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A bill to be entitled
 An act relating to drug abuse prevention and control;
 amending s. 893.13, F.S.; prohibiting the sale,
 manufacture, or delivery of controlled substances, or
 possession of controlled substances with intent to sell,
 manufacture, or deliver, within 1,000 feet of certain
 libraries; amending s. 921.0022, F.S.; ranking such
 offenses on the offense severity ranking chart of the
 Criminal Punishment Code; reenacting ss. 397.451(4)(b),
 435.07(2), 772.12(2)(a), 893.1351, 903.133, 921.187(1)(a),
 938.25, and 948.034(1), F.S., relating to background
 checks of substance abuse service provider personnel,
 exemptions from disqualification for employment, the Drug
 Dealer Liability Act, lease or rent for the purpose of
 trafficking in a controlled substance, prohibition on bail
 on appeal for certain felony convictions, disposition and
 sentencing, the Operating Trust Fund of the Department of
 Law Enforcement, and terms and conditions of probation,
 respectively, to incorporate the amendment to s. 893.13,
 F.S., in references thereto; providing applicability;
 providing an effective date.

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

Section 1. Paragraph (c) of subsection (1) of section
 893.13, Florida Statutes, is amended to read:

893.13 Prohibited acts; penalties.--
 (1)

29 (c) Except as authorized by this chapter, it is unlawful
 30 for any person to sell, manufacture, or deliver, or possess with
 31 intent to sell, manufacture, or deliver, a controlled substance
 32 in, on, or within 1,000 feet of the real property comprising a
 33 child care facility as defined in s. 402.302 or a public or
 34 private elementary, middle, or secondary school between the
 35 hours of 6 a.m. and 12 midnight, or at any time in, on, or
 36 within 1,000 feet of real property comprising a state, county,
 37 or municipal park or library, a community center, or a publicly
 38 owned recreational facility. For the purposes of this paragraph,
 39 the term "community center" means a facility operated by a
 40 nonprofit community-based organization for the provision of
 41 recreational, social, or educational services to the public. Any
 42 person who violates this paragraph with respect to:

43 1. A controlled substance named or described in s.
 44 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 45 commits a felony of the first degree, punishable as provided in
 46 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 47 sentenced to a minimum term of imprisonment of 3 calendar years
 48 unless the offense was committed within 1,000 feet of the real
 49 property comprising a child care facility as defined in s.
 50 402.302.

51 2. A controlled substance named or described in s.
 52 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 53 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 54 the second degree, punishable as provided in s. 775.082, s.
 55 775.083, or s. 775.084.

56 3. Any other controlled substance, except as lawfully
 57 sold, manufactured, or delivered, must be sentenced to pay a
 58 \$500 fine and to serve 100 hours of public service in addition
 59 to any other penalty prescribed by law.

60
 61 This paragraph does not apply to a child care facility unless
 62 the owner or operator of the facility posts a sign that is not
 63 less than 2 square feet in size with a word legend identifying
 64 the facility as a licensed child care facility and that is
 65 posted on the property of the child care facility in a
 66 conspicuous place where the sign is reasonably visible to the
 67 public.

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

70 921.0022 Criminal Punishment Code; offense severity
 71 ranking chart.--

72 (3) OFFENSE SEVERITY RANKING CHART

73

Florida Statute	Felony Degree	Description
		(e) LEVEL 5
316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.

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77	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
78	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
79	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
80	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
81	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
82	440.105(5)	2nd	Unlawful solicitation for the

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83

440.381(2)

2nd

purpose of making
workers'
compensation claims.

84

624.401(4)(b)2.

2nd

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

85

626.902(1)(c)

2nd

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

86

790.01(2)

3rd

Representing an
unauthorized
insurer; repeat
offender.

Carrying a concealed
firearm.

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87	790.162	2nd	Threat to throw or discharge destructive device.
88	790.163(1)	2nd	False report of deadly explosive or weapon of mass destruction.
89	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
90	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
91	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
92	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
93			

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94	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
95	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
96	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
97	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
98	812.131(2)(b)	3rd	Robbery by sudden snatching.
	812.16(2)	3rd	Owning, operating, or conducting a chop

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99	817.034(4)(a)2.	2nd	shop.
100	817.234(11)(b)	2nd	Communications fraud, value \$20,000 to \$50,000.
101	817.2341(1), (2)(a) & (3)(a)	3rd	Insurance fraud; property value \$20,000 or more but less than \$100,000. Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
102	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment

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103	817.625(2)(b)	2nd	avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more individuals.
104	825.1025(4)	3rd	Second or subsequent fraudulent use of scanning device or reencoder.
105	827.071(4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
106	839.13(2)(b)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
			Falsifying records

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107	843.01	3rd	of an individual in the care and custody of a state agency involving great bodily harm or death.
108	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
109	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
110	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).
110	893.13(1)(c)2.	2nd	Sell, manufacture,

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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
library or publicly
 owned recreational
 facility or
 community center.

111

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.

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113

893.13(1)(e)2.

2nd

Sell, manufacture,
or deliver cannabis
or other drug
prohibited under s.
893.03(1)(c),
(2)(c)1., (2)(c)2.,
(2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7.,
(2)(c)8., (2)(c)9.,
(3), or (4) within
1,000 feet of
property used for
religious services
or a specified
business site.

114

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.

893.13(4)(b)

2nd

Deliver to minor

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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).

(g) LEVEL 7

316.027(1)(b) 2nd

Accident involving
death, failure to
stop; leaving scene.

316.193(3)(c)2. 3rd

DUI resulting in
serious bodily
injury.

316.1935(3)(b) 1st

Causing serious
bodily injury or
death to another
person; driving at
high speed or with
wanton disregard for
safety while fleeing
or attempting to
elude law

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120	327.35(3)(c)2.	3rd	enforcement officer who is in a patrol vehicle with siren and lights activated.
121	402.319(2)	2nd	Vessel BUI resulting in serious bodily injury.
122	409.920(2)	3rd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
123	456.065(2)	3rd	Medicaid provider fraud.
124			Practicing a health care profession without a license.

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125	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
126	458.327(1)	3rd	Practicing medicine without a license.
127	459.013(1)	3rd	Practicing osteopathic medicine without a license.
128	460.411(1)	3rd	Practicing chiropractic medicine without a license.
129	461.012(1)	3rd	Practicing podiatric medicine without a license.
130	462.17	3rd	Practicing naturopathy without a license.
	463.015(1)	3rd	Practicing optometry

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131			without a license.
	464.016(1)	3rd	Practicing nursing without a license.
132			
	465.015(2)	3rd	Practicing pharmacy without a license.
133			
	466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
134			
	467.201	3rd	Practicing midwifery without a license.
135			
	468.366	3rd	Delivering respiratory care services without a license.
136			
	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
137			
	483.901(9)	3rd	Practicing medical physics without a license.

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138	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
139	484.053	3rd	Dispensing hearing aids without a license.
140	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.
141	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
142	560.125(5)(a)	3rd	Money transmitter

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143	655.50(10)(b)1.	3rd	<p>business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.</p>
144	782.051(3)	2nd	<p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
145	782.07(1)	2nd	<p>Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.</p>
			<p>Killing of a human being by the act, procurement, or culpable negligence of another</p>

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146	782.071	2nd	(manslaughter). Killing of human being or viable fetus by the operation of a motor vehicle in a reckless manner (vehicular homicide).
147	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
148	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
149	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
150	784.045(1)(b)	2nd	Aggravated battery;

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151	784.048(4)	3rd	perpetrator aware victim pregnant. Aggravated stalking; violation of injunction or court order.
152	784.048(7)	3rd	Aggravated stalking; violation of court order.
153	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
154	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
155	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
156	784.081(1)	1st	Aggravated battery on specified official or

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157			employee.
	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
158			
	784.083(1)	1st	Aggravated battery on code inspector.
159			
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
160			
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
161			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
162			
	790.165(3)	2nd	Possessing, displaying, or threatening to use

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163	790.166(3)	2nd	any hoax bomb while committing or attempting to commit a felony.
164	790.166(4)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
165	796.03	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
166	800.04(5)(c)1.	2nd	Procuring any person under 16 years for prostitution.
			Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.

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167	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.
168	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
169	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
170	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
171	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
172	812.014(2)(a)1.	1st	Property stolen,

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			valued at \$100,000 or more; property stolen while causing other property damage; 1st degree grand theft.
173	812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
174	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
175	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
176	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen

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177			property.
	812.131(2)(a)	2nd	Robbery by sudden snatching.
178			
	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
179			
	817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
180			
	817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
181			
	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
182			
	817.2341(2)(b) & (3)(b)	1st	Making false entries of material fact or

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183	825.102(3)(b)	2nd	false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
184	825.103(2)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
185	827.03(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
			Neglect of a child causing great bodily harm, disability, or

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186	827.04(3)	3rd	disfigurement. Impregnation of a child under 16 years of age by person 21 years of age or older.
187	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
188	838.015	2nd	Bribery.
189	838.016	2nd	Unlawful compensation or reward for official behavior.
190	838.021(3)(a)	2nd	Unlawful harm to a public servant.
191	838.22	2nd	Bid tampering.
192	872.06	2nd	Abuse of a dead human body.

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195	893.13(4)(a)	1st	property used for religious services or a specified business site.
196	893.135(1)(a)1.	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).
197	893.135(1)(b)1.a.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
198	893.135(1)(c)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
199	893.135(1)(d)1.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

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200	893.135(1)(e)1.	1st	phencyclidine, more than 28 grams, less than 200 grams.
201	893.135(1)(f)1.	1st	Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
202	893.135(1)(g)1.a.	1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
203	893.135(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
204	893.135(1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
204	893.135(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1

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205	893.135(1)(k)2.a.	1st	kilogram or more, less than 5 kilograms.
206	896.101(5)(a)	3rd	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
207	896.104(4)(a)1.	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
208			Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.

209 Section 3. For the purpose of incorporating the amendment
210 to section 893.13, Florida Statutes, in a reference thereto,

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

211 paragraph (b) of subsection (4) of section 397.451, Florida
 212 Statutes, is reenacted to read:

213 397.451 Background checks of service provider personnel.--

214 (4) EXEMPTIONS FROM DISQUALIFICATION.--

215 (b) Since rehabilitated substance abuse impaired persons
 216 are effective in the successful treatment and rehabilitation of
 217 substance abuse impaired adolescents, for service providers
 218 which treat adolescents 13 years of age and older, service
 219 provider personnel whose background checks indicate crimes under
 220 s. 817.563, s. 893.13, or s. 893.147 may be exempted from
 221 disqualification from employment pursuant to this paragraph.

222 Section 4. For the purpose of incorporating the amendment
 223 to section 893.13, Florida Statutes, in a reference thereto,
 224 subsection (2) of section 435.07, Florida Statutes, is reenacted
 225 to read:

226 435.07 Exemptions from disqualification.--Unless otherwise
 227 provided by law, the provisions of this section shall apply to
 228 exemptions from disqualification.

229 (2) Persons employed by treatment providers who treat
 230 adolescents 13 years of age and older who are disqualified from
 231 employment solely because of crimes under s. 817.563, s. 893.13,
 232 or s. 893.147 may be exempted from disqualification from
 233 employment pursuant to this section without the 3-year waiting
 234 period.

235 Section 5. For the purpose of incorporating the amendment
 236 to section 893.13, Florida Statutes, in a reference thereto,
 237 paragraph (a) of subsection (2) of section 772.12, Florida
 238 Statutes, is reenacted to read:

239 772.12 Drug Dealer Liability Act.--

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

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

- 248 1. A violation of s. 893.13, except for a violation of s.
- 249 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or
- 250 2. A violation of s. 893.135; and

251 Section 6. For the purpose of incorporating the amendment
 252 to section 893.13, Florida Statutes, in a reference thereto,
 253 section 893.1351, Florida Statutes, is reenacted to read:

254 893.1351 Lease or rent for the purpose of trafficking in a
 255 controlled substance.--

256 (1) A person may not lease or rent any place, structure,
 257 or part thereof, trailer, or other conveyance, with the
 258 knowledge that such place, structure, trailer, or conveyance
 259 will be used for the purpose of trafficking in a controlled
 260 substance, as provided in s. 893.135, or the sale of a
 261 controlled substance, as provided in s. 893.13.

262 (2) A person who violates subsection (1) is guilty of a
 263 felony of the third degree, punishable as provided in s.
 264 775.082, s. 775.083, or s. 775.084.

265 Section 7. For the purpose of incorporating the amendment
 266 to section 893.13, Florida Statutes, in a reference thereto,
 267 section 903.133, Florida Statutes, is reenacted to read:

268 903.133 Bail on appeal; prohibited for certain felony
 269 convictions.--Notwithstanding the provisions of s. 903.132, no
 270 person adjudged guilty of a felony of the first degree for a
 271 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
 272 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
 273 violation of s. 794.011(2) or (3), shall be admitted to bail
 274 pending review either by posttrial motion or appeal.

275 Section 8. For the purpose of incorporating the amendment
 276 to section 893.13, Florida Statutes, in a reference thereto,
 277 paragraph (a) of subsection (1) of section 921.187, Florida
 278 Statutes, is reenacted to read:

279 921.187 Disposition and sentencing; alternatives;
 280 restitution.--

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

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

- 287 1. Impose a split sentence whereby the offender is to be
 288 placed on probation upon completion of any specified period of
 289 such sentence, which period may include a term of years or less.
- 290 2. Make any other disposition that is authorized by law.
- 291 3. Place the offender on probation with or without an
 292 adjudication of guilt pursuant to s. 948.01.

293 4. Impose a fine and probation pursuant to s. 948.011 when
294 the offense is punishable by both a fine and imprisonment and
295 probation is authorized.

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

298 6. Impose, as a condition of probation or community
299 control, a period of treatment which shall be restricted to a
300 county facility, a Department of Corrections probation and
301 restitution center, a probation program drug punishment
302 treatment community, or a community residential or
303 nonresidential facility, excluding a community correctional
304 center as defined in s. 944.026, which is owned and operated by
305 any qualified public or private entity providing such services.
306 Before admission to such a facility, the court shall obtain an
307 individual assessment and recommendations on the appropriate
308 treatment needs, which shall be considered by the court in
309 ordering such placements. Placement in such a facility, except
310 for a county residential probation facility, may not exceed 364
311 days. Placement in a county residential probation facility may
312 not exceed 3 years. Early termination of placement may be
313 recommended to the court, when appropriate, by the center
314 supervisor, the supervising probation officer, or the probation
315 program manager.

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

321 8. Sentence the offender who is to be punished by
 322 imprisonment in a county jail to a jail in another county if
 323 there is no jail within the county suitable for such prisoner
 324 pursuant to s. 950.01.

325 9. Require the offender to participate in a work-release
 326 or educational or technical training program pursuant to s.
 327 951.24 while serving a sentence in a county jail, if such a
 328 program is available.

329 10. Require the offender to perform a specified public
 330 service pursuant to s. 775.091.

331 11. Require the offender who violates chapter 893 or
 332 violates any law while under the influence of a controlled
 333 substance or alcohol to participate in a substance abuse
 334 program.

335 12.a. Require the offender who violates any criminal
 336 provision of chapter 893 to pay an additional assessment in an
 337 amount up to the amount of any fine imposed, pursuant to ss.
 338 938.21 and 938.23.

339 b. Require the offender who violates any provision of s.
 340 893.13 to pay an additional assessment in an amount of \$100,
 341 pursuant to ss. 938.25 and 943.361.

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

345 14. Impose split probation whereby upon satisfactory
 346 completion of half the term of probation, the Department of
 347 Corrections may place the offender on administrative probation

348 pursuant to s. 948.013 for the remainder of the term of
 349 supervision.

350 15. Require residence in a state probation and restitution
 351 center or private drug treatment program for offenders on
 352 community control or offenders who have violated conditions of
 353 probation.

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

357 17. Impose, as a condition of community control,
 358 probation, or probation following incarceration, a requirement
 359 that an offender who has not obtained a high school diploma or
 360 high school equivalency diploma or who lacks basic or functional
 361 literacy skills, upon acceptance by an adult education program,
 362 make a good faith effort toward completion of such basic or
 363 functional literacy skills or high school equivalency diploma,
 364 as defined in s. 1003.435, in accordance with the assessed adult
 365 general education needs of the individual offender.

366 Section 9. For the purpose of incorporating the amendment
 367 to section 893.13, Florida Statutes, in a reference thereto,
 368 section 938.25, Florida Statutes, is reenacted to read:

369 938.25 Operating Trust Fund of the Department of Law
 370 Enforcement.--Notwithstanding any provision to the contrary of
 371 the laws of this state, the court may assess any defendant who
 372 pleads guilty or nolo contendere to, or is convicted of, a
 373 violation of any provision of s. 893.13, without regard to
 374 whether adjudication was withheld, in addition to any fine and
 375 other penalty provided or authorized by law, an amount of \$100,

376 to be paid to the clerk of the court, who shall forward it to
 377 the Department of Revenue for deposit in the Operating Trust
 378 Fund of the Department of Law Enforcement to be used by the
 379 statewide criminal analysis laboratory system for the purposes
 380 specified in s. 943.361. The court is authorized to order a
 381 defendant to pay an additional assessment if it finds that the
 382 defendant has the ability to pay the fine and the additional
 383 assessment and will not be prevented thereby from being
 384 rehabilitated or from making restitution.

385 Section 10. For the purpose of incorporating the amendment
 386 to section 893.13, Florida Statutes, in a reference thereto,
 387 subsection (1) of section 948.034, Florida Statutes, is
 388 reenacted to read:

389 948.034 Terms and conditions of probation; community
 390 residential drug punishment centers.--

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

397 (a) If the person has not previously been convicted of
 398 violating s. 893.13(1)(a)1., (1)(c)2., (1)(d)2., (2)(a)1., or
 399 (5)(a), adjudication may be withheld and the offender may be
 400 placed on probation for not less than 18 months, as a condition
 401 of which the court shall require the offender to reside at a
 402 community residential drug punishment center for 90 days. The
 403 offender must comply with all rules and regulations of the

404 center and must pay a fee for the costs of room and board and
405 residential supervision. Placement of an offender into a
406 community residential drug punishment center is subject to
407 budgetary considerations and availability of bed space. If the
408 court requires the offender to reside at a community residential
409 drug punishment center, the court shall also require the
410 offender to comply with one or more of the other following terms
411 and conditions:

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

414 2. Enter, regularly attend, and successfully complete a
415 substance abuse education program of at least 40 hours or a
416 prescribed substance abuse treatment program provided by a
417 treatment resource licensed pursuant to chapter 397 or by a
418 hospital licensed pursuant to chapter 395, as specified by the
419 court. In addition, the court may refer the offender to a
420 licensed agency for substance abuse evaluation and, if
421 appropriate, substance abuse treatment subject to the ability of
422 the offender to pay for such evaluation and treatment. If such
423 referral is made, the offender must comply and must pay for the
424 reasonable cost of the evaluation and treatment.

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

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

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

432 (b) If the person has been previously convicted of one
433 felony violation of s. 893.13(1)(a)1., (1)(c)2., (1)(d)2.,
434 (2)(a)1., or (5)(a), adjudication may not be withheld and the
435 offender may be placed on probation for not less than 24 months,
436 as a condition of which the court shall require the offender to
437 reside at a community residential drug punishment center for 180
438 days. The offender must comply with all rules and regulations of
439 the center and must pay a fee for the costs of room and board
440 and residential supervision. Placement of an offender into a
441 community residential drug punishment center is subject to
442 budgetary considerations and availability of bed space. If the
443 court requires the offender to reside at a community residential
444 drug punishment center, the court shall also require the
445 offender to comply with one or more of the other following terms
446 and conditions:

447 1. Pay a fine of not less than \$1,000 nor more than
448 \$10,000 pursuant to s. 775.083(1)(c).

449 2. Enter, regularly attend, and successfully complete a
450 substance abuse education program of at least 40 hours or a
451 prescribed substance abuse treatment program provided by a
452 treatment resource licensed pursuant to chapter 397 or by a
453 hospital licensed pursuant to chapter 395, as specified by the
454 court. In addition, the court may refer the offender to a
455 licensed agency for substance abuse evaluation and, if
456 appropriate, substance abuse treatment subject to the ability of
457 the offender to pay for such evaluation and treatment. If such
458 referral is made, the offender must comply and must pay for the
459 reasonable cost of the evaluation and treatment.

- 460 3. Perform at least 200 hours of public service.
- 461 4. Submit to routine and random drug testing which may be
- 462 conducted during the probationary period, with the reasonable
- 463 costs thereof borne by the offender.
- 464 5. Participate, at his or her own expense, in an
- 465 appropriate self-help group, such as Narcotics Anonymous,
- 466 Alcoholics Anonymous, or Cocaine Anonymous, if available.
- 467 (c) If the person has been previously convicted of two
- 468 felony violations of s. 893.13(2)(a)1. or (5)(a), adjudication
- 469 may not be withheld and the offender may be placed on probation
- 470 for not less than 36 months, as a condition of which the court
- 471 shall require the offender to reside at a community residential
- 472 drug punishment center for 360 days. The offender must comply
- 473 with all rules and regulations of the center and must pay a fee
- 474 for the costs of room and board and residential supervision.
- 475 Placement of an offender into a community residential drug
- 476 punishment center is subject to budgetary considerations and
- 477 availability of bed space. If the court requires the offender to
- 478 reside at a community residential drug punishment center, the
- 479 court shall also require the offender to comply with one or more
- 480 of the other following terms and conditions:
- 481 1. Pay a fine of not less than \$1,500 nor more than
- 482 \$10,000 pursuant to s. 775.083(1)(c).
- 483 2. Enter, regularly attend, and successfully complete a
- 484 substance abuse education program of at least 40 hours or a
- 485 prescribed substance abuse treatment program provided by a
- 486 treatment resource licensed pursuant to chapter 397 or by a
- 487 hospital licensed pursuant to chapter 395, as specified by the

488 court. In addition, the court may refer the offender to a
489 licensed agency for substance abuse evaluation and, if
490 appropriate, substance abuse treatment subject to the ability of
491 the offender to pay for such evaluation and treatment. If such
492 referral is made, the offender must comply and must pay for the
493 reasonable cost of the evaluation and treatment.

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

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

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

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

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