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A bill to be entitled
 An act relating to controlled substances; amending s. 893.13, F.S.; prohibiting the sale, manufacture, or delivery of controlled substances, or possession of controlled substances with intent to sell, manufacture, or deliver, within 1,000 feet of certain educational institutions, described housing facilities, and any state, county, or municipal park or publicly owned recreational facility; providing penalties; amending s. 921.0022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

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

893.13 Prohibited acts; penalties.--

(1)

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



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30 1. A controlled substance named or described in s.
 31 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 32 commits a felony of the first degree, punishable as provided in
 33 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 34 sentenced to a minimum term of imprisonment of 3 calendar years
 35 unless the offense was committed within 1,000 feet of the real
 36 property comprising a child care facility as defined in s.
 37 402.302.

38 2. A controlled substance named or described in s.
 39 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 40 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the
 41 second degree, punishable as provided in s. 775.082, s. 775.083,
 42 or s. 775.084.

43 3. Any other controlled substance, except as lawfully
 44 sold, manufactured, or delivered, must be sentenced to pay a
 45 \$500 fine and to serve 100 hours of public service in addition
 46 to any other penalty prescribed by law.

47
 48 This paragraph does not apply to a child care facility unless
 49 the owner or operator of the facility posts a sign that is not
 50 less than 2 square feet in size with a word legend identifying
 51 the facility as a licensed child care facility and that is
 52 posted on the property of the child care facility in a
 53 conspicuous place where the sign is reasonably visible to the
 54 public.

55 (d) Except as authorized by this chapter, it is unlawful
 56 for any person to sell, manufacture, or deliver, or possess with
 57 intent to sell, manufacture, or deliver, a controlled substance
 58 in, on, or within 1,000 ~~200~~ feet of the real property comprising
 59 a public or private college, university, or other postsecondary



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60 educational institution, ~~or within 200 feet of any public park.~~

61 Any person who violates this paragraph with respect to:

62 1. A controlled substance named or described in s.
 63 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 64 commits a felony of the first degree, punishable as provided in
 65 s. 775.082, s. 775.083, or s. 775.084.

66 2. A controlled substance named or described in s.
 67 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 68 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the
 69 second degree, punishable as provided in s. 775.082, s. 775.083,
 70 or s. 775.084.

71 3. Any other controlled substance, except as lawfully
 72 sold, manufactured, or delivered, must be sentenced to pay a
 73 \$500 fine and to serve 100 hours of public service in addition
 74 to any other penalty prescribed by law.

75 (f) Except as authorized by this chapter, it is unlawful
 76 for any person to sell, manufacture, or deliver, or possess with
 77 intent to sell, manufacture, or deliver, a controlled substance
 78 in, on, or within 1,000 ~~200~~ feet of the real property comprising
 79 a public housing facility at any time. For purposes of this
 80 section, the term "real property comprising a public housing
 81 facility" means real property, as defined in s. 421.03(12), of a
 82 public corporation created as a housing authority pursuant to
 83 part I of chapter 421. Any person who violates this paragraph
 84 with respect to:

85 1. A controlled substance named or described in s.
 86 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 87 commits a felony of the first degree, punishable as provided in
 88 s. 775.082, s. 775.083, or s. 775.084.



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89 2. A controlled substance named or described in s.
90 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
91 (2)(c)7., (2)(c)8., (2)(c)9., (3), or(4) commits a felony of the
92 second degree, punishable as provided in s. 775.082, s. 775.083,
93 or s. 775.084.

94 3. Any other controlled substance, except as lawfully
95 sold, manufactured, or delivered, must be sentenced to pay a
96 \$500 fine and to serve 100 hours of public service in addition
97 to any other penalty prescribed by law.

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

101 (a) Violates subparagraph (1)(a)1., subparagraph (1)(c)2.,
102 subparagraph(1)(d)2., subparagraph (2)(a)1., or paragraph
103 (5)(a); and

104 (b) Has not previously been convicted, regardless of
105 whether adjudication was withheld, of any felony, other than a
106 violation of subparagraph (1)(a)1., subparagraph (1)(c)2.,
107 subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph
108 (5)(a),

109
110 may be required by the court to successfully complete a term of
111 probation pursuant to the terms and conditions set forth in s.
112 948.034(1), in lieu of serving a term of imprisonment.

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

115 921.0022 Criminal Punishment Code; offense severity
116 ranking chart.--

117 (3) OFFENSE SEVERITY RANKING CHART
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119	Florida	Felony	Description
	Statute	Degree	Description
120			(c) LEVEL 3
121	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
122	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
123	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
124	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.
125	319.33 (4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
126	328.05 (2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
127	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong



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			ID number.
128	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
129	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
130	697.08	3rd	Equity skimming.
131	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
132	796.05 (1)	3rd	Live on earnings of a prostitute.
133	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
134	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
135	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
136	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
137	815.04 (4) (b)	2nd	Computer offense devised to



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138			defraud or obtain property.
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
139	817.233	3rd	Burning to defraud insurer.
140	817.234 (8) & (9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
141	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
142	817.505 (4)	3rd	Patient brokering.
143	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
144	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
145	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
146	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
147	843.19	3rd	Injure, disable, or kill police



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148			dog or horse.
149	870.01 (2)	3rd	Riot; inciting or encouraging.
150	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).
151	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 <u>1,000</u> 200 feet of university or public park .
152	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., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) drugs within <u>1,000</u> 200 feet of public housing facility.
153	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.



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154	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
155	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
156	944.47 (1) (a) 1.-2.	3rd	Introduce contraband to correctional facility.
157	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
158	985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
159			(e) LEVEL 5
160	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
161	316.1935 (4)	2nd	Aggravated fleeing or eluding.
162	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
163	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.



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164	381.0041(11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
165	790.01(2)	3rd	Carrying a concealed firearm.
166	790.162	2nd	Threat to throw or discharge destructive device.
167	790.163	2nd	False report of deadly explosive.
168	790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
169	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
170	790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
171	800.04(6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
172	800.04(7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
173	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
174	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
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176	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
177	812.131 (2) (b)	3rd	Robbery by sudden snatching.
178	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
179	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
180	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
181	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$75,000 or more.
182	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
183	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.



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184	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
185	874.05 (2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
186	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).
187	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, <u>or state, county, or municipal park or publicly owned recreational facility.</u>
188	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 <u>1,000</u> 200 feet of university or public park.
189	893.13 (1) (e) 2.	2nd	Sell, manufacture, or deliver



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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 or a specified business site.

190

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 1,000 ~~200~~ feet of public housing facility.

191

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).

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Section 3. This act shall take effect October 1, 2003.