



1 A bill to be entitled
2 An act relating to drug abuse prevention and control;
3 amending s. 893.13, F.S.; prohibiting the sale,
4 manufacture, or delivery of controlled substances, or
5 possession of controlled substances with intent to sell,
6 manufacture, or deliver, within 1,000 feet of certain
7 educational institutions, described housing facilities,
8 and any state, county, or municipal park or publicly owned
9 recreational facility or community center; providing a
10 definition; providing penalties; amending s. 921.0022,
11 F.S.; ranking such offenses on the offense severity
12 ranking chart of the Criminal Punishment Code; providing
13 an effective date.

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

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

19 893.13 Prohibited acts; penalties.--

20 (1)

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



29 municipal park, a community center, or a publicly owned
30 recreational facility. For the purposes of this paragraph, the
31 term "community center" means a facility operated by a nonprofit
32 community-based organization for the provision of recreational,
33 social, or educational services to the general public. Any
34 person who violates this paragraph with respect to:

35 1. A controlled substance named or described in s.
36 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
37 commits a felony of the first degree, punishable as provided in
38 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
39 sentenced to a minimum term of imprisonment of 3 calendar years
40 unless the offense was committed within 1,000 feet of the real
41 property comprising a child care facility as defined in s.
42 402.302.

43 2. A controlled substance named or described in s.
44 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
45 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the
46 second degree, punishable as provided in s. 775.082, s. 775.083,
47 or s. 775.084.

48 3. Any other controlled substance, except as lawfully
49 sold, manufactured, or delivered, must be sentenced to pay a
50 \$500 fine and to serve 100 hours of public service in addition
51 to any other penalty prescribed by law.

52
53 This paragraph does not apply to a child care facility unless
54 the owner or operator of the facility posts a sign that is not
55 less than 2 square feet in size with a word legend identifying
56 the facility as a licensed child care facility and that is



57 | posted on the property of the child care facility in a
58 | conspicuous place where the sign is reasonably visible to the
59 | public.

60 | (d) Except as authorized by this chapter, it is unlawful
61 | for any person to sell, manufacture, or deliver, or possess with
62 | intent to sell, manufacture, or deliver, a controlled substance
63 | in, on, or within 1,000 ~~200~~ feet of the real property comprising
64 | a public or private college, university, or other postsecondary
65 | educational institution, ~~or within 200 feet of any public park.~~
66 | Any person who violates this paragraph with respect to:

67 | 1. A controlled substance named or described in s.
68 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
69 | commits a felony of the first degree, punishable as provided in
70 | s. 775.082, s. 775.083, or s. 775.084.

71 | 2. A controlled substance named or described in s.
72 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
73 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the
74 | second degree, punishable as provided in s. 775.082, s. 775.083,
75 | or s. 775.084.

76 | 3. Any other controlled substance, except as lawfully
77 | sold, manufactured, or delivered, must be sentenced to pay a
78 | \$500 fine and to serve 100 hours of public service in addition
79 | to any other penalty prescribed by law.

80 | (f) Except as authorized by this chapter, it is unlawful
81 | for any person to sell, manufacture, or deliver, or possess with
82 | intent to sell, manufacture, or deliver, a controlled substance
83 | in, on, or within 1,000 ~~200~~ feet of the real property comprising
84 | a public housing facility at any time. For purposes of this



85 | section, the term "real property comprising a public housing
 86 | facility" means real property, as defined in s. 421.03(12), of a
 87 | public corporation created as a housing authority pursuant to
 88 | part I of chapter 421. Any person who violates this paragraph
 89 | with respect to:

90 | 1. A controlled substance named or described in s.
 91 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 92 | commits a felony of the first degree, punishable as provided in
 93 | s. 775.082, s. 775.083, or s. 775.084.

94 | 2. A controlled substance named or described in s.
 95 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 96 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the
 97 | second degree, punishable as provided in s. 775.082, s. 775.083,
 98 | or s. 775.084.

99 | 3. Any other controlled substance, except as lawfully
 100 | sold, manufactured, or delivered, must be sentenced to pay a
 101 | \$500 fine and to serve 100 hours of public service in addition
 102 | to any other penalty prescribed by law.

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

105 | 921.0022 Criminal Punishment Code; offense severity
 106 | ranking chart.--

107 | (3) OFFENSE SEVERITY RANKING CHART

108 |

109 Florida	Felony	
Statute	Degree	Description

110 |



		(c)	LEVEL 3	
111	316.1935(2)	3rd		Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
112	319.30(4)	3rd		Possession by junkyard of motor vehicle with identification number plate removed.
113	319.33(1)(a)	3rd		Alter or forge any certificate of title to a motor vehicle or mobile home.
114	319.33(1)(c)	3rd		Procure or pass title on stolen vehicle.
115	319.33(4)	3rd		With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
116	328.05(2)	3rd		Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
117	328.07(4)	3rd		Manufacture, exchange, or possess vessel with counterfeit



118	376.302(5)	3rd	or wrong ID number. Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
119	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
120	697.08	3rd	Equity skimming.
121	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
122	796.05(1)	3rd	Live on earnings of a prostitute.
123	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
124	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
125	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed



			with firearm or dangerous weapon.
126	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
127	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
128	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
129	817.233	3rd	Burning to defraud insurer.
130	817.234(8)&(9)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
131	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
132	817.505(4)	3rd	Patient brokering.
133	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
134	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to



			defraud or possessing a counterfeit payment instrument.
135	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
136	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
137	843.19	3rd	Injure, disable, or kill police dog or horse.
138	870.01(2)	3rd	Riot; inciting or encouraging.
139	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).
140	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 .
141			



	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.
142	893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
143	893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
144	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
145	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
146	944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
147	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.



148	985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
149		(e) LEVEL 5	
150	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
151	316.1935(4)	2nd	Aggravated fleeing or eluding.
152	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
153	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
154	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
155	790.01(2)	3rd	Carrying a concealed firearm.
156	790.162	2nd	Threat to throw or discharge destructive device.
157	790.163	2nd	False report of deadly explosive.



158	790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
159	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
160	790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
161	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
162	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
163	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
164	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
165	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
166	812.131(2)(b)	3rd	Robbery by sudden snatching.
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168	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
169	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
170	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
171	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.
172	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
173	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.



174	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
175	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
176	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).
177	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 <u>school, or state, county, or municipal park or publicly owned recreational facility or community center.</u>
178	893.13(1)(d)1.	1st	Sell, manufacture, or deliver



179	893.13(1)(e)2. 2nd	<p>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.</p> <p>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.</p>
180	893.13(1)(f)1. 1st	<p>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 <u>1,000</u> 200 feet of public housing facility.</p>
181	893.13(4)(b) 2nd	<p>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).</p>



182		(g) LEVEL 7	
183	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
184	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
185	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
186	409.920(2)	3rd	Medicaid provider fraud.
187	456.065(2)	3rd	Practicing a health care profession without a license.
188	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
189	458.327(1)	3rd	Practicing medicine without a license.
190	459.013(1)	3rd	Practicing osteopathic medicine without a license.
191			



192	460.411(1)	3rd	Practicing chiropractic medicine without a license.
193	461.012(1)	3rd	Practicing podiatric medicine without a license.
194	462.17	3rd	Practicing naturopathy without a license.
195	463.015(1)	3rd	Practicing optometry without a license.
196	464.016(1)	3rd	Practicing nursing without a license.
197	465.015(2)	3rd	Practicing pharmacy without a license.
198	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
199	467.201	3rd	Practicing midwifery without a license.
200	468.366	3rd	Delivering respiratory care services without a license.
201	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.



202	483.901(9)	3rd	Practicing medical physics without a license.
203	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
204	484.053	3rd	Dispensing hearing aids without a license.
205	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.
206	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
207	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.



208	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
209	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
210	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
211	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
212	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
213	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
214	784.045(1)(b)	2nd	Aggravated battery; perpetrator



215	784.048(4)	3rd	aware victim pregnant. Aggravated stalking; violation of injunction or court order.
216	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
217	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
218	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
219	784.081(1)	1st	Aggravated battery on specified official or employee.
220	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
221	784.083(1)	1st	Aggravated battery on code inspector.
222	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
223	790.16(1)	1st	Discharge of a machine gun under



224	790.165(2)	2nd	specified circumstances. Manufacture, sell, possess, or deliver hoax bomb.
225	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
226	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
227	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
228	796.03	2nd	Procuring any person under 16 years for prostitution.
229	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
230	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.
231	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
232	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
233	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
234	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
235	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 other property damage; 1st degree grand theft.
236	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
237	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
238	812.019(2)	1st	Stolen property; initiates,



			organizes, plans, etc., the theft of property and traffics in stolen property.
239	812.131(2)(a)	2nd	Robbery by sudden snatching.
240	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
241	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
242	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
243	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.
244	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
245	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
246			



	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
247	872.06	2nd	Abuse of a dead human body.
248	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, <u>or state, county, or municipal park or publicly owned recreational facility or community center.</u>
249	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 or a specified business site.
250	893.13(4)(a)	1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or



251	893.135(1)(a)1. 1st	(2)(c)4. drugs). Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
252	893.135(1)(b) 1st 1.a.	Trafficking in cocaine, more than 28 grams, less than 200 grams.
253	893.135(1)(c) 1st 1.a.	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
254	893.135(1)(d)1. 1st	Trafficking in phencyclidine, more than 28 grams, less than 200 grams.
255	893.135(1)(e)1. 1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
256	893.135(1)(f)1. 1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
257	893.135(1)(g) 1st 1.a.	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
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259	893.135(1)(h) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
260	893.135(1)(j) 1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
261	893.135(1)(k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
262	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
263	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
264	Section 3. This act shall take effect October 1, 2003.		
265			