



878468

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/28/2011	.	
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The Committee on Criminal Justice (Margolis) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

893.13 Prohibited acts; penalties.—

(1)

(i) Except as authorized by this chapter, it is unlawful for any person to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a



878468

13 homeless shelter. As used in this paragraph, the term "homeless  
14 shelter" means a supervised publicly or privately operated  
15 shelter designed to provide temporary living accommodations for  
16 persons who otherwise lack a fixed, regular, and adequate  
17 nighttime residence. Any person who violates this paragraph with  
18 respect to:

19 1. A controlled substance named or described in s.  
20 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.  
21 commits a felony of the first degree, punishable as provided in  
22 s. 775.082, s. 775.083, or s. 775.084.

23 2. A controlled substance named or described in s.  
24 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
25 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of  
26 the second degree, punishable as provided in s. 775.082, s.  
27 775.083, or s. 775.084.

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

30 921.0022 Criminal Punishment Code; offense severity ranking  
31 chart.-

32 (3) OFFENSE SEVERITY RANKING CHART

33 (c) LEVEL 3

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Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066	3rd	Unlawfully obtaining or using

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37 (4) (b) - (d) confidential crash reports.

38 316.193 (2) (b) 3rd Felony DUI, 3rd conviction.

39 316.1935 (2) 3rd Fleeing or attempting to elude law  
enforcement officer in patrol vehicle  
with siren and lights activated.

40 319.30 (4) 3rd Possession by junkyard of motor vehicle  
with identification number plate  
removed.

41 319.33 (1) (a) 3rd Alter or forge any certificate of title  
to a motor vehicle or mobile home.

42 319.33 (1) (c) 3rd Procure or pass title on stolen vehicle.

43 319.33 (4) 3rd With intent to defraud, possess, sell,  
etc., a blank, forged, or unlawfully  
obtained title or registration.

44 327.35 (2) (b) 3rd Felony BUI.

45 328.05 (2) 3rd Possess, sell, or counterfeit  
fictitious, stolen, or fraudulent titles  
or bills of sale of vessels.

328.07 (4) 3rd Manufacture, exchange, or possess vessel  
with counterfeit or wrong ID number.



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| 376.302 (5)            | 3rd | Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.  |
| 379.2431<br>(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. |
| 379.2431<br>(1) (e) 6. | 3rd | Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.  |
| 400.9935 (4)           | 3rd | Operating a clinic without a license or filing false license application or other required information.  |
| 440.1051 (3)           | 3rd | False report of workers' compensation fraud or retaliation for making such a report.   |
| 501.001 (2) (b)        | 2nd | Tampers with a consumer product or the container using materially false/misleading information.  |



878468

53	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
54	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
55	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
56	697.08	3rd	Equity skimming.
57	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
58	796.05 (1)	3rd	Live on earnings of a prostitute.
59	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
60	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
61	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less



878468

than \$10,000.

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812.0145(2)(c) 3rd Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

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815.04(4)(b) 2nd Computer offense devised to defraud or obtain property.

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817.034(4)(a)3. 3rd Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.

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817.233 3rd Burning to defraud insurer.

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817.234 3rd Unlawful solicitation of persons involved in motor vehicle accidents.  
(8)(b)-(c)

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817.234(11)(a) 3rd Insurance fraud; property value less than \$20,000.

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817.236 3rd Filing a false motor vehicle insurance application.

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817.2361 3rd Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.

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817.413(2) 3rd Sale of used goods as new.



878468

71	817.505 (4)	3rd	Patient brokering.
72	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
73	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
74	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
75	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
76	843.19	3rd	Injure, disable, or kill police dog or horse.
77	860.15 (3)	3rd	Overcharging for repairs and parts.
78	870.01 (2)	3rd	Riot; inciting or encouraging.
79	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or



878468

(4) drugs).

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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.

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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.

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893.13(1)(i)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 homeless shelter.

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893.13(6)(a)      3rd      Possession of any controlled substance  
other than felony possession of  
cannabis.

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878468

- 89 893.13(7)(a)8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
- 90 893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
- 91 893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.
- 92 893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.
- 93 893.13(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.
- 94 893.13(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.
- 893.13(8)(a)3. 3rd Knowingly write a prescription for a



878468

controlled substance for a fictitious person.

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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.

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918.13(1)(a)      3rd      Alter, destroy, or conceal investigation evidence.

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944.47  
(1)(a)1.-2.      3rd      Introduce contraband to correctional facility.

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944.47(1)(c)      2nd      Possess contraband while upon the grounds of a correctional institution.

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985.721      3rd      Escapes from a juvenile facility (secure detention or residential commitment facility).

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101      (e) LEVEL 5

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Florida Statute	Felony Degree	Description
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316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
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878468

104	316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
105	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
106	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
107	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
108	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
109	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
110	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
111	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
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113	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
114	790.01 (2)	3rd	Carrying a concealed firearm.
115	790.162	2nd	Threat to throw or discharge destructive device.
116	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
117	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
118	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
119	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
120	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
121	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or



878468

older; \$10,000 or more but less than  
\$50,000.

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812.015(8) 3rd Retail theft; property stolen is valued  
at \$300 or more and one or more  
specified acts.

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812.019(1) 2nd Stolen property; dealing in or  
trafficking in.

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812.131(2)(b) 3rd Robbery by sudden snatching.

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812.16(2) 3rd Owning, operating, or conducting a chop  
shop.

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817.034(4)(a)2. 2nd Communications fraud, value \$20,000 to  
\$50,000.

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817.234(11)(b) 2nd Insurance fraud; property value \$20,000  
or more but less than \$100,000.

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817.2341(1), 3rd Filing false financial statements,  
(2)(a) & making false entries of material fact or  
(3)(a) false statements regarding property  
values relating to the solvency of an  
insuring entity.

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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.

130 817.625 (2) (b) 2nd Second or subsequent fraudulent use of scanning device or reencoder.

131 825.1025 (4) 3rd Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

132 827.071 (4) 2nd Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.

133 827.071 (5) 3rd Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.

134 839.13 (2) (b) 2nd Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

135 843.01 3rd Resist officer with violence to person; resist arrest with violence.

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- 847.0135(5)(b) 2nd Lewd or lascivious exhibition using computer; offender 18 years or older.
- 847.0137 (2) & (3) 3rd Transmission of pornography by electronic device or equipment.
- 847.0138 (2) & (3) 3rd Transmission of material harmful to minors to a minor by electronic device or equipment.
- 874.05(2) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
- 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).
- 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.



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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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.

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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.

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893.13(1)(i)1. 1st Sell, manufacture, or deliver s.





878468

893.03(1)(a), (1)(b), (1)(d), (2)(a),  
(2)(b), or (2)(c)4. drugs within 1,000  
feet of homeless shelter.

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893.13(4)(b)            2nd    Deliver to minor cannabis (or other s.  
893.03(1)(c), (2)(c)1., (2)(c)2.,  
(2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,  
(2)(c)8., (2)(c)9., (3), or (4) drugs).

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893.1351(1)            3rd    Ownership, lease, or rental for  
trafficking in or manufacturing of  
controlled substance.

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157            Section 3. This act shall take effect July 1, 2011.

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159    ===== T I T L E   A M E N D M E N T =====

160    And the title is amended as follows:

161            Delete everything before the enacting clause  
162    and insert:

163                            A bill to be entitled  
164            An act relating to controlled substances; amending s.  
165            893.13, F.S.; prohibiting specified offenses within  
166            1,000 feet of the real property comprising a homeless  
167            shelter; defining the term "homeless shelter";  
168            providing criminal penalties; amending s. 921.0022,  
169            F.S.; ranking offenses on the offense severity ranking  
170            chart of the Criminal Punishment Code; providing an  
171            effective date.