

By Senator Aronberg

27-1358A-05

See HB 555

1 A bill to be entitled

2 An act relating to drug abuse prevention and

3 control; amending s. 893.13, F.S.; prohibiting

4 the sale, manufacture, or delivery of

5 controlled substances, or possession of

6 controlled substances with intent to sell,

7 manufacture, or deliver, within 1,000 feet of

8 certain libraries; amending s. 921.0022, F.S.;

9 ranking such offenses on the offense severity

10 ranking chart of the Criminal Punishment Code;

11 reenacting ss. 397.451(4)(b), 435.07(2),

12 772.12(2)(a), 893.1351, 903.133, 921.187(1)(a),

13 938.25, and 948.034(1), F.S., relating to

14 background checks of substance abuse service

15 provider personnel, exemptions from

16 disqualification for employment, the Drug

17 Dealer Liability Act, lease or rent for the

18 purpose of trafficking in a controlled

19 substance, prohibition on bail on appeal for

20 certain felony convictions, disposition and

21 sentencing, the Operating Trust Fund of the

22 Department of Law Enforcement, and terms and

23 conditions of probation, respectively, to

24 incorporate the amendment to s. 893.13, F.S.,

25 in references thereto; providing applicability;

26 providing an effective date.

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

30 Section 1. Paragraph (c) of subsection (1) of section

31 893.13, Florida Statutes, is amended to read:

1 893.13 Prohibited acts; penalties.--
2 (1)
3 (c) Except as authorized by this chapter, it is
4 unlawful for any person to sell, manufacture, or deliver, or
5 possess with intent to sell, manufacture, or deliver, a
6 controlled substance in, on, or within 1,000 feet of the real
7 property comprising a child care facility as defined in s.
8 402.302 or a public or private elementary, middle, or
9 secondary school between the hours of 6 a.m. and 12 midnight,
10 or at any time in, on, or within 1,000 feet of real property
11 comprising a state, county, or municipal park or library, a
12 community center, or a publicly owned recreational facility.
13 For the purposes of this paragraph, the term "community
14 center" means a facility operated by a nonprofit
15 community-based organization for the provision of
16 recreational, social, or educational services to the public.
17 Any person who violates this paragraph with respect to:
18 1. A controlled substance named or described in s.
19 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
20 commits a felony of the first degree, punishable as provided
21 in s. 775.082, s. 775.083, or s. 775.084. The defendant must
22 be sentenced to a minimum term of imprisonment of 3 calendar
23 years unless the offense was committed within 1,000 feet of
24 the real property comprising a child care facility as defined
25 in s. 402.302.
26 2. A controlled substance named or described in s.
27 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
28 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a
29 felony of the second degree, punishable as provided in s.
30 775.082, s. 775.083, or s. 775.084.
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1 3. Any other controlled substance, except as lawfully
2 sold, manufactured, or delivered, must be sentenced to pay a
3 \$500 fine and to serve 100 hours of public service in addition
4 to any other penalty prescribed by law.

5
6 This paragraph does not apply to a child care facility unless
7 the owner or operator of the facility posts a sign that is not
8 less than 2 square feet in size with a word legend identifying
9 the facility as a licensed child care facility and that is
10 posted on the property of the child care facility in a
11 conspicuous place where the sign is reasonably visible to the
12 public.

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

15 921.0022 Criminal Punishment Code; offense severity
16 ranking chart.--

17 (3) OFFENSE SEVERITY RANKING CHART

18 Florida Statute	Felony Degree	Description
		(e) LEVEL 5
21 316.027(1)(a)	3rd	22 Accidents involving personal 23 injuries, failure to stop; leaving scene.
24 316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
25 322.34(6)	3rd	26 Careless operation of motor 27 vehicle with suspended license, 28 resulting in death or serious bodily injury.
29 327.30(5)	3rd	30 Vessel accidents involving personal injury; leaving scene.

1	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
2			knowing HIV positive.
3	440.10(1)(g)	2nd	Failure to obtain workers'
4			compensation coverage.
5	440.105(5)	2nd	Unlawful solicitation for the
6			purpose of making workers'
7			compensation claims.
8	440.381(2)	2nd	Submission of false, misleading,
9			or incomplete information with
10			the purpose of avoiding or
11			reducing workers' compensation
12			premiums.
13	624.401(4)(b)2.	2nd	Transacting insurance without a
14			certificate or authority; premium
15			collected \$20,000 or more but
16			less than \$100,000.
17	626.902(1)(c)	2nd	Representing an unauthorized
18			insurer; repeat offender.
19	790.01(2)	3rd	Carrying a concealed firearm.
20	790.162	2nd	Threat to throw or discharge
21			destructive device.
22	790.163(1)	2nd	False report of deadly explosive
23			or weapon of mass destruction.
24	790.221(1)	2nd	Possession of short-barreled
25			shotgun or machine gun.
26	790.23	2nd	Felons in possession of firearms,
27			ammunition, or electronic weapons
28			or devices.
29	800.04(6)(c)	3rd	Lewd or lascivious conduct;
30			offender less than 18 years.
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1	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
2			offender 18 years or older.
3	806.111(1)	3rd	Possess, manufacture, or dispense
4			fire bomb with intent to damage
5			any structure or property.
6	812.0145(2)(b)	2nd	Theft from person 65 years of age
7			or older; \$10,000 or more but
8			less than \$50,000.
9	812.015(8)	3rd	Retail theft; property stolen is
10			valued at \$300 or more and one or
11			more specified acts.
12	812.019(1)	2nd	Stolen property; dealing in or
13			trafficking in.
14	812.131(2)(b)	3rd	Robbery by sudden snatching.
15	812.16(2)	3rd	Owning, operating, or conducting
16			a chop shop.
17	817.034(4)(a)2.	2nd	Communications fraud, value
18			\$20,000 to \$50,000.
19	817.234(11)(b)	2nd	Insurance fraud; property value
20			\$20,000 or more but less than
21			\$100,000.
22	817.2341(1),	3rd	Filing false financial
23	(2)(a) & (3)(a)		statements, making false entries
24			of material fact or false
25			statements regarding property
26			values relating to the solvency
27			of an insuring entity.
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1	817.568(2)(b)	2nd	Fraudulent use of personal
2			identification information; value
3			of benefit, services received,
4			payment avoided, or amount of
5			injury or fraud, \$5,000 or more
6			or use of personal identification
7			information of 10 or more
8			individuals.
9	817.625(2)(b)	2nd	Second or subsequent fraudulent
10			use of scanning device or
11			reencoder.
12	825.1025(4)	3rd	Lewd or lascivious exhibition in
13			the presence of an elderly person
14			or disabled adult.
15	827.071(4)	2nd	Possess with intent to promote
16			any photographic material, motion
17			picture, etc., which includes
18			sexual conduct by a child.
19	839.13(2)(b)	2nd	Falsifying records of an
20			individual in the care and
21			custody of a state agency
22			involving great bodily harm or
23			death.
24	843.01	3rd	Resist officer with violence to
25			person; resist arrest with
26			violence.
27	874.05(2)	2nd	Encouraging or recruiting another
28			to join a criminal street gang;
29			second or subsequent offense.
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1 893.13(1)(a)1. 2nd Sell, manufacture, or deliver
2 cocaine (or other s.
3 893.03(1)(a), (1)(b), (1)(d),
4 (2)(a), (2)(b), or (2)(c)4.
5 drugs).

6 893.13(1)(c)2. 2nd Sell, manufacture, or deliver
7 cannabis (or other s.
8 893.03(1)(c), (2)(c)1., (2)(c)2.,
9 (2)(c)3., (2)(c)5., (2)(c)6.,
10 (2)(c)7., (2)(c)8., (2)(c)9.,
11 (3), or (4) drugs) within 1,000
12 feet of a child care facility,
13 school, or state, county, or
14 municipal park or library or
15 publicly owned recreational
16 facility or community center.

17 893.13(1)(d)1. 1st Sell, manufacture, or deliver
18 cocaine (or other s.
19 893.03(1)(a), (1)(b), (1)(d),
20 (2)(a), (2)(b), or (2)(c)4.
21 drugs) within 1,000 feet of
22 university.

23 893.13(1)(e)2. 2nd Sell, manufacture, or deliver
24 cannabis or other drug prohibited
25 under s. 893.03(1)(c), (2)(c)1.,
26 (2)(c)2., (2)(c)3., (2)(c)5.,
27 (2)(c)6., (2)(c)7., (2)(c)8.,
28 (2)(c)9., (3), or (4) within
29 1,000 feet of property used for
30 religious services or a specified
31 business site.

1	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
2			cocaine (or other s.
3			893.03(1)(a), (1)(b), (1)(d), or
4			(2)(a), (2)(b), or (2)(c)4.
5			drugs) within 1,000 feet of
6			public housing facility.
7	893.13(4)(b)	2nd	Deliver to minor cannabis (or
8			other s. 893.03(1)(c), (2)(c)1.,
9			(2)(c)2., (2)(c)3., (2)(c)5.,
10			(2)(c)6., (2)(c)7., (2)(c)8.,
11			(2)(c)9., (3), or (4) drugs).
12			(g) LEVEL 7
13	316.027(1)(b)	2nd	Accident involving death, failure
14			to stop; leaving scene.
15	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
16			injury.
17	316.1935(3)(b)	1st	Causing serious bodily injury or
18			death to another person; driving
19			at high speed or with wanton
20			disregard for safety while
21			fleeing or attempting to elude
22			law enforcement officer who is in
23			a patrol vehicle with siren and
24			lights activated.
25	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
26			bodily injury.
27	402.319(2)	2nd	Misrepresentation and negligence
28			or intentional act resulting in
29			great bodily harm, permanent
30			disfiguration, permanent
31			disability, or death.

1	409.920(2)	3rd	Medicaid provider fraud.
2	456.065(2)	3rd	Practicing a health care
3			profession without a license.
4	456.065(2)	2nd	Practicing a health care
5			profession without a license
6			which results in serious bodily
7			injury.
8	458.327(1)	3rd	Practicing medicine without a
9			license.
10	459.013(1)	3rd	Practicing osteopathic medicine
11			without a license.
12	460.411(1)	3rd	Practicing chiropractic medicine
13			without a license.
14	461.012(1)	3rd	Practicing podiatric medicine
15			without a license.
16	462.17	3rd	Practicing naturopathy without a
17			license.
18	463.015(1)	3rd	Practicing optometry without a
19			license.
20	464.016(1)	3rd	Practicing nursing without a
21			license.
22	465.015(2)	3rd	Practicing pharmacy without a
23			license.
24	466.026(1)	3rd	Practicing dentistry or dental
25			hygiene without a license.
26	467.201	3rd	Practicing midwifery without a
27			license.
28	468.366	3rd	Delivering respiratory care
29			services without a license.
30	483.828(1)	3rd	Practicing as clinical laboratory
31			personnel without a license.

1	483.901(9)	3rd	Practicing medical physics
2			without a license.
3	484.013(1)(c)	3rd	Preparing or dispensing optical
4			devices without a prescription.
5	484.053	3rd	Dispensing hearing aids without a
6			license.
7	494.0018(2)	1st	Conviction of any violation of
8			ss. 494.001-494.0077 in which the
9			total money and property
10			unlawfully obtained exceeded
11			\$50,000 and there were five or
12			more victims.
13	560.123(8)(b)1.	3rd	Failure to report currency or
14			payment instruments exceeding
15			\$300 but less than \$20,000 by
16			money transmitter.
17	560.125(5)(a)	3rd	Money transmitter business by
18			unauthorized person, currency or
19			payment instruments exceeding
20			\$300 but less than \$20,000.
21	655.50(10)(b)1.	3rd	Failure to report financial
22			transactions exceeding \$300 but
23			less than \$20,000 by financial
24			institution.
25	782.051(3)	2nd	Attempted felony murder of a
26			person by a person other than the
27			perpetrator or the perpetrator of
28			an attempted felony.
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1	782.07(1)	2nd	Killing of a human being by the
2			act, procurement, or culpable
3			negligence of another
4			(manslaughter).
5	782.071	2nd	Killing of human being or viable
6			fetus by the operation of a motor
7			vehicle in a reckless manner
8			(vehicular homicide).
9	782.072	2nd	Killing of a human being by the
10			operation of a vessel in a
11			reckless manner (vessel
12			homicide).
13	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
14			causing great bodily harm or
15			disfigurement.
16	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
17			weapon.
18	784.045(1)(b)	2nd	Aggravated battery; perpetrator
19			aware victim pregnant.
20	784.048(4)	3rd	Aggravated stalking; violation of
21			injunction or court order.
22	784.048(7)	3rd	Aggravated stalking; violation of
23			court order.
24	784.07(2)(d)	1st	Aggravated battery on law
25			enforcement officer.
26	784.074(1)(a)	1st	Aggravated battery on sexually
27			violent predators facility staff.
28	784.08(2)(a)	1st	Aggravated battery on a person 65
29			years of age or older.
30	784.081(1)	1st	Aggravated battery on specified
31			official or employee.

1	784.082(1)	1st	Aggravated battery by detained
2			person on visitor or other
3			detainee.
4	784.083(1)	1st	Aggravated battery on code
5			inspector.
6	790.07(4)	1st	Specified weapons violation
7			subsequent to previous conviction
8			of s. 790.07(1) or (2).
9	790.16(1)	1st	Discharge of a machine gun under
10			specified circumstances.
11	790.165(2)	2nd	Manufacture, sell, possess, or
12			deliver hoax bomb.
13	790.165(3)	2nd	Possessing, displaying, or
14			threatening to use any hoax bomb
15			while committing or attempting to
16			commit a felony.
17	790.166(3)	2nd	Possessing, selling, using, or
18			attempting to use a hoax weapon
19			of mass destruction.
20	790.166(4)	2nd	Possessing, displaying, or
21			threatening to use a hoax weapon
22			of mass destruction while
23			committing or attempting to
24			commit a felony.
25	796.03	2nd	Procuring any person under 16
26			years for prostitution.
27	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
28			victim less than 12 years of age;
29			offender less than 18 years.
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1	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
2			victim 12 years of age or older
3			but less than 16 years; offender
4			18 years or older.
5	806.01(2)	2nd	Maliciously damage structure by
6			fire or explosive.
7	810.02(3)(a)	2nd	Burglary of occupied dwelling;
8			unarmed; no assault or battery.
9	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
10			unarmed; no assault or battery.
11	810.02(3)(d)	2nd	Burglary of occupied conveyance;
12			unarmed; no assault or battery.
13	812.014(2)(a)1.	1st	Property stolen, valued at
14			\$100,000 or more; property stolen
15			while causing other property
16			damage; 1st degree grand theft.
17	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
18			less than \$50,000, grand theft in
19			2nd degree.
20	812.014(2)(b)3.	2nd	Property stolen, emergency
21			medical equipment; 2nd degree
22			grand theft.
23	812.0145(2)(a)	1st	Theft from person 65 years of age
24			or older; \$50,000 or more.
25	812.019(2)	1st	Stolen property; initiates,
26			organizes, plans, etc., the theft
27			of property and traffics in
28			stolen property.
29	812.131(2)(a)	2nd	Robbery by sudden snatching.
30	812.133(2)(b)	1st	Carjacking; no firearm, deadly
31			weapon, or other weapon.

1	817.234(8)(a)	2nd	Solicitation of motor vehicle
2			accident victims with intent to
3			defraud.
4	817.234(9)	2nd	Organizing, planning, or
5			participating in an intentional
6			motor vehicle collision.
7	817.234(11)(c)	1st	Insurance fraud; property value
8			\$100,000 or more.
9	817.2341(2)(b) &	1st	Making false entries of material
10	(3)(b)		fact or false statements
11			regarding property values
12			relating to the solvency of an
13			insuring entity which are a
14			significant cause of the
15			insolvency of that entity.
16	825.102(3)(b)	2nd	Neglecting an elderly person or
17			disabled adult causing great
18			bodily harm, disability, or
19			disfigurement.
20	825.103(2)(b)	2nd	Exploiting an elderly person or
21			disabled adult and property is
22			valued at \$20,000 or more, but
23			less than \$100,000.
24	827.03(3)(b)	2nd	Neglect of a child causing great
25			bodily harm, disability, or
26			disfigurement.
27	827.04(3)	3rd	Impregnation of a child under 16
28			years of age by person 21 years
29			of age or older.
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1	837.05(2)	3rd	Giving false information about
2			alleged capital felony to a law
3			enforcement officer.
4	838.015	2nd	Bribery.
5	838.016	2nd	Unlawful compensation or reward
6			for official behavior.
7	838.021(3)(a)	2nd	Unlawful harm to a public
8			servant.
9	838.22	2nd	Bid tampering.
10	872.06	2nd	Abuse of a dead human body.
11	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
12			cocaine (or other drug prohibited
13			under s. 893.03(1)(a), (1)(b),
14			(1)(d), (2)(a), (2)(b), or
15			(2)(c)4.) within 1,000 feet of a
16			child care facility, school, or
17			state, county, or municipal park
18			<u>or library</u> or publicly owned
19			recreational facility or
20			community center.
21	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
22			cocaine or other drug prohibited
23			under s. 893.03(1)(a), (1)(b),
24			(1)(d), (2)(a), (2)(b), or
25			(2)(c)4., within 1,000 feet of
26			property used for religious
27			services or a specified business
28			site.
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1	893.13(4)(a)	1st	Deliver to minor cocaine (or
2			other s. 893.03(1)(a), (1)(b),
3			(1)(d), (2)(a), (2)(b), or
4			(2)(c)4. drugs).
5	893.135(1)(a)1.	1st	Trafficking in cannabis, more
6			than 25 lbs., less than 2,000
7			lbs.
8	893.135(1)(b)1.a.	1st	Trafficking in cocaine, more than
9			28 grams, less than 200 grams.
10	893.135(1)(c)1.a.	1st	Trafficking in illegal drugs,
11			more than 4 grams, less than 14
12			grams.
13	893.135(1)(d)1.	1st	Trafficking in phencyclidine,
14			more than 28 grams, less than 200
15			grams.
16	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
17			than 200 grams, less than 5
18			kilograms.
19	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
20			than 14 grams, less than 28
21			grams.
22	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
23			grams or more, less than 14
24			grams.
25	893.135(1)(h)1.a.	1st	Trafficking in
26			gamma-hydroxybutyric acid (GHB),
27			1 kilogram or more, less than 5
28			kilograms.
29	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
30			kilogram or more, less than 5
31			kilograms.

1 | 893.135(1)(k)2.a. 1st Trafficking in Phenethylamines,
2 | 10 grams or more, less than 200
3 | grams.
4 | 896.101(5)(a) 3rd Money laundering, financial
5 | transactions exceeding \$300 but
6 | less than \$20,000.
7 | 896.104(4)(a)1. 3rd Structuring transactions to evade
8 | reporting or registration
9 | requirements, financial
10 | transactions exceeding \$300 but
11 | less than \$20,000.

12 | Section 3. For the purpose of incorporating the
13 | amendment to section 893.13, Florida Statutes, in a reference
14 | thereto, paragraph (b) of subsection (4) of section 397.451,
15 | Florida Statutes, is reenacted to read:

16 | 397.451 Background checks of service provider
17 | personnel.--

18 | (4) EXEMPTIONS FROM DISQUALIFICATION.--

19 | (b) Since rehabilitated substance abuse impaired
20 | persons are effective in the successful treatment and
21 | rehabilitation of substance abuse impaired adolescents, for
22 | service providers which treat adolescents 13 years of age and
23 | older, service provider personnel whose background checks
24 | indicate crimes under s. 817.563, s. 893.13, or s. 893.147 may
25 | be exempted from disqualification from employment pursuant to
26 | this paragraph.

27 | Section 4. For the purpose of incorporating the
28 | amendment to section 893.13, Florida Statutes, in a reference
29 | thereto, subsection (2) of section 435.07, Florida Statutes,
30 | is reenacted to read:

31 |

1 435.07 Exemptions from disqualification.--Unless
2 otherwise provided by law, the provisions of this section
3 shall apply to exemptions from disqualification.

4 (2) Persons employed by treatment providers who treat
5 adolescents 13 years of age and older who are disqualified
6 from employment solely because of crimes under s. 817.563, s.
7 893.13, or s. 893.147 may be exempted from disqualification
8 from employment pursuant to this section without the 3-year
9 waiting period.

10 Section 5. For the purpose of incorporating the
11 amendment to section 893.13, Florida Statutes, in a reference
12 thereto, paragraph (a) of subsection (2) of section 772.12,
13 Florida Statutes, is reenacted to read:

14 772.12 Drug Dealer Liability Act.--

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

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

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

25 2. A violation of s. 893.135; and

26 Section 6. For the purpose of incorporating the
27 amendment to section 893.13, Florida Statutes, in a reference
28 thereto, section 893.1351, Florida Statutes, is reenacted to
29 read:

30 893.1351 Lease or rent for the purpose of trafficking
31 in a controlled substance.--

1 (1) A person may not lease or rent any place,
2 structure, or part thereof, trailer, or other conveyance, with
3 the knowledge that such place, structure, trailer, or
4 conveyance will be used for the purpose of trafficking in a
5 controlled substance, as provided in s. 893.135, or the sale
6 of a controlled substance, as provided in s. 893.13.

7 (2) A person who violates subsection (1) is guilty of
8 a felony of the third degree, punishable as provided in s.
9 775.082, s. 775.083, or s. 775.084.

10 Section 7. For the purpose of incorporating the
11 amendment to section 893.13, Florida Statutes, in a reference
12 thereto, section 903.133, Florida Statutes, is reenacted to
13 read:

14 903.133 Bail on appeal; prohibited for certain felony
15 convictions.--Notwithstanding the provisions of s. 903.132, no
16 person adjudged guilty of a felony of the first degree for a
17 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
18 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
19 violation of s. 794.011(2) or (3), shall be admitted to bail
20 pending review either by posttrial motion or appeal.

21 Section 8. For the purpose of incorporating the
22 amendment to section 893.13, Florida Statutes, in a reference
23 thereto, paragraph (a) of subsection (1) of section 921.187,
24 Florida Statutes, is reenacted to read:

25 921.187 Disposition and sentencing; alternatives;
26 restitution.--

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

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

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

7 2. Make any other disposition that is authorized by
8 law.

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

11 4. Impose a fine and probation pursuant to s. 948.011
12 when the offense is punishable by both a fine and imprisonment
13 and probation is authorized.

14 5. Place the offender into community control requiring
15 intensive supervision and surveillance pursuant to chapter
16 948.

17 6. Impose, as a condition of probation or community
18 control, a period of treatment which shall be restricted to a
19 county facility, a Department of Corrections probation and
20 restitution center, a probation program drug punishment
21 treatment community, or a community residential or
22 nonresidential facility, excluding a community correctional
23 center as defined in s. 944.026, which is owned and operated
24 by any qualified public or private entity providing such
25 services. Before admission to such a facility, the court shall
26 obtain an individual assessment and recommendations on the
27 appropriate treatment needs, which shall be considered by the
28 court in ordering such placements. Placement in such a
29 facility, except for a county residential probation facility,
30 may not exceed 364 days. Placement in a county residential
31 probation facility may not exceed 3 years. Early termination

1 of placement may be recommended to the court, when
2 appropriate, by the center supervisor, the supervising
3 probation officer, or the probation program manager.

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

9 8. Sentence the offender who is to be punished by
10 imprisonment in a county jail to a jail in another county if
11 there is no jail within the county suitable for such prisoner
12 pursuant to s. 950.01.

13 9. Require the offender to participate in a
14 work-release or educational or technical training program
15 pursuant to s. 951.24 while serving a sentence in a county
16 jail, if such a program is available.

17 10. Require the offender to perform a specified public
18 service pursuant to s. 775.091.

19 11. Require the offender who violates chapter 893 or
20 violates any law while under the influence of a controlled
21 substance or alcohol to participate in a substance abuse
22 program.

23 12.a. Require the offender who violates any criminal
24 provision of chapter 893 to pay an additional assessment in an
25 amount up to the amount of any fine imposed, pursuant to ss.
26 938.21 and 938.23.

27 b. Require the offender who violates any provision of
28 s. 893.13 to pay an additional assessment in an amount of
29 \$100, pursuant to ss. 938.25 and 943.361.

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

4 14. Impose split probation whereby upon satisfactory
5 completion of half the term of probation, the Department of
6 Corrections may place the offender on administrative probation
7 pursuant to s. 948.013 for the remainder of the term of
8 supervision.

9 15. Require residence in a state probation and
10 restitution center or private drug treatment program for
11 offenders on community control or offenders who have violated
12 conditions of probation.

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

17 17. Impose, as a condition of community control,
18 probation, or probation following incarceration, a requirement
19 that an offender who has not obtained a high school diploma or
20 high school equivalency diploma or who lacks basic or
21 functional literacy skills, upon acceptance by an adult
22 education program, make a good faith effort toward completion
23 of such basic or functional literacy skills or high school
24 equivalency diploma, as defined in s. 1003.435, in accordance
25 with the assessed adult general education needs of the
26 individual offender.

27 Section 9. For the purpose of incorporating the
28 amendment to section 893.13, Florida Statutes, in a reference
29 thereto, section 938.25, Florida Statutes, is reenacted to
30 read:
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1 938.25 Operating Trust Fund of the Department of Law
2 Enforcement.--Notwithstanding any provision to the contrary of
3 the laws of this state, the court may assess any defendant who
4 pleads guilty or nolo contendere to, or is convicted of, a
5 violation of any provision of s. 893.13, without regard to
6 whether adjudication was withheld, in addition to any fine and
7 other penalty provided or authorized by law, an amount of
8 \$100, to be paid to the clerk of the court, who shall forward
9 it to the Department of Revenue for deposit in the Operating
10 Trust Fund of the Department of Law Enforcement to be used by
11 the statewide criminal analysis laboratory system for the
12 purposes specified in s. 943.361. The court is authorized to
13 order a defendant to pay an additional assessment if it finds
14 that the defendant has the ability to pay the fine and the
15 additional assessment and will not be prevented thereby from
16 being rehabilitated or from making restitution.

17 Section 10. For the purpose of incorporating the
18 amendment to section 893.13, Florida Statutes, in a reference
19 thereto, subsection (1) of section 948.034, Florida Statutes,
20 is reenacted to read:

21 948.034 Terms and conditions of probation; community
22 residential drug punishment centers.--

23 (1) On or after October 1, 1993, any person who
24 violates s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or
25 (5)(a) may, in the discretion of the trial court, be required
26 to successfully complete a term of probation in lieu of
27 serving a term of imprisonment as required or authorized by s.
28 775.084, former s. 921.001, or s. 921.002, as follows:

29 (a) If the person has not previously been convicted of
30 violating s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or
31 (5)(a), adjudication may be withheld and the offender may be

1 placed on probation for not less than 18 months, as a
2 condition of which the court shall require the offender to
3 reside at a community residential drug punishment center for
4 90 days. The offender must comply with all rules and
5 regulations of the center and must pay a fee for the costs of
6 room and board and residential supervision. Placement of an
7 offender into a community residential drug punishment center
8 is subject to budgetary considerations and availability of bed
9 space. If the court requires the offender to reside at a
10 community residential drug punishment center, the court shall
11 also require the offender to comply with one or more of the
12 other following terms and conditions:

13 1. Pay a fine of not less than \$500 nor more than
14 \$10,000 pursuant to s. 775.083(1)(c).

15 2. Enter, regularly attend, and successfully complete
16 a substance abuse education program of at least 40 hours or a
17 prescribed substance abuse treatment program provided by a
18 treatment resource licensed pursuant to chapter 397 or by a
19 hospital licensed pursuant to chapter 395, as specified by the
20 court. In addition, the court may refer the offender to a
21 licensed agency for substance abuse evaluation and, if
22 appropriate, substance abuse treatment subject to the ability
23 of the offender to pay for such evaluation and treatment. If
24 such referral is made, the offender must comply and must pay
25 for the reasonable cost of the evaluation and treatment.

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

27 4. Submit to routine and random drug testing which may
28 be conducted during the probationary period, with the
29 reasonable costs thereof borne by the offender.
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1 5. Participate, at his or her own expense, in an
2 appropriate self-help group, such as Narcotics Anonymous,
3 Alcoholics Anonymous, or Cocaine Anonymous, if available.

4 (b) If the person has been previously convicted of one
5 felony violation of s. 893.13(1)(a)1., (1)(c)2., (1)(d)2.,
6 (2)(a)1., or (5)(a), adjudication may not be withheld and the
7 offender may be placed on probation for not less than 24
8 months, as a condition of which the court shall require the
9 offender to reside at a community residential drug punishment
10 center for 180 days. The offender must comply with all rules
11 and regulations of the center and must pay a fee for the costs
12 of room and board and residential supervision. Placement of an
13 offender into a community residential drug punishment center
14 is subject to budgetary considerations and availability of bed
15 space. If the court requires the offender to reside at a
16 community residential drug punishment center, the court shall
17 also require the offender to comply with one or more of the
18 other following terms and conditions:

19 1. Pay a fine of not less than \$1,000 nor more than
20 \$10,000 pursuant to s. 775.083(1)(c).

21 2. Enter, regularly attend, and successfully complete
22 a substance abuse education program of at least 40 hours or a
23 prescribed substance abuse treatment program provided by a
24 treatment resource licensed pursuant to chapter 397 or by a
25 hospital licensed pursuant to chapter 395, as specified by the
26 court. In addition, the court may refer the offender to a
27 licensed agency for substance abuse evaluation and, if
28 appropriate, substance abuse treatment subject to the ability
29 of the offender to pay for such evaluation and treatment. If
30 such referral is made, the offender must comply and must pay
31 for the reasonable cost of the evaluation and treatment.

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

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

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

8 (c) If the person has been previously convicted of two
9 felony violations of s. 893.13(2)(a)1. or (5)(a), adjudication
10 may not be withheld and the offender may be placed on
11 probation for not less than 36 months, as a condition of which
12 the court shall require the offender to reside at a community
13 residential drug punishment center for 360 days. The offender
14 must comply with all rules and regulations of the center and
15 must pay a fee for the costs of room and board and residential
16 supervision. Placement of an offender into a community
17 residential drug punishment center is subject to budgetary
18 considerations and availability of bed space. If the court
19 requires the offender to reside at a community residential
20 drug punishment center, the court shall also require the
21 offender to comply with one or more of the other following
22 terms and conditions:

23 1. Pay a fine of not less than \$1,500 nor more than
24 \$10,000 pursuant to s. 775.083(1)(c).

25 2. Enter, regularly attend, and successfully complete
26 a substance abuse education program of at least 40 hours or a
27 prescribed substance abuse treatment program provided by a
28 treatment resource licensed pursuant to chapter 397 or by a
29 hospital licensed pursuant to chapter 395, as specified by the
30 court. In addition, the court may refer the offender to a
31 licensed agency for substance abuse evaluation and, if

1 appropriate, substance abuse treatment subject to the ability
2 of the offender to pay for such evaluation and treatment. If
3 such referral is made, the offender must comply and must pay
4 for the reasonable cost of the evaluation and treatment.

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

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

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

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

15 Section 11. This act shall take effect July 1, 2005,
16 and shall apply to offenses committed on or after that date.

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