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1 A bill to be entitled

2 An act relating to prohibited acts relating to controlled
3 substances; amending s. 893.13, F.S.; making unlawful
4 certain activities relating to controlled substances
5 within 1,000 feet of a public park or public community
6 center; providing criminal penalties; amending s.
7 921.0022, F.S.; revising offense severity ranking chart
8 provisions, to conform; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraphs (d) and (e) of subsection (1) of
13 section 893.13, Florida Statutes, are amended to read:

14 893.13 Prohibited acts; penalties.--

15 (1)

16 (d) Except as authorized by this chapter, it is unlawful
17 for any person to sell, manufacture, or deliver, or possess with
18 intent to sell, manufacture, or deliver, a controlled substance
19 in, on, or within 200 feet of the real property comprising a
20 public or private college, university, or other postsecondary
21 educational institution, ~~or within 200 feet of any public park.~~

22 Any person who violates this paragraph with respect to:

23 1. A controlled substance named or described in s.
24 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
25 commits a felony of the first degree, punishable as provided in
26 s. 775.082, s. 775.083, or s. 775.084.

27 2. A controlled substance named or described in s.
28 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
29 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of



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30 the second degree, punishable as provided in s. 775.082, s.
31 775.083, or s. 775.084.

32 3. Any other controlled substance, except as lawfully
33 sold, manufactured, or delivered, must be sentenced to pay a
34 \$500 fine and to serve 100 hours of public service in addition
35 to any other penalty prescribed by law.

36 (e) Except as authorized by this chapter, it is unlawful
37 for any person to sell, manufacture, or deliver, or possess with
38 intent to sell, manufacture, or deliver, a controlled substance
39 not authorized by law in, on, or within 1,000 feet of a physical
40 place for worship at which a church or religious organization
41 regularly conducts religious services, within 1,000 feet of any
42 public park or public community center, or within 1,000 feet of
43 a convenience business as defined in s. 812.171. Any person who
44 violates this paragraph with respect to:

45 1. A controlled substance named or described in s.
46 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
47 commits a felony of the first degree, punishable as provided in
48 s. 775.082, s. 775.083, or s. 775.084.

49 2. A controlled substance named or described in s.
50 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
51 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
52 the second degree, punishable as provided in s. 775.082, s.
53 775.083, or s. 775.084.

54 3. Any other controlled substance, except as lawfully
55 sold, manufactured, or delivered, must be sentenced to pay a
56 \$500 fine and to serve 100 hours of public service in addition
57 to any other penalty prescribed by law.

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



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60 921.0022 Criminal Punishment Code; offense severity
 61 ranking chart.--

62 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description
		(c) LEVEL 3
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.

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72	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
73	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
74	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
75	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
76	697.08	3rd	Equity skimming.
77	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
78	796.05(1)	3rd	Live on earnings of a prostitute.
79	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
80	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
	810.09(2)(c)	3rd	Trespass on property other than



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			structure or conveyance armed with firearm or dangerous weapon.
81	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
82	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
83	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
84	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
85	817.233	3rd	Burning to defraud insurer.
86	817.234(8)& (9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
87	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
88	817.505(4)	3rd	Patient brokering.
89	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
90	831.28(2)(a)	3rd	Counterfeiting a payment



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			instrument with intent to defraud or possessing a counterfeit payment instrument.
91	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
92	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
93	843.19	3rd	Injure, disable, or kill police dog or horse.
94	870.01(2)	3rd	Riot; inciting or encouraging.
95	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (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).
96	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (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 within 200 feet of university or public park .
97	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,



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(2)(c)7., (2)(c)8., (2)(c)9., (3),
or (4) drugs within 200 feet of
public housing facility.

98

893.13(6)(a) 3rd

Possession of any controlled
substance other than felony
possession of cannabis.

99

893.13(7)(a)8. 3rd

Withhold information from
practitioner regarding previous
receipt of or prescription for a
controlled substance.

100

893.13(7)(a)9. 3rd

Obtain or attempt to obtain
controlled substance by fraud,
forgery, misrepresentation, etc.

101

893.13(7)(a)10. 3rd

Affix false or forged label to
package of controlled substance.

102

893.13(7)(a)11. 3rd

Furnish false or fraudulent
material information on any
document or record required by
chapter 893.

103

893.13(8)(a)1. 3rd

Knowingly assist a patient, other
person, or owner of an animal in
obtaining a controlled substance
through deceptive, untrue, or
fraudulent representations in or
related to the practitioner's
practice.

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105	893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
106	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
107	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
108	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
109	944.47(1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
110	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
111	985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

(e) LEVEL 5



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112	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
113	316.1935(4)	2nd	Aggravated fleeing or eluding.
114	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
115	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
116	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
117	790.01(2)	3rd	Carrying a concealed firearm.
118	790.162	2nd	Threat to throw or discharge destructive device.
119	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
120	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
121	790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
122	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
123			



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124	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
125	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
126	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
127	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
128	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
129	812.131(2)(b)	3rd	Robbery by sudden snatching.
130	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
131	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
132	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received,



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133	817.625(2)(b)	2nd	payment avoided, or amount of injury or fraud, \$75,000 or more. Second or subsequent fraudulent use of scanning device or reencoder.
134	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
135	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
136	839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
137	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
138	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
139	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).



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140

893.13(1)(c)2. 2nd Sell, manufacture, or deliver
cannabis (or other s.
893.03(1)(c), (2)(c)1., (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) within 1,000 feet of
a child care facility or school.

141

893.13(1)(d)1. 1st Sell, manufacture, or deliver
cocaine (or other s. 893.03(1)(a),
(1)(b), (1)(d), (2)(a), (2)(b), or
(2)(c)4. drugs) within 200 feet of
university ~~or public park~~.

142

893.13(1)(e)2. 2nd Sell, manufacture, or deliver
cannabis or other drug prohibited
under s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (3), or (4) within 1,000
feet of property used for
religious services, a public park
or public community center, or a
specified business site.

143

893.13(1)(f)1. 1st Sell, manufacture, or deliver
cocaine (or other s. 893.03(1)(a),
(1)(b), (1)(d), or (2)(a), (2)(b),
or (2)(c)4. drugs) within 200 feet
of public housing facility.

144



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145	893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (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).
146			(g) LEVEL 7
147	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
148	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
149	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
150	409.920(2)	3rd	Medicaid provider fraud.
151	456.065(2)	3rd	Practicing a health care profession without a license.
152	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
153	458.327(1)	3rd	Practicing medicine without a license.
	459.013(1)	3rd	Practicing osteopathic medicine



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			without a license.
154	460.411(1)	3rd	Practicing chiropractic medicine without a license.
155	461.012(1)	3rd	Practicing podiatric medicine without a license.
156	462.17	3rd	Practicing naturopathy without a license.
157	463.015(1)	3rd	Practicing optometry without a license.
158	464.016(1)	3rd	Practicing nursing without a license.
159	465.015(2)	3rd	Practicing pharmacy without a license.
160	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
161	467.201	3rd	Practicing midwifery without a license.
162	468.366	3rd	Delivering respiratory care services without a license.
163	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
164	483.901(9)	3rd	Practicing medical physics without a license.
165			



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166	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
	484.053	3rd	Dispensing hearing aids without a license.
167	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
168	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
169	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
170	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
171	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
172			



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173	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
174	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
175	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
176	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
177	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
178	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
179	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
180	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
181	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.



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182	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
183	784.081(1)	1st	Aggravated battery on specified official or employee.
184	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
185	784.083(1)	1st	Aggravated battery on code inspector.
186	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
187	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
188	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
189	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
190	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
	790.166(4)	2nd	Possessing, displaying, or



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threatening to use a hoax weapon
of mass destruction while
committing or attempting to commit
a felony.

191

796.03 2nd Procuring any person under 16
years for prostitution.

192

800.04(5)(c)1. 2nd Lewd or lascivious molestation;
victim less than 12 years of age;
offender less than 18 years.

193

800.04(5)(c)2. 2nd Lewd or lascivious molestation;
victim 12 years of age or older
but less than 16 years; offender
18 years or older.

194

806.01(2) 2nd Maliciously damage structure by
fire or explosive.

195

810.02(3)(a) 2nd Burglary of occupied dwelling;
unarmed; no assault or battery.

196

810.02(3)(b) 2nd Burglary of unoccupied dwelling;
unarmed; no assault or battery.

197

810.02(3)(d) 2nd Burglary of occupied conveyance;
unarmed; no assault or battery.

198

812.014(2)(a) 1st Property stolen, valued at
\$100,000 or more; cargo stolen
valued at \$50,000 or more;
property stolen while causing



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			other property damage; 1st degree grand theft.
199	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
200	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
201	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
202	812.131(2)(a)	2nd	Robbery by sudden snatching.
203	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
204	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
205	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
206	825.103(2)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
207	827.03(3)(b)	2nd	Neglect of a child causing great



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208			bodily harm, disability, or disfigurement.
209	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
210	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
211	872.06	2nd	Abuse of a dead human body.
212	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) within 1,000 feet of a child care facility or school.
213	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services, <u>a public park or public community center</u> , or a specified business site.
	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d),



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(2)(a), (2)(b), or (2)(c)4.
drugs).

214 893.135(1)(a)1. 1st Trafficking in cannabis, more than
25 lbs., less than 2,000 lbs.

215 893.135(1)(b)1.a. 1st Trafficking in cocaine, more than
28 grams, less than 200 grams.

216 893.135(1)(c)1.a. 1st Trafficking in illegal drugs, more
than 4 grams, less than 14 grams.

217 893.135(1)(d)1. 1st Trafficking in phencyclidine, more
than 28 grams, less than 200
grams.

218 893.135(1)(e)1. 1st Trafficking in methaqualone, more
than 200 grams, less than 5
kilograms.

219 893.135(1)(f)1. 1st Trafficking in amphetamine, more
than 14 grams, less than 28 grams.

220 893.135(1)(g)1.a. 1st Trafficking in flunitrazepam, 4
grams or more, less than 14 grams.

221 893.135(1)(h)1.a. 1st Trafficking in gamma-
hydroxybutyric acid (GHB), 1
kilogram or more, less than 5
kilograms.

222 893.135(1)(j)1.a. 1st Trafficking in 1,4-Butanediol, 1
kilogram or more, less than 5



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kilograms.

223

893.135(1)(k)2.a. 1st

Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.

224

896.101(5)(a) 3rd

Money laundering, financial transactions exceeding \$300 but less than \$20,000.

225

896.104(4)(a)1. 3rd

Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

226

227

Section 3. This act shall take effect upon becoming a law.