

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 certain  
8           educational institutions, described housing  
9           facilities, and any state, county, or municipal  
10          park or publicly owned recreational facility;  
11          providing penalties; amending s. 921.0022,  
12          F.S.; ranking such offenses on the offense  
13          severity ranking chart of the Criminal  
14          Punishment Code; providing an effective date.

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

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

20           893.13 Prohibited acts; penalties.--

21           (1)

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

1 owned recreational facility.Any person who violates this  
2 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. The defendant must  
7 be sentenced to a minimum term of imprisonment of 3 calendar  
8 years unless the offense was committed within 1,000 feet of  
9 the real property comprising a child care facility as defined  
10 in s. 402.302.

11 2. A controlled substance named or described in s.  
12 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
13 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
14 felony of the second degree, punishable as provided in s.  
15 775.082, s. 775.083, or s. 775.084.

16 3. Any other controlled substance, except as lawfully  
17 sold, manufactured, or delivered, must be sentenced to pay a  
18 \$500 fine and to serve 100 hours of public service in addition  
19 to any other penalty prescribed by law.

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

28 (d) Except as authorized by this chapter, it is  
29 unlawful for any person to sell, manufacture, or deliver, or  
30 possess with intent to sell, manufacture, or deliver, a  
31 controlled substance in, on, or within 1,000 ~~200~~ feet of the

1 real property comprising a public or private college,  
2 university, or other postsecondary educational institution, ~~or~~  
3 ~~within 200 feet of any public park.~~ Any person who violates  
4 this paragraph with respect to:

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

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

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

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

6           3. Any other controlled substance, except as lawfully  
7 sold, manufactured, or delivered, must be sentenced to pay a  
8 \$500 fine and to serve 100 hours of public service in addition  
9 to any other penalty prescribed by law.

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

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

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

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

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

27           921.0022 Criminal Punishment Code; offense severity  
28 ranking chart.--

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

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