

1 A bill to be entitled
 2 An act relating to controlled substances; amending s.
 3 893.03, F.S.; adding to the list of Schedule I
 4 controlled substances certain specified materials,
 5 compounds, mixtures, or preparations that contain
 6 hallucinogenic substances, or any of their salts,
 7 isomers, and salts of isomers, if the existence of
 8 such salts, isomers, and salts of isomers is possible
 9 within the specific chemical designation; amending s.
 10 893.0355, F.S.; revising provisions relating to
 11 rulemaking; amending s. 893.13, F.S.; providing
 12 reduced penalties for possession of 3 grams or less of
 13 specified controlled substances; amending s. 893.135,
 14 F.S.; providing criminal penalties for a person who
 15 knowingly sells, purchases, manufactures, delivers, or
 16 brings into this state, or who is knowingly in actual
 17 or constructive possession of, a specified quantity of
 18 specified controlled substances; reenacting ss.
 19 893.13(1)-(6) and 921.0022(3)(b)-(e), F.S., relating
 20 to prohibited acts involving controlled substances and
 21 the Criminal Punishment Code, respectively, to
 22 incorporate the amendments made to s. 893.03, F.S., in
 23 references thereto; providing an effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Paragraphs (a) and (c) of subsection (1) of
 28 section 893.03, Florida Statutes, are amended to read:

29 | 893.03 Standards and schedules.—The substances enumerated
30 | in this section are controlled by this chapter. The controlled
31 | substances listed or to be listed in Schedules I, II, III, IV,
32 | and V are included by whatever official, common, usual,
33 | chemical, or trade name designated. The provisions of this
34 | section shall not be construed to include within any of the
35 | schedules contained in this section any excluded drugs listed
36 | within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
37 | Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
38 | Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
39 | Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
40 | Anabolic Steroid Products."

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

46 | (a) Unless specifically excepted or unless listed in
47 | another schedule, any of the following substances, including
48 | their isomers, esters, ethers, salts, and salts of isomers,
49 | esters, and ethers, whenever the existence of such isomers,
50 | esters, ethers, and salts is possible within the specific
51 | chemical designation:

- 52 | 1. Acetyl-alpha-methylfentanyl.
- 53 | 2. Acetylmethadol.
- 54 | 3. Allylprodine.
- 55 | 4. Alphacetylmethadol (except levo-alpha-cetylmethadol,
56 | also known as levo-alpha-acetylmethadol, levomethadyl acetate,

- 57 | or LAAM) .
- 58 | 5. Alphamethadol.
- 59 | 6. Alpha-methylfentanyl (N-[1-(alpha-methyl-betaphenyl)
- 60 | ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-
- 61 | (N-propanilido) piperidine).
- 62 | 7. Alpha-methylthiofentanyl.
- 63 | 8. Alphameprodine.
- 64 | 9. Benzethidine.
- 65 | 10. Benzylfentanyl.
- 66 | 11. Betacetylmethadol.
- 67 | 12. Beta-hydroxyfentanyl.
- 68 | 13. Beta-hydroxy-3-methylfentanyl.
- 69 | 14. Betameprodine.
- 70 | 15. Betamethadol.
- 71 | 16. Betaprodine.
- 72 | 17. Clonitazene.
- 73 | 18. Dextromoramide.
- 74 | 19. Diampromide.
- 75 | 20. Diethylthiambutene.
- 76 | 21. Difenoxin.
- 77 | 22. Dimenoxadol.
- 78 | 23. Dimepheptanol.
- 79 | 24. Dimethylthiambutene.
- 80 | 25. Dioxaphetyl butyrate.
- 81 | 26. Dipipanone.
- 82 | 27. Ethylmethylthiambutene.
- 83 | 28. Etonitazene.
- 84 | 29. Etoxeridine.

- 85 | 30. Flunitrazepam.
- 86 | 31. Furethidine.
- 87 | 32. Hydroxypethidine.
- 88 | 33. Ketobemidone.
- 89 | 34. Levomoramide.
- 90 | 35. Levophenacymorphan.
- 91 | 36. 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP).
- 92 | 37. 3-Methylfentanyl (N-
- 93 | [3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).
- 94 | 38. 3-Methylthiofentanyl.
- 95 | ~~39. 3, 4-Methylenedioxymethamphetamine~~
- 96 | ~~(MDMA).~~
- 97 | 39.40. Morpheridine.
- 98 | 40.41. Noracymethadol.
- 99 | 41.42. Norlevorphanol.
- 100 | 42.43. Normethadone.
- 101 | 43.44. Norpipanone.
- 102 | 44.45. Para-Fluorofentanyl.
- 103 | 45.46. Phenadoxone.
- 104 | 46.47. Phenampromide.
- 105 | 47.48. Phenomorphan.
- 106 | 48.49. Phenoperidine.
- 107 | 49.50. 1-(2-Phenylethyl)-4-Phenyl-4-Acetyloxypiperidine
- 108 | (PEPAP).
- 109 | 50.51. Piritramide.
- 110 | 51.52. Proheptazine.
- 111 | 52.53. Properidine.
- 112 | 53.54. Propiram.

113 | ~~54.55.~~ Racemoramide.

114 | ~~55.56.~~ Thenylfentanyl.

115 | ~~56.57.~~ Thiofentanyl.

116 | ~~57.58.~~ Tilidine.

117 | ~~58.59.~~ Trimeperidine.

118 | (c) Unless specifically excepted or unless listed in
 119 | another schedule, any material, compound, mixture, or
 120 | preparation that contains any quantity of the following
 121 | hallucinogenic substances or that contains any of their salts,
 122 | isomers, including optical, positional, or geometric isomers,
 123 | and salts of isomers, if the existence of such salts, isomers,
 124 | and salts of isomers is possible within the specific chemical
 125 | designation:

- 126 | 1. Alpha-ethyltryptamine.
- 127 | 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
 128 | methylaminorex).
- 129 | 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 130 | 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 131 | 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 132 | 6. Bufotenine.
- 133 | 7. Cannabis.
- 134 | 8. Cathinone.
- 135 | 9. Diethyltryptamine.
- 136 | 10. 2,5-Dimethoxyamphetamine.
- 137 | 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 138 | 12. Dimethyltryptamine.
- 139 | 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
 140 | analog of phencyclidine).

- 141 | 14. N-Ethyl-3-piperidyl benzilate.
- 142 | 15. N-ethylamphetamine.
- 143 | 16. Fenethylamine.
- 144 | 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 145 | 18. Ibogaine.
- 146 | 19. Lysergic acid diethylamide (LSD).
- 147 | 20. Mescaline.
- 148 | 21. Methcathinone.
- 149 | 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 150 | 23. 4-methoxyamphetamine.
- 151 | 24. 4-methoxymethamphetamine.
- 152 | 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 153 | 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 154 | 27. 3,4-Methylenedioxyamphetamine.
- 155 | 28. N-Methyl-3-piperidyl benzilate.
- 156 | 29. N,N-dimethylamphetamine.
- 157 | 30. Parahexyl.
- 158 | 31. Peyote.
- 159 | 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
- 160 | analog of phencyclidine).
- 161 | 33. Psilocybin.
- 162 | 34. Psilocyn.
- 163 | 35. *Salvia divinorum*, except for any drug product approved
- 164 | by the United States Food and Drug Administration which contains
- 165 | *Salvia divinorum* or its isomers, esters, ethers, salts, and
- 166 | salts of isomers, esters, and ethers, if the existence of such
- 167 | isomers, esters, ethers, and salts is possible within the
- 168 | specific chemical designation.

169 36. Salvinorin A, except for any drug product approved by
 170 the United States Food and Drug Administration which contains
 171 Salvinorin A or its isomers, esters, ethers, salts, and salts of
 172 isomers, esters, and ethers, if the existence of such isomers,
 173 esters, ethers, and salts is possible within the specific
 174 chemical designation.

175 37. Tetrahydrocannabinols.

176 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
 177 (Thiophene analog of phencyclidine).

178 39. 3,4,5-Trimethoxyamphetamine.

179 40. 3,4-Methylenedioxymethcathinone.

180 41. 3,4-Methylenedioxypyrovalerone (MDPV).

181 42. Methylnmethcathinone.

182 43. Methoxymethcathinone.

183 44. Fluoromethcathinone.

184 45. Methylethcathinone.

185 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
 186 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
 187 homologue.

188 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
 189 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
 190 also known as HU-210.

191 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

192 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

193 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole,
 194 also known as JWH-200.

195 51. BZP (Benzylpiperazine).

196 52. Fluorophenylpiperazine.

- 197 | 53. Methylphenylpiperazine.
- 198 | 54. Chlorophenylpiperazine.
- 199 | 55. Methoxyphenylpiperazine.
- 200 | 56. DBZP (1,4-dibenzylpiperazine).
- 201 | 57. TFMPP (3-Trifluoromethylphenylpiperazine).
- 202 | 58. MBDB (Methylbenzodioxolylbutanamine).
- 203 | 59. 5-Hydroxy-alpha-methyltryptamine.
- 204 | 60. 5-Hydroxy-N-methyltryptamine.
- 205 | 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
- 206 | 62. 5-Methoxy-alpha-methyltryptamine.
- 207 | 63. Methyltryptamine.
- 208 | 64. 5-Methoxy-N,N-dimethyltryptamine.
- 209 | 65. 5-Methyl-N,N-dimethyltryptamine.
- 210 | 66. Tyramine (4-Hydroxyphenethylamine).
- 211 | 67. 5-Methoxy-N,N-Diisopropyltryptamine.
- 212 | 68. DiPT (N,N-Diisopropyltryptamine).
- 213 | 69. DPT (N,N-Dipropyltryptamine).
- 214 | 70. 4-Hydroxy-N,N-diisopropyltryptamine.
- 215 | 71. N,N-Diallyl-5-Methoxytryptamine.
- 216 | 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 217 | 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 218 | 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 219 | 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 220 | 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 221 | 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 222 | 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 223 | 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- 224 | 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).

- 225 | 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).
- 226 | 82. Ethcathinone.
- 227 | 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- 228 | 84. Naphyrone (naphthylpyrovalerone).
- 229 | 85. N-N-Dimethyl-3,4-methylenedioxcathinone.
- 230 | 86. N-N-Diethyl-3,4-methylenedioxcathinone.
- 231 | 87. 3,4-methylenedioxy-propiofenone.
- 232 | 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
- 233 | 89. 3,4-methylenedioxy-propiofenone-2-oxime.
- 234 | 90. N-Acetyl-3,4-methylenedioxcathinone.
- 235 | 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
- 236 | 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
- 237 | 93. Bromomethcathinone.
- 238 | 94. Buphedrone (alpha-methylamino-butyrophenone).
- 239 | 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- 240 | 96. Dimethylcathinone.
- 241 | 97. Dimethylmethcathinone.
- 242 | 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 243 | 99. (MDPPP) 3,4-Methylenedioxy-alpha-
- 244 | pyrrolidinopropiofenone.
- 245 | 100. (MDPBP) 3,4-Methylenedioxy-alpha-
- 246 | pyrrolidinobutiophenone.
- 247 | 101. Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).
- 248 | 102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
- 249 | 103. Benocyclidine (BCP) or
- 250 | benzothiophenylcyclohexylpiperidine (BTCP).
- 251 | 104. Fluoromethylaminobutyrophenone (F-MABP).
- 252 | 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).

- 253 | 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
- 254 | 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
- 255 | 108. Methylethylaminobutyrophenone (Me-EABP).
- 256 | 109. Methylamino-butyrophenone (MABP).
- 257 | 110. Pyrrolidinopropiophenone (PPP).
- 258 | 111. Pyrrolidinobutiophenone (PBP).
- 259 | 112. Pyrrolidinovalerophenone (PVP).
- 260 | 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
- 261 | 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
- 262 | 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
- 263 | naphthalenylmethanone).
- 264 | 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-
- 265 | yl)methanone).
- 266 | 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- 267 | 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-
- 268 | yl)methanone).
- 269 | 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-
- 270 | yl)methanone).
- 271 | 120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
- 272 | 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-
- 273 | 6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
- 274 | 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-
- 275 | indole).
- 276 | 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
- 277 | 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-
- 278 | yl)ethanone).
- 279 | 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
- 280 | yl)methanone).

- 281 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
 282 yl)ethanone).
- 283 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-
 284 yl)ethanone).
- 285 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole).
- 286 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- 287 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
 288 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
 289 ol).
- 290 131. HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-
 291 methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-
 292 enyl] methanol).
- 293 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-
 294 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
 295 1,4-dione).
- 296 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-
 297 yl)methanone).
- 298 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
 299 undecanamide).
- 300 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
 301 undecanamide).
- 302 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-
 303 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
- 304 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-
 305 iodophenyl)methanone).
- 306 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-
 307 (naphthalen-1-yl)methanone).
- 308 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-

- 309 yl)methanone).
- 310 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-
- 311 methoxyphenylethano).
- 312 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-
- 313 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
- 314 naphthalenylmethano).
- 315 142. WIN55,212-3 ([(3S)-2,3-Dihydro-5-methyl-3-(4-
- 316 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
- 317 naphthalenylmethano).
- 318 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentano).
- 319 144. Fluoroamphetamine.
- 320 145. Fluoromethamphetamine.
- 321 146. Methoxetamine.
- 322 147. Methiopropamine.
- 323 148. 4-Methylbuphedrone (2-Methylamino-1-(4-
- 324 methylphenyl)butan-1-ono).
- 325 149. APB ((2-aminopropyl)benzofuran).
- 326 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
- 327 151. UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-
- 328 tetramethylcyclopropyl)methano).
- 329 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-
- 330 tetramethylcyclopropyl)methano).
- 331 153. (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-
- 332 tetramethylcyclopropyl)methano.
- 333 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-
- 334 indazole-3-carboxamide).
- 335 155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-
- 336 piperidinyl)methyl]-1H-indol-3-yl]-methano).

- 337 156. STS-135 (1-(5-fluoropentyl)-N-
338 tricyclo[3.3.1.1.3,7]dec-1-yl-1H-indole-3-carboxamide).
- 339 157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-
340 cyclohexylcarbamate).
- 341 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,
342 cyclohexyl ester).
- 343 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-
344 benzoxazin-4-one).
- 345 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).
- 346 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).
- 347 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).
- 348 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-
349 propylphenyl)ethanamine).
- 350 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-
351 methoxyphenyl)methyl]-benzeneethanamine).
- 352 165. 3,4-Methylenedioxymethamphetamine (MDMA).
- 353 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-
354 carboxylic acid).
- 355 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-
356 fluoropentyl)-1H-indole-3-carboxylic acid).
- 357 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-
358 indole-3-carboxylic acid).
- 359 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-
360 fluoropentyl)-1H-indazole-3-carboxamide).

361 Section 2. Subsection (4) of section 893.0355, Florida
362 Statutes, is amended to read:

363 893.0355 Control of scheduled substances; delegation of
364 authority to Attorney General to reschedule substance, or delete

365 substance, by rule.—

366 (4) Rulemaking under this section shall be in accordance
367 with the procedural requirements of chapter 120, including the
368 emergency rule provisions found in s. 120.54, except that s.
369 120.54(7) does not apply. ~~The Attorney General may initiate~~
370 ~~proceedings for adoption, amendment, or repeal of any rule on~~
371 ~~his or her own motion or upon the petition of any interested~~
372 ~~party.~~

373 Section 3. Paragraph (b) of subsection (6) of section
374 893.13, Florida Statutes, is amended to read:

375 893.13 Prohibited acts; penalties.—

376 (6)

377 (b) If the offense is the possession of not more than 20
378 grams of cannabis, as defined in this chapter, or 3 grams or
379 less of a controlled substance described in s. 893.03(1)(c)46.-
380 50., ~~and 114.-142., 151.-159., or 166.-169.,~~ the person commits
381 a misdemeanor of the first degree, punishable as provided in s.
382 775.082 or s. 775.083. For the purposes of this subsection,
383 "cannabis" does not include the resin extracted from the plants
384 of the genus *Cannabis*, or any compound manufacture, salt,
385 derivative, mixture, or preparation of such resin, and a
386 controlled substance described in s. 893.03(1)(c)46.-50., ~~and~~
387 ~~114.-142., 151.-159., or 166.-169.,~~ does not include the
388 substance in a powdered form.

389 Section 4. Paragraph (k) of subsection (1) of section
390 893.135, Florida Statutes, is amended to read:

391 893.135 Trafficking; mandatory sentences; suspension or
392 reduction of sentences; conspiracy to engage in trafficking.—

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

395 (k)1. Any person who knowingly sells, purchases,
 396 manufactures, delivers, or brings into this state, or who is
 397 knowingly in actual or constructive possession of, 10 grams or
 398 more of any of the following substances described in s.

399 893.03(1)(c) ~~s. 893.03(1)(a) or (e)~~:

- 400 a. 3,4-Methylenedioxyamphetamine (MDMA);
- 401 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 402 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 403 d. 2,5-Dimethoxyamphetamine;
- 404 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 405 f. N-ethylamphetamine;
- 406 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 407 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 408 i. 4-methoxyamphetamine;
- 409 j. 4-methoxymethamphetamine;
- 410 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 411 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 412 m. 3,4-Methylenedioxyamphetamine;
- 413 n. N,N-dimethylamphetamine; or
- 414 o. 3,4,5-Trimethoxyamphetamine,

415
 416 individually or in any combination of or any mixture containing
 417 any substance listed in sub-subparagraphs a.-o., commits a
 418 felony of the first degree, which felony shall be known as
 419 "trafficking in Phenethylamines," punishable as provided in s.
 420 775.082, s. 775.083, or s. 775.084.

- 421 2. If the quantity involved:
- 422 a. Is 10 grams or more but less than 200 grams, such
- 423 person shall be sentenced to a mandatory minimum term of
- 424 imprisonment of 3 years, and the defendant shall be ordered to
- 425 pay a fine of \$50,000.
- 426 b. Is 200 grams or more, but less than 400 grams, such
- 427 person shall be sentenced to a mandatory minimum term of
- 428 imprisonment of 7 years, and the defendant shall be ordered to
- 429 pay a fine of \$100,000.
- 430 c. Is 400 grams or more, such person shall be sentenced to
- 431 a mandatory minimum term of imprisonment of 15 calendar years
- 432 and pay a fine of \$250,000.
- 433 3. Any person who knowingly manufactures or brings into
- 434 this state 30 kilograms or more of any of the following
- 435 substances described in s. 893.03(1)(c) ~~s. 893.03(1)(a) or (e)~~:
- 436 a. 3,4-Methylenedioxymethamphetamine (MDMA);
- 437 b. 4-Bromo-2,5-dimethoxyamphetamine;
- 438 c. 4-Bromo-2,5-dimethoxyphenethylamine;
- 439 d. 2,5-Dimethoxyamphetamine;
- 440 e. 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 441 f. N-ethylamphetamine;
- 442 g. N-Hydroxy-3,4-methylenedioxyamphetamine;
- 443 h. 5-Methoxy-3,4-methylenedioxyamphetamine;
- 444 i. 4-methoxyamphetamine;
- 445 j. 4-methoxymethamphetamine;
- 446 k. 4-Methyl-2,5-dimethoxyamphetamine;
- 447 l. 3,4-Methylenedioxy-N-ethylamphetamine;
- 448 m. 3,4-Methylenedioxyamphetamine;

449 n. N,N-dimethylamphetamine; or
 450 o. 3,4,5-Trimethoxyamphetamine,
 451
 452 individually or in any combination of or any mixture containing
 453 any substance listed in sub-subparagraphs a.-o., and who knows
 454 that the probable result of such manufacture or importation
 455 would be the death of any person commits capital manufacture or
 456 importation of Phenethylamines, a capital felony punishable as
 457 provided in ss. 775.082 and 921.142. Any person sentenced for a
 458 capital felony under this paragraph shall also be sentenced to
 459 pay the maximum fine provided under subparagraph 1.

460 Section 5. For the purpose of incorporating the amendment
 461 made by this act to section 893.03, Florida Statutes, in a
 462 reference thereto, subsections (1) through (6) of section
 463 893.13, Florida Statutes, are reenacted to read:

464 893.13 Prohibited acts; penalties.—

465 (1)(a) Except as authorized by this chapter and chapter
 466 499, it is unlawful for any person to sell, manufacture, or
 467 deliver, or possess with intent to sell, manufacture, or
 468 deliver, a controlled substance. Any person who violates this
 469 provision with respect to:

470 1. A controlled substance named or described in s.
 471 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 472 commits a felony of the second degree, punishable as provided in
 473 s. 775.082, s. 775.083, or s. 775.084.

474 2. A controlled substance named or described in s.
 475 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 476 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of

477 the third degree, punishable as provided in s. 775.082, s.
478 775.083, or s. 775.084.

479 3. A controlled substance named or described in s.
480 893.03(5) commits a misdemeanor of the first degree, punishable
481 as provided in s. 775.082 or s. 775.083.

482 (b) Except as provided in this chapter, it is unlawful to
483 sell or deliver in excess of 10 grams of any substance named or
484 described in s. 893.03(1)(a) or (1)(b), or any combination
485 thereof, or any mixture containing any such substance. Any
486 person who violates this paragraph commits a felony of the first
487 degree, punishable as provided in s. 775.082, s. 775.083, or s.
488 775.084.

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

503 1. A controlled substance named or described in s.
504 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,

505 | commits a felony of the first degree, punishable as provided in
 506 | s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 507 | sentenced to a minimum term of imprisonment of 3 calendar years
 508 | unless the offense was committed within 1,000 feet of the real
 509 | property comprising a child care facility as defined in s.
 510 | 402.302.

511 | 2. A controlled substance named or described in s.
 512 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 513 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 514 | the second degree, punishable as provided in s. 775.082, s.
 515 | 775.083, or s. 775.084.

516 | 3. Any other controlled substance, except as lawfully
 517 | sold, manufactured, or delivered, must be sentenced to pay a
 518 | \$500 fine and to serve 100 hours of public service in addition
 519 | to any other penalty prescribed by law.

520 |
 521 | This paragraph does not apply to a child care facility unless
 522 | the owner or operator of the facility posts a sign that is not
 523 | less than 2 square feet in size with a word legend identifying
 524 | the facility as a licensed child care facility and that is
 525 | posted on the property of the child care facility in a
 526 | conspicuous place where the sign is reasonably visible to the
 527 | public.

528 | (d) Except as authorized by this chapter, it is unlawful
 529 | for any person to sell, manufacture, or deliver, or possess with
 530 | intent to sell, manufacture, or deliver, a controlled substance
 531 | in, on, or within 1,000 feet of the real property comprising a
 532 | public or private college, university, or other postsecondary

533 educational institution. Any person who violates this paragraph
534 with respect to:

535 1. A controlled substance named or described in s.
536 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
537 commits a felony of the first degree, punishable as provided in
538 s. 775.082, s. 775.083, or s. 775.084.

539 2. A controlled substance named or described in s.
540 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
541 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
542 the second degree, punishable as provided in s. 775.082, s.
543 775.083, or s. 775.084.

544 3. Any other controlled substance, except as lawfully
545 sold, manufactured, or delivered, must be sentenced to pay a
546 \$500 fine and to serve 100 hours of public service in addition
547 to any other penalty prescribed by law.

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

556 1. A controlled substance named or described in s.
557 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
558 commits a felony of the first degree, punishable as provided in
559 s. 775.082, s. 775.083, or s. 775.084.

560 2. A controlled substance named or described in s.

561 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
562 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
563 the second degree, punishable as provided in s. 775.082, s.
564 775.083, or s. 775.084.

565 3. Any other controlled substance, except as lawfully
566 sold, manufactured, or delivered, must be sentenced to pay a
567 \$500 fine and to serve 100 hours of public service in addition
568 to any other penalty prescribed by law.

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

579 1. A controlled substance named or described in s.
580 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
581 commits a felony of the first degree, punishable as provided in
582 s. 775.082, s. 775.083, or s. 775.084.

583 2. A controlled substance named or described in s.
584 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
585 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
586 the second degree, punishable as provided in s. 775.082, s.
587 775.083, or s. 775.084.

588 3. Any other controlled substance, except as lawfully

589 sold, manufactured, or delivered, must be sentenced to pay a
590 \$500 fine and to serve 100 hours of public service in addition
591 to any other penalty prescribed by law.

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

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

604 2. The commission of the crime causes any child under 16
605 years of age to suffer great bodily harm, the person commits a
606 felony of the first degree, punishable as provided in s.
607 775.082, s. 775.083, or s. 775.084. In addition, the defendant
608 must be sentenced to a minimum term of imprisonment of 10
609 calendar years.

610 (h) Except as authorized by this chapter, it is unlawful
611 for any person to sell, manufacture, or deliver, or possess with
612 intent to sell, manufacture, or deliver, a controlled substance
613 in, on, or within 1,000 feet of the real property comprising an
614 assisted living facility, as that term is used in chapter 429.
615 Any person who violates this paragraph with respect to:

616 1. A controlled substance named or described in s.

617 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 618 commits a felony of the first degree, punishable as provided in
 619 s. 775.082, s. 775.083, or s. 775.084.

620 2. A controlled substance named or described in s.
 621 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 622 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 623 the second degree, punishable as provided in s. 775.082, s.
 624 775.083, or s. 775.084.

625 (2)(a) Except as authorized by this chapter and chapter
 626 499, it is unlawful for any person to purchase, or possess with
 627 intent to purchase, a controlled substance. Any person who
 628 violates this provision with respect to:

629 1. A controlled substance named or described in s.
 630 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 631 commits a felony of the second degree, punishable as provided in
 632 s. 775.082, s. 775.083, or s. 775.084.

633 2. A controlled substance named or described in s.
 634 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 635 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 636 the third degree, punishable as provided in s. 775.082, s.
 637 775.083, or s. 775.084.

638 3. A controlled substance named or described in s.
 639 893.03(5) commits a misdemeanor of the first degree, punishable
 640 as provided in s. 775.082 or s. 775.083.

641 (b) Except as provided in this chapter, it is unlawful to
 642 purchase in excess of 10 grams of any substance named or
 643 described in s. 893.03(1)(a) or (1)(b), or any combination
 644 thereof, or any mixture containing any such substance. Any

645 person who violates this paragraph commits a felony of the first
646 degree, punishable as provided in s. 775.082, s. 775.083, or s.
647 775.084.

648 (3) Any person who delivers, without consideration, not
649 more than 20 grams of cannabis, as defined in this chapter,
650 commits a misdemeanor of the first degree, punishable as
651 provided in s. 775.082 or s. 775.083. For the purposes of this
652 paragraph, "cannabis" does not include the resin extracted from
653 the plants of the genus *Cannabis* or any compound manufacture,
654 salt, derivative, mixture, or preparation of such resin.

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

663 (a) A controlled substance named or described in s.
664 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
665 commits a felony of the first degree, punishable as provided in
666 s. 775.082, s. 775.083, or s. 775.084.

667 (b) A controlled substance named or described in s.
668 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
669 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
670 the second degree, punishable as provided in s. 775.082, s.
671 775.083, or s. 775.084.

672

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

675 (5) It is unlawful for any person to bring into this state
676 any controlled substance unless the possession of such
677 controlled substance is authorized by this chapter or unless
678 such person is licensed to do so by the appropriate federal
679 agency. Any person who violates this provision with respect to:

680 (a) A controlled substance named or described in s.
681 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
682 commits a felony of the second degree, punishable as provided in
683 s. 775.082, s. 775.083, or s. 775.084.

684 (b) A controlled substance named or described in s.
685 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
686 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
687 the third degree, punishable as provided in s. 775.082, s.
688 775.083, or s. 775.084.

689 (c) A controlled substance named or described in s.
690 893.03(5) commits a misdemeanor of the first degree, punishable
691 as provided in s. 775.082 or s. 775.083.

692 (6)(a) It is unlawful for any person to be in actual or
693 constructive possession of a controlled substance unless such
694 controlled substance was lawfully obtained from a practitioner
695 or pursuant to a valid prescription or order of a practitioner
696 while acting in the course of his or her professional practice
697 or to be in actual or constructive possession of a controlled
698 substance except as otherwise authorized by this chapter. Any
699 person who violates this provision commits a felony of the third
700 degree, punishable as provided in s. 775.082, s. 775.083, or s.

701 775.084.

702 (b) If the offense is the possession of not more than 20
703 grams of cannabis, as defined in this chapter, or 3 grams or
704 less of a controlled substance described in s. 893.03(1)(c)46.-
705 50. and 114.-142., the person commits a misdemeanor of the first
706 degree, punishable as provided in s. 775.082 or s. 775.083. For
707 the purposes of this subsection, "cannabis" does not include the
708 resin extracted from the plants of the genus *Cannabis*, or any
709 compound manufacture, salt, derivative, mixture, or preparation
710 of such resin, and a controlled substance described in s.
711 893.03(1)(c)46.-50. and 114.-142. does not include the substance
712 in a powdered form.

713 (c) Except as provided in this chapter, it is unlawful to
714 possess in excess of 10 grams of any substance named or
715 described in s. 893.03(1)(a) or (1)(b), or any combination
716 thereof, or any mixture containing any such substance. Any
717 person who violates this paragraph commits a felony of the first
718 degree, punishable as provided in s. 775.082, s. 775.083, or s.
719 775.084.

720 (d) Notwithstanding any provision to the contrary of the
721 laws of this state relating to arrest, a law enforcement officer
722 may arrest without warrant any person who the officer has
723 probable cause to believe is violating the provisions of this
724 chapter relating to possession of cannabis.

725 Section 6. For the purpose of incorporating the amendment
726 made by this act to section 893.03, Florida Statutes, in a
727 reference thereto, paragraphs (b), (c), (d), and (e) of
728 subsection (3) of section 921.0022, Florida Statutes, are

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729 reenacted to read:

730 921.0022 Criminal Punishment Code; offense severity
731 ranking chart.—

732 (3) OFFENSE SEVERITY RANKING CHART

733 (b) LEVEL 2

Florida	Felony	Description
Statute	Degree	

734

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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735

379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
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736

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.
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737

517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
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738

590.28 (1)	3rd	Intentional burning of lands.
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739

784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to
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			inflict injury or death.
740			
	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
741			
	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
742			
	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
743			
	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
744			
	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
745			
	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
746			
	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
747			
	817.234 (1) (a) 2.	3rd	False statement in support of insurance

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748			claim.
	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
749			
	817.52 (3)	3rd	Failure to redeliver hired vehicle.
750			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
751			
	817.60 (5)	3rd	Dealing in credit cards of another.
752			
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
753			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
754			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
755			
	831.01	3rd	Forgery.
756			
	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.

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758	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
759	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
760	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
761	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
762	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
763	843.08	3rd	Falsely impersonating an officer.
764	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.
765	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
766	(c) LEVEL 3		
	Florida	Felony	Description
	Statute	Degree	

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767	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
768	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
769	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
770	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
771	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
772	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
773	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
774	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
775	327.35 (2) (b)	3rd	Felony BUI.
776			

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777	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
778	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
779	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
780	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.
781	379.2431 (1) (e) 6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
782	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

783			fraud or retaliation for making such a report.
784	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
785	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
786	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
787	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
788	697.08	3rd	Equity skimming.
789	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
790	796.05 (1)	3rd	Live on earnings of a prostitute.
791	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

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792	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
793	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
794	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
795	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
796	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
797	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
798	817.233	3rd	Burning to defraud insurer.
799	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.

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800	817.236	3rd	Filing a false motor vehicle insurance application.
801	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
802	817.413 (2)	3rd	Sale of used goods as new.
803	817.505 (4)	3rd	Patient brokering.
804	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
805	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
806	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
807	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
808	843.19	3rd	Injure, disable, or kill police dog or

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809			horse.
810	860.15 (3)	3rd	Overcharging for repairs and parts.
811	870.01 (2)	3rd	Riot; inciting or encouraging.
812	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).
813	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.
814	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.

- 815 893.13(7)(a)8. 3rd Withhold information from practitioner
regarding previous receipt of or
prescription for a controlled substance.
- 816 893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled
substance by fraud, forgery,
misrepresentation, etc.
- 817 893.13(7)(a)10. 3rd Affix false or forged label to package
of controlled substance.
- 818 893.13(7)(a)11. 3rd Furnish false or fraudulent material
information on any document or record
required by chapter 893.
- 819 893.13(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.
- 820 893.13(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.

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821	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
822	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.
823	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
824	944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
825	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
826	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
827			
828	(d) LEVEL 4		
	Florida	Felony	Description
	Statute	Degree	

829

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830	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
831	499.0051 (1)	3rd	Failure to maintain or deliver pedigree papers.
832	499.0051 (2)	3rd	Failure to authenticate pedigree papers.
833	499.0051 (6)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
834	517.07 (1)	3rd	Failure to register securities.
835	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
836	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
837	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
	784.075	3rd	Battery on detention or commitment facility staff.

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838	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
839	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
840	784.081 (3)	3rd	Battery on specified official or employee.
841	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
842	784.083 (3)	3rd	Battery on code inspector.
843	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
844	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
845	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
846	787.04 (3)	3rd	Carrying child beyond state lines with

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			criminal intent to avoid producing child at custody hearing or delivering to designated person.
847			
	787.07	3rd	Human smuggling.
848			
	790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
849			
	790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
850			
	790.115(2)(c)	3rd	Possessing firearm on school property.
851			
	800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
852			
	810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
853			
	810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
854			
	810.06	3rd	Burglary; possession of tools.
855			

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856	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
857	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
858	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
859	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
860	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
861	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.
862	817.625 (2) (a)	3rd	Fraudulent use of scanning device or reencoder.
863	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
864	837.02 (1)	3rd	Perjury in official proceedings.

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865	837.021 (1)	3rd	Make contradictory statements in official proceedings.
866	838.022	3rd	Official misconduct.
867	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
868	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Family Services.
869	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
870	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
871	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
872	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
873	874.05 (1)	3rd	Encouraging or recruiting another to join a criminal gang.

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874	893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
875	914.14(2)	3rd	Witnesses accepting bribes.
876	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
877	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
878	918.12	3rd	Tampering with jurors.
879	934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
880	(e) LEVEL 5		
	Florida Statute	Felony Degree	Description
881	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
882	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
883	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in

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death or serious bodily injury.

884

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

885

379.367 (4) 3rd Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

886

379.3671 (2) (c) 3. 3rd Willful molestation, possession, or removal of a commercial harvester's trap contents or trap gear by another harvester.

887

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

888

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

889

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

890

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

891

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892	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
893	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
894	790.01 (2)	3rd	Carrying a concealed firearm.
895	790.162	2nd	Threat to throw or discharge destructive device.
896	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
897	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
898	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
899	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.

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900	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
901	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
902	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
903	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
904	812.131(2)(b)	3rd	Robbery by sudden snatching.
905	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
906	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
907	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
908	817.2341(1),	3rd	Filing false financial statements,

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909	(2) (a) & (3) (a)		making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
910	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.
911	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
912	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
913	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, control, or intentionally view any photographic material, motion picture, etc., which includes sexual

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conduct by a child.

914

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.

915

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

916

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

917

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

918

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

919

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

920

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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- 922 893.13(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.
- 923 893.13(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.
- 924 893.13(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

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housing facility.

925

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).

926

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

927

928

Section 7. This act shall take effect upon becoming a law.