

By Representative Brummer

1 A bill to be entitled
2 An act relating to controlled substances;
3 amending s. 893.13, F.S.; prohibiting the sale,
4 manufacture, or delivery of controlled
5 substances, or possession of controlled
6 substances with intent to sell, manufacture, or
7 deliver, within 1,000 feet of any state,
8 county, or municipal park or recreational
9 facility; providing penalties; amending s.
10 921.0022, F.S.; ranking such offenses on the
11 offense severity ranking chart of the Criminal
12 Punishment Code; providing an effective date.
13
14 Be It Enacted by the Legislature of the State of Florida:
15
16 Section 1. Paragraphs (c) and (d) of subsection (1) of
17 section 893.13, Florida Statutes, are amended to read:
18 893.13 Prohibited acts; penalties.--
19 (1)
20 (c) Except as authorized by this chapter, it is
21 unlawful for any person to sell, manufacture, or deliver, or
22 possess with intent to sell, manufacture, or deliver a
23 controlled substance in, on, or within 1,000 feet of the real
24 property comprising a child care facility as defined in s.
25 402.302, ~~or~~ a public or private elementary, middle, or
26 secondary school, or a state, county, or municipal park or
27 recreational facility between the hours of 6 a.m. and 12 a.m.
28 Any person who violates this paragraph with respect to:
29 1. A controlled substance named or described in s.
30 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
31 commits a felony of the first degree, punishable as provided

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

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

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

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

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

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

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

17 (a) Violates subparagraph (1)(a)1., subparagraph
18 (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or
19 paragraph (5)(a); and

20 (b) Has not previously been convicted, regardless of
21 whether adjudication was withheld, of any felony, other than a
22 violation of subparagraph (1)(a)1., subparagraph (1)(c)2.,
23 subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph
24 (5)(a),

25
26 may be required by the court to successfully complete a term
27 of probation pursuant to the terms and conditions set forth in
28 s. 948.034(1), in lieu of serving a term of imprisonment.

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

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1	921.0022 Criminal Punishment Code; offense severity		
2	ranking chart.--		
3	(3) OFFENSE SEVERITY RANKING CHART		
4			
5	Florida	Felony	
6	Statute	Degree	Description
7			
8	(c) LEVEL 3		
9	316.1935(2)	3rd	Fleeing or attempting to elude
10			law enforcement officer in marked
11			patrol vehicle with siren and
12			lights activated.
13	319.30(4)	3rd	Possession by junkyard of motor
14			vehicle with identification
15			number plate removed.
16	319.33(1)(a)	3rd	Alter or forge any certificate of
17			title to a motor vehicle or
18			mobile home.
19	319.33(1)(c)	3rd	Procure or pass title on stolen
20			vehicle.
21	319.33(4)	3rd	With intent to defraud, possess,
22			sell, etc., a blank, forged, or
23			unlawfully obtained title or
24			registration.
25	328.05(2)	3rd	Possess, sell, or counterfeit
26			fictitious, stolen, or fraudulent
27			titles or bills of sale of
28			vessels.
29	328.07(4)	3rd	Manufacture, exchange, or possess
30			vessel with counterfeit or wrong
31			ID number.

1	376.302(5)	3rd	Fraud related to reimbursement
2			for cleanup expenses under the
3			Inland Protection Trust Fund.
4	501.001(2)(b)	2nd	Tampers with a consumer product
5			or the container using materially
6			false/misleading information.
7	697.08	3rd	Equity skimming.
8	790.15(3)	3rd	Person directs another to
9			discharge firearm from a vehicle.
10	796.05(1)	3rd	Live on earnings of a prostitute.
11	806.10(1)	3rd	Maliciously injure, destroy, or
12			interfere with vehicles or
13			equipment used in firefighting.
14	806.10(2)	3rd	Interferes with or assaults
15			firefighter in performance of
16			duty.
17	810.09(2)(c)	3rd	Trespass on property other than
18			structure or conveyance armed
19			with firearm or dangerous weapon.
20	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
21			less than \$10,000.
22	815.04(4)(b)	2nd	Computer offense devised to
23			defraud or obtain property.
24	817.034(4)(a)3.	3rd	Engages in scheme to defraud
25			(Florida Communications Fraud
26			Act), property valued at less
27			than \$20,000.
28	817.233	3rd	Burning to defraud insurer.
29	817.234(8)&(9)	3rd	Unlawful solicitation of persons
30			involved in motor vehicle
31			accidents.

1	817.234(11)(a)	3rd	Insurance fraud; property value
2			less than \$20,000.
3	817.505(4)	3rd	Patient brokering.
4	828.12(2)	3rd	Tortures any animal with intent
5			to inflict intense pain, serious
6			physical injury, or death.
7	831.28(2)(a)	3rd	Counterfeiting a payment
8			instrument with intent to defraud
9			or possessing a counterfeit
10			payment instrument.
11	831.29	2nd	Possession of instruments for
12			counterfeiting drivers' licenses
13			or identification cards.
14	838.021(3)(b)	3rd	Threatens unlawful harm to public
15			servant.
16	843.19	3rd	Injure, disable, or kill police
17			dog or horse.
18	870.01(2)	3rd	Riot; inciting or encouraging.
19	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
20			cannabis (or other s.
21			893.03(1)(c), (2)(c)1., (2)(c)2.,
22			(2)(c)3., (2)(c)5., (2)(c)6.,
23			(2)(c)7., (2)(c)8., (2)(c)9.,
24			(3), or (4) drugs).
25	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
26			893.03(1)(c), (2)(c)1., (2)(c)2.,
27			(2)(c)3., (2)(c)5., (2)(c)6.,
28			(2)(c)7., (2)(c)8., (2)(c)9.,
29			(3), or (4) drugs within 200 feet
30			of university or public park .
31			

1	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
2			893.03(1)(c), (2)(c)1., (2)(c)2.,
3			(2)(c)3., (2)(c)5., (2)(c)6.,
4			(2)(c)7., (2)(c)8., (2)(c)9.,
5			(3), or (4) drugs within 200 feet
6			of public housing facility.
7	893.13(6)(a)	3rd	Possession of any controlled
8			substance other than felony
9			possession of cannabis.
10	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
11			controlled substance by fraud,
12			forgery, misrepresentation, etc.
13	893.13(7)(a)11.	3rd	Furnish false or fraudulent
14			material information on any
15			document or record required by
16			chapter 893.
17	918.13(1)(a)	3rd	Alter, destroy, or conceal
18			investigation evidence.
19	944.47		
20	(1)(a)1.-2.	3rd	Introduce contraband to
21			correctional facility.
22	944.47(1)(c)	2nd	Possess contraband while upon the
23			grounds of a correctional
24			institution.
25	985.3141	3rd	Escapes from a juvenile facility
26			(secure detention or residential
27			commitment facility).
28			(e) LEVEL 5
29	316.027(1)(a)	3rd	Accidents involving personal
30			injuries, failure to stop;
31			leaving scene.

1	316.1935(4)	2nd	Aggravated fleeing or eluding.
2	322.34(6)	3rd	Careless operation of motor
3			vehicle with suspended license,
4			resulting in death or serious
5			bodily injury.
6	327.30(5)	3rd	Vessel accidents involving
7			personal injury; leaving scene.
8	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
9			knowing HIV positive.
10	790.01(2)	3rd	Carrying a concealed firearm.
11	790.162	2nd	Threat to throw or discharge
12			destructive device.
13	790.163	2nd	False report of deadly explosive.
14	790.165(2)	3rd	Manufacture, sell, possess, or
15			deliver hoax bomb.
16	790.221(1)	2nd	Possession of short-barreled
17			shotgun or machine gun.
18	790.23	2nd	Felons in possession of firearms
19			or electronic weapons or devices.
20	800.04(6)(c)	3rd	Lewd or lascivious conduct;
21			offender less than 18 years.
22	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
23			offender 18 years or older.
24	806.111(1)	3rd	Possess, manufacture, or dispense
25			fire bomb with intent to damage
26			any structure or property.
27	812.015(8)	3rd	Retail theft; property stolen is
28			valued at \$300 or more and one or
29			more specified acts.
30	812.019(1)	2nd	Stolen property; dealing in or
31			trafficking in.

1	812.131(2)(b)	3rd	Robbery by sudden snatching.
2	812.16(2)	3rd	Owning, operating, or conducting
3			a chop shop.
4	817.034(4)(a)2.	2nd	Communications fraud, value
5			\$20,000 to \$50,000.
6	817.234(11)(b)	2nd	Insurance fraud; property value
7			\$20,000 or more but less than
8			\$100,000.
9	817.568(2)(b)	2nd	Fraudulent use of personal
10			identification information; value
11			of benefit, services received,
12			payment avoided, or amount of
13			injury or fraud, \$75,000 or more.
14	817.625(2)(b)	2nd	Second or subsequent fraudulent
15			use of scanning device or
16			reencoder.
17	825.1025(4)	3rd	Lewd or lascivious exhibition in
18			the presence of an elderly person
19			or disabled adult.
20	827.071(4)	2nd	Possess with intent to promote
21			any photographic material, motion
22			picture, etc., which includes
23			sexual conduct by a child.
24	843.01	3rd	Resist officer with violence to
25			person; resist arrest with
26			violence.
27	874.05(2)	2nd	Encouraging or recruiting another
28			to join a criminal street gang;
29			second or subsequent offense.
30			
31			

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

1 893.13(1)(f)1. 1st Sell, manufacture, or deliver
2 cocaine (or other s.
3 893.03(1)(a), (1)(b), (1)(d), or
4 (2)(a), (2)(b), or (2)(c)4.
5 drugs) within 200 feet of public
6 housing facility.
7 893.13(4)(b) 2nd Deliver to minor cannabis (or
8 other s. 893.03(1)(c), (2)(c)1.,
9 (2)(c)2., (2)(c)3., (2)(c)5.,
10 (2)(c)6., (2)(c)7., (2)(c)8.,
11 (2)(c)9., (3), or (4) drugs).
12 Section 3. This act shall take effect October 1, 2002.

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14 HOUSE SUMMARY

15
16 Prohibits the sale, manufacture, or delivery of
17 controlled substances, or possession of controlled
18 substances with intent to sell, manufacture, or deliver,
19 within 1,000 feet of any state, county, or municipal park
20 or recreational facility. Provides penalties. Ranks
21 such offenses on the offense severity ranking chart of
22 the Criminal Punishment Code.
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