

1 A bill to be entitled
 2 An act relating to synthetic cannabinoids; amending s.
 3 893.13, F.S.; prohibiting specified offenses involving
 4 synthetic cannabinoids on or within a specified
 5 distance of the real property comprising a public
 6 park; providing a definition; providing criminal
 7 penalties; authorizing a warrantless arrest for
 8 possession of synthetic cannabinoids if probable cause
 9 is present; specifying circumstances that indicate the
 10 existence of probable cause; amending s. 921.0022,
 11 F.S.; ranking such offenses on the offense severity
 12 ranking chart of the Criminal Punishment Code;
 13 providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Paragraph (i) is added to subsection (1) and
 18 paragraph (f) is added to subsection (6) of section 893.13,
 19 Florida Statutes, to read:

20 893.13 Prohibited acts; penalties.—

21 (1)

22 (i) Except as authorized by this chapter, a person may not
 23 sell, manufacture, or deliver, or possess with intent to sell,
 24 manufacture, or deliver, a controlled substance described in s.
 25 893.03(1)(c)190. on or within 1,000 feet of the real property

26 comprising a public park. As used in this paragraph, the term
 27 "park" means all public and private property specifically
 28 designated for recreational use by the general public. A person
 29 who violates this paragraph commits a felony of the first
 30 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 31 775.084.

32 (6)

33 (f) Notwithstanding any provision to the contrary of the
 34 laws of this state relating to arrest, a law enforcement officer
 35 may arrest without warrant a person who the officer has probable
 36 cause to believe is violating this chapter relating to
 37 possession of synthetic cannabinoids. Probable cause exists if
 38 the officer, in the totality of the circumstances, reasonably
 39 believes that the person is in possession of such substance.
 40 Such circumstances may include, but are not limited to, the
 41 appearance and other characteristics of the substance, the
 42 suspect's statements about the substance, and the suspect's
 43 behavior is consistent with the use of the substance.

44 Section 2. Paragraph (e) of subsection (3) of section
 45 921.0022, Florida Statutes, is amended to read:

46 921.0022 Criminal Punishment Code; offense severity
 47 ranking chart.—

48 (3) OFFENSE SEVERITY RANKING CHART

49 (e) LEVEL 5

50

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	Florida Statute	Felony Degree	Description
51	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
52	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
53	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
54	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
55	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
56	379.365 (2) (c) 1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or

sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

57

379.367 (4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

58

379.407 (5) (b) 3.

3rd

Possession of 100 or more undersized spiny lobsters.

59

381.0041 (11) (b)

3rd

Donate blood, plasma, or organs knowing HIV positive.

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61	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
62	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
63	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
64	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
65	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
66	790.01 (2)	3rd	Carrying a concealed firearm.
	790.162	2nd	Threat to throw or discharge destructive device.

67	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
68	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
69	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
70	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
71	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
72	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
73	806.111 (1)	3rd	Possess, manufacture, or

			dispense fire bomb with intent to damage any structure or property.
74	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
75	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
76	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
77	812.131 (2) (b)	3rd	Robbery by sudden snatching.
78	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
79	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
80	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than

81	817.2341 (1), (2) (a) & (3) (a)	3rd	<p>\$100,000.</p> <p>Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.</p>
82	817.568 (2) (b)	2nd	<p>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 persons.</p>
83	817.611 (2) (a)	2nd	<p>Traffic in or possess 5 to 14 counterfeit credit cards or related documents.</p>
84	817.625 (2) (b)	2nd	<p>Second or subsequent fraudulent use of scanning device or</p>

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			reencoder.
85	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
86	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
87	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
88	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.
89	843.01	3rd	Resist officer with violence to

			person; resist arrest with violence.
90	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
91	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
92	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
93	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
94	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
95	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s.

96	893.13(1)(c)2.	2nd	893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
97	893.13(1)(d)1.	1st	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.
98	893.13(1)(e)2.	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) within 1,000 feet of university.

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) 1st Sell, manufacture, etc. synthetic cannabinoids within 1,000 feet of public park.

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893.13(4)(b) 2nd Use or hire of minor; deliver to minor other controlled substance.

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