

Amendment No. 01 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Council for Healthy Communities offered the following:

**Amendment**

remove: Everything after the enacting clause and insert in lieu thereof:

Section 1. Paragraphs (c) and (d) of subsection (1) of section 893.13, Florida Statutes, are amended to read:

893.13 Prohibited acts; penalties.--

(1)

(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 a.m., or at any time in, on, or within 1,000 feet of real property comprising a state, county, or municipal park or publicly owned recreational facility. Any person who violates this paragraph with respect to:

1. A controlled substance named or described in s.

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

8           2. A controlled substance named or described in s.  
9 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
10 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
11 felony of the second degree, punishable as provided in s.  
12 775.082, s. 775.083, or s. 775.084.

13           3. Any other controlled substance, except as lawfully  
14 sold, manufactured, or delivered, must be sentenced to pay a  
15 \$500 fine and to serve 100 hours of public service in addition  
16 to any other penalty prescribed by law.

17  
18 This paragraph does not apply to a child care facility unless  
19 the owner or operator of the facility posts a sign that is not  
20 less than 2 square feet in size with a word legend identifying  
21 the facility as a licensed child care facility and that is  
22 posted on the property of the child care facility in a  
23 conspicuous place where the sign is reasonably visible to the  
24 public.

25           (d) Except as authorized by this chapter, it is  
26 unlawful for any person to sell, manufacture, or deliver, or  
27 possess with intent to sell, manufacture, or deliver, a  
28 controlled substance in, on, or within 1,000 ~~200~~ feet of the  
29 real property comprising a public or private college,  
30 university, or other postsecondary educational institution, ~~or~~  
31 ~~within 200 feet of any public park.~~ Any person who violates

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1 this paragraph with respect to:

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

6 2. A controlled substance named or described in s.  
7 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
8 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
9 felony of the second degree, punishable as provided in s.  
10 775.082, s. 775.083, or s. 775.084.

11 3. Any other controlled substance, except as lawfully  
12 sold, manufactured, or delivered, must be sentenced to pay a  
13 \$500 fine and to serve 100 hours of public service in addition  
14 to any other penalty prescribed by law.

15 (f) Except as authorized by this chapter, it is  
16 unlawful for any person to sell, manufacture, or deliver, or  
17 possess with intent to sell, manufacture, or deliver, a  
18 controlled substance in, on, or within 1,000 ~~200~~ feet of the  
19 real property comprising a public housing facility at any  
20 time. For purposes of this section, the term "real property  
21 comprising a public housing facility" means real property, as  
22 defined in s. 421.03(12), of a public corporation created as a  
23 housing authority pursuant to part I of chapter 421. Any  
24 person who violates this paragraph with respect to:

25 1. A controlled substance named or described in s.  
26 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
27 commits a felony of the first degree, punishable as provided  
28 in s. 775.082, s. 775.083, or s. 775.084.

29 2. A controlled substance named or described in s.  
30 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
31 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a

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1 felony of the second degree, punishable as provided in s.  
2 775.082, s. 775.083, or s. 775.084.

3 3. Any other controlled substance, except as lawfully  
4 sold, manufactured, or delivered, must be sentenced to pay a  
5 \$500 fine and to serve 100 hours of public service in addition  
6 to any other penalty prescribed by law.

7 (9) Notwithstanding any provision of the sentencing  
8 guidelines or the Criminal Punishment Code to the contrary, on  
9 or after October 1, 1993, any defendant who:

10 (a) Violates subparagraph (1)(a)1., subparagraph  
11 (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or  
12 paragraph (5)(a); and

13 (b) Has not previously been convicted, regardless of  
14 whether adjudication was withheld, of any felony, other than a  
15 violation of subparagraph (1)(a)1., subparagraph (1)(c)2.,  
16 subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph  
17 (5)(a),

18  
19 may be required by the court to successfully complete a term  
20 of probation pursuant to the terms and conditions set forth in  
21 s. 948.034(1), in lieu of serving a term of imprisonment.

22 Section 2. Paragraphs (c) and (e) of subsection (3) of  
23 section 921.0022, Florida Statutes, are amended to read:

24 921.0022 Criminal Punishment Code; offense severity  
25 ranking chart.--

26 (3) OFFENSE SEVERITY RANKING CHART

27

28 Florida	Felony	
29 Statute	Degree	Description

30

31 (c) LEVEL 3

4

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1	316.1935(2)	3rd	Fleeing or attempting to elude
2			law enforcement officer in marked
3			patrol vehicle with siren and
4			lights activated.
5	319.30(4)	3rd	Possession by junkyard of motor
6			vehicle with identification
7			number plate removed.
8	319.33(1)(a)	3rd	Alter or forge any certificate of
9			title to a motor vehicle or
10			mobile home.
11	319.33(1)(c)	3rd	Procure or pass title on stolen
12			vehicle.
13	319.33(4)	3rd	With intent to defraud, possess,
14			sell, etc., a blank, forged, or
15			unlawfully obtained title or
16			registration.
17	328.05(2)	3rd	Possess, sell, or counterfeit
18			fictitious, stolen, or fraudulent
19			titles or bills of sale of
20			vessels.
21	328.07(4)	3rd	Manufacture, exchange, or possess
22			vessel with counterfeit or wrong
23			ID number.
24	376.302(5)	3rd	Fraud related to reimbursement
25			for cleanup expenses under the
26			Inland Protection Trust Fund.
27	501.001(2)(b)	2nd	Tampers with a consumer product
28			or the container using materially
29			false/misleading information.
30	697.08	3rd	Equity skimming.
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1	790.15(3)	3rd	Person directs another to
2			discharge firearm from a vehicle.
3	796.05(1)	3rd	Live on earnings of a prostitute.
4	806.10(1)	3rd	Maliciously injure, destroy, or
5			interfere with vehicles or
6			equipment used in firefighting.
7	806.10(2)	3rd	Interferes with or assaults
8			firefighter in performance of
9			duty.
10	810.09(2)(c)	3rd	Trespass on property other than
11			structure or conveyance armed
12			with firearm or dangerous weapon.
13	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
14			less than \$10,000.
15	815.04(4)(b)	2nd	Computer offense devised to
16			defraud or obtain property.
17	817.034(4)(a)3.	3rd	Engages in scheme to defraud
18			(Florida Communications Fraud
19			Act), property valued at less
20			than \$20,000.
21	817.233	3rd	Burning to defraud insurer.
22	817.234(8)&(9)	3rd	Unlawful solicitation of persons
23			involved in motor vehicle
24			accidents.
25	817.234(11)(a)	3rd	Insurance fraud; property value
26			less than \$20,000.
27	817.505(4)	3rd	Patient brokering.
28	828.12(2)	3rd	Tortures any animal with intent
29			to inflict intense pain, serious
30			physical injury, or death.
31			

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1	831.28(2)(a)	3rd	Counterfeiting a payment
2			instrument with intent to defraud
3			or possessing a counterfeit
4			payment instrument.
5	831.29	2nd	Possession of instruments for
6			counterfeiting drivers' licenses
7			or identification cards.
8	838.021(3)(b)	3rd	Threatens unlawful harm to public
9			servant.
10	843.19	3rd	Injure, disable, or kill police
11			dog or horse.
12	870.01(2)	3rd	Riot; inciting or encouraging.
13	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
14			cannabis (or other s.
15			893.03(1)(c), (2)(c)1., (2)(c)2.,
16			(2)(c)3., (2)(c)5., (2)(c)6.,
17			(2)(c)7., (2)(c)8., (2)(c)9.,
18			(3), or (4) drugs).
19	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
20			893.03(1)(c), (2)(c)1., (2)(c)2.,
21			(2)(c)3., (2)(c)5., (2)(c)6.,
22			(2)(c)7., (2)(c)8., (2)(c)9.,
23			(3), or (4) drugs within <u>1,000</u>
24			<del>200</del> feet of university or <del>public</del>
25			<del>park</del> .
26	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
27			893.03(1)(c), (2)(c)1., (2)(c)2.,
28			(2)(c)3., (2)(c)5., (2)(c)6.,
29			(2)(c)7., (2)(c)8., (2)(c)9.,
30			(3), or (4) drugs within <u>1,000</u>
31			<del>200</del> feet of public housing

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1			facility.
2	893.13(6)(a)	3rd	Possession of any controlled
3			substance other than felony
4			possession of cannabis.
5	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
6			controlled substance by fraud,
7			forgery, misrepresentation, etc.
8	893.13(7)(a)11.	3rd	Furnish false or fraudulent
9			material information on any
10			document or record required by
11			chapter 893.
12	918.13(1)(a)	3rd	Alter, destroy, or conceal
13			investigation evidence.
14	944.47		
15	(1)(a)1.-2.	3rd	Introduce contraband to
16			correctional facility.
17	944.47(1)(c)	2nd	Possess contraband while upon the
18			grounds of a correctional
19			institution.
20	985.3141	3rd	Escapes from a juvenile facility
21			(secure detention or residential
22			commitment facility).
23			(e) LEVEL 5
24	316.027(1)(a)	3rd	Accidents involving personal
25			injuries, failure to stop;
26			leaving scene.
27	316.1935(4)	2nd	Aggravated fleeing or eluding.
28	322.34(6)	3rd	Careless operation of motor
29			vehicle with suspended license,
30			resulting in death or serious
31			bodily injury.



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1	327.30(5)	3rd	Vessel accidents involving
2			personal injury; leaving scene.
3	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
4			knowing HIV positive.
5	790.01(2)	3rd	Carrying a concealed firearm.
6	790.162	2nd	Threat to throw or discharge
7			destructive device.
8	790.163	2nd	False report of deadly explosive.
9	790.165(2)	3rd	Manufacture, sell, possess, or
10			deliver hoax bomb.
11	790.221(1)	2nd	Possession of short-barreled
12			shotgun or machine gun.
13	790.23	2nd	Felons in possession of firearms
14			or electronic weapons or devices.
15	800.04(6)(c)	3rd	Lewd or lascivious conduct;
16			offender less than 18 years.
17	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
18			offender 18 years or older.
19	806.111(1)	3rd	Possess, manufacture, or dispense
20			fire bomb with intent to damage
21			any structure or property.
22	812.015(8)	3rd	Retail theft; property stolen is
23			valued at \$300 or more and one or
24			more specified acts.
25	812.019(1)	2nd	Stolen property; dealing in or
26			trafficking in.
27	812.131(2)(b)	3rd	Robbery by sudden snatching.
28	812.16(2)	3rd	Owning, operating, or conducting
29			a chop shop.
30	817.034(4)(a)2.	2nd	Communications fraud, value
31			\$20,000 to \$50,000.

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1	817.234(11)(b)	2nd	Insurance fraud; property value
2			\$20,000 or more but less than
3			\$100,000.
4	817.568(2)(b)	2nd	Fraudulent use of personal
5			identification information; value
6			of benefit, services received,
7			payment avoided, or amount of
8			injury or fraud, \$75,000 or more.
9	817.625(2)(b)	2nd	Second or subsequent fraudulent
10			use of scanning device or
11			reencoder.
12	825.1025(4)	3rd	Lewd or lascivious exhibition in
13			the presence of an elderly person
14			or disabled adult.
15	827.071(4)	2nd	Possess with intent to promote
16			any photographic material, motion
17			picture, etc., which includes
18			sexual conduct by a child.
19	843.01	3rd	Resist officer with violence to
20			person; resist arrest with
21			violence.
22	874.05(2)	2nd	Encouraging or recruiting another
23			to join a criminal street gang;
24			second or subsequent offense.
25	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
26			cocaine (or other s.
27			893.03(1)(a), (1)(b), (1)(d),
28			(2)(a), (2)(b), or (2)(c)4.
29			drugs).
30	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
31			cannabis (or other s.

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1 893.03(1)(c), (2)(c)1., (2)(c)2.,  
2 (2)(c)3., (2)(c)5., (2)(c)6.,  
3 (2)(c)7., (2)(c)8., (2)(c)9.,  
4 (3), or (4) drugs) within 1,000  
5 feet of a child care facility, ~~or~~  
6 school, or state, county, or  
7 municipal park or publicly owned  
8 recreational facility.  
9 893.13(1)(d)1. 1st Sell, manufacture, or deliver  
10 cocaine (or other s.  
11 893.03(1)(a), (1)(b), (1)(d),  
12 (2)(a), (2)(b), or (2)(c)4.  
13 drugs) within 1,000 ~~200~~ feet of  
14 university ~~or public park.~~  
15 893.13(1)(e)2. 2nd Sell, manufacture, or deliver  
16 cannabis or other drug prohibited  
17 under s. 893.03(1)(c), (2)(c)1.,  
18 (2)(c)2., (2)(c)3., (2)(c)5.,  
19 (2)(c)6., (2)(c)7., (2)(c)8.,  
20 (2)(c)9., (3), or (4) within  
21 1,000 feet of property used for  
22 religious services or a specified  
23 business site.  
24 893.13(1)(f)1. 1st Sell, manufacture, or deliver  
25 cocaine (or other s.  
26 893.03(1)(a), (1)(b), (1)(d), or  
27 (2)(a), (2)(b), or (2)(c)4.  
28 drugs) within 1,000 ~~200~~ feet of  
29 public housing facility.  
30 893.13(4)(b) 2nd Deliver to minor cannabis (or  
31 other s. 893.03(1)(c), (2)(c)1.,

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(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).

Section 3. This act shall take effect October 1, 2002.