the practitioner.

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

944.47 3rd Introduce contraband to correctional
(1)(a)1.-2. facility.

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

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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.
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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477

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

478

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

479

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

480

790.01(2) 3rd Carrying a concealed firearm.

481

790.162 2nd Threat to throw or discharge destructive device.

482

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

483

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

484

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

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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.

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.

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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
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.

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501	827.071(5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
502	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
503	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
504	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
505	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
506	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
507	874.05(2)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
	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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508

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.

509

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.

510

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.

511

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

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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 5. This act shall take effect July 1, 2011.