

By Representative Garcia

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 postsecondary
8 educational institution, public park, or public
9 housing facility; providing penalties; amending
10 s. 921.0022, F.S.; ranking such offenses on the
11 offense severity ranking chart of the Criminal
12 Punishment Code; providing an effective date.

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

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

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893.13 Prohibited acts; penalties.--

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(1)

20

(d) 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 ~~200~~ feet of the
24 real property comprising a public or private college,
25 university, or other postsecondary educational institution, or
26 within 1,000 ~~200~~ feet of any public park. Any person who
27 violates this paragraph with respect to:

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

20 1. A controlled substance named or described in s.
21 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
22 commits a felony of the first degree, punishable as provided
23 in s. 775.082, s. 775.083, or s. 775.084.

24 2. A controlled substance named or described in s.
25 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
26 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a
27 felony of the second degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084.

29 3. Any other controlled substance, except as lawfully
30 sold, manufactured, or delivered, must be sentenced to pay a
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1 \$500 fine and to serve 100 hours of public service in addition
2 to any other penalty prescribed by law.

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

6 (a) Violates subparagraph (1)(a)1., subparagraph
7 (1)(c)2., subparagraph (1)(d)2., subparagraph (2)(a)1., or
8 paragraph (5)(a); and

9 b) Has not previously been convicted, regardless of
10 whether adjudication was withheld, of any felony, other than a
11 violation of subparagraph (1)(a)1., subparagraph (1)(c)2.,
12 subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph
13 (5)(a),

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

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

20 921.0022 Criminal Punishment Code; offense severity
21 ranking chart.--

22 (3) OFFENSE SEVERITY RANKING CHART

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24 Florida	Felony	
25 Statute	Degree	Description

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27 (c) LEVEL 3

28 316.1935(2)	3rd	Fleeing or attempting to elude 29 law enforcement officer in marked 30 patrol vehicle with siren and 31 lights activated.
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1	319.30(4)	3rd	Possession by junkyard of motor
2			vehicle with identification
3			number plate removed.
4	319.33(1)(a)	3rd	Alter or forge any certificate of
5			title to a motor vehicle or
6			mobile home.
7	319.33(1)(c)	3rd	Procure or pass title on stolen
8			vehicle.
9	319.33(4)	3rd	With intent to defraud, possess,
10			sell, etc., a blank, forged, or
11			unlawfully obtained title or
12			registration.
13	328.05(2)	3rd	Possess, sell, or counterfeit
14			fictitious, stolen, or fraudulent
15			titles or bills of sale of
16			vessels.
17	328.07(4)	3rd	Manufacture, exchange, or possess
18			vessel with counterfeit or wrong
19			ID number.
20	376.302(5)	3rd	Fraud related to reimbursement
21			for cleanup expenses under the
22			Inland Protection Trust Fund.
23	501.001(2)(b)	2nd	Tampers with a consumer product
24			or the container using materially
25			false/misleading information.
26	697.08	3rd	Equity skimming.
27	790.15(3)	3rd	Person directs another to
28			discharge firearm from a vehicle.
29	796.05(1)	3rd	Live on earnings of a prostitute.
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1	806.10(1)	3rd	Maliciously injure, destroy, or
2			interfere with vehicles or
3			equipment used in firefighting.
4	806.10(2)	3rd	Interferes with or assaults
5			firefighter in performance of
6			duty.
7	810.09(2)(c)	3rd	Trespass on property other than
8			structure or conveyance armed
9			with firearm or dangerous weapon.
10	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
11			less than \$10,000.
12	815.04(4)(b)	2nd	Computer offense devised to
13			defraud or obtain property.
14	817.034(4)(a)3.	3rd	Engages in scheme to defraud
15			(Florida Communications Fraud
16			Act), property valued at less
17			than \$20,000.
18	817.233	3rd	Burning to defraud insurer.
19	817.234(8)&(9)	3rd	Unlawful solicitation of persons
20			involved in motor vehicle
21			accidents.
22	817.234(11)(a)	3rd	Insurance fraud; property value
23			less than \$20,000.
24	817.505(4)	3rd	Patient brokering.
25	828.12(2)	3rd	Tortures any animal with intent
26			to inflict intense pain, serious
27			physical injury, or death.
28	831.28(2)(a)	3rd	Counterfeiting a payment
29			instrument with intent to defraud
30			or possessing a counterfeit
31			payment instrument.

1	831.29	2nd	Possession of instruments for
2			counterfeiting drivers' licenses
3			or identification cards.
4	838.021(3)(b)	3rd	Threatens unlawful harm to public
5			servant.
6	843.19	3rd	Injure, disable, or kill police
7			dog or horse.
8	870.01(2)	3rd	Riot; inciting or encouraging.
9	893.13(1)(a)2.	3rd	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).
15	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
16			893.03(1)(c), (2)(c)1., (2)(c)2.,
17			(2)(c)3., (2)(c)5., (2)(c)6.,
18			(2)(c)7., (2)(c)8., (2)(c)9.,
19			(3), or (4) drugs within <u>1,000</u>
20			200 feet of university or public
21			park.
22	893.13(1)(f)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			200 feet of public housing
28			facility.
29	893.13(6)(a)	3rd	Possession of any controlled
30			substance other than felony
31			possession of cannabis.

1	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
2			controlled substance by fraud,
3			forgery, misrepresentation, etc.
4	893.13(7)(a)11.	3rd	Furnish false or fraudulent
5			material information on any
6			document or record required by
7			chapter 893.
8	918.13(1)(a)	3rd	Alter, destroy, or conceal
9			investigation evidence.
10	944.47		
11	(1)(a)1.-2.	3rd	Introduce contraband to
12			correctional facility.
13	944.47(1)(c)	2nd	Possess contraband while upon the
14			grounds of a correctional
15			institution.
16	985.3141	3rd	Escapes from a juvenile facility
17			(secure detention or residential
18			commitment facility).
19			(e) LEVEL 5
20	316.027(1)(a)	3rd	Accidents involving personal
21			injuries, failure to stop;
22			leaving scene.
23	316.1935(4)	2nd	Aggravated fleeing or eluding.
24	322.34(6)	3rd	Careless operation of motor
25			vehicle with suspended license,
26			resulting in death or serious
27			bodily injury.
28	327.30(5)	3rd	Vessel accidents involving
29			personal injury; leaving scene.
30	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
31			knowing HIV positive.

1	790.01(2)	3rd	Carrying a concealed firearm.
2	790.162	2nd	Threat to throw or discharge
3			destructive device.
4	790.163	2nd	False report of deadly explosive.
5	790.165(2)	3rd	Manufacture, sell, possess, or
6			deliver hoax bomb.
7	790.221(1)	2nd	Possession of short-barreled
8			shotgun or machine gun.
9	790.23	2nd	Felons in possession of firearms
10			or electronic weapons or devices.
11	800.04(6)(c)	3rd	Lewd or lascivious conduct;
12			offender less than 18 years.
13	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
14			offender 18 years or older.
15	806.111(1)	3rd	Possess, manufacture, or dispense
16			fire bomb with intent to damage
17			any structure or property.
18	812.015(8)	3rd	Retail theft; property stolen is
19			valued at \$300 or more and one or
20			more specified acts.
21	812.019(1)	2nd	Stolen property; dealing in or
22			trafficking in.
23	812.131(2)(b)	3rd	Robbery by sudden snatching.
24	812.16(2)	3rd	Owning, operating, or conducting
25			a chop shop.
26	817.034(4)(a)2.	2nd	Communications fraud, value
27			\$20,000 to \$50,000.
28	817.234(11)(b)	2nd	Insurance fraud; property value
29			\$20,000 or more but less than
30			\$100,000.
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1	817.568(2)(b)	2nd	Fraudulent use of personal
2			identification information; value
3			of benefit, services received,
4			payment avoided, or amount of
5			injury or fraud, \$75,000 or more.
6	817.625(2)(b)	2nd	Second or subsequent fraudulent
7			use of scanning device or
8			reencoder.
9	825.1025(4)	3rd	Lewd or lascivious exhibition in
10			the presence of an elderly person
11			or disabled adult.
12	827.071(4)	2nd	Possess with intent to promote
13			any photographic material, motion
14			picture, etc., which includes
15			sexual conduct by a child.
16	843.01	3rd	Resist officer with violence to
17			person; resist arrest with
18			violence.
19	874.05(2)	2nd	Encouraging or recruiting another
20			to join a criminal street gang;
21			second or subsequent offense.
22	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
23			cocaine (or other s.
24			893.03(1)(a), (1)(b), (1)(d),
25			(2)(a), (2)(b), or (2)(c)4.
26			drugs).
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1	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
2			cannabis (or other s.
3			893.03(1)(c), (2)(c)1., (2)(c)2.,
4			(2)(c)3., (2)(c)5., (2)(c)6.,
5			(2)(c)7., (2)(c)8., (2)(c)9.,
6			(3), or (4) drugs) within 1,000
7			feet of a child care facility or
8			school.
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 <u>1,000</u> 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 <u>1,000</u> 200 feet of
29			public housing facility.
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1 893.13(4)(b) 2nd Deliver to minor cannabis (or
2 other s. 893.03(1)(c), (2)(c)1.,
3 (2)(c)2., (2)(c)3., (2)(c)5.,
4 (2)(c)6., (2)(c)7., (2)(c)8.,
5 (2)(c)9., (3), or (4) drugs).
6 Section 3. This act shall take effect October 1, 2002.

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9 HOUSE SUMMARY

10 Prohibits the sale, manufacture, or delivery of
11 controlled substances, or possession of controlled
12 substances with intent to sell, manufacture, or deliver,
13 within 1,000 feet of any postsecondary educational
14 institution, public park, or public housing facility.
15 Provides penalties. Ranks such offenses on the offense
16 severity ranking chart of the Criminal Punishment Code.
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