

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 publicly owned  
9           recreational facility; providing penalties;  
10          amending s. 921.0022, F.S.; ranking such  
11          offenses on the offense severity ranking chart  
12          of the Criminal Punishment Code; providing an  
13          effective date.

14  
15   Be It Enacted by the Legislature of the State of Florida:

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

19           893.13 Prohibited acts; penalties.--

20           (1)

21           (c) Except as authorized by this chapter, it is  
22   unlawful for any person to sell, manufacture, or deliver, or  
23   possess with intent to sell, manufacture, or deliver a  
24   controlled substance in, on, or within 1,000 feet of the real  
25   property comprising a child care facility as defined in s.  
26   402.302 or a public or private elementary, middle, or  
27   secondary school between the hours of 6 a.m. and 12 a.m., or  
28   at any time in, on, or within 1,000 feet of real property  
29   comprising a state, county, or municipal park or publicly  
30   owned recreational facility.Any person who violates this  
31   paragraph with respect to:

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

9           2. A controlled substance named or described in s.  
10 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
11 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
12 felony of the second degree, punishable as provided in s.  
13 775.082, s. 775.083, or s. 775.084.

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

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

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

1 ~~within 200 feet of any public park.~~ Any person who violates  
2 this paragraph with respect to:

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

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

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

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

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

30 2. A controlled substance named or described in s.  
31 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,

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

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

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

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

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

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

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

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

27 (3) OFFENSE SEVERITY RANKING CHART

28			
29	Florida	Felony	
30	Statute	Degree	Description

1			(c) LEVEL 3
2	316.1935(2)	3rd	Fleeing or attempting to elude
3			law enforcement officer in marked
4			patrol vehicle with siren and
5			lights activated.
6	319.30(4)	3rd	Possession by junkyard of motor
7			vehicle with identification
8			number plate removed.
9	319.33(1)(a)	3rd	Alter or forge any certificate of
10			title to a motor vehicle or
11			mobile home.
12	319.33(1)(c)	3rd	Procure or pass title on stolen
13			vehicle.
14	319.33(4)	3rd	With intent to defraud, possess,
15			sell, etc., a blank, forged, or
16			unlawfully obtained title or
17			registration.
18	328.05(2)	3rd	Possess, sell, or counterfeit
19			fictitious, stolen, or fraudulent
20			titles or bills of sale of
21			vessels.
22	328.07(4)	3rd	Manufacture, exchange, or possess
23			vessel with counterfeit or wrong
24			ID number.
25	376.302(5)	3rd	Fraud related to reimbursement
26			for cleanup expenses under the
27			Inland Protection Trust Fund.
28	501.001(2)(b)	2nd	Tampers with a consumer product
29			or the container using materially
30			false/misleading information.
31	697.08	3rd	Equity skimming.

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.
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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> .
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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 <u>1,000</u>
6			<del>200</del> feet of public housing
7			facility.
8	893.13(6)(a)	3rd	Possession of any controlled
9			substance other than felony
10			possession of cannabis.
11	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
12			controlled substance by fraud,
13			forgery, misrepresentation, etc.
14	893.13(7)(a)11.	3rd	Furnish false or fraudulent
15			material information on any
16			document or record required by
17			chapter 893.
18	918.13(1)(a)	3rd	Alter, destroy, or conceal
19			investigation evidence.
20	944.47		
21	(1)(a)1.-2.	3rd	Introduce contraband to
22			correctional facility.
23	944.47(1)(c)	2nd	Possess contraband while upon the
24			grounds of a correctional
25			institution.
26	985.3141	3rd	Escapes from a juvenile facility
27			(secure detention or residential
28			commitment facility).
29			(e) LEVEL 5
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1	316.027(1)(a)	3rd	Accidents involving personal
2			injuries, failure to stop;
3			leaving scene.
4	316.1935(4)	2nd	Aggravated fleeing or eluding.
5	322.34(6)	3rd	Careless operation of motor
6			vehicle with suspended license,
7			resulting in death or serious
8			bodily injury.
9	327.30(5)	3rd	Vessel accidents involving
10			personal injury; leaving scene.
11	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
12			knowing HIV positive.
13	790.01(2)	3rd	Carrying a concealed firearm.
14	790.162	2nd	Threat to throw or discharge
15			destructive device.
16	790.163	2nd	False report of deadly explosive.
17	790.165(2)	3rd	Manufacture, sell, possess, or
18			deliver hoax bomb.
19	790.221(1)	2nd	Possession of short-barreled
20			shotgun or machine gun.
21	790.23	2nd	Felons in possession of firearms
22			or electronic weapons or devices.
23	800.04(6)(c)	3rd	Lewd or lascivious conduct;
24			offender less than 18 years.
25	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
26			offender 18 years or older.
27	806.111(1)	3rd	Possess, manufacture, or dispense
28			fire bomb with intent to damage
29			any structure or property.
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1	812.015(8)	3rd	Retail theft; property stolen is
2			valued at \$300 or more and one or
3			more specified acts.
4	812.019(1)	2nd	Stolen property; dealing in or
5			trafficking in.
6	812.131(2)(b)	3rd	Robbery by sudden snatching.
7	812.16(2)	3rd	Owning, operating, or conducting
8			a chop shop.
9	817.034(4)(a)2.	2nd	Communications fraud, value
10			\$20,000 to \$50,000.
11	817.234(11)(b)	2nd	Insurance fraud; property value
12			\$20,000 or more but less than
13			\$100,000.
14	817.568(2)(b)	2nd	Fraudulent use of personal
15			identification information; value
16			of benefit, services received,
17			payment avoided, or amount of
18			injury or fraud, \$75,000 or more.
19	817.625(2)(b)	2nd	Second or subsequent fraudulent
20			use of scanning device or
21			reencoder.
22	825.1025(4)	3rd	Lewd or lascivious exhibition in
23			the presence of an elderly person
24			or disabled adult.
25	827.071(4)	2nd	Possess with intent to promote
26			any photographic material, motion
27			picture, etc., which includes
28			sexual conduct by a child.
29	843.01	3rd	Resist officer with violence to
30			person; resist arrest with
31			violence.

1	874.05(2)	2nd	Encouraging or recruiting another
2			to join a criminal street gang;
3			second or subsequent offense.
4	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
5			cocaine (or other s.
6			893.03(1)(a), (1)(b), (1)(d),
7			(2)(a), (2)(b), or (2)(c)4.
8			drugs).
9	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
10			cannabis (or other s.
11			893.03(1)(c), (2)(c)1., (2)(c)2.,
12			(2)(c)3., (2)(c)5., (2)(c)6.,
13			(2)(c)7., (2)(c)8., (2)(c)9.,
14			(3), or (4) drugs) within 1,000
15			feet of a child care facility, <u>or</u>
16			<u>school, or state, county, or</u>
17			<u>municipal park or publicly owned</u>
18			<u>recreational facility.</u>
19	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
20			cocaine (or other s.
21			893.03(1)(a), (1)(b), (1)(d),
22			(2)(a), (2)(b), or (2)(c)4.
23			drugs) within <u>1,000</u> <del>200</del> feet of
24			university <del>or public park.</del>
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1 893.13(1)(e)2. 2nd Sell, manufacture, or deliver  
2 cannabis or other drug prohibited  
3 under s. 893.03(1)(c), (2)(c)1.,  
4 (2)(c)2., (2)(c)3., (2)(c)5.,  
5 (2)(c)6., (2)(c)7., (2)(c)8.,  
6 (2)(c)9., (3), or (4) within  
7 1,000 feet of property used for  
8 religious services or a specified  
9 business site.

10 893.13(1)(f)1. 1st Sell, manufacture, or deliver  
11 cocaine (or other s.  
12 893.03(1)(a), (1)(b), (1)(d), or  
13 (2)(a), (2)(b), or (2)(c)4.  
14 drugs) within 1,000 ~~200~~ feet of  
15 public housing facility.

16 893.13(4)(b) 2nd Deliver to minor cannabis (or  
17 other 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) drugs).

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