

1 A bill to be entitled
 2 An act relating to controlled substances; amending s.
 3 893.13, F.S.; prohibiting specified offenses within 1,000
 4 feet of the real property comprising a homeless shelter;
 5 defining the term "homeless shelter"; providing criminal
 6 penalties; amending s. 921.0022, F.S.; ranking offenses on
 7 the offense severity ranking chart of the Criminal
 8 Punishment Code; providing an effective date.

9
 10 Be It Enacted by the Legislature of the State of Florida:

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

14 893.13 Prohibited acts; penalties.—

15 (1)

16 (i) Except as authorized by this chapter, it is unlawful
 17 for any person to sell, manufacture, or deliver, or possess with
 18 intent to sell, manufacture, or deliver, a controlled substance
 19 in, on, or within 1,000 feet of the real property comprising a
 20 homeless shelter. As used in this paragraph, the term "homeless
 21 shelter" means a supervised publicly or privately operated
 22 shelter designed to provide temporary living accommodations for
 23 persons who otherwise lack a fixed, regular, and adequate
 24 nighttime residence. Any person who violates this paragraph with
 25 respect to:

26 1. A controlled substance named or described in s.
 27 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.

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28 commits a felony of the first degree, punishable as provided in
 29 s. 775.082, s. 775.083, or s. 775.084.

30 2. A controlled substance named or described in s.
 31 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 32 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 33 the second degree, punishable as provided in s. 775.082, s.
 34 775.083, or s. 775.084.

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

37 921.0022 Criminal Punishment Code; offense severity
 38 ranking chart.—

39 (3) OFFENSE SEVERITY RANKING CHART

40 (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 (4)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude

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46	319.30(4)	3rd	law enforcement officer in patrol vehicle with siren and lights activated.
47	319.33(1)(a)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
48	319.33(1)(c)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
49	319.33(4)	3rd	Procure or pass title on stolen vehicle.
50	327.35(2)(b)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
51	328.05(2)	3rd	Felony BUI.
52			Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.

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53	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
54	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
55	379.2431 (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.
56	379.2431 (1)(e)6.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
57	400.9935(4)	3rd	Operating a clinic without a license or filing false license application or other required information.

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58	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
59	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
60	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
61	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
62	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
63	697.08	3rd	Equity skimming.
64	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.

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65	796.05 (1)	3rd	Live on earnings of a prostitute.
66	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
67	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
68	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
69	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
70	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
71	815.04 (4) (b)	2nd	Computer offense devised to defraud or obtain property.
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud

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			(Florida Communications Fraud Act), property valued at less than \$20,000.
72	817.233	3rd	Burning to defraud insurer.
73	817.234 (8) (b) - (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
74	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
75	817.236	3rd	Filing a false motor vehicle insurance application.
76	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
77	817.413 (2)	3rd	Sale of used goods as new.
78	817.505 (4)	3rd	Patient brokering.
79	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain,

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			serious physical injury, or death.
80	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
81	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
82	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
83	843.19	3rd	Injure, disable, or kill police dog or horse.
84	860.15 (3)	3rd	Overcharging for repairs and parts.
85	870.01 (2)	3rd	Riot; inciting or encouraging.
86	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1.,

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(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).

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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- 91 893.13(6)(a) 3rd Possession of any controlled substance other than felony possession of cannabis.
- 92 893.13(7)(a)8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
- 93 893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
- 94 893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.
- 95 893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.
- 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.

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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.

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893.13(8)(a)3. 3rd Knowingly write a prescription
 for a 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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101	944.47 (1) (a) 1.-2.	3rd	Introduce contraband to correctional facility.
102	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
103	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
104	(e) LEVEL 5		
105			
106	Florida Statute	Felony Degree	Description
107	316.027 (1) (a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
108	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
109	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

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110	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
111	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
112	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
113	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
114	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
115	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
116	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.

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117	790.01 (2)	3rd	Carrying a concealed firearm.
118	790.162	2nd	Threat to throw or discharge destructive device.
119	790.163 (1)	2nd	False report of deadly explosive or weapon of mass destruction.
120	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
121	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
122	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
123	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years or older.
124	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

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125	812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
126	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
127	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
128	812.131(2)(b)	3rd	Robbery by sudden snatching.
129	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
130	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
131	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding

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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.

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817.625 (2) (b)

2nd

Second or subsequent fraudulent
use of scanning device or
reencoder.

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825.1025 (4)

3rd

Lewd or lascivious exhibition
in the presence of an elderly
person or disabled adult.

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827.071 (4)

2nd

Possess with intent to promote
any photographic material,
motion picture, etc., which
includes sexual conduct by a
child.

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137	827.071 (5)	3rd	Possess any photographic material, motion picture, etc., which includes sexual conduct by a child.
138	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.
139	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
140	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
141	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
142	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

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another to join a criminal gang; second or subsequent offense.

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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).

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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.

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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.

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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.

148

893.13(1)(i)1. 1st Sell, manufacture, or deliver s. 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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Section 3. This act shall take effect July 1, 2011.