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A bill to be entitled

An act relating to controlled substances; amending s. 893.033, F.S.; revising the definition of the term "listed precursor chemicals"; including benzaldehyde, hydriodic acid, and nitroethane in the definition; deleting anhydrous ammonia and benzyl chloride from the definition; revising the definition of the term "listed essential chemicals"; including anhydrous ammonia, benzyl chloride, hydrochloric gas, and iodine in the definition; amending s. 893.13, F.S.; prohibiting a person from manufacturing methamphetamine or phencyclidine, or possessing listed chemicals with the intent to manufacture such chemicals; providing criminal penalties; providing for minimum terms of imprisonment in circumstances where a person commits or attempts to commit such crime in a structure or conveyance where a child is present and in circumstances where a child suffers great bodily harm; providing criminal penalties in circumstances where a person fails to store anhydrous ammonia as required; providing that any violation of ch. 893, F.S., which results in serious injury to a state, local, or federal law enforcement officer is a third degree felony and such a violation resulting in death or great bodily harm is a second degree felony; amending s. 893.135, F.S.; including offenses involving pseudoephedrine or ephedrine within the offense of trafficking in amphetamine; providing criminal penalties; providing that it is a capital offense to manufacture or import pseudoephedrine or ephedrine knowing that the probable result will be death; amending s.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

30 893.149, F.S., relating to the prohibition against  
 31 possessing listed chemicals; providing an exception to  
 32 such prohibition for a person authorized to clean up or  
 33 dispose of hazardous waste or toxic substances pursuant to  
 34 ch. 893, F.S.; providing that damages arising out of the  
 35 unlawful possession of, storage of, or tampering with a  
 36 listed chemical is the sole responsibility of the person  
 37 unlawfully possessing, storing, or tampering with the  
 38 chemical; providing that the lawful owner, installer,  
 39 maintainer, designer, manufacturer, possessor, or seller  
 40 is immune from liability in the absence of negligent  
 41 misconduct or failure to abide by laws governing  
 42 possession or storage; reenacting s. 893.02(12), F.S.,  
 43 relating to the definition of the term "listed chemical,"  
 44 for the purpose of incorporating the amendment to s.  
 45 893.033, F.S., in a reference thereto; reenacting ss.  
 46 435.07(2), 921.187(1), 938.25, and 948.034(1) and (2),  
 47 F.S., relating to exemptions from disqualification for  
 48 certain employment, disposition, and sentencing, the  
 49 assessment of fees for purposes of funding the Operating  
 50 Trust Fund of the Department of Law Enforcement, and the  
 51 terms and conditions of probation, respectively, for the  
 52 purpose of incorporating the amendment to s. 893.13, F.S.,  
 53 in references thereto; reenacting ss. 311.12(3)(c),  
 54 414.095(1), 775.087(2)(a) and (3)(a), 782.04(1)(a),  
 55 (3)(a), and (4)(a), 893.13(8)(d), 907.041(4)(c),  
 56 921.0024(1), 921.142(2), 943.0585, and 943.059, F.S.,  
 57 relating to seaport security standards, eligibility for  
 58 temporary cash assistance, mandatory sentencing in

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59 | circumstances involving the possession of use of a weapon,  
 60 | specified offenses that may be charged as murder if death  
 61 | results, prohibited acts by prescribing practitioners,  
 62 | circumstances in which the court may order pretrial  
 63 | detention, worksheet computations and scoresheets under  
 64 | the Criminal Punishment Code, sentencing in capital drug  
 65 | trafficking cases, limitations on circumstances in which a  
 66 | criminal history record may be expunged, and limitations  
 67 | on circumstances in which a criminal history record may be  
 68 | sealed, respectively, for the purpose of incorporating the  
 69 | amendment to s. 895.135, F.S., in references thereto;  
 70 | reenacting ss. 397.451(4)(b) and (6), s. 772.12(2)(a),  
 71 | 893.1351(1), 903.133, and 921.0022(3)(c) and (e) through  
 72 | (i), F.S., relating to background checks of service  
 73 | provider personnel, the Drug Dealer Liability Act, the  
 74 | prohibition against leasing or renting for the purpose of  
 75 | trafficking in a controlled substance, the limitation of  
 76 | admission to bail, and the designation of offenses on the  
 77 | offense severity ranking chart of the Criminal Punishment  
 78 | Code, respectively, for the purpose of incorporating the  
 79 | amendments to s. 893.13 and 893.135, F.S., in references  
 80 | thereto; providing applicability; providing an effective  
 81 | date.

82 |  
 83 | Be It Enacted by the Legislature of the State of Florida:

84 |  
 85 | Section 1. Section 893.033, Florida Statutes, is amended  
 86 | to read:

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87 893.033 Listed chemicals.--The chemicals listed in this  
 88 section are included by whatever official, common, usual,  
 89 chemical, or trade name designated.

90 (1) PRECURSOR CHEMICALS.--The term "listed precursor  
 91 chemical" means a chemical that may be used in manufacturing a  
 92 controlled substance in violation of this chapter and is  
 93 critical to the creation of the controlled substance, and such  
 94 term includes any salt, optical isomer, or salt of an optical  
 95 isomer, whenever the existence of such salt, optical isomer, or  
 96 salt of optical isomer is possible within the specific chemical  
 97 designation. The following are "listed precursor chemicals":

- 98 ~~(a) Anhydrous ammonia.~~
- 99 (a)(b) Anthranilic acid.
- 100 (b) Benzaldehyde.
- 101 ~~(c) Benzyl chloride.~~
- 102 (c)(d) Benzyl cyanide.
- 103 (d)(e) Chloroephedrine.
- 104 (e)(f) Chloropseudoephedrine.
- 105 (f)(g) Ephedrine.
- 106 (g)(h) Ergonovine.
- 107 (h)(i) Ergotamine.
- 108 (i)(j) Ethylamine.
- 109 (j) Hydriodic acid.
- 110 (k) Isosafrole.
- 111 (l) Methylamine.
- 112 (m) 3, 4-Methylenedioxyphenyl-2-propanone.
- 113 (n) N-acetylanthranilic acid.
- 114 (o) N-ethylephedrine.
- 115 (p) N-ethylpseudoephedrine.

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- 116 (q) N-methylephedrine.
- 117 (r) N-methylpseudoephedrine.
- 118 (s) Nitroethane.
- 119 (t)~~(s)~~ Norpseudoephedrine.
- 120 (u)~~(t)~~ Phenylacetic acid.
- 121 (v)~~(u)~~ Phenylpropanolamine.
- 122 (w)~~(v)~~ Piperidine.
- 123 (x)~~(w)~~ Piperonal.
- 124 (y)~~(x)~~ Propionic anhydride.
- 125 (z)~~(y)~~ Pseudoephedrine.
- 126 (aa)~~(z)~~ Safrole.

127 (2) ESSENTIAL CHEMICALS.--The term "listed essential  
 128 chemical" means a chemical that may be used as a solvent,  
 129 reagent, or catalyst in manufacturing a controlled substance in  
 130 violation of this chapter. The following are "listed essential  
 131 chemicals":

- 132 (a) Acetic anhydride.
- 133 (b) Acetone.
- 134 (c) Anhydrous ammonia.
- 135 (d) Benzyl chloride.
- 136 (e)~~(e)~~ 2-Butanone.
- 137 (f)~~(d)~~ Ethyl ether.
- 138 (g) Hydrochloric gas.
- 139 (h)~~(e)~~ Hydriodic acid.
- 140 (i) Iodine.
- 141 (j)~~(f)~~ Potassium permanganate.
- 142 (k)~~(g)~~ Toluene.

143 Section 2. Paragraph (g) is added to subsection (1) of  
 144 section 893.13, Florida Statutes, paragraphs (a) and (c) of

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145 subsection (7) of said section are amended, subsection (12) is  
 146 added to said section, and paragraph (d) of subsection (8) of  
 147 said section is reenacted for purpose of incorporating the  
 148 amendment to section 893.135, Florida Statutes, in a reference  
 149 thereto, to read:

150 893.13 Prohibited acts; penalties.--

151 (1)

152 (g) Except as authorized by this chapter, it is unlawful  
 153 for any person to manufacture methamphetamine or phencyclidine,  
 154 or possess with the intent to manufacture methamphetamine or  
 155 phencyclidine, or any listed chemical as defined in s. 893.033,  
 156 when possessed in violation of s. 893.149. If any person  
 157 violates this paragraph and:

158 1. The commission or attempted commission of the crime  
 159 occurs in a structure or conveyance where any child under 16  
 160 years of age is present, the person commits a felony of the  
 161 first degree, punishable as provided in s. 775.082, s. 775.083,  
 162 or s. 775.084. In addition, the defendant must be sentenced to a  
 163 minimum term of imprisonment of 5 calendar years.

164 2. The commission of the crime causes any child under 16  
 165 years of age to suffer great bodily harm, the person commits a  
 166 felony of the first degree, punishable as provided in s.  
 167 775.082, s. 775.083, or s. 775.084. In addition, the defendant  
 168 must be sentenced to a minimum term of imprisonment of 10  
 169 calendar years.

170 (7)(a) It is unlawful for any person:

171 1. To distribute or dispense a controlled substance in  
 172 violation of this chapter.

173 2. To refuse or fail to make, keep, or furnish any record,

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174 notification, order form, statement, invoice, or information  
 175 required under this chapter.

176 3. To refuse an entry into any premises for any inspection  
 177 or to refuse to allow any inspection authorized by this chapter.

178 4. To distribute a controlled substance named or described  
 179 in s. 893.03(1) or (2) except pursuant to an order form as  
 180 required by s. 893.06.

181 5. To keep or maintain any store, shop, warehouse,  
 182 dwelling, building, vehicle, boat, aircraft, or other structure  
 183 or place which is resorted to by persons using controlled  
 184 substances in violation of this chapter for the purpose of using  
 185 these substances, or which is used for keeping or selling them  
 186 in violation of this chapter.

187 6. To use to his or her own personal advantage, or to  
 188 reveal, any information obtained in enforcement of this chapter  
 189 except in a prosecution or administrative hearing for a  
 190 violation of this chapter.

191 7. To possess a prescription form which has not been  
 192 completed and signed by the practitioner whose name appears  
 193 printed thereon, unless the person is that practitioner, is an  
 194 agent or employee of that practitioner, is a pharmacist, or is a  
 195 supplier of prescription forms who is authorized by that  
 196 practitioner to possess those forms.

197 8. To withhold information from a practitioner from whom  
 198 the person seeks to obtain a controlled substance or a  
 199 prescription for a controlled substance that the person making  
 200 the request has received a controlled substance or a  
 201 prescription for a controlled substance of like therapeutic use  
 202 from another practitioner within the previous 30 days.

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203 9. To acquire or obtain, or attempt to acquire or obtain,  
 204 possession of a controlled substance by misrepresentation,  
 205 fraud, forgery, deception, or subterfuge.

206 10. To affix any false or forged label to a package or  
 207 receptacle containing a controlled substance.

208 11. To furnish false or fraudulent material information  
 209 in, or omit any material information from, any report or other  
 210 document required to be kept or filed under this chapter or any  
 211 record required to be kept by this chapter.

212 12. To store anhydrous ammonia in a container that is not  
 213 approved by the United States Department of Transportation to  
 214 hold anhydrous ammonia or is not constructed in accordance with  
 215 sound engineering, agricultural, or commercial practices.

216 (c) Any person who violates the provisions of  
 217 subparagraphs (a)8.-12. ~~(a)8.-11.~~ commits a felony of the third  
 218 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 219 775.084.

220 (8)

221 (d) Notwithstanding paragraph (c), if a prescribing  
 222 practitioner has violated paragraph (a) and received \$1,000 or  
 223 more in payment for writing one or more prescriptions or, in the  
 224 case of a prescription written for a controlled substance  
 225 described in s. 893.135, has written one or more prescriptions  
 226 for a quantity of a controlled substance which, individually or  
 227 in the aggregate, meets the threshold for the offense of  
 228 trafficking in a controlled substance under s. 893.15, the  
 229 violation is reclassified as a felony of the second degree and  
 230 ranked in level 4 of the Criminal Punishment Code.

231 (12) If a person violates any provision of this chapter



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232 and such violation results in a serious injury to a state,  
 233 local, or federal law enforcement officer, the person commits a  
 234 felony of the third degree, punishable as provided in s.  
 235 775.082, s. 775.083, or s. 775.084. If the injury sustained  
 236 results in death or great bodily harm, the person commits a  
 237 felony of the second degree, punishable as provided in s.  
 238 775.082, s. 775.083, or 775.084.

239 Section 3. Paragraph (f) of subsection (1) of section  
 240 893.135, Florida Statutes, is amended to read:

241 893.135 Trafficking; mandatory sentences; suspension or  
 242 reduction of sentences; conspiracy to engage in trafficking.--

243 (1) Except as authorized in this chapter or in chapter 499  
 244 and notwithstanding the provisions of s. 893.13:

245 (f)1. Any person who knowingly sells, purchases,  
 246 manufactures, delivers, or brings into this state, or who is  
 247 knowingly in actual or constructive possession of, 14 grams or  
 248 more of amphetamine, as described in s. 893.03(2)(c)2., or  
 249 methamphetamine, as described in s. 893.03(2)(c)4., or of any  
 250 mixture containing amphetamine or methamphetamine, or  
 251 phenylacetone, or phenylacetic acid,~~or ephedrine~~ in conjunction  
 252 with other chemicals and equipment utilized in the manufacture  
 253 of amphetamine or methamphetamine, or 14 grams or more of any  
 254 mixture containing crushed or powdered pseudoephedrine or  
 255 ephedrine, or 300 or more pills, capsules, or tablets containing  
 256 any mixture of pseudoephedrine or ephedrine, commits a felony of  
 257 the first degree, which felony shall be known as "trafficking in  
 258 amphetamine," punishable as provided in s. 775.082, s. 775.083,  
 259 or s. 775.084. If the quantity involved:

260 a. Is 14 grams or more, but less than 28 grams, or 300 or

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261 more pills, tablets, or capsules, but fewer than 600 pills,  
 262 tablets, or capsules, such person shall be sentenced to a  
 263 mandatory minimum term of imprisonment of 3 years, and the  
 264 defendant shall be ordered to pay a fine of \$50,000.

265 b. Is 28 grams or more, or 600 or more pills, tablets, or  
 266 capsules, but fewer than 5,000 pills, tablets, or capsules, but  
 267 less than 200 grams, such person shall be sentenced to a  
 268 mandatory minimum term of imprisonment of 7 years, and the  
 269 defendant shall be ordered to pay a fine of \$100,000.

270 c. Is 200 grams or more, or 5,000 or more pills, tablets,  
 271 or capsules, such person shall be sentenced to a mandatory  
 272 minimum term of imprisonment of 15 calendar years and pay a fine  
 273 of \$250,000.

274 2. Any person who knowingly manufactures or brings into  
 275 this state 400 grams or more of amphetamine, as described in s.  
 276 893.03(2)(c)2., or methamphetamine, as described in s.  
 277 893.03(2)(c)4., or of any mixture containing amphetamine or  
 278 methamphetamine, or phenylacetone, or phenylacetic acid,~~or~~  
 279 ~~ephedrine~~ in conjunction with other chemicals and equipment used  
 280 in the manufacture of amphetamine or methamphetamine, or 400  
 281 grams or more of any mixture containing crushed or powdered  
 282 pseudoephedrine or ephedrine, or 10,000 or more pills, capsules,  
 283 or tablets containing any mixture of pseudoephedrine or  
 284 ephedrine, and who knows that the probable result of such  
 285 manufacture or importation would be the death of any person  
 286 commits capital manufacture or importation of amphetamine, a  
 287 capital felony punishable as provided in ss. 775.082 and  
 288 921.142. Any person sentenced for a capital felony under this  
 289 paragraph shall also be sentenced to pay the maximum fine

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290 provided under subparagraph 1.

291 Section 4. Section 893.149, Florida Statutes, is amended  
 292 to read:

293 893.149 Unlawful possession of listed chemical.--

294 (1) It is unlawful for any person to knowingly or  
 295 intentionally:

296 (a) Possess a listed chemical with the intent to  
 297 unlawfully manufacture a controlled substance;

298 (b) Possess or distribute a listed chemical knowing, or  
 299 having reasonable cause to believe, that the listed chemical  
 300 will be used to unlawfully manufacture a controlled substance.

301 (2) Any person who violates this section commits ~~is guilty~~  
 302 ~~of~~ a felony of the second degree, punishable as provided in s.  
 303 775.082, s. 775.083, or s. 775.084.

304 (3) This section does not apply to a public employee or  
 305 private contractor authorized to clean up or dispose of  
 306 hazardous waste or toxic substances pursuant to the provisions  
 307 of this chapter.

308 (4) Any damages arising out of the unlawful possession of,  
 309 storage of, or tampering with a listed chemical, as defined in  
 310 s. 893.033, shall be the sole responsibility of the person or  
 311 persons unlawfully possessing, storing, or tampering with the  
 312 listed chemical. In no case shall liability for damages arising  
 313 out of the unlawful possession of, storage of, or tampering with  
 314 a listed chemical extend to the lawful owner, installer,  
 315 maintainer, designer, manufacturer, possessor, or seller of the  
 316 listed chemical, unless such damages arise out of the acts or  
 317 omissions of the owner, installer, maintainer, designer,  
 318 manufacturer, possessor, or seller which constitute negligent

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319 misconduct or failure to abide by the laws regarding the  
 320 possession or storage of a listed chemical.

321 Section 5. For the purpose of incorporating the amendment  
 322 to section 893.135, Florida Statutes, in a reference thereto,  
 323 paragraph (c) of subsection (3) of section 311.12, Florida  
 324 Statutes, is reenacted to read:

325 311.12 Seaport security standards.--

326 (3)

327 (c) In addition to other requirements for employment or  
 328 access established by each seaport pursuant to its seaport  
 329 security plan, each seaport security plan shall provide that:

330 1. Any person who has within the past 7 years been  
 331 convicted, regardless of whether adjudication was withheld, for  
 332 a forcible felony as defined in s. 776.08; an act of terrorism  
 333 as defined in s. 775.30; planting of a hoax bomb as provided in  
 334 s. 790.165; any violation involving the manufacture, possession,  
 335 sale, delivery, display, use, or attempted or threatened use of  
 336 a weapon of mass destruction or hoax weapon of mass destruction  
 337 as provided in s. 790.166; dealing in stolen property; any  
 338 violation of s. 893.135; any violation involving the sale,  
 339 manufacturing, delivery, or possession with intent to sell,  
 340 manufacture, or deliver a controlled substance; burglary;  
 341 robbery; any felony violation of s. 812.014; any violation of s.  
 342 790.07; any crime an element of which includes use or possession  
 343 of a firearm; any conviction for any similar offenses under the  
 344 laws of another jurisdiction; or conviction for conspiracy to  
 345 commit any of the listed offenses shall not be qualified for  
 346 initial employment within or regular access to a seaport or  
 347 restricted access area; and

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348           2. Any person who has at any time been convicted for any  
 349 of the listed offenses shall not be qualified for initial  
 350 employment within or authorized regular access to a seaport or  
 351 restricted access area unless, after release from incarceration  
 352 and any supervision imposed as a sentence, the person remained  
 353 free from a subsequent conviction, regardless of whether  
 354 adjudication was withheld, for any of the listed offenses for a  
 355 period of at least 7 years prior to the employment or access  
 356 date under consideration.

357           Section 6. For the purpose of incorporating the amendments  
 358 to sections 893.13 and 893.135, Florida Statutes, in references  
 359 thereto, paragraph (b) of subsection (4) and subsection (6) of  
 360 section 397.451, Florida Statutes, are reenacted to read:

361           397.451 Background checks of service provider personnel.--

362           (4) EXEMPTIONS FROM DISQUALIFICATION.--

363           (b) Since rehabilitated substance abuse impaired persons  
 364 are effective in the successful treatment and rehabilitation of  
 365 substance abuse impaired adolescents, for service providers  
 366 which treat adolescents 13 years of age and older, service  
 367 provider personnel whose background checks indicate crimes under  
 368 s. 817.563, s. 893.13, or s. 893.147 may be exempted from  
 369 disqualification from employment pursuant to this paragraph.

370           (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.--State  
 371 funds may not be disseminated to any service provider owned or  
 372 operated by an owner, director, or chief financial officer who  
 373 has been convicted of, has entered a plea of guilty or nolo  
 374 contendere to, or has had adjudication withheld for, a violation  
 375 of s. 893.135 pertaining to trafficking in controlled  
 376 substances, or a violation of the law of another state, the

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377 District of Columbia, the United States or any possession or  
 378 territory thereof, or any foreign jurisdiction which is  
 379 substantially similar in elements and penalties to a trafficking  
 380 offense in this state, unless the owner's or director's civil  
 381 rights have been restored.

382 Section 7. For the purpose of incorporating the amendment  
 383 to section 893.135, Florida Statutes, in a reference thereto,  
 384 subsection (1) of section 414.095, Florida Statutes, is  
 385 reenacted to read:

386 414.095 Determining eligibility for temporary cash  
 387 assistance.--

388 (1) ELIGIBILITY.--An applicant must meet eligibility  
 389 requirements of this section before receiving services or  
 390 temporary cash assistance under this chapter, except that an  
 391 applicant shall be required to register for work and engage in  
 392 work activities in accordance with s. 445.024, as designated by  
 393 the regional workforce board, and may receive support services  
 394 or child care assistance in conjunction with such requirement.  
 395 The department shall make a determination of eligibility based  
 396 on the criteria listed in this chapter. The department shall  
 397 monitor continued eligibility for temporary cash assistance  
 398 through periodic reviews consistent with the food stamp  
 399 eligibility process. Benefits shall not be denied to an  
 400 individual solely based on a felony drug conviction, unless the  
 401 conviction is for trafficking pursuant to s. 893.135. To be  
 402 eligible under this section, an individual convicted of a drug  
 403 felony must be satisfactorily meeting the requirements of the  
 404 temporary cash assistance program, including all substance abuse  
 405 treatment requirements. Within the limits specified in this

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406 chapter, the state opts out of the provision of Pub. L. No. 104-  
 407 193, s. 115, that eliminates eligibility for temporary cash  
 408 assistance and food stamps for any individual convicted of a  
 409 controlled substance felony.

410 Section 8. For the purpose of incorporating the amendment  
 411 to section 893.13, Florida Statutes, in a reference thereto,  
 412 subsection (2) of section 435.07, Florida Statutes, is reenacted  
 413 to read:

414 435.07 Exemptions from disqualification.--Unless otherwise  
 415 provided by law, the provisions of this section shall apply to  
 416 exemptions from disqualification.

417 (2) Persons employed by treatment providers who treat  
 418 adolescents 13 years of age and older who are disqualified from  
 419 employment solely because of crimes under s. 817.563, s. 893.13,  
 420 or s. 893.147 may be exempted from disqualification from  
 421 employment pursuant to this section without the 3-year waiting  
 422 period.

423 Section 9. For the purpose of incorporating the amendments  
 424 to sections 893.13 and 893.135, Florida Statutes, in references  
 425 thereto, paragraph (a) of subsection (2) of section 772.12,  
 426 Florida Statutes, is reenacted to read:

427 772.12 Drug Dealer Liability Act.--

428 (2) A person, including any governmental entity, has a  
 429 cause of action for threefold the actual damages sustained and  
 430 is entitled to minimum damages in the amount of \$1,000 and  
 431 reasonable attorney's fees and court costs in the trial and  
 432 appellate courts, if the person proves by the greater weight of  
 433 the evidence that:

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434 (a) The person was injured because of the defendant's  
 435 actions that resulted in the defendant's conviction for:

436 1. A violation of s. 893.13, except for a violation of s.  
 437 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

438 2. A violation of s. 893.135; and

439 Section 10. For the purpose of incorporating the amendment  
 440 to section 893.135, Florida Statutes, in references thereto,  
 441 paragraph (a) of subsection (2) and paragraph (a) of subsection  
 442 (3) of section 775.087, Florida Statutes, are reenacted to read:

443 775.087 Possession or use of weapon; aggravated battery;  
 444 felony reclassification; minimum sentence.--

445 (2)(a)1. Any person who is convicted of a felony or an  
 446 attempt to commit a felony, regardless of whether the use of a  
 447 weapon is an element of the felony, and the conviction was for:

448 a. Murder;

449 b. Sexual battery;

450 c. Robbery;

451 d. Burglary;

452 e. Arson;

453 f. Aggravated assault;

454 g. Aggravated battery;

455 h. Kidnapping;

456 i. Escape;

457 j. Aircraft piracy;

458 k. Aggravated child abuse;

459 l. Aggravated abuse of an elderly person or disabled  
 460 adult;

461 m. Unlawful throwing, placing, or discharging of a  
 462 destructive device or bomb;



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463 n. Carjacking;  
 464 o. Home-invasion robbery;  
 465 p. Aggravated stalking;  
 466 q. Trafficking in cannabis, trafficking in cocaine,  
 467 capital importation of cocaine, trafficking in illegal drugs,  
 468 capital importation of illegal drugs, trafficking in  
 469 phencyclidine, capital importation of phencyclidine, trafficking  
 470 in methaqualone, capital importation of methaqualone,  
 471 trafficking in amphetamine, capital importation of amphetamine,  
 472 trafficking in flunitrazepam, trafficking in gamma-  
 473 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,  
 474 trafficking in Phenethylamines, or other violation of s.  
 475 893.135(1); or

476 r. Possession of a firearm by a felon

477  
 478 and during the commission of the offense, such person actually  
 479 possessed a "firearm" or "destructive device" as those terms are  
 480 defined in s. 790.001, shall be sentenced to a minimum term of  
 481 imprisonment of 10 years, except that a person who is convicted  
 482 for aggravated assault, possession of a firearm by a felon, or  
 483 burglary of a conveyance shall be sentenced to a minimum term of  
 484 imprisonment of 3 years if such person possessed a "firearm" or  
 485 "destructive device" during the commission of the offense.

486 2. Any person who is convicted of a felony or an attempt  
 487 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
 488 regardless of whether the use of a weapon is an element of the  
 489 felony, and during the course of the commission of the felony  
 490 such person discharged a "firearm" or "destructive device" as

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491 defined in s. 790.001 shall be sentenced to a minimum term of  
 492 imprisonment of 20 years.

493 3. Any person who is convicted of a felony or an attempt  
 494 to commit a felony listed in sub-subparagraphs (a)1.a.-q.,  
 495 regardless of whether the use of a weapon is an element of the  
 496 felony, and during the course of the commission of the felony  
 497 such person discharged a "firearm" or "destructive device" as  
 498 defined in s. 790.001 and, as the result of the discharge, death  
 499 or great bodily harm was inflicted upon any person, the  
 500 convicted person shall be sentenced to a minimum term of  
 501 imprisonment of not less than 25 years and not more than a term  
 502 of imprisonment of life in prison.

503 (3)(a)1. Any person who is convicted of a felony or an  
 504 attempt to commit a felony, regardless of whether the use of a  
 505 firearm is an element of the felony, and the conviction was for:

- 506 a. Murder;
- 507 b. Sexual battery;
- 508 c. Robbery;
- 509 d. Burglary;
- 510 e. Arson;
- 511 f. Aggravated assault;
- 512 g. Aggravated battery;
- 513 h. Kidnapping;
- 514 i. Escape;
- 515 j. Sale, manufacture, delivery, or intent to sell,  
 516 manufacture, or deliver any controlled substance;
- 517 k. Aircraft piracy;
- 518 l. Aggravated child abuse;

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- 519 m. Aggravated abuse of an elderly person or disabled
- 520 adult;
- 521 n. Unlawful throwing, placing, or discharging of a
- 522 destructive device or bomb;
- 523 o. Carjacking;
- 524 p. Home-invasion robbery;
- 525 q. Aggravated stalking; or
- 526 r. Trafficking in cannabis, trafficking in cocaine,
- 527 capital importation of cocaine, trafficking in illegal drugs,
- 528 capital importation of illegal drugs, trafficking in
- 529 phencyclidine, capital importation of phencyclidine, trafficking
- 530 in methaqualone, capital importation of methaqualone,
- 531 trafficking in amphetamine, capital importation of amphetamine,
- 532 trafficking in flunitrazepam, trafficking in gamma-
- 533 hydroxybutyric acid (GHB), trafficking in 1,4-Butanediol,
- 534 trafficking in Phenethylamines, or other violation of s.
- 535 893.135(1);

536

537 and during the commission of the offense, such person possessed

538 a semiautomatic firearm and its high-capacity detachable box

539 magazine or a machine gun as defined in s. 790.001, shall be

540 sentenced to a minimum term of imprisonment of 15 years.

541 2. Any person who is convicted of a felony or an attempt

542 to commit a felony listed in subparagraph (a)1., regardless of

543 whether the use of a weapon is an element of the felony, and

544 during the course of the commission of the felony such person

545 discharged a semiautomatic firearm and its high-capacity box

546 magazine or a "machine gun" as defined in s. 790.001 shall be

547 sentenced to a minimum term of imprisonment of 20 years.

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548 3. Any person who is convicted of a felony or an attempt  
 549 to commit a felony listed in subparagraph (a)1., regardless of  
 550 whether the use of a weapon is an element of the felony, and  
 551 during the course of the commission of the felony such person  
 552 discharged a semiautomatic firearm and its high-capacity box  
 553 magazine or a "machine gun" as defined in s. 790.001 and, as the  
 554 result of the discharge, death or great bodily harm was  
 555 inflicted upon any person, the convicted person shall be  
 556 sentenced to a minimum term of imprisonment of not less than 25  
 557 years and not more than a term of imprisonment of life in  
 558 prison.

559 Section 11. For the purpose of incorporating the amendment  
 560 to section 893.135, Florida Statutes, in references thereto,  
 561 paragraph (a) of subsection (1), paragraph (a) of subsection  
 562 (3), and paragraph (a) of subsection (4) of section 782.04,  
 563 Florida Statutes, are reenacted to read:

564 782.04 Murder.--

565 (1)(a) The unlawful killing of a human being:

566 1. When perpetrated from a premeditated design to effect  
 567 the death of the person killed or any human being;

568 2. When committed by a person engaged in the perpetration  
 569 of, or in the attempt to perpetrate, any:

570 a. Trafficking offense prohibited by s. 893.135(1),

571 b. Arson,

572 c. Sexual battery,

573 d. Robbery,

574 e. Burglary,

575 f. Kidnapping,

576 g. Escape,

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577 h. Aggravated child abuse,  
 578 i. Aggravated abuse of an elderly person or disabled  
 579 adult,  
 580 j. Aircraft piracy,  
 581 k. Unlawful throwing, placing, or discharging of a  
 582 destructive device or bomb,  
 583 l. Carjacking,  
 584 m. Home-invasion robbery,  
 585 n. Aggravated stalking,  
 586 o. Murder of another human being,  
 587 p. Resisting an officer with violence to his or her  
 588 person,  
 589 q. Felony that is an act of terrorism or is in furtherance  
 590 of an act of terrorism; or  
 591 3. Which resulted from the unlawful distribution of any  
 592 substance controlled under s. 893.03(1), cocaine as described in  
 593 s. 893.03(2)(a)4., or opium or any synthetic or natural salt,  
 594 compound, derivative, or preparation of opium by a person 18  
 595 years of age or older, when such drug is proven to be the  
 596 proximate cause of the death of the user,  
 597  
 598 is murder in the first degree and constitutes a capital felony,  
 599 punishable as provided in s. 775.082.  
 600 (3) When a person is killed in the perpetration of, or in  
 601 the attempt to perpetrate, any:  
 602 (a) Trafficking offense prohibited by s. 893.135(1),  
 603  
 604 by a person other than the person engaged in the perpetration of  
 605 or in the attempt to perpetrate such felony, the person

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606 | perpetrating or attempting to perpetrate such felony is guilty  
 607 | of murder in the second degree, which constitutes a felony of  
 608 | the first degree, punishable by imprisonment for a term of years  
 609 | not exceeding life or as provided in s. 775.082, s. 775.083, or  
 610 | s. 775.084.

611 |         (4) The unlawful killing of a human being, when  
 612 | perpetrated without any design to effect death, by a person  
 613 | engaged in the perpetration of, or in the attempt to perpetrate,  
 614 | any felony other than any:

615 |             (a) Trafficking offense prohibited by s. 893.135(1),  
 616 |  
 617 | is murder in the third degree and constitutes a felony of the  
 618 | second degree, punishable as provided in s. 775.082, s. 775.083,  
 619 | or s. 775.084.

620 |         Section 12. For the purpose of incorporating the amendment  
 621 | to section 893.033, Florida Statutes, in a reference thereto,  
 622 | subsection (12) of section 893.02, Florida Statutes, is  
 623 | reenacted to read:

624 |             893.02 Definitions.--The following words and phrases as  
 625 | used in this chapter shall have the following meanings, unless  
 626 | the context otherwise requires:

627 |             (12) "Listed chemical" means any precursor chemical or  
 628 | essential chemical named or described in s. 893.033.

629 |         Section 13. For the purpose of incorporating the  
 630 | amendments to sections 893.13 and 893.135, Florida Statutes, in  
 631 | references thereto, subsection (1) of section 893.1351, Florida  
 632 | Statutes, is reenacted to read:

633 |             893.1351 Lease or rent for the purpose of trafficking in a  
 634 | controlled substance.--

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635 (1) A person may not lease or rent any place, structure,  
 636 or part thereof, trailer, or other conveyance, with the  
 637 knowledge that such place, structure, trailer, or conveyance  
 638 will be used for the purpose of trafficking in a controlled  
 639 substance, as provided in s. 893.135, or the sale of a  
 640 controlled substance, as provided in s. 893.13.

641 Section 14. For the purpose of incorporating the  
 642 amendments to sections 893.13 and 893.135, Florida Statutes, in  
 643 references thereto, section 903.133, Florida Statutes, is  
 644 reenacted to read:

645 903.133 Bail on appeal; prohibited for certain felony  
 646 convictions.--Notwithstanding the provisions of s. 903.132, no  
 647 person adjudged guilty of a felony of the first degree for a  
 648 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.  
 649 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a  
 650 violation of s. 794.011(2) or (3), shall be admitted to bail  
 651 pending review either by posttrial motion or appeal.

652 Section 15. For the purpose of incorporating the amendment  
 653 to section 893.135, Florida Statutes, in a reference thereto,  
 654 paragraph (c) of subsection (4) of section 907.041, Florida  
 655 Statutes, is reenacted to read:

656 907.041 Pretrial detention and release.--

657 (4) PRETRIAL DETENTION.--

658 (c) The court may order pretrial detention if it finds a  
 659 substantial probability, based on a defendant's past and present  
 660 patterns of behavior, the criteria in s. 903.046, and any other  
 661 relevant facts, that any of the following circumstances exists:

662 1. The defendant has previously violated conditions of  
 663 release and that no further conditions of release are reasonably

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664 likely to assure the defendant's appearance at subsequent  
 665 proceedings;

666 2. The defendant, with the intent to obstruct the judicial  
 667 process, has threatened, intimidated, or injured any victim,  
 668 potential witness, juror, or judicial officer, or has attempted  
 669 or conspired to do so, and that no condition of release will  
 670 reasonably prevent the obstruction of the judicial process;

671 3. The defendant is charged with trafficking in controlled  
 672 substances as defined by s. 893.135, that there is a substantial  
 673 probability that the defendant has committed the offense, and  
 674 that no conditions of release will reasonably assure the  
 675 defendant's appearance at subsequent criminal proceedings; or

676 4. The defendant is charged with DUI manslaughter, as  
 677 defined by s. 316.193, and that there is a substantial  
 678 probability that the defendant committed the crime and that the  
 679 defendant poses a threat of harm to the community; conditions  
 680 that would support a finding by the court pursuant to this  
 681 subparagraph that the defendant poses a threat of harm to the  
 682 community include, but are not limited to, any of the following:

683 a. The defendant has previously been convicted of any  
 684 crime under s. 316.193, or of any crime in any other state or  
 685 territory of the United States that is substantially similar to  
 686 any crime under s. 316.193;

687 b. The defendant was driving with a suspended driver's  
 688 license when the charged crime was committed; or

689 c. The defendant has previously been found guilty of, or  
 690 has had adjudication of guilt withheld for, driving while the  
 691 defendant's driver's license was suspended or revoked in  
 692 violation of s. 322.34;



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693 5. The defendant poses the threat of harm to the  
 694 community. The court may so conclude, if it finds that the  
 695 defendant is presently charged with a dangerous crime, that  
 696 there is a substantial probability that the defendant committed  
 697 such crime, that the factual circumstances of the crime indicate  
 698 a disregard for the safety of the community, and that there are  
 699 no conditions of release reasonably sufficient to protect the  
 700 community from the risk of physical harm to persons.

701 6. The defendant was on probation, parole, or other  
 702 release pending completion of sentence or on pretrial release  
 703 for a dangerous crime at the time the current offense was  
 704 committed; or

705 7. The defendant has violated one or more conditions of  
 706 pretrial release or bond for the offense currently before the  
 707 court and the violation, in the discretion of the court,  
 708 supports a finding that no conditions of release can reasonably  
 709 protect the community from risk of physical harm to persons or  
 710 assure the presence of the accused at trial.

711 Section 16. For the purpose of incorporating the  
 712 amendments to sections 893.13 and 893.135, Florida Statutes, in  
 713 references thereto, paragraphs (c) and (e) through (i) of  
 714 subsection (3) of section 921.0022, Florida Statutes, are  
 715 reenacted to read:

716 921.0022 Criminal Punishment Code; offense severity  
 717 ranking chart.--

718 (3) OFFENSE SEVERITY RANKING CHART

Florida	Felony	
Statute	Degree	Description

719

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(c) LEVEL 3

720	119.10(3)	3rd	Unlawful use of confidential information from police reports.
721	316.066(3)(d)-(f)	3rd	Unlawfully obtaining or using confidential crash reports.
722	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
723	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in marked patrol vehicle with siren and lights activated.
724	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
725	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
726	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
727	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
728	327.35(2)(b)	3rd	Felony BUI.
729			

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730	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
731	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
732	370.12(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
733	370.12(1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
734	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
735	400.903(3)	3rd	Operating a clinic without a license or filing false license application or other required information.
	440.105(3)(b)	3rd	Receipt of fee or consideration without approval by judge of compensation claims.

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736	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
737	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
738	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
739	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
740	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
741	697.08	3rd	Equity skimming.
742	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
743	796.05(1)	3rd	Live on earnings of a prostitute.
744	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
745	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.

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746	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
747	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
748	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
749	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
750	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
751	817.233	3rd	Burning to defraud insurer.
752	817.234(8)(b)-(c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
753	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
754	817.236	3rd	Filing a false motor vehicle insurance application.
755	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle

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insurance card.

756

817.413(2)

3rd

Sale of used goods as new.

757

817.505(4)

3rd

Patient brokering.

758

828.12(2)

3rd

Tortures any animal with intent to inflict intense pain, serious physical injury, or death.

759

831.28(2)(a)

3rd

Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

760

831.29

2nd

Possession of instruments for counterfeiting drivers' licenses or identification cards.

761

838.021(3)(b)

3rd

Threatens unlawful harm to public servant.

762

843.19

3rd

Injure, disable, or kill police dog or horse.

763

860.15(3)

3rd

Overcharging for repairs and parts.

764

870.01(2)

3rd

Riot; inciting or encouraging.

765

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.,

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(2)(c)9., (3), or (4) drugs).

766

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 1,000 feet of  
university.

767

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 1,000 feet of public  
housing facility.

768

893.13(6)(a) 3rd

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

769

893.13(7)(a)8. 3rd

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

770

893.13(7)(a)9. 3rd

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

771

893.13(7)(a)10. 3rd

Affix false or forged label to package  
of controlled substance.

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- 772 893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.
- 773 893.13(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.
- 774 893.13(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.
- 775 893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.
- 776 893.13(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.
- 777 918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.



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778	944.47(1)(a)1.- 2.	3rd	Introduce contraband to correctional facility.
779	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
780	985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
781			(e) LEVEL 5
782	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
783	316.1935(4)	2nd	Aggravated fleeing or eluding.
784	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
785	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
786	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
787	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
788	440.105(5)	2nd	Unlawful solicitation for the purpose

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of making workers' compensation claims.

789

440.381(2) 2nd

Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

790

624.401(4)(b)2. 2nd

Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

791

626.902(1)(c) 2nd

Representing an unauthorized insurer; repeat offender.

792

790.01(2) 3rd

Carrying a concealed firearm.

793

790.162 2nd

Threat to throw or discharge destructive device.

794

790.163(1) 2nd

False report of deadly explosive or weapon of mass destruction.

795

790.221(1) 2nd

Possession of short-barreled shotgun or machine gun.

796

790.23 2nd

Felons in possession of firearms or electronic weapons or devices.

797

800.04(6)(c) 3rd

Lewd or lascivious conduct; offender less than 18 years.

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798	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
799	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
800	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
801	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
802	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
803	812.131(2)(b)	3rd	Robbery by sudden snatching.
804	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
805	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
806	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
807	817.2341(1),(2)	3rd	Filing false financial statements,

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	(a)&(3)(a)		making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
808	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
809	817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device or reencoder.
810	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
811	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
812	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.
813	843.01	3rd	Resist officer with violence to person; resist arrest with violence.

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814 874.05(2) 2nd Encouraging or recruiting another to  
join a criminal street gang; second or  
subsequent offense.

815 893.13(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).

816 893.13(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,  
school, or state, county, or municipal  
park or publicly owned recreational  
facility or community center.

817 893.13(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 1,000 feet of  
university.

818 893.13(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.,

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(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.

819

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 feet of public housing facility.

820

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).

821

(f) LEVEL 6

822

316.193(2)(b) 3rd Felony DUI, 4th or subsequent conviction.

823

499.0051(3) 2nd Forgery of pedigree papers.

824

499.0051(4) 2nd Purchase or receipt of legend drug from unauthorized person.

825

499.0051(5) 2nd Sale of legend drug to unauthorized person.

826

775.0875(1) 3rd Taking firearm from law enforcement

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officer.

827	775.21(10)	3rd	Sexual predators; failure to register; failure to renew driver's license or identification card.
828	784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
829	784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
830	784.041	3rd	Felony battery.
831	784.048(3)	3rd	Aggravated stalking; credible threat.
832	784.048(5)	3rd	Aggravated stalking of person under 16.
833	784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
834	784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
835	784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
836	784.081(2)	2nd	Aggravated assault on specified official or employee.
837	784.082(2)	2nd	Aggravated assault by detained person

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on visitor or other detainee.

838

784.083(2) 2nd Aggravated assault on code inspector.

839

787.02(2) 3rd False imprisonment; restraining with purpose other than those in s. 787.01.

840

790.115(2)(d) 2nd Discharging firearm or weapon on school property.

841

790.161(2) 2nd Make, possess, or throw destructive device with intent to do bodily harm or damage property.

842

790.164(1) 2nd False report of deadly explosive, weapon of mass destruction, or act of arson or violence to state property.

843

790.19 2nd Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.

844

794.011(8)(a) 3rd Solicitation of minor to participate in sexual activity by custodial adult.

845

794.05(1) 2nd Unlawful sexual activity with specified minor.

846

800.04(5)(d) 3rd Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender less than 18 years.

847

800.04(6)(b) 2nd Lewd or lascivious conduct; offender



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18 years of age or older.

848

806.031(2) 2nd Arson resulting in great bodily harm to firefighter or any other person.

849

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

850

812.014(2)(b)1. 2nd Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.

851

812.014(2)(b)2. 2nd Property stolen; cargo valued at less than \$50,000, grand theft in 2nd degree.

852

812.015(9) 2nd Retail theft; property stolen \$300 or more; second or subsequent conviction.

853

812.13(2)(c) 2nd Robbery, no firearm or other weapon (strong-arm robbery).

854

817.034(4)(a)1. 1st Communications fraud, value greater than \$50,000.

855

817.4821(5) 2nd Possess cloning paraphernalia with intent to create cloned cellular telephones.

856

825.102(1) 3rd Abuse of an elderly person or disabled adult.

857

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858	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
859	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
860	825.103(2)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$20,000.
861	827.03(1)	3rd	Abuse of a child.
862	827.03(3)(c)	3rd	Neglect of a child.
863	827.071(2)&(3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
864	836.05	2nd	Threats; extortion.
865	836.10	2nd	Written threats to kill or do bodily injury.
866	843.12	3rd	Aids or assists person to escape.
867	847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
868	914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.

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869	943.0435(9)	3rd	Sex offenders; failure to comply with reporting requirements.
	944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
870	944.40	2nd	Escapes.
871	944.46	3rd	Harboring, concealing, aiding escaped prisoners.
872	944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
873	951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.
874			(g) LEVEL 7
875	316.027(1)(b)	2nd	Accident involving death, failure to stop; leaving scene.
876	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
877	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
878			

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	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
879	409.920(2)	3rd	Medicaid provider fraud.
880	456.065(2)	3rd	Practicing a health care profession without a license.
881	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
882	458.327(1)	3rd	Practicing medicine without a license.
883	459.013(1)	3rd	Practicing osteopathic medicine without a license.
884	460.411(1)	3rd	Practicing chiropractic medicine without a license.
885	461.012(1)	3rd	Practicing podiatric medicine without a license.
886	462.17	3rd	Practicing naturopathy without a license.
887	463.015(1)	3rd	Practicing optometry without a license.
888	464.016(1)	3rd	Practicing nursing without a license.

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889	465.015(2)	3rd	Practicing pharmacy without a license.
890	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
891	467.201	3rd	Practicing midwifery without a license.
892	468.366	3rd	Delivering respiratory care services without a license.
893	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
894	483.901(9)	3rd	Practicing medical physics without a license.
895	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
896	484.053	3rd	Dispensing hearing aids without a license.
897	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.
898	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less

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than \$20,000 by money transmitter.

899

560.125(5)(a) 3rd

Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.

900

655.50(10)(b)1. 3rd

Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.

901

782.051(3) 2nd

Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

902

782.07(1) 2nd

Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

903

782.071 2nd

Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).

904

782.072 2nd

Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

905

784.045(1)(a)1. 2nd

Aggravated battery; intentionally causing great bodily harm or

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disfigurement.

906

784.045(1)(a)2. 2nd

Aggravated battery; using deadly  
weapon.

907

784.045(1)(b) 2nd

Aggravated battery; perpetrator aware  
victim pregnant.

908

784.048(4) 3rd

Aggravated stalking; violation of  
injunction or court order.

909

784.07(2)(d) 1st

Aggravated battery on law enforcement  
officer.

910

784.074(1)(a) 1st

Aggravated battery on sexually violent  
predators facility staff.

911

784.08(2)(a) 1st

Aggravated battery on a person 65  
years of age or older.

912

784.081(1) 1st

Aggravated battery on specified  
official or employee.

913

784.082(1) 1st

Aggravated battery by detained person  
on visitor or other detainee.

914

784.083(1) 1st

Aggravated battery on code inspector.

915

790.07(4) 1st

Specified weapons violation subsequent  
to previous conviction of s. 790.07(1)  
or (2).

916

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917	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
918	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
919	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
920	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
921	790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
922	796.03	2nd	Procuring any person under 16 years for prostitution.
923	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
924	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.
	806.01(2)	2nd	Maliciously damage structure by fire



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or explosive.

925	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
926	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
927	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
928	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.
929	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
930	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
931	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
932	812.131(2)(a)	2nd	Robbery by sudden snatching.
933	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
934			

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935	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
936	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
937	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
938	817.234(1)(2)(b)& (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
939	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
940	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.
941	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
941	827.04(3)	3rd	Impregnation of a child under 16 years

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of age by person 21 years of age or older.

942

837.05(2)

3rd

Giving false information about alleged capital felony to a law enforcement officer.

943

838.015

2nd

Bribery.

944

838.016

2nd

Unlawful compensation or reward for official behavior.

945

838.021(3)(a)

2nd

Unlawful harm to a public servant.

946

838.22

2nd

Bid tampering.

947

872.06

2nd

Abuse of a dead human body.

948

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, school, or state, county, or municipal park or publicly owned recreational facility or community center.

949

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

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of property used for religious services or a specified business site.

950

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 (2)(c)4. drugs).

951

893.135(1)(a)1. 1st

Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

952

893.135(1)(b)1. 1st  
a.

Trafficking in cocaine, more than 28 grams, less than 200 grams.

953

893.135(1)(c)1. 1st  
a.

Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

954

893.135(1)(d)1. 1st

Trafficking in phencyclidine, more than 28 grams, less than 200 grams.

955

893.135(1)(e)1. 1st

Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.

956

893.135(1)(f)1. 1st

Trafficking in amphetamine, more than 14 grams, less than 28 grams.

957

893.135(1)(g)1. 1st  
a.

Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.

958

893.135(1)(h)1. 1st  
a.

Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.

959

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960	893.135(1)(j)1. a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
961	893.135(1)(k)2. a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
962	896.101(5)(a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
963	896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
964			(h) LEVEL 8
965	316.193(3)(c)3. a.	2nd	DUI manslaughter.
966	327.35(3)(c)3.	2nd	Vessel BUI manslaughter.
967	499.0051(7)	1st	Forgery of prescription or legend drug labels.
968	499.0052	1st	Trafficking in contraband legend drugs.
	560.123(8)(b)2.	2nd	Failure to report currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000 by

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money transmitter.

969

560.125(5)(b) 2nd

Money transmitter business by unauthorized person, currency or payment instruments totaling or exceeding \$20,000, but less than \$100,000.

970

655.50(10)(b)2. 2nd

Failure to report financial transactions totaling or exceeding \$20,000, but less than \$100,000 by financial institutions.

971

777.03(2)(a) 1st

Accessory after the fact, capital felony.

972

782.04(4) 2nd

Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aircraft piracy, or unlawfully discharging bomb.

973

782.051(2) 1st

Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04(3).

974

782.071(1)(b) 1st

Committing vehicular homicide and failing to render aid or give information.

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975	782.072(2)	1st	Committing vessel homicide and failing to render aid or give information.
976	790.161(3)	1st	Discharging a destructive device which results in bodily harm or property damage.
977	794.011(5)	2nd	Sexual battery, victim 12 years or over, offender does not use physical force likely to cause serious injury.
978	800.04(4)	2nd	Lewd or lascivious battery.
979	806.01(1)	1st	Maliciously damage dwelling or structure by fire or explosive, believing person in structure.
980	810.02(2)(a)	1st,PBL	Burglary with assault or battery.
981	810.02(2)(b)	1st,PBL	Burglary; armed with explosives or dangerous weapon.
982	810.02(2)(c)	1st	Burglary of a dwelling or structure causing structural damage or \$1,000 or more property damage.
983	812.13(2)(b)	1st	Robbery with a weapon.
984	812.135(2)	1st	Home-invasion robbery.
985	817.568(6)	2nd	Fraudulent use of personal

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identification information of an individual under the age of 18.

986 825.102(2) 2nd Aggravated abuse of an elderly person or disabled adult.

987 825.1025(2) 2nd Lewd or lascivious battery upon an elderly person or disabled adult.

988 825.103(2)(a) 1st Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.

989 837.02(2) 2nd Perjury in official proceedings relating to prosecution of a capital felony.

990 837.021(2) 2nd Making contradictory statements in official proceedings relating to prosecution of a capital felony.

991 860.121(2)(c) 1st Shooting at or throwing any object in path of railroad vehicle resulting in great bodily harm.

992 860.16 1st Aircraft piracy.

993 893.13(1)(b) 1st Sell or deliver in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

994 893.13(2)(b) 1st Purchase in excess of 10 grams of any



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substance specified in s. 893.03(1)(a) or (b).

995

893.13(6)(c) 1st

Possess in excess of 10 grams of any substance specified in s. 893.03(1)(a) or (b).

996

893.135(1)(a)2. 1st

Trafficking in cannabis, more than 2,000 lbs., less than 10,000 lbs.

997

893.135(1)(b)1. 1st

b.

Trafficking in cocaine, more than 200 grams, less than 400 grams.

998

893.135(1)(c)1. 1st

b.

Trafficking in illegal drugs, more than 14 grams, less than 28 grams.

999

893.135(1)(d)1. 1st

b.

Trafficking in phencyclidine, more than 200 grams, less than 400 grams.

1000

893.135(1)(e)1. 1st

b.

Trafficking in methaqualone, more than 5 kilograms, less than 25 kilograms.

1001

893.135(1)(f)1. 1st

b.

Trafficking in amphetamine, more than 28 grams, less than 200 grams.

1002

893.135(1)(g)1. 1st

b.

Trafficking in flunitrazepam, 14 grams or more, less than 28 grams.

1003

893.135(1)(h)1. 1st

b.

Trafficking in gamma-hydroxybutyric acid (GHB), 5 kilograms or more, less than 10 kilograms.

1004

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1005	893.135(1)(j)1. b.	1st	Trafficking in 1,4-Butanediol, 5 kilograms or more, less than 10 kilograms.
1006	893.135(1)(k)2. b.	1st	Trafficking in Phenethylamines, 200 grams or more, less than 400 grams.
1007	895.03(1)	1st	Use or invest proceeds derived from pattern of racketeering activity.
1008	895.03(2)	1st	Acquire or maintain through racketeering activity any interest in or control of any enterprise or real property.
1009	895.03(3)	1st	Conduct or participate in any enterprise through pattern of racketeering activity.
1010	896.101(5)(b)	2nd	Money laundering, financial transactions totaling or exceeding \$20,000, but less than \$100,000.
1011	896.104(4)(a)2.	2nd	Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$20,000 but less than \$100,000.
1012			(i) LEVEL 9

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1013	316.193(3)(c)3. b.	1st	DUI manslaughter; failing to render aid or give information.
1014	327.35(3)(c)3.b .	1st	BUI manslaughter; failing to render aid or give information.
1015	499.0053	1st	Sale or purchase of contraband legend drugs resulting in great bodily harm.
1016	560.123(8)(b)3.	1st	Failure to report currency or payment instruments totaling or exceeding \$100,000 by money transmitter.
1017	560.125(5)(c)	1st	Money transmitter business by unauthorized person, currency, or payment instruments totaling or exceeding \$100,000.
1018	655.50(10)(b)3.	1st	Failure to report financial transactions totaling or exceeding \$100,000 by financial institution.
1019	775.0844	1st	Aggravated white collar crime.
1020	782.04(1)	1st	Attempt, conspire, or solicit to commit premeditated murder.
1021	782.04(3)	1st,PBL	Accomplice to murder in connection with arson, sexual battery, robbery, burglary, and other specified felonies.

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1022	782.051(1)	1st	Attempted felony murder while perpetrating or attempting to perpetrate a felony enumerated in s. 782.04(3).
1023	782.07(2)	1st	Aggravated manslaughter of an elderly person or disabled adult.
1024	787.01(1)(a)1.	1st,PBL	Kidnapping; hold for ransom or reward or as a shield or hostage.
1025	787.01(1)(a)2.	1st,PBL	Kidnapping with intent to commit or facilitate commission of any felony.
1026	787.01(1)(a)4.	1st,PBL	Kidnapping with intent to interfere with performance of any governmental or political function.
1027	787.02(3)(a)	1st	False imprisonment; child under age 13; perpetrator also commits aggravated child abuse, sexual battery, or lewd or lascivious battery, molestation, conduct, or exhibition.
1028	790.161	1st	Attempted capital destructive device offense.
	790.166(2)	1st,PBL	Possessing, selling, using, or attempting to use a weapon of mass destruction.

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1029	794.011(2)	1st	Attempted sexual battery; victim less than 12 years of age.
1030	794.011(2)	Life	Sexual battery; offender younger than 18 years and commits sexual battery on a person less than 12 years.
1031	794.011(4)	1st	Sexual battery; victim 12 years or older, certain circumstances.
1032	794.011(8)(b)	1st	Sexual battery; engage in sexual conduct with minor 12 to 18 years by person in familial or custodial authority.
1033	800.04(5)(b)	1st	Lewd or lascivious molestation; victim less than 12 years; offender 18 years or older.
1034	812.13(2)(a)	1st,PBL	Robbery with firearm or other deadly weapon.
1035	812.133(2)(a)	1st,PBL	Carjacking; firearm or other deadly weapon.
1036	817.568(7)	2nd,PBL	Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority.
1037			

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1038	827.03(2)	1st	Aggravated child abuse.
	847.0145(1)	1st	Selling, or otherwise transferring custody or control, of a minor.
1039	847.0145(2)	1st	Purchasing, or otherwise obtaining custody or control, of a minor.
1040	859.01	1st	Poisoning or introducing bacteria, radioactive materials, viruses, or chemical compounds into food, drink, medicine, or water with intent to kill or injure another person.
1041	893.135	1st	Attempted capital trafficking offense.
1042	893.135(1)(a)3.	1st	Trafficking in cannabis, more than 10,000 lbs.
1043	893.135(1)(b)1. c.	1st	Trafficking in cocaine, more than 400 grams, less than 150 kilograms.
1044	893.135(1)(c)1. c.	1st	Trafficking in illegal drugs, more than 28 grams, less than 30 kilograms.
1045	893.135(1)(d)1. c.	1st	Trafficking in phencyclidine, more than 400 grams.
1046	893.135(1)(e)1. c.	1st	Trafficking in methaqualone, more than 25 kilograms.
1047	893.135(1)(f)1.	1st	Trafficking in amphetamine, more than

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- 1048 c. 200 grams.
- 1049 893.135(1)(h)1. 1st Trafficking in gamma-hydroxybutyric  
c. acid (GHB), 10 kilograms or more.
- 1050 893.135(1)(j)1. 1st Trafficking in 1,4-Butanediol, 10  
c. kilograms or more.
- 1051 893.135(1)(k)2. 1st Trafficking in Phenethylamines, 400  
c. grams or more.
- 1052 896.101(5)(c) 1st Money laundering, financial  
instruments totaling or exceeding  
\$100,000.
- 1053 896.104(4)(a)3. 1st Structuring transactions to evade  
reporting or registration  
requirements, financial transactions  
totaling or exceeding \$100,000.

1054 Section 17. For the purpose of incorporating the amendment  
1055 to section 893.135, Florida Statutes, in references thereto,  
1056 subsection (1) of section 921.0024, Florida Statutes, is  
1057 reenacted to read:

1058 921.0024 Criminal Punishment Code; worksheet computations;  
1059 scoresheets.--

1060 (1)(a) The Criminal Punishment Code worksheet is used to  
1061 compute the subtotal and total sentence points as follows:

1062  
1063 FLORIDA CRIMINAL PUNISHMENT CODE  
1064 WORKSHEET

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1065  
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OFFENSE SCORE

Primary Offense

Level	Sentence Points		Total
10	116	=	_____
9	92	=	_____
8	74	=	_____
7	56	=	_____
6	36	=	_____
5	28	=	_____
4	22	=	_____
3	16	=	_____
2	10	=	_____
1	4	=	_____
			<u>Total</u>



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Additional Offenses

Level	Sentence Points		Counts	Total
10	58	x	_____	= _____
9	46	x	_____	= _____
8	37	x	_____	= _____
7	28	x	_____	= _____
6	18	x	_____	= _____
5	5.4	x	_____	= _____
4	3.6	x	_____	= _____
3	2.4	x	_____	= _____
2	1.2	x	_____	= _____
1	0.7	x	_____	= _____
M	0.2	x	_____	= _____

Total

Victim Injury

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Level	Sentence Points		Number	Total	
1102					
1103	2nd degree murder-				
	death	240	x	_____	= _____
1104	Death	120	x	_____	= _____
1105	Severe	40	x	_____	= _____
1106	Moderate	18	x	_____	= _____
1107	Slight	4	x	_____	= _____
1108	Sexual Penetration	80	x	_____	= _____
1109	Sexual contact	40	x	_____	= _____
1110					
1111					<u>Total</u>
1112					
1113					
1114	Primary Offense + Additional Offenses + Victim Injury =				
1115	TOTAL OFFENSE SCORE				
1116					
1117	PRIOR RECORD SCORE				

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1118  
1119  
1120  
1121  
1122  
1123  
1124  
1125  
1126  
1127  
1128  
1129  
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1132  
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Prior Record

Level	Sentence Points		Number		Total
10	29	x	_____	=	_____
9	23	x	_____	=	_____
8	19	x	_____	=	_____
7	14	x	_____	=	_____
6	9	x	_____	=	_____
5	3.6	x	_____	=	_____
4	2.4	x	_____	=	_____
3	1.6	x	_____	=	_____
2	0.8	x	_____	=	_____
1	0.5	x	_____	=	_____
M	0.2	x	_____	=	_____
					<u>Total</u>

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1136 TOTAL OFFENSE SCORE  
 1137 TOTAL PRIOR RECORD SCORE  
 1138  
 1139 LEGAL STATUS  
 1140 COMMUNITY SANCTION VIOLATION  
 1141 PRIOR SERIOUS FELONY  
 1142 PRIOR CAPITAL FELONY  
 1143 FIREARM OR SEMIAUTOMATIC WEAPON  
 1144 SUBTOTAL \_\_\_\_\_  
 1145  
 1146 PRISON RELEASEE REOFFENDER (no)(yes)  
 1147 VIOLENT CAREER CRIMINAL (no)(yes)  
 1148 HABITUAL VIOLENT OFFENDER (no)(yes)  
 1149 HABITUAL OFFENDER (no)(yes)  
 1150 DRUG TRAFFICKER (no)(yes) (x multiplier)  
 1151 LAW ENF. PROTECT. (no)(yes) (x multiplier)  
 1152 MOTOR VEHICLE THEFT (no)(yes) (x multiplier)  
 1153 CRIMINAL STREET GANG OFFENSE (no)(yes) (x multiplier)  
 1154 DOMESTIC VIOLENCE IN THE PRESENCE OF RELATED CHILD (no)(yes)  
 1155 (x multiplier)  
 1156  
 1157 TOTAL SENTENCE POINTS \_\_\_\_\_  
 1158

(b) WORKSHEET KEY:

1161 Legal status points are assessed when any form of legal status  
 1162 existed at the time the offender committed an offense before the  
 1163 court for sentencing. Four (4) sentence points are assessed for  
 1164 an offender's legal status.

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1165  
1166 Community sanction violation points are assessed when a  
1167 community sanction violation is before the court for sentencing.  
1168 Six (6) sentence points are assessed for each community sanction  
1169 violation, and each successive community sanction violation;  
1170 however, if the community sanction violation includes a new  
1171 felony conviction before the sentencing court, twelve (12)  
1172 community sanction violation points are assessed for such  
1173 violation, and for each successive community sanction violation  
1174 involving a new felony conviction. Multiple counts of community  
1175 sanction violations before the sentencing court shall not be a  
1176 basis for multiplying the assessment of community sanction  
1177 violation points.

1178  
1179 Prior serious felony points: If the offender has a primary  
1180 offense or any additional offense ranked in level 8, level 9, or  
1181 level 10, and one or more prior serious felonies, a single  
1182 assessment of 30 points shall be added. For purposes of this  
1183 section, a prior serious felony is an offense in the offender's  
1184 prior record that is ranked in level 8, level 9, or level 10  
1185 under s. 921.0022 or s. 921.0023 and for which the offender is  
1186 serving a sentence of confinement, supervision, or other  
1187 sanction or for which the offender's date of release from  
1188 confinement, supervision, or other sanction, whichever is later,  
1189 is within 3 years before the date the primary offense or any  
1190 additional offense was committed.

1191  
1192 Prior capital felony points: If the offender has one or more  
1193 prior capital felonies in the offender's criminal record, points

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1194 shall be added to the subtotal sentence points of the offender  
 1195 equal to twice the number of points the offender receives for  
 1196 the primary offense and any additional offense. A prior capital  
 1197 felony in the offender's criminal record is a previous capital  
 1198 felony offense for which the offender has entered a plea of nolo  
 1199 contendere or guilty or has been found guilty; or a felony in  
 1200 another jurisdiction which is a capital felony in that  
 1201 jurisdiction, or would be a capital felony if the offense were  
 1202 committed in this state.

1203  
 1204 Possession of a firearm, semiautomatic firearm, or machine gun:  
 1205 If the offender is convicted of committing or attempting to  
 1206 commit any felony other than those enumerated in s. 775.087(2)  
 1207 while having in his or her possession: a firearm as defined in  
 1208 s. 790.001(6), an additional 18 sentence points are assessed; or  
 1209 if the offender is convicted of committing or attempting to  
 1210 commit any felony other than those enumerated in s. 775.087(3)  
 1211 while having in his or her possession a semiautomatic firearm as  
 1212 defined in s. 775.087(3) or a machine gun as defined in s.  
 1213 790.001(9), an additional 25 sentence points are assessed.

1214  
 1215 Sentencing multipliers:  
 1216  
 1217 Drug trafficking: If the primary offense is drug trafficking  
 1218 under s. 893.135, the subtotal sentence points are multiplied,  
 1219 at the discretion of the court, for a level 7 or level 8  
 1220 offense, by 1.5. The state attorney may move the sentencing  
 1221 court to reduce or suspend the sentence of a person convicted of

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1222 a level 7 or level 8 offense, if the offender provides  
 1223 substantial assistance as described in s. 893.135(4).

1224  
 1225 Law enforcement protection: If the primary offense is a  
 1226 violation of the Law Enforcement Protection Act under s.  
 1227 775.0823(2), the subtotal sentence points are multiplied by 2.5.  
 1228 If the primary offense is a violation of s. 775.0823(3), (4),  
 1229 (5), (6), (7), or (8), the subtotal sentence points are  
 1230 multiplied by 2.0. If the primary offense is a violation of s.  
 1231 784.07(3) or s. 775.0875(1), or of the Law Enforcement  
 1232 Protection Act under s. 775.0823(9) or (10), the subtotal  
 1233 sentence points are multiplied by 1.5.

1234  
 1235 Grand theft of a motor vehicle: If the primary offense is grand  
 1236 theft of the third degree involving a motor vehicle and in the  
 1237 offender's prior record, there are three or more grand thefts of  
 1238 the third degree involving a motor vehicle, the subtotal  
 1239 sentence points are multiplied by 1.5.

1240  
 1241 Offense related to a criminal street gang: If the offender is  
 1242 convicted of the primary offense and committed that offense for  
 1243 the purpose of benefiting, promoting, or furthering the  
 1244 interests of a criminal street gang as prohibited under s.  
 1245 874.04, the subtotal sentence points are multiplied by 1.5.

1246  
 1247 Domestic violence in the presence of a child: If the offender is  
 1248 convicted of the primary offense and the primary offense is a  
 1249 crime of domestic violence, as defined in s. 741.28, which was  
 1250 committed in the presence of a child under 16 years of age who

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1251 is a family household member as defined in s. 741.28(2) with the  
 1252 victim or perpetrator, the subtotal sentence points are  
 1253 multiplied by 1.5.

1254 Section 18. For the purpose of incorporating the amendment  
 1255 to section 893.135, Florida Statutes, in a reference thereto,  
 1256 subsection (2) of section 921.142, Florida Statutes, is  
 1257 reenacted to read:

1258 921.142 Sentence of death or life imprisonment for capital  
 1259 drug trafficking felonies; further proceedings to determine  
 1260 sentence.--

1261 (2) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.--Upon  
 1262 conviction or adjudication of guilt of a defendant of a capital  
 1263 felony under s. 893.135, the court shall conduct a separate  
 1264 sentencing proceeding to determine whether the defendant should  
 1265 be sentenced to death or life imprisonment as authorized by s.  
 1266 775.082. The proceeding shall be conducted by the trial judge  
 1267 before the trial jury as soon as practicable. If, through  
 1268 impossibility or inability, the trial jury is unable to  
 1269 reconvene for a hearing on the issue of penalty, having  
 1270 determined the guilt of the accused, the trial judge may summon  
 1271 a special juror or jurors as provided in chapter 913 to  
 1272 determine the issue of the imposition of the penalty. If the  
 1273 trial jury has been waived, or if the defendant pleaded guilty,  
 1274 the sentencing proceeding shall be conducted before a jury  
 1275 impaneled for that purpose, unless waived by the defendant. In  
 1276 the proceeding, evidence may be presented as to any matter that  
 1277 the court deems relevant to the nature of the crime and the  
 1278 character of the defendant and shall include matters relating to  
 1279 any of the aggravating or mitigating circumstances enumerated in



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1280 subsections (6) and (7). Any such evidence which the court deems  
 1281 to have probative value may be received, regardless of its  
 1282 admissibility under the exclusionary rules of evidence, provided  
 1283 the defendant is accorded a fair opportunity to rebut any  
 1284 hearsay statements. However, this subsection shall not be  
 1285 construed to authorize the introduction of any evidence secured  
 1286 in violation of the Constitution of the United States or the  
 1287 Constitution of the State of Florida. The state and the  
 1288 defendant or the defendant's counsel shall be permitted to  
 1289 present argument for or against sentence of death.

1290 Section 19. For the purpose of incorporating the amendment  
 1291 to section 893.13, Florida Statutes, in references thereto,  
 1292 subsection (1) of section 921.187, Florida Statutes, is  
 1293 reenacted to read:

1294 921.187 Disposition and sentencing; alternatives;  
 1295 restitution.--

1296 (1) The alternatives provided in this section for the  
 1297 disposition of criminal cases shall be used in a manner that  
 1298 will best serve the needs of society, punish criminal offenders,  
 1299 and provide the opportunity for rehabilitation.

1300 (a) If the offender does not receive a state prison  
 1301 sentence, the court may:

1302 1. Impose a split sentence whereby the offender is to be  
 1303 placed on probation upon completion of any specified period of  
 1304 such sentence, which period may include a term of years or less.

1305 2. Make any other disposition that is authorized by law.

1306 3. Place the offender on probation with or without an  
 1307 adjudication of guilt pursuant to s. 948.01.

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1308 4. Impose a fine and probation pursuant to s. 948.011 when  
 1309 the offense is punishable by both a fine and imprisonment and  
 1310 probation is authorized.

1311 5. Place the offender into community control requiring  
 1312 intensive supervision and surveillance pursuant to chapter 948.

1313 6. Impose, as a condition of probation or community  
 1314 control, a period of treatment which shall be restricted to a  
 1315 county facility, a Department of Corrections probation and  
 1316 restitution center, a probation program drug punishment  
 1317 treatment community, or a community residential or  
 1318 nonresidential facility, excluding a community correctional  
 1319 center as defined in s. 944.026, which is owned and operated by  
 1320 any qualified public or private entity providing such services.  
 1321 Before admission to such a facility, the court shall obtain an  
 1322 individual assessment and recommendations on the appropriate  
 1323 treatment needs, which shall be considered by the court in  
 1324 ordering such placements. Placement in such a facility, except  
 1325 for a county residential probation facility, may not exceed 364  
 1326 days. Placement in a county residential probation facility may  
 1327 not exceed 3 years. Early termination of placement may be  
 1328 recommended to the court, when appropriate, by the center  
 1329 supervisor, the supervising probation officer, or the probation  
 1330 program manager.

1331 7. Sentence the offender pursuant to s. 922.051 to  
 1332 imprisonment in a county jail when a statute directs  
 1333 imprisonment in a state prison, if the offender's cumulative  
 1334 sentence, whether from the same circuit or from separate  
 1335 circuits, is not more than 364 days.

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1336 8. Sentence the offender who is to be punished by  
 1337 imprisonment in a county jail to a jail in another county if  
 1338 there is no jail within the county suitable for such prisoner  
 1339 pursuant to s. 950.01.

1340 9. Require the offender to participate in a work-release  
 1341 or educational or technical training program pursuant to s.  
 1342 951.24 while serving a sentence in a county jail, if such a  
 1343 program is available.

1344 10. Require the offender to perform a specified public  
 1345 service pursuant to s. 775.091.

1346 11. Require the offender who violates chapter 893 or  
 1347 violates any law while under the influence of a controlled  
 1348 substance or alcohol to participate in a substance abuse  
 1349 program.

1350 12.a. Require the offender who violates any criminal  
 1351 provision of chapter 893 to pay an additional assessment in an  
 1352 amount up to the amount of any fine imposed, pursuant to ss.  
 1353 938.21 and 938.23.

1354 b. Require the offender who violates any provision of s.  
 1355 893.13 to pay an additional assessment in an amount of \$100,  
 1356 pursuant to ss. 938.25 and 943.361.

1357 13. Impose a split sentence whereby the offender is to be  
 1358 placed in a county jail or county work camp upon the completion  
 1359 of any specified term of community supervision.

1360 14. Impose split probation whereby upon satisfactory  
 1361 completion of half the term of probation, the Department of  
 1362 Corrections may place the offender on administrative probation  
 1363 pursuant to s. 948.01 for the remainder of the term of  
 1364 supervision.

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1365 15. Require residence in a state probation and restitution  
 1366 center or private drug treatment program for offenders on  
 1367 community control or offenders who have violated conditions of  
 1368 probation.

1369 16. Impose any other sanction which is provided within the  
 1370 community and approved as an intermediate sanction by the county  
 1371 public safety coordinating council as described in s. 951.26.

1372 17. Impose, as a condition of community control,  
 1373 probation, or probation following incarceration, a requirement  
 1374 that an offender who has not obtained a high school diploma or  
 1375 high school equivalency diploma or who lacks basic or functional  
 1376 literacy skills, upon acceptance by an adult education program,  
 1377 make a good faith effort toward completion of such basic or  
 1378 functional literacy skills or high school equivalency diploma,  
 1379 as defined in s. 1003.435, in accordance with the assessed adult  
 1380 general education needs of the individual offender.

1381 (b)1. Notwithstanding any provision of former s. 921.001  
 1382 or s. 921.002 to the contrary, on or after October 1, 1993, the  
 1383 court may require any defendant who violates s. 893.13(1)(a)1.,  
 1384 (1)(c)2., (1)(d)2., (2)(a)1., or (5)(a), and meets the criteria  
 1385 described in s. 893.13(10), to successfully complete a term of  
 1386 probation pursuant to the terms and conditions set forth in s.  
 1387 948.034(1), in lieu of serving a term of imprisonment.

1388 2. Notwithstanding any provision of former s. 921.001 or  
 1389 s. 921.002 to the contrary, on or after October 1, 1993, the  
 1390 court may require any defendant who violates s. 893.13(1)(a)2.,  
 1391 (2)(a)2., (5)(b), or (6)(a), and meets the criteria described in  
 1392 s. 893.13(11), to successfully complete a term of probation

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1393 pursuant to the terms and conditions set forth in s. 948.034(2),  
 1394 in lieu of serving a term of imprisonment.

1395 Section 20. For the purpose of incorporating the amendment  
 1396 to section 893.13, Florida Statutes, in a reference thereto,  
 1397 section 938.25, Florida Statutes, is reenacted to read:

1398 938.25 Operating Trust Fund of the Department of Law  
 1399 Enforcement.--Notwithstanding any provision to the contrary of  
 1400 the laws of this state, the court may assess any defendant who  
 1401 pleads guilty or nolo contendere to, or is convicted of, a  
 1402 violation of any provision of s. 893.13, without regard to  
 1403 whether adjudication was withheld, in addition to any fine and  
 1404 other penalty provided or authorized by law, an amount of \$100,  
 1405 to be paid to the clerk of the court, who shall forward it to  
 1406 the Department of Revenue for deposit in the Operating Trust  
 1407 Fund of the Department of Law Enforcement to be used by the  
 1408 statewide criminal analysis laboratory system for the purposes  
 1409 specified in s. 943.361. The court is authorized to order a  
 1410 defendant to pay an additional assessment if it finds that the  
 1411 defendant has the ability to pay the fine and the additional  
 1412 assessment and will not be prevented thereby from being  
 1413 rehabilitated or from making restitution.

1414 Section 21. For the purpose of incorporating the amendment  
 1415 to section 893.135, Florida Statutes, in references thereto,  
 1416 section 943.0585, Florida Statutes, is reenacted to read:

1417 943.0585 Court-ordered expunction of criminal history  
 1418 records.--The courts of this state have jurisdiction over their  
 1419 own procedures, including the maintenance, expunction, and  
 1420 correction of judicial records containing criminal history  
 1421 information to the extent such procedures are not inconsistent

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1422 with the conditions, responsibilities, and duties established by  
 1423 this section. Any court of competent jurisdiction may order a  
 1424 criminal justice agency to expunge the criminal history record  
 1425 of a minor or an adult who complies with the requirements of  
 1426 this section. The court shall not order a criminal justice  
 1427 agency to expunge a criminal history record until the person  
 1428 seeking to expunge a criminal history record has applied for and  
 1429 received a certificate of eligibility for expunction pursuant to  
 1430 subsection (2). A criminal history record that relates to a  
 1431 violation of s. 787.025, chapter 794, s. 796.03, s. 800.04, s.  
 1432 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s.  
 1433 847.0135, s. 847.0145, s. 893.135, or a violation enumerated in  
 1434 s. 907.041 may not be expunged, without regard to whether  
 1435 adjudication was withheld, if the defendant was found guilty of  
 1436 or pled guilty or nolo contendere to the offense, or if the  
 1437 defendant, as a minor, was found to have committed, or pled  
 1438 guilty or nolo contendere to committing, the offense as a  
 1439 delinquent act. The court may only order expunction of a  
 1440 criminal history record pertaining to one arrest or one incident  
 1441 of alleged criminal activity, except as provided in this  
 1442 section. The court may, at its sole discretion, order the  
 1443 expunction of a criminal history record pertaining to more than  
 1444 one arrest if the additional arrests directly relate to the  
 1445 original arrest. If the court intends to order the expunction of  
 1446 records pertaining to such additional arrests, such intent must  
 1447 be specified in the order. A criminal justice agency may not  
 1448 expunge any record pertaining to such additional arrests if the  
 1449 order to expunge does not articulate the intention of the court  
 1450 to expunge a record pertaining to more than one arrest. This

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1451 section does not prevent the court from ordering the expunction  
 1452 of only a portion of a criminal history record pertaining to one  
 1453 arrest or one incident of alleged criminal activity.

1454 Notwithstanding any law to the contrary, a criminal justice  
 1455 agency may comply with laws, court orders, and official requests  
 1456 of other jurisdictions relating to expunction, correction, or  
 1457 confidential handling of criminal history records or information  
 1458 derived therefrom. This section does not confer any right to the  
 1459 expunction of any criminal history record, and any request for  
 1460 expunction of a criminal history record may be denied at the  
 1461 sole discretion of the court.

1462 (1) PETITION TO EXPUNGE A CRIMINAL HISTORY RECORD.--Each  
 1463 petition to a court to expunge a criminal history record is  
 1464 complete only when accompanied by:

1465 (a) A certificate of eligibility for expunction issued by  
 1466 the department pursuant to subsection (2).

1467 (b) The petitioner's sworn statement attesting that the  
 1468 petitioner:

1469 1. Has never, prior to the date on which the petition is  
 1470 filed, been adjudicated guilty of a criminal offense or  
 1471 comparable ordinance violation or adjudicated delinquent for  
 1472 committing a felony or a misdemeanor specified in s.

1473 943.051(3)(b).

1474 2. Has not been adjudicated guilty of, or adjudicated  
 1475 delinquent for committing, any of the acts stemming from the  
 1476 arrest or alleged criminal activity to which the petition  
 1477 pertains.

1478 3. Has never secured a prior sealing or expunction of a  
 1479 criminal history record under this section, former s. 893.14,

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1480 former s. 901.33, or former s. 943.058, or from any jurisdiction  
 1481 outside the state.

1482 4. Is eligible for such an expunction to the best of his  
 1483 or her knowledge or belief and does not have any other petition  
 1484 to expunge or any petition to seal pending before any court.

1485  
 1486 Any person who knowingly provides false information on such  
 1487 sworn statement to the court commits a felony of the third  
 1488 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1489 775.084.

1490 (2) CERTIFICATE OF ELIGIBILITY FOR EXPUNCTION.--Prior to  
 1491 petitioning the court to expunge a criminal history record, a  
 1492 person seeking to expunge a criminal history record shall apply  
 1493 to the department for a certificate of eligibility for  
 1494 expunction. The department shall, by rule adopted pursuant to  
 1495 chapter 120, establish procedures pertaining to the application  
 1496 for and issuance of certificates of eligibility for expunction.  
 1497 The department shall issue a certificate of eligibility for  
 1498 expunction to a person who is the subject of a criminal history  
 1499 record if that person:

1500 (a) Has obtained, and submitted to the department, a  
 1501 written, certified statement from the appropriate state attorney  
 1502 or statewide prosecutor which indicates:

1503 1. That an indictment, information, or other charging  
 1504 document was not filed or issued in the case.

1505 2. That an indictment, information, or other charging  
 1506 document, if filed or issued in the case, was dismissed or nolle  
 1507 prosequi by the state attorney or statewide prosecutor, or was  
 1508 dismissed by a court of competent jurisdiction.



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1509           3. That the criminal history record does not relate to a  
 1510 violation of s. 787.025, chapter 794, s. 796.03, s. 800.04, s.  
 1511 817.034, s. 825.1025, s. 827.071, chapter 839, s. 847.0133, s.  
 1512 847.0135, s. 847.0145, s. 893.135, or a violation enumerated in  
 1513 s. 907.041, where the defendant was found guilty of, or pled  
 1514 guilty or nolo contendere to any such offense, or that the  
 1515 defendant, as a minor, was found to have committed, or pled  
 1516 guilty or nolo contendere to committing, such an offense as a  
 1517 delinquent act, without regard to whether adjudication was  
 1518 withheld.

1519           (b) Remits a \$75 processing fee to the department for  
 1520 placement in the Department of Law Enforcement Operating Trust  
 1521 Fund, unless such fee is waived by the executive director.

1522           (c) Has submitted to the department a certified copy of  
 1523 the disposition of the charge to which the petition to expunge  
 1524 pertains.

1525           (d) Has never, prior to the date on which the application  
 1526 for a certificate of eligibility is filed, been adjudicated  
 1527 guilty of a criminal offense or comparable ordinance violation  
 1528 or adjudicated delinquent for committing a felony or a  
 1529 misdemeanor specified in s. 943.051(3)(b).

1530           (e) Has not been adjudicated guilty of, or adjudicated  
 1531 delinquent for committing, any of the acts stemming from the  
 1532 arrest or alleged criminal activity to which the petition to  
 1533 expunge pertains.

1534           (f) Has never secured a prior sealing or expunction of a  
 1535 criminal history record under this section, former s. 893.14,  
 1536 former s. 901.33, or former s. 943.058.

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1537 (g) Is no longer under court supervision applicable to the  
 1538 disposition of the arrest or alleged criminal activity to which  
 1539 the petition to expunge pertains.

1540 (h) Is not required to wait a minimum of 10 years prior to  
 1541 being eligible for an expunction of such records because all  
 1542 charges related to the arrest or criminal activity to which the  
 1543 petition to expunge pertains were dismissed prior to trial,  
 1544 adjudication, or the withholding of adjudication. Otherwise,  
 1545 such criminal history record must be sealed under this section,  
 1546 former s. 893.14, former s. 901.33, or former s. 943.058 for at  
 1547 least 10 years before such record is eligible for expunction.

1548 (3) PROCESSING OF A PETITION OR ORDER TO EXPUNGE.--

1549 (a) In judicial proceedings under this section, a copy of  
 1550 the completed petition to expunge shall be served upon the  
 1551 appropriate state attorney or the statewide prosecutor and upon  
 1552 the arresting agency; however, it is not necessary to make any  
 1553 agency other than the state a party. The appropriate state  
 1554 attorney or the statewide prosecutor and the arresting agency  
 1555 may respond to the court regarding the completed petition to  
 1556 expunge.

1557 (b) If relief is granted by the court, the clerk of the  
 1558 court shall certify copies of the order to the appropriate state  
 1559 attorney or the statewide prosecutor and the arresting agency.  
 1560 The arresting agency is responsible for forwarding the order to  
 1561 any other agency to which the arresting agency disseminated the  
 1562 criminal history record information to which the order pertains.  
 1563 The department shall forward the order to expunge to the Federal  
 1564 Bureau of Investigation. The clerk of the court shall certify a  
 1565 copy of the order to any other agency which the records of the

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1566 court reflect has received the criminal history record from the  
 1567 court.

1568 (c) For an order to expunge entered by a court prior to  
 1569 July 1, 1992, the department shall notify the appropriate state  
 1570 attorney or statewide prosecutor of an order to expunge which is  
 1571 contrary to law because the person who is the subject of the  
 1572 record has previously been convicted of a crime or comparable  
 1573 ordinance violation or has had a prior criminal history record  
 1574 sealed or expunged. Upon receipt of such notice, the appropriate  
 1575 state attorney or statewide prosecutor shall take action, within  
 1576 60 days, to correct the record and petition the court to void  
 1577 the order to expunge. The department shall seal the record until  
 1578 such time as the order is voided by the court.

1579 (d) On or after July 1, 1992, the department or any other  
 1580 criminal justice agency is not required to act on an order to  
 1581 expunge entered by a court when such order does not comply with  
 1582 the requirements of this section. Upon receipt of such an order,  
 1583 the department must notify the issuing court, the appropriate  
 1584 state attorney or statewide prosecutor, the petitioner or the  
 1585 petitioner's attorney, and the arresting agency of the reason  
 1586 for noncompliance. The appropriate state attorney or statewide  
 1587 prosecutor shall take action within 60 days to correct the  
 1588 record and petition the court to void the order. No cause of  
 1589 action, including contempt of court, shall arise against any  
 1590 criminal justice agency for failure to comply with an order to  
 1591 expunge when the petitioner for such order failed to obtain the  
 1592 certificate of eligibility as required by this section or such  
 1593 order does not otherwise comply with the requirements of this  
 1594 section.

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1595 (4) EFFECT OF CRIMINAL HISTORY RECORD EXPUNCTION.--Any  
 1596 criminal history record of a minor or an adult which is ordered  
 1597 expunged by a court of competent jurisdiction pursuant to this  
 1598 section must be physically destroyed or obliterated by any  
 1599 criminal justice agency having custody of such record; except  
 1600 that any criminal history record in the custody of the  
 1601 department must be retained in all cases. A criminal history  
 1602 record ordered expunged that is retained by the department is  
 1603 confidential and exempt from the provisions of s. 119.07(1) and  
 1604 s. 24(a), Art. I of the State Constitution and not available to  
 1605 any person or entity except upon order of a court of competent  
 1606 jurisdiction. A criminal justice agency may retain a notation  
 1607 indicating compliance with an order to expunge.

1608 (a) The person who is the subject of a criminal history  
 1609 record that is expunged under this section or under other  
 1610 provisions of law, including former s. 893.14, former s. 901.33,  
 1611 and former s. 943.058, may lawfully deny or fail to acknowledge  
 1612 the arrests covered by the expunged record, except when the  
 1613 subject of the record:

- 1614 1. Is a candidate for employment with a criminal justice  
 1615 agency;
- 1616 2. Is a defendant in a criminal prosecution;
- 1617 3. Concurrently or subsequently petitions for relief under  
 1618 this section or s. 943.059;
- 1619 4. Is a candidate for admission to The Florida Bar;
- 1620 5. Is seeking to be employed or licensed by or to contract  
 1621 with the Department of Children and Family Services or the  
 1622 Department of Juvenile Justice or to be employed or used by such  
 1623 contractor or licensee in a sensitive position having direct

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1624 contact with children, the developmentally disabled, the aged,  
 1625 or the elderly as provided in s. 110.1127(3), s. 393.063(15), s.  
 1626 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.  
 1627 409.175(2)(i), s. 415.102(4), s. 985.407, or chapter 400; or

1628         6. Is seeking to be employed or licensed by the Office of  
 1629 Teacher Education, Certification, Staff Development, and  
 1630 Professional Practices of the Department of Education, any  
 1631 district school board, or any local governmental entity that  
 1632 licenses child care facilities.

1633         (b) Subject to the exceptions in paragraph (a), a person  
 1634 who has been granted an expunction under this section, former s.  
 1635 893.14, former s. 901.33, or former s. 943.058 may not be held  
 1636 under any provision of law of this state to commit perjury or to  
 1637 be otherwise liable for giving a false statement by reason of  
 1638 such person's failure to recite or acknowledge an expunged  
 1639 criminal history record.

1640         (c) Information relating to the existence of an expunged  
 1641 criminal history record which is provided in accordance with  
 1642 paragraph (a) is confidential and exempt from the provisions of  
 1643 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
 1644 except that the department shall disclose the existence of a  
 1645 criminal history record ordered expunged to the entities set  
 1646 forth in subparagraphs (a)1., 4., 5., and 6. for their  
 1647 respective licensing and employment purposes, and to criminal  
 1648 justice agencies for their respective criminal justice purposes.  
 1649 It is unlawful for any employee of an entity set forth in  
 1650 subparagraph (a)1., subparagraph (a)4., subparagraph (a)5., or  
 1651 subparagraph (a)6. to disclose information relating to the  
 1652 existence of an expunged criminal history record of a person

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1653 seeking employment or licensure with such entity or contractor,  
 1654 except to the person to whom the criminal history record relates  
 1655 or to persons having direct responsibility for employment or  
 1656 licensure decisions. Any person who violates this paragraph  
 1657 commits a misdemeanor of the first degree, punishable as  
 1658 provided in s. 775.082 or s. 775.083.

1659 (5) STATUTORY REFERENCES.--Any reference to any other  
 1660 chapter, section, or subdivision of the Florida Statutes in this  
 1661 section constitutes a general reference under the doctrine of  
 1662 incorporation by reference.

1663 Section 22. For the purpose of incorporating the amendment  
 1664 to section 893.135, Florida Statutes, in references thereto,  
 1665 Section 943.059, Florida Statutes, is reenacted to read:

1666 943.059 Court-ordered sealing of criminal history  
 1667 records.--The courts of this state shall continue to have  
 1668 jurisdiction over their own procedures, including the  
 1669 maintenance, sealing, and correction of judicial records  
 1670 containing criminal history information to the extent such  
 1671 procedures are not inconsistent with the conditions,  
 1672 responsibilities, and duties established by this section. Any  
 1673 court of competent jurisdiction may order a criminal justice  
 1674 agency to seal the criminal history record of a minor or an  
 1675 adult who complies with the requirements of this section. The  
 1676 court shall not order a criminal justice agency to seal a  
 1677 criminal history record until the person seeking to seal a  
 1678 criminal history record has applied for and received a  
 1679 certificate of eligibility for sealing pursuant to subsection  
 1680 (2). A criminal history record that relates to a violation of s.  
 1681 787.025, chapter 794, s. 796.03, s. 800.04, s. 817.034, s.

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1682 825.1025, s. 827.071, chapter 839, s. 847.0133, s. 847.0135, s.  
 1683 847.0145, s. 893.135, or a violation enumerated in s. 907.041  
 1684 may not be sealed, without regard to whether adjudication was  
 1685 withheld, if the defendant was found guilty of or pled guilty or  
 1686 nolo contendere to the offense, or if the defendant, as a minor,  
 1687 was found to have committed or pled guilty or nolo contendere to  
 1688 committing the offense as a delinquent act. The court may only  
 1689 order sealing of a criminal history record pertaining to one  
 1690 arrest or one incident of alleged criminal activity, except as  
 1691 provided in this section. The court may, at its sole discretion,  
 1692 order the sealing of a criminal history record pertaining to  
 1693 more than one arrest if the additional arrests directly relate  
 1694 to the original arrest. If the court intends to order the  
 1695 sealing of records pertaining to such additional arrests, such  
 1696 intent must be specified in the order. A criminal justice agency  
 1697 may not seal any record pertaining to such additional arrests if  
 1698 the order to seal does not articulate the intention of the court  
 1699 to seal records pertaining to more than one arrest. This section  
 1700 does not prevent the court from ordering the sealing of only a  
 1701 portion of a criminal history record pertaining to one arrest or  
 1702 one incident of alleged criminal activity. Notwithstanding any  
 1703 law to the contrary, a criminal justice agency may comply with  
 1704 laws, court orders, and official requests of other jurisdictions  
 1705 relating to sealing, correction, or confidential handling of  
 1706 criminal history records or information derived therefrom. This  
 1707 section does not confer any right to the sealing of any criminal  
 1708 history record, and any request for sealing a criminal history  
 1709 record may be denied at the sole discretion of the court.

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1710 (1) PETITION TO SEAL A CRIMINAL HISTORY RECORD.--Each  
 1711 petition to a court to seal a criminal history record is  
 1712 complete only when accompanied by:

1713 (a) A certificate of eligibility for sealing issued by the  
 1714 department pursuant to subsection (2).

1715 (b) The petitioner's sworn statement attesting that the  
 1716 petitioner:

1717 1. Has never, prior to the date on which the petition is  
 1718 filed, been adjudicated guilty of a criminal offense or  
 1719 comparable ordinance violation or adjudicated delinquent for  
 1720 committing a felony or a misdemeanor specified in s.  
 1721 943.051(3)(b).

1722 2. Has not been adjudicated guilty of or adjudicated  
 1723 delinquent for committing any of the acts stemming from the  
 1724 arrest or alleged criminal activity to which the petition to  
 1725 seal pertains.

1726 3. Has never secured a prior sealing or expunction of a  
 1727 criminal history record under this section, former s. 893.14,  
 1728 former s. 901.33, former s. 943.058, or from any jurisdiction  
 1729 outside the state.

1730 4. Is eligible for such a sealing to the best of his or  
 1731 her knowledge or belief and does not have any other petition to  
 1732 seal or any petition to expunge pending before any court.

1733  
 1734 Any person who knowingly provides false information on such  
 1735 sworn statement to the court commits a felony of the third  
 1736 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 1737 775.084.



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1738 (2) CERTIFICATE OF ELIGIBILITY FOR SEALING.--Prior to  
 1739 petitioning the court to seal a criminal history record, a  
 1740 person seeking to seal a criminal history record shall apply to  
 1741 the department for a certificate of eligibility for sealing. The  
 1742 department shall, by rule adopted pursuant to chapter 120,  
 1743 establish procedures pertaining to the application for and  
 1744 issuance of certificates of eligibility for sealing. The  
 1745 department shall issue a certificate of eligibility for sealing  
 1746 to a person who is the subject of a criminal history record  
 1747 provided that such person:

1748 (a) Has submitted to the department a certified copy of  
 1749 the disposition of the charge to which the petition to seal  
 1750 pertains.

1751 (b) Remits a \$75 processing fee to the department for  
 1752 placement in the Department of Law Enforcement Operating Trust  
 1753 Fund, unless such fee is waived by the executive director.

1754 (c) Has never, prior to the date on which the application  
 1755 for a certificate of eligibility is filed, been adjudicated  
 1756 guilty of a criminal offense or comparable ordinance violation  
 1757 or adjudicated delinquent for committing a felony or a  
 1758 misdemeanor specified in s. 943.051(3)(b).

1759 (d) Has not been adjudicated guilty of or adjudicated  
 1760 delinquent for committing any of the acts stemming from the  
 1761 arrest or alleged criminal activity to which the petition to  
 1762 seal pertains.

1763 (e) Has never secured a prior sealing or expunction of a  
 1764 criminal history record under this section, former s. 893.14,  
 1765 former s. 901.33, or former s. 943.058.

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1766 (f) Is no longer under court supervision applicable to the  
 1767 disposition of the arrest or alleged criminal activity to which  
 1768 the petition to seal pertains.

1769 (3) PROCESSING OF A PETITION OR ORDER TO SEAL.--

1770 (a) In judicial proceedings under this section, a copy of  
 1771 the completed petition to seal shall be served upon the  
 1772 appropriate state attorney or the statewide prosecutor and upon  
 1773 the arresting agency; however, it is not necessary to make any  
 1774 agency other than the state a party. The appropriate state  
 1775 attorney or the statewide prosecutor and the arresting agency  
 1776 may respond to the court regarding the completed petition to  
 1777 seal.

1778 (b) If relief is granted by the court, the clerk of the  
 1779 court shall certify copies of the order to the appropriate state  
 1780 attorney or the statewide prosecutor and to the arresting  
 1781 agency. The arresting agency is responsible for forwarding the  
 1782 order to any other agency to which the arresting agency  
 1783 disseminated the criminal history record information to which  
 1784 the order pertains. The department shall forward the order to  
 1785 seal to the Federal Bureau of Investigation. The clerk of the  
 1786 court shall certify a copy of the order to any other agency  
 1787 which the records of the court reflect has received the criminal  
 1788 history record from the court.

1789 (c) For an order to seal entered by a court prior to July  
 1790 1, 1992, the department shall notify the appropriate state  
 1791 attorney or statewide prosecutor of any order to seal which is  
 1792 contrary to law because the person who is the subject of the  
 1793 record has previously been convicted of a crime or comparable  
 1794 ordinance violation or has had a prior criminal history record

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1795 sealed or expunged. Upon receipt of such notice, the appropriate  
 1796 state attorney or statewide prosecutor shall take action, within  
 1797 60 days, to correct the record and petition the court to void  
 1798 the order to seal. The department shall seal the record until  
 1799 such time as the order is voided by the court.

1800 (d) On or after July 1, 1992, the department or any other  
 1801 criminal justice agency is not required to act on an order to  
 1802 seal entered by a court when such order does not comply with the  
 1803 requirements of this section. Upon receipt of such an order, the  
 1804 department must notify the issuing court, the appropriate state  
 1805 attorney or statewide prosecutor, the petitioner or the  
 1806 petitioner's attorney, and the arresting agency of the reason  
 1807 for noncompliance. The appropriate state attorney or statewide  
 1808 prosecutor shall take action within 60 days to correct the  
 1809 record and petition the court to void the order. No cause of  
 1810 action, including contempt of court, shall arise against any  
 1811 criminal justice agency for failure to comply with an order to  
 1812 seal when the petitioner for such order failed to obtain the  
 1813 certificate of eligibility as required by this section or when  
 1814 such order does not comply with the requirements of this  
 1815 section.

1816 (e) An order sealing a criminal history record pursuant to  
 1817 this section does not require that such record be surrendered to  
 1818 the court, and such record shall continue to be maintained by  
 1819 the department and other criminal justice agencies.

1820 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.--A criminal  
 1821 history record of a minor or an adult which is ordered sealed by  
 1822 a court of competent jurisdiction pursuant to this section is  
 1823 confidential and exempt from the provisions of s. 119.07(1) and

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1824 s. 24(a), Art. I of the State Constitution and is available only  
 1825 to the person who is the subject of the record, to the subject's  
 1826 attorney, to criminal justice agencies for their respective  
 1827 criminal justice purposes, or to those entities set forth in  
 1828 subparagraphs (a)1., 4., 5., and 6. for their respective  
 1829 licensing and employment purposes.

1830 (a) The subject of a criminal history record sealed under  
 1831 this section or under other provisions of law, including former  
 1832 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
 1833 deny or fail to acknowledge the arrests covered by the sealed  
 1834 record, except when the subject of the record:

- 1835 1. Is a candidate for employment with a criminal justice  
 1836 agency;
- 1837 2. Is a defendant in a criminal prosecution;
- 1838 3. Concurrently or subsequently petitions for relief under  
 1839 this section or s. 943.0585;
- 1840 4. Is a candidate for admission to The Florida Bar;
- 1841 5. Is seeking to be employed or licensed by or to contract  
 1842 with the Department of Children and Family Services or the  
 1843 Department of Juvenile Justice or to be employed or used by such  
 1844 contractor or licensee in a sensitive position having direct  
 1845 contact with children, the developmentally disabled, the aged,  
 1846 or the elderly as provided in s. 110.1127(3), s. 393.063(15), s.  
 1847 394.4572(1), s. 397.451, s. 402.302(3), s. 402.313(3), s.  
 1848 409.175(2)(i), s. 415.102(4), s. 415.103, s. 985.407, or chapter  
 1849 400; or
- 1850 6. Is seeking to be employed or licensed by the Office of  
 1851 Teacher Education, Certification, Staff Development, and  
 1852 Professional Practices of the Department of Education, any

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1853 district school board, or any local governmental entity which  
 1854 licenses child care facilities.

1855 (b) Subject to the exceptions in paragraph (a), a person  
 1856 who has been granted a sealing under this section, former s.  
 1857 893.14, former s. 901.33, or former s. 943.058 may not be held  
 1858 under any provision of law of this state to commit perjury or to  
 1859 be otherwise liable for giving a false statement by reason of  
 1860 such person's failure to recite or acknowledge a sealed criminal  
 1861 history record.

1862 (c) Information relating to the existence of a sealed  
 1863 criminal record provided in accordance with the provisions of  
 1864 paragraph (a) is confidential and exempt from the provisions of  
 1865 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
 1866 except that the department shall disclose the sealed criminal  
 1867 history record to the entities set forth in subparagraphs (a)1.,  
 1868 4., 5., and 6. for their respective licensing and employment  
 1869 purposes. It is unlawful for any employee of an entity set forth  
 1870 in subparagraph (a)1., subparagraph (a)4., subparagraph (a)5.,  
 1871 or subparagraph (a)6. to disclose information relating to the  
 1872 existence of a sealed criminal history record of a person  
 1873 seeking employment or licensure with such entity or contractor,  
 1874 except to the person to whom the criminal history record relates  
 1875 or to persons having direct responsibility for employment or  
 1876 licensure decisions. Any person who violates the provisions of  
 1877 this paragraph commits a misdemeanor of the first degree,  
 1878 punishable as provided in s. 775.082 or s. 775.083.

1879 (5) STATUTORY REFERENCES.--Any reference to any other  
 1880 chapter, section, or subdivision of the Florida Statutes in this

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1881 section constitutes a general reference under the doctrine of  
 1882 incorporation by reference.

1883 Section 23. For the purpose of incorporating the amendment  
 1884 to section 893.13, Florida Statutes, in references thereto,  
 1885 subsections (1) and (2) of section 948.034, Florida Statutes,  
 1886 are reenacted to read:

1887 948.034 Terms and conditions of probation; community  
 1888 residential drug punishment centers.--

1889 (1) On or after October 1, 1993, any person who violates  
 1890 s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or (5)(a) may,  
 1891 in the discretion of the trial court, be required to  
 1892 successfully complete a term of probation in lieu of serving a  
 1893 term of imprisonment as required or authorized by s. 775.084,  
 1894 former s. 921.001, or s. 921.002, as follows:

1895 (a) If the person has not previously been convicted of  
 1896 violating s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or  
 1897 (5)(a), adjudication may be withheld and the offender may be  
 1898 placed on probation for not less than 18 months, as a condition  
 1899 of which the court shall require the offender to reside at a  
 1900 community residential drug punishment center for 90 days. The  
 1901 offender must comply with all rules and regulations of the  
 1902 center and must pay a fee for the costs of room and board and  
 1903 residential supervision. Placement of an offender into a  
 1904 community residential drug punishment center is subject to  
 1905 budgetary considerations and availability of bed space. If the  
 1906 court requires the offender to reside at a community residential  
 1907 drug punishment center, the court shall also require the  
 1908 offender to comply with one or more of the other following terms  
 1909 and conditions:

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1910 1. Pay a fine of not less than \$500 nor more than \$10,000  
 1911 pursuant to s. 775.083(1)(c).

1912 2. Enter, regularly attend, and successfully complete a  
 1913 substance abuse education program of at least 40 hours or a  
 1914 prescribed substance abuse treatment program provided by a  
 1915 treatment resource licensed pursuant to chapter 397 or by a  
 1916 hospital licensed pursuant to chapter 395, as specified by the  
 1917 court. In addition, the court may refer the offender to a  
 1918 licensed agency for substance abuse evaluation and, if  
 1919 appropriate, substance abuse treatment subject to the ability of  
 1920 the offender to pay for such evaluation and treatment. If such  
 1921 referral is made, the offender must comply and must pay for the  
 1922 reasonable cost of the evaluation and treatment.

1923 3. Perform at least 100 hours of public service.

1924 4. Submit to routine and random drug testing which may be  
 1925 conducted during the probationary period, with the reasonable  
 1926 costs thereof borne by the offender.

1927 5. Participate, at his or her own expense, in an  
 1928 appropriate self-help group, such as Narcotics Anonymous,  
 1929 Alcoholics Anonymous, or Cocaine Anonymous, if available.

1930 (b) If the person has been previously convicted of one  
 1931 felony violation of s. 893.13(1)(a)1., (1)(c)2., (1)(d)2.,  
 1932 (2)(a)1., or (5)(a), adjudication may not be withheld and the  
 1933 offender may be placed on probation for not less than 24 months,  
 1934 as a condition of which the court shall require the offender to  
 1935 reside at a community residential drug punishment center for 180  
 1936 days. The offender must comply with all rules and regulations of  
 1937 the center and must pay a fee for the costs of room and board  
 1938 and residential supervision. Placement of an offender into a

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1939 community residential drug punishment center is subject to  
 1940 budgetary considerations and availability of bed space. If the  
 1941 court requires the offender to reside at a community residential  
 1942 drug punishment center, the court shall also require the  
 1943 offender to comply with one or more of the other following terms  
 1944 and conditions:

1945 1. Pay a fine of not less than \$1,000 nor more than  
 1946 \$10,000 pursuant to s. 775.083(1)(c).

1947 2. Enter, regularly attend, and successfully complete a  
 1948 substance abuse education program of at least 40 hours or a  
 1949 prescribed substance abuse treatment program provided by a  
 1950 treatment resource licensed pursuant to chapter 397 or by a  
 1951 hospital licensed pursuant to chapter 395, as specified by the  
 1952 court. In addition, the court may refer the offender to a  
 1953 licensed agency for substance abuse evaluation and, if  
 1954 appropriate, substance abuse treatment subject to the ability of  
 1955 the offender to pay for such evaluation and treatment. If such  
 1956 referral is made, the offender must comply and must pay for the  
 1957 reasonable cost of the evaluation and treatment.

1958 3. Perform at least 200 hours of public service.

1959 4. Submit to routine and random drug testing which may be  
 1960 conducted during the probationary period, with the reasonable  
 1961 costs thereof borne by the offender.

1962 5. Participate, at his or her own expense, in an  
 1963 appropriate self-help group, such as Narcotics Anonymous,  
 1964 Alcoholics Anonymous, or Cocaine Anonymous, if available.

1965 (c) If the person has been previously convicted of two  
 1966 felony violations of s. 893.13(2)(a)1. or (5)(a), adjudication  
 1967 may not be withheld and the offender may be placed on probation



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1968 for not less than 36 months, as a condition of which the court  
 1969 shall require the offender to reside at a community residential  
 1970 drug punishment center for 360 days. The offender must comply  
 1971 with all rules and regulations of the center and must pay a fee  
 1972 for the costs of room and board and residential supervision.  
 1973 Placement of an offender into a community residential drug  
 1974 punishment center is subject to budgetary considerations and  
 1975 availability of bed space. If the court requires the offender to  
 1976 reside at a community residential drug punishment center, the  
 1977 court shall also require the offender to comply with one or more  
 1978 of the other following terms and conditions:

1979         1. Pay a fine of not less than \$1,500 nor more than  
 1980 \$10,000 pursuant to s. 775.083(1)(c).

1981         2. Enter, regularly attend, and successfully complete a  
 1982 substance abuse education program of at least 40 hours or a  
 1983 prescribed substance abuse treatment program provided by a  
 1984 treatment resource licensed pursuant to chapter 397 or by a  
 1985 hospital licensed pursuant to chapter 395, as specified by the  
 1986 court. In addition, the court may refer the offender to a  
 1987 licensed agency for substance abuse evaluation and, if  
 1988 appropriate, substance abuse treatment subject to the ability of  
 1989 the offender to pay for such evaluation and treatment. If such  
 1990 referral is made, the offender must comply and must pay for the  
 1991 reasonable cost of the evaluation and treatment.

1992         3. Perform at least 300 hours of public service.

1993         4. Submit to routine and random drug testing which may be  
 1994 conducted during the probationary period, with the reasonable  
 1995 costs thereof borne by the offender.

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5. Participate, at his or her own expense, in an appropriate self-help group, such as Narcotics Anonymous, Alcoholics Anonymous, or Cocaine Anonymous, if available.

(d) An offender who violates probation imposed pursuant to this section shall be sentenced in accordance with s. 921.002.

(2) On or after October 1, 1993, any person who violates s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a) may, in the discretion of the trial court, be required to successfully complete a term of probation in lieu of serving a term of imprisonment as required or authorized by s. 775.084, former s. 921.001, or s. 921.002, as follows:

(a) If the person has not previously been convicted of violating s. 893.13(1)(a)2., (2)(a)2., (5)(b), or (6)(a), adjudication may be withheld and the offender shall be placed on probation for not less than 12 months, as a condition of which the court may require the offender to comply with one or more of the following terms and conditions:

1. Pay a fine of not less than \$250 nor more than \$5,000 pursuant to s. 775.083(1)(c).
2. Enter, regularly attend, and successfully complete a substance abuse education program of at least 40 hours or a prescribed substance abuse treatment program provided by a treatment resource licensed pursuant to chapter 397 or by a hospital licensed pursuant to chapter 395, as specified by the court. In addition, the court may refer the offender to a licensed agency for substance abuse evaluation and, if appropriate, substance abuse treatment subject to the ability of the offender to pay for such evaluation and treatment. If such

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2024 referral is made, the offender must comply and must pay for the  
 2025 reasonable cost of the evaluation and treatment.

2026 3. Perform at least 50 hours of public service.

2027 4. Submit to routine and random drug testing which may be  
 2028 conducted during the probationary period, with the reasonable  
 2029 costs thereof borne by the offender.

2030 5. Participate, at his or her own expense, in an  
 2031 appropriate self-help group, such as Narcotics Anonymous,  
 2032 Alcoholics Anonymous, or Cocaine Anonymous, if available.

2033 (b) If the person has been previously convicted of one  
 2034 felony violation of s. 893.13(1)(a)2., (2)(a)2., (5)(b), or  
 2035 (6)(a), adjudication may not be withheld and the offender may be  
 2036 placed on probation for not less than 18 months, as a condition  
 2037 of which the court shall require the offender to reside at a  
 2038 community residential drug punishment center for 90 days. The  
 2039 offender must comply with all rules and regulations of the  
 2040 center and must pay a fee for the costs of room and board and  
 2041 residential supervision. Placement of an offender into a  
 2042 community residential drug punishment center is subject to  
 2043 budgetary considerations and availability of bed space. If the  
 2044 court requires the offender to reside at a community residential  
 2045 drug punishment center, the court shall also require the  
 2046 offender to comply with one or more of the other following terms  
 2047 and conditions:

2048 1. Pay a fine of not less than \$500 nor more than \$5,000  
 2049 pursuant to s. 775.083(1)(c).

2050 2. Enter, regularly attend, and successfully complete a  
 2051 substance abuse intervention program of a least 80 hours  
 2052 provided by a treatment resource licensed pursuant to chapter

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2053 397 or by a hospital licensed pursuant to chapter 395, as  
 2054 specified by the court. In addition, the court may refer the  
 2055 offender to a licensed agency for substance abuse evaluation  
 2056 and, if appropriate, substance abuse treatment subject to the  
 2057 ability of the offender to pay for such evaluation and  
 2058 treatment. If such referral is made, the offender must comply  
 2059 and must pay for the reasonable cost of the evaluation and  
 2060 treatment.

2061 3. Perform at least 100 hours of public service.

2062 4. Submit to routine and random drug testing which may be  
 2063 conducted during the probationary period, with the reasonable  
 2064 costs thereof borne by the offender.

2065 5. Participate, at his or her own expense, in an  
 2066 appropriate self-help group, such as Narcotics Anonymous,  
 2067 Alcoholics Anonymous, or Cocaine Anonymous, if available.

2068 (c) If the person has been previously convicted of two  
 2069 felony violations of s. 893.13(2)(a)2., (5)(b), or (6)(a),  
 2070 adjudication may not be withheld and the offender may be placed  
 2071 on probation for not less than 24 months, as a condition of  
 2072 which the court shall require the offender to reside at a  
 2073 community residential drug punishment center for 120 days. The  
 2074 offender must comply with all rules and regulations of the  
 2075 center and must pay a fee for the costs of room and board and  
 2076 residential supervision. Placement of an offender into a  
 2077 community residential drug punishment center is subject to  
 2078 budgetary considerations and availability of bed space. If the  
 2079 court requires the offender to reside at a community residential  
 2080 drug punishment center, the court shall also require the

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2081 offender to comply with one or more of the other following terms  
 2082 and conditions:

2083 1. Pay a fine of not less than \$1,000 nor more than \$5,000  
 2084 pursuant to s. 775.083(1)(c).

2085 2. Enter, regularly attend, and successfully complete a  
 2086 prescribed substance abuse treatment program provided by a  
 2087 treatment resource licensed pursuant to chapter 397 or by a  
 2088 hospital licensed pursuant to chapter 395, as specified by the  
 2089 court. In addition, the court may refer the offender to a  
 2090 licensed agency for substance abuse evaluation and, if  
 2091 appropriate, substance abuse treatment subject to the ability of  
 2092 the offender to pay for such evaluation and treatment. If such  
 2093 referral is made, the offender must comply and must pay for the  
 2094 reasonable cost of the evaluation and treatment.

2095 3. Perform at least 150 hours of public service.

2096 4. Submit to routine and random drug testing which may be  
 2097 conducted during the probationary period, with the reasonable  
 2098 costs thereof borne by the offender.

2099 5. Participate, at his or her own expense, in an  
 2100 appropriate self-help group, such as Narcotics Anonymous,  
 2101 Alcoholics Anonymous, or Cocaine Anonymous, if available.

2102 (d) If the person has been previously convicted of three  
 2103 felony violations of s. 893.13(2)(a)2., (5)(b), or (6)(a),  
 2104 adjudication may not be withheld and the offender may be placed  
 2105 on probation for not less than 30 months, as a condition of  
 2106 which the court shall require the offender to reside at a  
 2107 community residential drug punishment center for 200 days. The  
 2108 offender must comply with all rules and regulations of the  
 2109 center and must pay a fee for the costs of room and board and

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2110 residential supervision. Placement of an offender into a  
 2111 community residential drug punishment center is subject to  
 2112 budgetary considerations and availability of bed space. If the  
 2113 court requires the offender to reside at a community residential  
 2114 drug punishment center, the court shall also require the  
 2115 offender to comply with one or more of the other following terms  
 2116 and conditions:

2117 1. Pay a fine of not less than \$1,500 nor more than \$5,000  
 2118 pursuant to s. 775.083(1)(c).

2119 2. Enter, regularly attend, and successfully complete a  
 2120 prescribed substance abuse treatment program provided by a  
 2121 treatment resource licensed pursuant to chapter 397 or by a  
 2122 hospital licensed pursuant to chapter 395, as specified by the  
 2123 court. In addition, the court may refer the offender to a  
 2124 licensed agency for substance abuse evaluation and, if  
 2125 appropriate, substance abuse treatment subject to the ability of  
 2126 the offender to pay for such evaluation and treatment. If such  
 2127 referral is made, the offender must comply and must pay for the  
 2128 reasonable cost of the evaluation and treatment.

2129 3. Perform at least 200 hours of public service.

2130 4. Submit to routine and random drug testing which may be  
 2131 conducted during the probationary period, with the reasonable  
 2132 costs thereof borne by the offender.

2133 5. Participate, at his or her own expense, in an  
 2134 appropriate self-help group, such as Narcotics Anonymous,  
 2135 Alcoholics Anonymous, or Cocaine Anonymous, if available.

2136 (e) If the person has been previously convicted of four  
 2137 felony violations of s. 893.13(2)(a)2., (5)(b), or (6)(a),  
 2138 adjudication may not be withheld and the offender may be placed

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2139 on probation for not less than 36 months, as a condition of  
 2140 which the court shall require the offender to reside at a  
 2141 community residential drug punishment center for 360 days. The  
 2142 offender must comply with all rules and regulations of the  
 2143 center and must pay a fee for the costs of room and board and  
 2144 residential supervision. Placement of an offender into a  
 2145 community residential drug punishment center is subject to  
 2146 budgetary considerations and availability of bed space. If the  
 2147 court requires the offender to reside at a community residential  
 2148 drug punishment center, the court shall also require the  
 2149 offender to comply with one or more of the other following terms  
 2150 and conditions:

2151 1. Pay a fine of not less than \$2,000 nor more than \$5,000  
 2152 pursuant to s. 775.083(1)(c).

2153 2. Enter, regularly attend, and successfully complete a  
 2154 prescribed substance abuse treatment program provided by a  
 2155 treatment resource licensed pursuant to chapter 397 or by a  
 2156 hospital licensed pursuant to chapter 395, as specified by the  
 2157 court. In addition, the court may refer the offender to a  
 2158 licensed agency for substance abuse evaluation and, if  
 2159 appropriate, substance abuse treatment subject to the ability of  
 2160 the offender to pay for such evaluation and treatment. If such  
 2161 referral is made, the offender must comply and must pay for the  
 2162 reasonable cost of the evaluation and treatment.

2163 3. Perform at least 250 hours of public service.

2164 4. Submit to routine and random drug testing which may be  
 2165 conducted during the probationary period, with the reasonable  
 2166 costs thereof borne by the offender.

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2167 5. Participate, at his or her own expense, in an  
2168 appropriate self-help group, such as Narcotics Anonymous,  
2169 Alcoholics Anonymous, or Cocaine Anonymous, if available.

2170 (f) An offender who violates probation imposed pursuant to  
2171 this section shall be sentenced in accordance with s. 921.002.

2172 Section 24. This act shall take effect July 1, 2004, and  
2173 shall apply to offenses committed on or after that date.