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A bill to be entitled
 An act relating to drug abuse prevention and control;
 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
 public parks and publicly owned community centers or
 recreational facilities; 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) and (d) 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
public park, a publicly owned community center or recreational
facility, 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. Any person who violates
 this paragraph with respect to:

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



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31 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 32 sentenced to a minimum term of imprisonment of 3 calendar years
 33 unless the offense was committed within 1,000 feet of the real
 34 property comprising a child care facility as defined in s.
 35 402.302.

36 2. A controlled substance named or described in s.
 37 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 38 (2)(c)7., (2)(c)8., (2)(c)9., (3), or(4) commits a felony of the
 39 second degree, punishable as provided in s. 775.082, s. 775.083,
 40 or s. 775.084.

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

45
 46 This paragraph does not apply to a child care facility unless
 47 the owner or operator of the facility posts a sign that is not
 48 less than 2 square feet in size with a word legend identifying
 49 the facility as a licensed child care facility and that is
 50 posted on the property of the child care facility in a
 51 conspicuous place where the sign is reasonably visible to the
 52 public.

53 (d) Except as authorized by this chapter, it is unlawful
 54 for any person to sell, manufacture, or deliver, or possess with
 55 intent to sell, manufacture, or deliver, a controlled substance
 56 in, on, or within 200 feet of the real property comprising a
 57 public or private college, university, or other postsecondary
 58 educational institution, ~~or within 200 feet of any public park.~~
 59 Any person who violates this paragraph with respect to:



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60 1. A controlled substance named or described in s.
61 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
62 commits a felony of the first degree, punishable as provided in
63 s. 775.082, s. 775.083, or s. 775.084.

64 2. A controlled substance named or described in s.
65 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
66 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the
67 second degree, punishable as provided in s. 775.082, s. 775.083,
68 or s. 775.084.

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

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

76 (a) Violates subparagraph (1)(a)1., subparagraph (1)(c)2.,
77 subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph
78 (5)(a); and

79 (b) Has not previously been convicted, regardless of
80 whether adjudication was withheld, of any felony, other than a
81 violation of subparagraph (1)(a)1., subparagraph (1)(c)2.,
82 subparagraph (1)(d)2., subparagraph (2)(a)1., or paragraph
83 (5)(a),

84
85 may be required by the court to successfully complete a term of
86 probation pursuant to the terms and conditions set forth in s.
87 948.034(1), in lieu of serving a term of imprisonment.

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



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90 921.0022 Criminal Punishment Code; offense severity
 91 ranking chart.--

92 (3) OFFENSE SEVERITY RANKING CHART

	Florida	Felony	
	Statute	Degree	Description
			(c) LEVEL 3
96	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
97	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
98	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
99	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
100	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
101	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent



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			titles or bills of sale of vessels.
102	328.07 (4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
103	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
104	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
105	697.08	3rd	Equity skimming.
106	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
107	796.05 (1)	3rd	Live on earnings of a prostitute.
108	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
109	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
110	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with



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			firearm or dangerous weapon.
111	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
112	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
113	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
114	817.233	3rd	Burning to defraud insurer.
115	817.234 (8) & (9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
116	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
117	817.505 (4)	3rd	Patient brokering.
118	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
119	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
120	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses



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			or identification cards.
121	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
122	843.19	3rd	Injure, disable, or kill police dog or horse.
123	870.01 (2)	3rd	Riot; inciting or encouraging.
124	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).
125	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 .
126	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 200 feet of public housing facility.
127	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony



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			possession of cannabis.
128	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
129	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
130	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
131	944.47 (1) (a) 1.-2.	3rd	Introduce contraband to correctional facility.
132	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
133	985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
134			(e) LEVEL 5
135	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
136	316.1935 (4)	2nd	Aggravated fleeing or eluding.
137	322.34 (6)	3rd	Careless operation of motor



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			vehicle with suspended license, resulting in death or serious bodily injury.
138	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
139	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
140	790.01 (2)	3rd	Carrying a concealed firearm.
141	790.162	2nd	Threat to throw or discharge destructive device.
142	790.163	2nd	False report of deadly explosive.
143	790.165 (2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
144	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
145	790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
146	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
147	800.04 (7) (c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
148	806.111 (1)	3rd	Possess, manufacture, or dispense



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			fire bomb with intent to damage any structure or property.
149	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
150	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
151	812.131 (2) (b)	3rd	Robbery by sudden snatching.
152	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
153	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
154	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
155	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.
156	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
157	825.1025 (4)	3rd	Lewd or lascivious exhibition in



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158	827.071 (4)	2nd	the presence of an elderly person or disabled adult.
159	843.01	3rd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
160	874.05 (2)	2nd	Resist officer with violence to person; resist arrest with violence.
161	893.13 (1) (a) 1.	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
162	893.13 (1) (c) 2.	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).
163	893.13 (1) (d) 1.	1st	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 <u>public park, publicly owned community center or recreational facility,</u> child care facility, or school.



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893.13(1)(e)2. 2nd 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~~.

165

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 or a
 specified business site.

166

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.

167

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.