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CS/CS/HB 39

2011 Legislature

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

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

33 893.03 Standards and schedules.—The substances enumerated
34 in this section are controlled by this chapter. The controlled
35 substances listed or to be listed in Schedules I, II, III, IV,
36 and V are included by whatever official, common, usual,
37 chemical, or trade name designated. The provisions of this
38 section shall not be construed to include within any of the
39 schedules contained in this section any excluded drugs listed
40 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
41 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
42 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
43 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
44 Anabolic Steroid Products."

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

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

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- 57 1. Alpha-ethyltryptamine.
- 58 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
- 59 methylaminorex).
- 60 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 61 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 62 5. 4-Bromo-2, 5-dimethoxyphenethylamine.
- 63 6. Bufotenine.
- 64 7. Cannabis.
- 65 8. Cathinone.
- 66 9. Diethyltryptamine.
- 67 10. 2,5-Dimethoxyamphetamine.
- 68 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 69 12. Dimethyltryptamine.
- 70 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
- 71 analog of phencyclidine).
- 72 14. N-Ethyl-3-piperidyl benzilate.
- 73 15. N-ethylamphetamine.
- 74 16. Fenethylamine.
- 75 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 76 18. Ibogaine.
- 77 19. Lysergic acid diethylamide (LSD).
- 78 20. Mescaline.
- 79 21. Methcathinone.
- 80 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 81 23. 4-methoxyamphetamine.
- 82 24. 4-methoxymethamphetamine.
- 83 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 84 26. 3,4-Methylenedioxy-N-ethylamphetamine.

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- 85 27. 3,4-Methylenedioxyamphetamine.
- 86 28. N-Methyl-3-piperidyl benzilate.
- 87 29. N,N-dimethylamphetamine.
- 88 30. Parahexyl.
- 89 31. Peyote.
- 90 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
91 analog of phencyclidine).
- 92 33. Psilocybin.
- 93 34. Psilocyn.
- 94 35. Salvia divinorum, except for any drug product approved
95 by the United States Food and Drug Administration which contains
96 Salvia divinorum or its isomers, esters, ethers, salts, and
97 salts of isomers, esters, and ethers, whenever the existence of
98 such isomers, esters, ethers, and salts is possible within the
99 specific chemical designation.
- 100 36. Salvinorin A, except for any drug product approved by
101 the United States Food and Drug Administration which contains
102 Salvinorin A or its isomers, esters, ethers, salts, and salts of
103 isomers, esters, and ethers, whenever the existence of such
104 isomers, esters, ethers, and salts is possible within the
105 specific chemical designation.
- 106 37. Tetrahydrocannabinols.
- 107 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
108 (Thiophene analog of phencyclidine).
- 109 39. 3,4,5-Trimethoxyamphetamine.
- 110 40. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
111 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
112 homologue.

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113 41. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
114 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
115 also known as HU-210.

116 42. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

117 43. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

118 44. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole,
119 also known as JWH-200.

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

122 893.13 Prohibited acts; penalties.—

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

133 (b) If the offense is the possession of not more than 20
134 grams of cannabis, as defined in this chapter, or 3 grams or
135 less of a controlled substance described in s. 893.03(1)(c)40.-

136 44., the person commits a misdemeanor of the first degree,
137 punishable as provided in s. 775.082 or s. 775.083. For the
138 purposes of this subsection, "cannabis" does not include the
139 resin extracted from the plants of the genus *Cannabis*, or any
140 compound manufacture, salt, derivative, mixture, or preparation

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141 of such resin, and a controlled substance described in s.
142 893.03(1)(c)40.-44. does not include the substance in a powdered
143 form.

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

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

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

160 893.13 Prohibited acts; penalties.—

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

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

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s. 775.082, s. 775.083, or s. 775.084.

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

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

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

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

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

199 1. A controlled substance named or described in s.
200 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
201 commits a felony of the first degree, punishable as provided in
202 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
203 sentenced to a minimum term of imprisonment of 3 calendar years
204 unless the offense was committed within 1,000 feet of the real
205 property comprising a child care facility as defined in s.
206 402.302.

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

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

216
217 This paragraph does not apply to a child care facility unless
218 the owner or operator of the facility posts a sign that is not
219 less than 2 square feet in size with a word legend identifying
220 the facility as a licensed child care facility and that is
221 posted on the property of the child care facility in a
222 conspicuous place where the sign is reasonably visible to the
223 public.

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

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for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private college, university, or other postsecondary educational institution. Any person who violates this paragraph with respect to:

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

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

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

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

1. A controlled substance named or described in s.

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

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

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

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

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

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

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

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

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

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

2. The commission of the crime causes any child under 16 years of age to suffer great bodily harm, the person commits a felony of the first degree, punishable as provided in s. 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

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in, on, or within 1,000 feet of the real property comprising an assisted living facility, as that term is used in chapter 429.

Any person who violates this paragraph with respect to:

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

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

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

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

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

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

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

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

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

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

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

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

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any controlled substance unless the possession of such controlled substance is authorized by this chapter or unless such person is licensed to do so by the appropriate federal agency. Any person who violates this provision with respect to:

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

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

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

Section 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.

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893.03(1)(c), or of any mixture containing lysergic acid diethylamide (LSD), commits a felony of the first degree, which felony shall be known as "trafficking in lysergic acid diethylamide (LSD)," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

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

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

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

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

Section 6. For the purpose of incorporating the amendment made by this act to section 893.03, Florida Statutes, in

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421 references thereto, paragraphs (b), (c), and (e) of subsection
422 (3) of section 921.0022, Florida Statutes, are reenacted to
423 read:

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424      921.0022  Criminal Punishment Code; offense severity
425  ranking chart.—
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426 (3) OFFENSE SEVERITY RANKING CHART

427 (b) LEVEL 2

428

Florida	Felony	
Statute	Degree	Description

429

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

430

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

431

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.

432

517.07	3rd	Registration of securities and furnishing of prospectus required.
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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.
439	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
440	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.

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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.
448	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
449	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
450	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.

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451	831.01	3rd	Forgery.
452	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
453	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
454	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
455	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
456	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
457	832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
458	843.08	3rd	Falsely impersonating an officer.
459	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.

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893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
(c) LEVEL 3		
Florida	Felony	
Statute	Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (4) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.

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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(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

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477	379.2431(1)(e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
478	400.9935(4)	3rd	Operating a clinic without a license or filing false license application or other required information.
479	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
480	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
481	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
482	624.401(4)(b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
483	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
484	697.08	3rd	Equity skimming.

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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.
	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida

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			Communications Fraud Act), property valued at less than \$20,000.
493			
	817.233	3rd	Burning to defraud insurer.
494			
	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
495			
	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
496			
	817.236	3rd	Filing a false motor vehicle insurance application.
497			
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
498			
	817.413 (2)	3rd	Sale of used goods as new.
499			
	817.505 (4)	3rd	Patient brokering.
500			
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
501			
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with

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			intent to defraud or possessing a counterfeit payment instrument.
502	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
503	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
504	843.19	3rd	Injure, disable, or kill police dog or horse.
505	860.15(3)	3rd	Overcharging for repairs and parts.
506	870.01(2)	3rd	Riot; inciting or encouraging.
507	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).
508	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs

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within 1,000 feet of university.

509

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.

510

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

511

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

512

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

513

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

514

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

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893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

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

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

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

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

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

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521	2.		facility.
522	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
523	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
524	(e)	LEVEL 5	
525	Florida	Felony	
526	Statute	Degree	Description
527	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
528	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
529	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
530	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing

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			HIV positive.
531	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
532	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
533	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
534	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
535	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
536	790.01 (2)	3rd	Carrying a concealed firearm.
537	790.162	2nd	Threat to throw or discharge destructive device.
538	790.163 (1)	2nd	False report of deadly explosive or

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539			weapon of mass destruction.
540	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
541	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
542	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender 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.

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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 or more but less than \$100,000.
552	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.
553	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.

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554	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
555	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
556	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
557	827.071 (5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
558	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.
559	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
560	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
	847.0137 (2) &	3rd	Transmission of pornography by

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561	(3)		electronic device or equipment.
562	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
563	874.05(2)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
564	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).
565	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.
566	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b),

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(1) (d), (2) (a), (2) (b), or (2) (c) 4.
drugs) within 1,000 feet of university.

566

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.

567

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.

568

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).

569

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

570

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