CHAPTER 2011-90

Committee Substitute for House Bill No. 1039

An act relating to controlled substances; amending s. 893.03, F.S.; including certain hallucinogenic substances on the list of controlled substances in Schedule I; reenacting ss. 893.13(1), (2), (4), and (5), 893.135(1)(l), 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. Paragraph (c) of subsection (1) of section 893.03, Florida Statutes, is amended to read:

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

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

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

1. Alpha-ethyltryptamine.
2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-methylaminorex).
3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
4. 4-Bromo-2,5-dimethoxyamphetamine.
5. 4-Bromo-2, 5-dimethoxyphenethylamine.

CODING: Words stricken are deletions; words underlined are additions.
7. Cannabis.
8. Cathinone.
10. 2,5-Dimethoxyamphetamine.
11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
12. Dimethyltryptamine.
15. N-ethylamphetamine.
16. Fenethylline.
17. N-Hydroxy-3,4-methylenedioxyamphetamine.
18. Ibogaine.
19. Lysergic acid diethylamide (LSD).
20. Mescaline.
22. 5-Methoxy-3,4-methylenedioxyamphetamine.
23. 4-methoxyamphetamine.
24. 4-methoxymethamphetamine.
25. 4-Methyl-2,5-dimethoxyamphetamine.
26. 3,4-Methylenedioxy-N-ethylamphetamine.
27. 3,4-Methylenedioxyamphetamine.
28. N-Methyl-3-piperidyl benzilate.
29. N,N-dimethylamphetamine.
30. Parahexyl.
31. Peyote.
32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine analog of phencyclidine).

CODING: Words stricken are deletions; words underlined are additions.
33. Psilocybin.

34. Psilocyn.

35. Salvia divinorum, except for any drug product approved by the United States Food and Drug Administration which contains Salvia divinorum or its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.

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

37. Tetrahydrocannabinols.

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

39. 3,4,5-Trimethoxyamphetamine.

40. 3,4-Methylenedioxymethcathinone.

41. 3,4-Methylenedioxypyrovalerone (MDPV).

42. Methylmethylcathinone.

43. Methoxymethylcathinone.

44. Fluoromethylcathinone.

45. Methylethylcathinone.

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

893.13 Prohibited acts; penalties.—

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

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

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

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

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

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.

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

(d) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of 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.
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. 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., (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 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.

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

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

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

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

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

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

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

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

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

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

(c) A controlled substance named or described in s. 893.03(5) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
Section 3. For the purpose of incorporating the amendment made by this act to section 893.03, Florida Statutes, in references thereto, paragraph (l) 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:

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

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

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

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

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

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

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

CODING: Words stricken are deletions; words underlined are additions.
<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>379.2431 (1)(e)3.</td>
<td>3rd</td>
<td>Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.</td>
</tr>
<tr>
<td>379.2431 (1)(e)4.</td>
<td>3rd</td>
<td>Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.</td>
</tr>
<tr>
<td>403.413(5)(c)</td>
<td>3rd</td>
<td>Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.</td>
</tr>
<tr>
<td>517.07</td>
<td>3rd</td>
<td>Registration of securities and furnishing of prospectus required.</td>
</tr>
<tr>
<td>590.28(1)</td>
<td>3rd</td>
<td>Intentional burning of lands.</td>
</tr>
<tr>
<td>784.05(3)</td>
<td>3rd</td>
<td>Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.</td>
</tr>
<tr>
<td>787.04(1)</td>
<td>3rd</td>
<td>In violation of court order, take, entice, etc., minor beyond state limits.</td>
</tr>
<tr>
<td>806.13(1)(b)3.</td>
<td>3rd</td>
<td>Criminal mischief; damage $1,000 or more to public communication or any other public service.</td>
</tr>
<tr>
<td>810.061(2)</td>
<td>3rd</td>
<td>Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.</td>
</tr>
<tr>
<td>810.09(2)(e)</td>
<td>3rd</td>
<td>Trespassing on posted commercial horticulture property.</td>
</tr>
<tr>
<td>812.014(2)(c)1.</td>
<td>3rd</td>
<td>Grand theft, 3rd degree; $300 or more but less than $5,000.</td>
</tr>
<tr>
<td>812.014(2)(d)</td>
<td>3rd</td>
<td>Grand theft, 3rd degree; $100 or more but less than $300, taken from unenclosed curtilage of dwelling.</td>
</tr>
<tr>
<td>812.015(7)</td>
<td>3rd</td>
<td>Possession, use, or attempted use of an anti-shoplifting or inventory control device countermeasure.</td>
</tr>
<tr>
<td>817.234(1)(a)2.</td>
<td>3rd</td>
<td>False statement in support of insurance claim.</td>
</tr>
<tr>
<td>817.481(3)(a)</td>
<td>3rd</td>
<td>Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over $300.</td>
</tr>
<tr>
<td>817.52(3)</td>
<td>3rd</td>
<td>Failure to redeliver hired vehicle.</td>
</tr>
<tr>
<td>817.54</td>
<td>3rd</td>
<td>With intent to defraud, obtain mortgage note, etc., by false representation.</td>
</tr>
<tr>
<td>817.60(5)</td>
<td>3rd</td>
<td>Dealing in credit cards of another.</td>
</tr>
<tr>
<td>817.60(6)(a)</td>
<td>3rd</td>
<td>Forgery; purchase goods, services with false card.</td>
</tr>
<tr>
<td>817.61</td>
<td>3rd</td>
<td>Fraudulent use of credit cards over $100 or more within 6 months.</td>
</tr>
<tr>
<td>826.04</td>
<td>3rd</td>
<td>Knowingly marries or has sexual intercourse with person to whom related.</td>
</tr>
<tr>
<td>831.01</td>
<td>3rd</td>
<td>Forgery.</td>
</tr>
<tr>
<td>831.02</td>
<td>3rd</td>
<td>Uttering forged instrument; utters or publishes alteration with intent to defraud.</td>
</tr>
<tr>
<td>831.07</td>
<td>3rd</td>
<td>Forging bank bills, checks, drafts, or promissory notes.</td>
</tr>
</tbody>
</table>

CODING: Words stricken are deletions; words underlined are additions.
831.08  3rd  Possessing 10 or more forged notes, bills, checks, or drafts.
831.09  3rd  Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11  3rd  Bringing into the state forged bank bills, checks, drafts, or notes.
832.05(3)(a)  3rd  Cashing or depositing item with intent to defraud.
843.08  3rd  Falsely impersonating an officer.
893.13(2)(a)2.  3rd  Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs other than cannabis.
893.147(2)  3rd  Manufacture or delivery of drug paraphernalia.

(c) LEVEL 3

<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>119.10(2)(b)</td>
<td>3rd</td>
<td>Unlawful use of confidential information from police reports.</td>
</tr>
<tr>
<td>316.066 (4)(b)-(d)</td>
<td>3rd</td>
<td>Unlawfully obtaining or using confidential crash reports.</td>
</tr>
<tr>
<td>316.193(2)(b)</td>
<td>3rd</td>
<td>Felony DUI, 3rd conviction.</td>
</tr>
<tr>
<td>316.1935(2)</td>
<td>3rd</td>
<td>Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.</td>
</tr>
<tr>
<td>319.30(4)</td>
<td>3rd</td>
<td>Possession by junkyard of motor vehicle with identification number plate removed.</td>
</tr>
<tr>
<td>319.33(1)(a)</td>
<td>3rd</td>
<td>Alter or forge any certificate of title to a motor vehicle or mobile home.</td>
</tr>
<tr>
<td>319.33(1)(c)</td>
<td>3rd</td>
<td>Procure or pass title on stolen vehicle.</td>
</tr>
<tr>
<td>319.33(4)</td>
<td>3rd</td>
<td>With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.</td>
</tr>
<tr>
<td>327.35(2)(b)</td>
<td>3rd</td>
<td>Felony BUI.</td>
</tr>
<tr>
<td>328.05(2)</td>
<td>3rd</td>
<td>Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.</td>
</tr>
<tr>
<td>328.07(4)</td>
<td>3rd</td>
<td>Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.</td>
</tr>
<tr>
<td>376.302(5)</td>
<td>3rd</td>
<td>Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.</td>
</tr>
<tr>
<td>379.2431(1)(e)5.</td>
<td>3rd</td>
<td>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.</td>
</tr>
<tr>
<td>379.2431(1)(e)6.</td>
<td>3rd</td>
<td>Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.</td>
</tr>
</tbody>
</table>

CODING: Words stricken are deletions; words underlined are additions.
400.9935(4) 3rd Operating a clinic without a license or filing false license application or other required information.

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

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

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

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

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

697.08 3rd Equity skimming.

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

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

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

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

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

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

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

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

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

817.233 3rd Burning to defraud insurer.

817.234 3rd Unlawful solicitation of persons involved in motor vehicle accidents.

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

817.236 3rd Filing a false motor vehicle insurance application.

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

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

817.505(4) 3rd Patient brokering.

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

CODING: Words stricken are deletions; words underlined are additions.
831.28(2)(a)  3rd  Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

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

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

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

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

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

893.13(1)(a)2.  3rd  Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

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

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

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

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

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

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

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

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

CODING: Words stricken are deletions; words underlined are additions.
944.47  
(1)(a) 1.-2.  
944.47(1)(c)  
985.721

<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
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<tr>
<td>316.027(1)(a)</td>
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<td>Accidents involving personal injuries, failure to stop; leaving scene.</td>
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<tr>
<td>316.1935(4)(a)</td>
<td>2nd</td>
<td>Aggravated fleeing or eluding.</td>
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<td>322.34(6)</td>
<td>3rd</td>
<td>Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.</td>
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<td>327.30(5)</td>
<td>3rd</td>
<td>Vessel accidents involving personal injury; leaving scene.</td>
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<td>381.0041(11)(b)</td>
<td>3rd</td>
<td>Donate blood, plasma, or organs knowing HIV positive.</td>
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<tr>
<td>440.10(1)(g)</td>
<td>2nd</td>
<td>Failure to obtain workers’ compensation coverage.</td>
</tr>
<tr>
<td>440.105(5)</td>
<td>2nd</td>
<td>Unlawful solicitation for the purpose of making workers’ compensation claims.</td>
</tr>
<tr>
<td>440.381(2)</td>
<td>2nd</td>
<td>Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers’ compensation premiums.</td>
</tr>
<tr>
<td>624.401(4)(b)</td>
<td>2nd</td>
<td>Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.</td>
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<tr>
<td>626.902(1)(c)</td>
<td>2nd</td>
<td>Representing an unauthorized insurer; repeat offender.</td>
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<tr>
<td>790.01(2)</td>
<td>3rd</td>
<td>Carrying a concealed firearm.</td>
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<td>790.162</td>
<td>2nd</td>
<td>Threat to throw or discharge destructive device.</td>
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<tr>
<td>790.163(1)</td>
<td>2nd</td>
<td>False report of deadly explosive or weapon of mass destruction.</td>
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<td>790.221(1)</td>
<td>2nd</td>
<td>Possession of short-barreled shotgun or machine gun.</td>
</tr>
<tr>
<td>790.23</td>
<td>2nd</td>
<td>Felons in possession of firearms, ammunition, or electronic weapons or devices.</td>
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<tr>
<td>800.04(6)(c)</td>
<td>3rd</td>
<td>Lewd or lascivious conduct; offender less than 18 years.</td>
</tr>
<tr>
<td>800.04(7)(b)</td>
<td>2nd</td>
<td>Lewd or lascivious exhibition; offender 18 years or older.</td>
</tr>
<tr>
<td>806.111(1)</td>
<td>3rd</td>
<td>Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.</td>
</tr>
<tr>
<td>812.0145(2)(b)</td>
<td>2nd</td>
<td>Theft from person 65 years of age or older; $10,000 or more but less than $50,000.</td>
</tr>
</tbody>
</table>

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

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

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

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

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

817.234(11)(b) 2nd Insurance fraud; property value $20,000 or more but less than $100,000.

817.2341(1), (2)(a) & (3)(a) 3rd Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.

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

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

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

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

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

839.13(2)(b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

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

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

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

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

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

893.13(1)(a)1. 2nd Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).

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

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

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

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

893.13(4)(b) 2nd Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).

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

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

Approved by the Governor May 31, 2011.

Filed in Office Secretary of State May 31, 2011.