

By the Committee on Criminal Justice; and Senators Brandes and Perry

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1 A bill to be entitled
2 An act relating to drug offenses; amending s. 893.135,
3 F.S.; defining the term "dosage unit"; providing
4 applicability; prohibiting the sale, purchase,
5 delivery, bringing into this state, or actual or
6 constructive possession of specified amounts of dosage
7 units of certain controlled substances; creating the
8 offense of "trafficking in pharmaceuticals"; providing
9 criminal penalties; reenacting ss. 373.6055(3)(c),
10 397.4073(6), 414.095(1), 772.12(2), 775.087(2)(a) and
11 (3)(a), 782.04(1)(a), (3)(a), and (4)(a),
12 810.02(3)(f), 812.014(2)(c), 893.13(8)(d), 893.1351(1)
13 and (2), 900.05(3)(e), 903.133, 907.041(4)(c), and
14 921.0024(1)(b), F.S., relating to criminal history
15 checks for certain water management district employees
16 and others; background checks of service provider
17 personnel; the determination of eligibility for
18 temporary cash assistance; the Drug Dealer Liability
19 Act; felony reclassification of the possession or use
20 of a weapon in an aggravated battery; murder;
21 burglary; theft; prohibited acts that relate to the
22 prescription of controlled substances; ownership,
23 lease, rental, or possession for trafficking in or
24 manufacturing controlled substances; criminal justice
25 data collection; the prohibition of bail on appeal for
26 certain felony convictions; pretrial detention and
27 release; the scoresheet worksheet key for computation
28 in the Criminal Punishment Code; respectively, to
29 incorporate the amendment made to s. 893.135, F.S., in

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30 references thereto; providing an effective date.

31
32 Be It Enacted by the Legislature of the State of Florida:

33
34 Section 1. Paragraph (o) is added to subsection (1) of
35 section 893.135, Florida Statutes, to read:

36 893.135 Trafficking; mandatory sentences; suspension or
37 reduction of sentences; conspiracy to engage in trafficking.—

38 (1) Except as authorized in this chapter or in chapter 499
39 and notwithstanding the provisions of s. 893.13:

40 (o) 1. As used in this paragraph, the term "dosage unit"
41 means an individual tablet, capsule, pill, transdermal patch,
42 unit of sublingual gelatin, or other visually distinctive form,
43 with a clear manufacturer marking on each unit, of a commercial
44 drug product approved by the federal Food and Drug
45 Administration and manufactured and distributed by a
46 pharmaceutical company lawfully doing business in the United
47 States.

48 2. Notwithstanding any other provision of this section, the
49 sale, purchase, manufacture, delivery, or actual or constructive
50 possession of fewer than 120 dosage units containing any
51 controlled substance described in this section is not a
52 violation of any other provision of this section.

53 3. A person who knowingly sells, purchases, delivers, or
54 brings into this state, or who is knowingly in actual or
55 constructive possession of, 120 or more dosage units containing
56 a controlled substance described in this section commits a
57 felony of the first degree, which felony shall be known as
58 "trafficking in pharmaceuticals," punishable as provided in s.

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59 775.082, s. 775.083, or s. 775.084, and must be prosecuted under
60 this paragraph. If the quantity involved:

61 a. Is 120 or more dosage units, but less than 500 dosage
62 units, such person shall be sentenced to a mandatory minimum
63 term of imprisonment of 3 years and shall be ordered to pay a
64 fine of up to \$25,000.

65 b. Is 500 or more dosage units, but less than 1,000 dosage
66 units, such person shall be sentenced to a mandatory minimum
67 term of imprisonment of 7 years and shall be ordered to pay a
68 fine of up to \$50,000.

69 c. Is 1,000 or more dosage units, but less than 5,000
70 dosage units, such person shall be sentenced to a mandatory
71 minimum term of imprisonment of 15 years and shall be ordered to
72 pay a fine of up to \$100,000.

73 d. Is 5,000 or more dosage units, such person shall be
74 sentenced to a mandatory minimum term of imprisonment of 25
75 years and shall be ordered to pay a fine of up to \$250,000.

76 Section 2. For the purpose of incorporating the amendment
77 made by this act to section 893.135, Florida Statutes, in a
78 reference thereto, paragraph (c) of subsection (3) of section
79 373.6055, Florida Statutes, is reenacted to read:

80 373.6055 Criminal history checks for certain water
81 management district employees and others.—

82 (3)

83 (c) In addition to other requirements for employment or
84 access established by any water management district pursuant to
85 its water management district's security plan for buildings,
86 facilities, and structures, each water management district's
87 security plan shall provide that:

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88 1. Any person who has within the past 7 years been
89 convicted, regardless of whether adjudication was withheld, for
90 a forcible felony as defined in s. 776.08; an act of terrorism
91 as defined in s. 775.30; planting of a hoax bomb as provided in
92 s. 790.165; any violation involving the manufacture, possession,
93 sale, delivery, display, use, or attempted or threatened use of
94 a weapon of mass destruction or hoax weapon of mass destruction
95 as provided in s. 790.166; dealing in stolen property; any
96 violation of s. 893.135; any violation involving the sale,
97 manufacturing, delivery, or possession with intent to sell,
98 manufacture, or deliver a controlled substance; burglary;
99 robbery; any felony violation of s. 812.014; any violation of s.
100 790.07; any crime an element of which includes use or possession
101 of a firearm; any conviction for any similar offenses under the
102 laws of another jurisdiction; or conviction for conspiracy to
103 commit any of the listed offenses may not be qualified for
104 initial employment within or authorized regular access to
105 buildings, facilities, or structures defined in the water
106 management district's security plan as restricted access areas.

107 2. Any person who has at any time been convicted of any of
108 the offenses listed in subparagraph 1. may not be qualified for
109 initial employment within or authorized regular access to
110 buildings, facilities, or structures defined in the water
111 management district's security plan as restricted access areas
112 unless, after release from incarceration and any supervision
113 imposed as a sentence, the person remained free from a
114 subsequent conviction, regardless of whether adjudication was
115 withheld, for any of the listed offenses for a period of at
116 least 7 years prior to the employment or access date under

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117 consideration.

118 Section 3. For the purpose of incorporating the amendment
119 made by this act to section 893.135, Florida Statutes, in a
120 reference thereto, subsection (6) of section 397.4073, Florida
121 Statutes, is reenacted to read:

122 397.4073 Background checks of service provider personnel.—

123 (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State
124 funds may not be disseminated to any service provider owned or
125 operated by an owner, director, or chief financial officer who
126 has been convicted of, has entered a plea of guilty or nolo
127 contendere to, or has had adjudication withheld for, a violation
128 of s. 893.135 pertaining to trafficking in controlled
129 substances, or a violation of the law of another state, the
130 District of Columbia, the United States or any possession or
131 territory thereof, or any foreign jurisdiction which is
132 substantially similar in elements and penalties to a trafficking
133 offense in this state, unless the owner's or director's civil
134 rights have been restored.

135 Section 4. For the purpose of incorporating the amendment
136 made by this act to section 893.135, Florida Statutes, in a
137 reference thereto, subsection (1) of section 414.095, Florida
138 Statutes, is reenacted to read:

139 414.095 Determining eligibility for temporary cash
140 assistance.—

141 (1) ELIGIBILITY.—An applicant must meet eligibility
142 requirements of this section before receiving services or
143 temporary cash assistance under this chapter, except that an
144 applicant shall be required to register for work and engage in
145 work activities in accordance with s. 445.024, as designated by

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146 the local workforce development board, and may receive support
147 services or child care assistance in conjunction with such
148 requirement. The department shall make a determination of
149 eligibility based on the criteria listed in this chapter. The
150 department shall monitor continued eligibility for temporary
151 cash assistance through periodic reviews consistent with the
152 food assistance eligibility process. Benefits may not be denied
153 to an individual solely based on a felony drug conviction,
154 unless the conviction is for trafficking pursuant to s. 893.135.
155 To be eligible under this section, an individual convicted of a
156 drug felony must be satisfactorily meeting the requirements of
157 the temporary cash assistance program, including all substance
158 abuse treatment requirements. Within the limits specified in
159 this chapter, the state opts out of the provision of Pub. L. No.
160 104-193, s. 115, that eliminates eligibility for temporary cash
161 assistance and food assistance for any individual convicted of a
162 controlled substance felony.

163 Section 5. For the purpose of incorporating the amendment
164 made by this act to section 893.135, Florida Statutes, in a
165 reference thereto, subsection (2) of section 772.12, Florida
166 Statutes, is reenacted to read:

167 772.12 Drug Dealer Liability Act.—

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

174 (a) The person was injured because of the defendant's

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175 actions that resulted in the defendant's conviction for:

176 1. A violation of s. 893.13, except for a violation of s.
177 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

178 2. A violation of s. 893.135; and

179 (b) The person was not injured by reason of his or her
180 participation in the same act or transaction that resulted in
181 the defendant's conviction for any offense described in
182 subparagraph (a)1.

183 Section 6. For the purpose of incorporating the amendment
184 made by this act to section 893.135, Florida Statutes, in
185 references thereto, paragraph (a) of subsection (2) and
186 paragraph (a) of subsection (3) of section 775.087, Florida
187 Statutes, are reenacted to read:

188 775.087 Possession or use of weapon; aggravated battery;
189 felony reclassification; minimum sentence.—

190 (2)(a)1. Any person who is convicted of a felony or an
191 attempt to commit a felony, regardless of whether the use of a
192 weapon is an element of the felony, and the conviction was for:

193 a. Murder;

194 b. Sexual battery;

195 c. Robbery;

196 d. Burglary;

197 e. Arson;

198 f. Aggravated battery;

199 g. Kidnapping;

200 h. Escape;

201 i. Aircraft piracy;

202 j. Aggravated child abuse;

203 k. Aggravated abuse of an elderly person or disabled adult;

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204 l. Unlawful throwing, placing, or discharging of a
205 destructive device or bomb;

206 m. Carjacking;

207 n. Home-invasion robbery;

208 o. Aggravated stalking;

209 p. Trafficking in cannabis, trafficking in cocaine, capital
210 importation of cocaine, trafficking in illegal drugs, capital
211 importation of illegal drugs, trafficking in phencyclidine,
212 capital importation of phencyclidine, trafficking in
213 methaqualone, capital importation of methaqualone, trafficking
214 in amphetamine, capital importation of amphetamine, trafficking
215 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
216 (GHB), trafficking in 1,4-Butanediol, trafficking in
217 Phenethylamines, or other violation of s. 893.135(1); or

218 q. Possession of a firearm by a felon

219

220 and during the commission of the offense, such person actually
221 possessed a "firearm" or "destructive device" as those terms are
222 defined in s. 790.001, shall be sentenced to a minimum term of
223 imprisonment of 10 years, except that a person who is convicted
224 for possession of a firearm by a felon or burglary of a
225 conveyance shall be sentenced to a minimum term of imprisonment
226 of 3 years if such person possessed a "firearm" or "destructive
227 device" during the commission of the offense. However, if an
228 offender who is convicted of the offense of possession of a
229 firearm by a felon has a previous conviction of committing or
230 attempting to commit a felony listed in s. 775.084(1)(b)1. and
231 actually possessed a firearm or destructive device during the
232 commission of the prior felony, the offender shall be sentenced

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233 to a minimum term of imprisonment of 10 years.

234 2. Any person who is convicted of a felony or an attempt to
235 commit a felony listed in sub-subparagraphs (a)1.a.-p.,
236 regardless of whether the use of a weapon is an element of the
237 felony, and during the course of the commission of the felony
238 such person discharged a "firearm" or "destructive device" as
239 defined in s. 790.001 shall be sentenced to a minimum term of
240 imprisonment of 20 years.

241 3. Any person who is convicted of a felony or an attempt to
242 commit a felony listed in sub-subparagraphs (a)1.a.-p.,
243 regardless of whether the use of a weapon is an element of the
244 felony, and during the course of the commission of the felony
245 such person discharged a "firearm" or "destructive device" as
246 defined in s. 790.001 and, as the result of the discharge, death
247 or great bodily harm was inflicted upon any person, the
248 convicted person shall be sentenced to a minimum term of
249 imprisonment of not less than 25 years and not more than a term
250 of imprisonment of life in prison.

251 (3)(a)1. Any person who is convicted of a felony or an
252 attempt to commit a felony, regardless of whether the use of a
253 firearm is an element of the felony, and the conviction was for:

- 254 a. Murder;
- 255 b. Sexual battery;
- 256 c. Robbery;
- 257 d. Burglary;
- 258 e. Arson;
- 259 f. Aggravated battery;
- 260 g. Kidnapping;
- 261 h. Escape;

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262 i. Sale, manufacture, delivery, or intent to sell,
263 manufacture, or deliver any controlled substance;
264 j. Aircraft piracy;
265 k. Aggravated child abuse;
266 l. Aggravated abuse of an elderly person or disabled adult;
267 m. Unlawful throwing, placing, or discharging of a
268 destructive device or bomb;
269 n. Carjacking;
270 o. Home-invasion robbery;
271 p. Aggravated stalking; or
272 q. Trafficking in cannabis, trafficking in cocaine, capital
273 importation of cocaine, trafficking in illegal drugs, capital
274 importation of illegal drugs, trafficking in phencyclidine,
275 capital importation of phencyclidine, trafficking in
276 methaqualone, capital importation of methaqualone, trafficking
277 in amphetamine, capital importation of amphetamine, trafficking
278 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
279 (GHB), trafficking in 1,4-Butanediol, trafficking in
280 Phenethylamines, or other violation of s. 893.135(1);
281
282 and during the commission of the offense, such person possessed
283 a semiautomatic firearm and its high-capacity detachable box
284 magazine or a machine gun as defined in s. 790.001, shall be
285 sentenced to a minimum term of imprisonment of 15 years.

286 2. Any person who is convicted of a felony or an attempt to
287 commit a felony listed in subparagraph (a)1., regardless of
288 whether the use of a weapon is an element of the felony, and
289 during the course of the commission of the felony such person
290 discharged a semiautomatic firearm and its high-capacity box

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291 magazine or a "machine gun" as defined in s. 790.001 shall be
292 sentenced to a minimum term of imprisonment of 20 years.

293 3. Any person who is convicted of a felony or an attempt to
294 commit a felony listed in subparagraph (a)1., regardless of
295 whether the use of a weapon is an element of the felony, and
296 during the course of the commission of the felony such person
297 discharged a semiautomatic firearm and its high-capacity box
298 magazine or a "machine gun" as defined in s. 790.001 and, as the
299 result of the discharge, death or great bodily harm was
300 inflicted upon any person, the convicted person shall be
301 sentenced to a minimum term of imprisonment of not less than 25
302 years and not more than a term of imprisonment of life in
303 prison.

304 Section 7. For the purpose of incorporating the amendment
305 made by this act to section 893.135, Florida Statutes, in
306 references thereto, paragraph (a) of subsection (1), paragraph
307 (a) of subsection (3), and paragraph (a) of subsection (4) of
308 section 782.04, Florida Statutes, are reenacted to read:

309 782.04 Murder.—

310 (1)(a) The unlawful killing of a human being:

311 1. When perpetrated from a premeditated design to effect
312 the death of the person killed or any human being;

313 2. When committed by a person engaged in the perpetration
314 of, or in the attempt to perpetrate, any:

315 a. Trafficking offense prohibited by s. 893.135(1),

316 b. Arson,

317 c. Sexual battery,

318 d. Robbery,

319 e. Burglary,

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- 320 f. Kidnapping,
321 g. Escape,
322 h. Aggravated child abuse,
323 i. Aggravated abuse of an elderly person or disabled adult,
324 j. Aircraft piracy,
325 k. Unlawful throwing, placing, or discharging of a
326 destructive device or bomb,
327 l. Carjacking,
328 m. Home-invasion robbery,
329 n. Aggravated stalking,
330 o. Murder of another human being,
331 p. Resisting an officer with violence to his or her person,
332 q. Aggravated fleeing or eluding with serious bodily injury
333 or death,
334 r. Felony that is an act of terrorism or is in furtherance
335 of an act of terrorism, including a felony under s. 775.30, s.
336 775.32, s. 775.33, s. 775.34, or s. 775.35, or
337 s. Human trafficking; or
338 3. Which resulted from the unlawful distribution by a
339 person 18 years of age or older of any of the following
340 substances, or mixture containing any of the following
341 substances, when such substance or mixture is proven to be the
342 proximate cause of the death of the user:
343 a. A substance controlled under s. 893.03(1);
344 b. Cocaine, as described in s. 893.03(2)(a)4.;
345 c. Opium or any synthetic or natural salt, compound,
346 derivative, or preparation of opium;
347 d. Methadone;
348 e. Alfentanil, as described in s. 893.03(2)(b)1.;

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349 f. Carfentanil, as described in s. 893.03(2)(b)6.;

350 g. Fentanyl, as described in s. 893.03(2)(b)9.;

351 h. Sufentanil, as described in s. 893.03(2)(b)30.; or

352 i. A controlled substance analog, as described in s.
353 893.0356, of any substance specified in sub-subparagraphs a.-h.,

354
355 is murder in the first degree and constitutes a capital felony,
356 punishable as provided in s. 775.082.

357 (3) When a human being is killed during the perpetration
358 of, or during the attempt to perpetrate, any:

359 (a) Trafficking offense prohibited by s. 893.135(1),

360
361 by a person other than the person engaged in the perpetration of
362 or in the attempt to perpetrate such felony, the person
363 perpetrating or attempting to perpetrate such felony commits
364 murder in the second degree, which constitutes a felony of the
365 first degree, punishable by imprisonment for a term of years not
366 exceeding life or as provided in s. 775.082, s. 775.083, or s.
367 775.084.

368 (4) The unlawful killing of a human being, when perpetrated
369 without any design to effect death, by a person engaged in the
370 perpetration of, or in the attempt to perpetrate, any felony
371 other than any:

372 (a) Trafficking offense prohibited by s. 893.135(1),

373
374 is murder in the third degree and constitutes a felony of the
375 second degree, punishable as provided in s. 775.082, s. 775.083,
376 or s. 775.084.

377 Section 8. For the purpose of incorporating the amendment

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378 made by this act to section 893.135, Florida Statutes, in a
379 reference thereto, paragraph (f) of subsection (3) of section
380 810.02, Florida Statutes, is reenacted to read:

381 810.02 Burglary.—

382 (3) Burglary is a felony of the second degree, punishable
383 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
384 course of committing the offense, the offender does not make an
385 assault or battery and is not and does not become armed with a
386 dangerous weapon or explosive, and the offender enters or
387 remains in a:

388 (f) Structure or conveyance when the offense intended to be
389 committed therein is theft of a controlled substance as defined
390 in s. 893.02. Notwithstanding any other law, separate judgments
391 and sentences for burglary with the intent to commit theft of a
392 controlled substance under this paragraph and for any applicable
393 possession of controlled substance offense under s. 893.13 or
394 trafficking in controlled substance offense under s. 893.135 may
395 be imposed when all such offenses involve the same amount or
396 amounts of a controlled substance.

397

398 However, if the burglary is committed within a county that is
399 subject to a state of emergency declared by the Governor under
400 chapter 252 after the declaration of emergency is made and the
401 perpetration of the burglary is facilitated by conditions
402 arising from the emergency, the burglary is a felony of the
403 first degree, punishable as provided in s. 775.082, s. 775.083,
404 or s. 775.084. As used in this subsection, the term "conditions
405 arising from the emergency" means civil unrest, power outages,
406 curfews, voluntary or mandatory evacuations, or a reduction in

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407 the presence of or response time for first responders or
408 homeland security personnel. A person arrested for committing a
409 burglary within a county that is subject to such a state of
410 emergency may not be released until the person appears before a
411 committing magistrate at a first appearance hearing. For
412 purposes of sentencing under chapter 921, a felony offense that
413 is reclassified under this subsection is ranked one level above
414 the ranking under s. 921.0022 or s. 921.0023 of the offense
415 committed.

416 Section 9. For the purpose of incorporating the amendment
417 made by this act to section 893.135, Florida Statutes, in a
418 reference thereto, paragraph (c) of subsection (2) of section
419 812.014, Florida Statutes, is reenacted to read:

420 812.014 Theft.—

421 (2)

422 (c) It is grand theft of the third degree and a felony of
423 the third degree, punishable as provided in s. 775.082, s.
424 775.083, or s. 775.084, if the property stolen is:

425 1. Valued at \$300 or more, but less than \$5,000.

426 2. Valued at \$5,000 or more, but less than \$10,000.

427 3. Valued at \$10,000 or more, but less than \$20,000.

428 4. A will, codicil, or other testamentary instrument.

429 5. A firearm.

430 6. A motor vehicle, except as provided in paragraph (a).

431 7. Any commercially farmed animal, including any animal of
432 the equine, avian, bovine, or swine class or other grazing
433 animal; a bee colony of a registered beekeeper; and aquaculture
434 species raised at a certified aquaculture facility. If the
435 property stolen is a commercially farmed animal, including an

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436 animal of the equine, avian, bovine, or swine class or other
437 grazing animal; a bee colony of a registered beekeeper; or an
438 aquaculture species raised at a certified aquaculture facility,
439 a \$10,000 fine shall be imposed.

440 8. Any fire extinguisher.

441 9. Any amount of citrus fruit consisting of 2,000 or more
442 individual pieces of fruit.

443 10. Taken from a designated construction site identified by
444 the posting of a sign as provided for in s. 810.09(2)(d).

445 11. Any stop sign.

446 12. Anhydrous ammonia.

447 13. Any amount of a controlled substance as defined in s.
448 893.02. Notwithstanding any other law, separate judgments and
449 sentences for theft of a controlled substance under this
450 subparagraph and for any applicable possession of controlled
451 substance offense under s. 893.13 or trafficking in controlled
452 substance offense under s. 893.135 may be imposed when all such
453 offenses involve the same amount or amounts of a controlled
454 substance.

455

456 However, if the property is stolen within a county that is
457 subject to a state of emergency declared by the Governor under
458 chapter 252, the property is stolen after the declaration of
459 emergency is made, and the perpetration of the theft is
460 facilitated by conditions arising from the emergency, the
461 offender commits a felony of the second degree, punishable as
462 provided in s. 775.082, s. 775.083, or s. 775.084, if the
463 property is valued at \$5,000 or more, but less than \$10,000, as
464 provided under subparagraph 2., or if the property is valued at

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465 \$10,000 or more, but less than \$20,000, as provided under
466 subparagraph 3. As used in this paragraph, the term "conditions
467 arising from the emergency" means civil unrest, power outages,
468 curfews, voluntary or mandatory evacuations, or a reduction in
469 the presence of or the response time for first responders or
470 homeland security personnel. For purposes of sentencing under
471 chapter 921, a felony offense that is reclassified under this
472 paragraph is ranked one level above the ranking under s.
473 921.0022 or s. 921.0023 of the offense committed.

474 Section 10. For the purpose of incorporating the amendment
475 made by this act to section 893.135, Florida Statutes, in a
476 reference thereto, paragraph (d) of subsection (8) of section
477 893.13, Florida Statutes, is reenacted to read:

478 893.13 Prohibited acts; penalties.—

479 (8)

480 (d) Notwithstanding paragraph (c), if a prescribing
481 practitioner has violated paragraph (a) and received \$1,000 or
482 more in payment for writing one or more prescriptions or, in the
483 case of a prescription written for a controlled substance
484 described in s. 893.135, has written one or more prescriptions
485 for a quantity of a controlled substance which, individually or
486 in the aggregate, meets the threshold for the offense of
487 trafficking in a controlled substance under s. 893.135, the
488 violation is reclassified as a felony of the second degree and
489 ranked in level 4 of the Criminal Punishment Code.

490 Section 11. For the purpose of incorporating the amendment
491 made by this act to section 893.135, Florida Statutes, in
492 references thereto, subsections (1) and (2) of section 893.1351,
493 Florida Statutes, are reenacted to read:

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494 893.1351 Ownership, lease, rental, or possession for
495 trafficking in or manufacturing a controlled substance.—

496 (1) A person may not own, lease, or rent any place,
497 structure, or part thereof, trailer, or other conveyance with
498 the knowledge that the place, structure, trailer, or conveyance
499 will be used for the purpose of trafficking in a controlled
500 substance, as provided in s. 893.135; for the sale of a
501 controlled substance, as provided in s. 893.13; or for the
502 manufacture of a controlled substance intended for sale or
503 distribution to another. A person who violates this subsection
504 commits a felony of the third degree, punishable as provided in
505 s. 775.082, s. 775.083, or s. 775.084.

506 (2) A person may not knowingly be in actual or constructive
507 possession of any place, structure, or part thereof, trailer, or
508 other conveyance with the knowledge that the place, structure,
509 or part thereof, trailer, or conveyance will be used for the
510 purpose of trafficking in a controlled substance, as provided in
511 s. 893.135; for the sale of a controlled substance, as provided
512 in s. 893.13; or for the manufacture of a controlled substance
513 intended for sale or distribution to another. A person who
514 violates this subsection commits a felony of the second degree,
515 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

516 Section 12. For the purpose of incorporating the amendment
517 made by this act to section 893.135, Florida Statutes, in a
518 reference thereto, paragraph (e) of subsection (3) of section
519 900.05, Florida Statutes, is reenacted to read:

520 900.05 Criminal justice data collection.—

521 (3) DATA COLLECTION AND REPORTING.—Beginning January 1,
522 2019, an entity required to collect data in accordance with this

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523 subsection shall collect the specified data required of the
524 entity on a biweekly basis. Each entity shall report the data
525 collected in accordance with this subsection to the Department
526 of Law Enforcement on a monthly basis.

527 (e) *Department of Corrections.*—The Department of
528 Corrections shall collect the following data:

529 1. Information related to each inmate, including:

530 a. Identifying information, including name, date of birth,
531 race or ethnicity, and identification number assigned by the
532 department.

533 b. Number of children.

534 c. Education level, including any vocational training.

535 d. Date the inmate was admitted to the custody of the
536 department.

537 e. Current institution placement and the security level
538 assigned to the institution.

539 f. Custody level assignment.

540 g. Qualification for a flag designation as defined in this
541 section, including sexual offender flag, habitual offender flag,
542 gang affiliation flag, or concurrent or consecutive sentence
543 flag.

544 h. County that committed the prisoner to the custody of the
545 department.

546 i. Whether the reason for admission to the department is
547 for a new conviction or a violation of probation, community
548 control, or parole. For an admission for a probation, community
549 control, or parole violation, the department shall report
550 whether the violation was technical or based on a new violation
551 of law.

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552 j. Specific statutory citation for which the inmate was
553 committed to the department, including, for an inmate convicted
554 of drug trafficking under s. 893.135, the statutory citation for
555 each specific drug trafficked.

556 k. Length of sentence or concurrent or consecutive
557 sentences served.

558 l. Tentative release date.

559 m. Gain time earned in accordance with s. 944.275.

560 n. Prior incarceration within the state.

561 o. Disciplinary violation and action.

562 p. Participation in rehabilitative or educational programs
563 while in the custody of the department.

564 2. Information about each state correctional institution or
565 facility, including:

566 a. Budget for each state correctional institution or
567 facility.

568 b. Daily prison population of all inmates incarcerated in a
569 state correctional institution or facility.

570 c. Daily number of correctional officers for each state
571 correctional institution or facility.

572 3. Information related to persons supervised by the
573 department on probation or community control, including:

574 a. Identifying information for each person supervised by
575 the department on probation or community control, including his
576 or her name, date of birth, race or ethnicity, sex, and
577 department-assigned case number.

578 b. Length of probation or community control sentence
579 imposed and amount of time that has been served on such
580 sentence.

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581 c. Projected termination date for probation or community
582 control.

583 d. Revocation of probation or community control due to a
584 violation, including whether the revocation is due to a
585 technical violation of the conditions of supervision or from the
586 commission of a new law violation.

587 4. Per diem rates for:

588 a. Prison bed.

589 b. Probation.

590 c. Community control.

591

592 This information only needs to be reported once annually at the
593 time the most recent per diem rate is published.

594 Section 13. For the purpose of incorporating the amendment
595 made by this act to section 893.135, Florida Statutes, in a
596 reference thereto, section 903.133, Florida Statutes, is
597 reenacted to read:

598 903.133 Bail on appeal; prohibited for certain felony
599 convictions.—Notwithstanding the provisions of s. 903.132, no
600 person adjudged guilty of a felony of the first degree for a
601 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
602 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
603 violation of s. 794.011(2) or (3), shall be admitted to bail
604 pending review either by posttrial motion or appeal.

605 Section 14. For the purpose of incorporating the amendment
606 made by this act to section 893.135, Florida Statutes, in a
607 reference thereto, paragraph (c) of subsection (4) of section
608 907.041, Florida Statutes, is reenacted to read:

609 907.041 Pretrial detention and release.—

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610 (4) PRETRIAL DETENTION.—

611 (c) The court may order pretrial detention if it finds a
612 substantial probability, based on a defendant's past and present
613 patterns of behavior, the criteria in s. 903.046, and any other
614 relevant facts, that any of the following circumstances exist:

615 1. The defendant has previously violated conditions of
616 release and that no further conditions of release are reasonably
617 likely to assure the defendant's appearance at subsequent
618 proceedings;

619 2. The defendant, with the intent to obstruct the judicial
620 process, has threatened, intimidated, or injured any victim,
621 potential witness, juror, or judicial officer, or has attempted
622 or conspired to do so, and that no condition of release will
623 reasonably prevent the obstruction of the judicial process;

624 3. The defendant is charged with trafficking in controlled
625 substances as defined by s. 893.135, that there is a substantial
626 probability that the defendant has committed the offense, and
627 that no conditions of release will reasonably assure the
628 defendant's appearance at subsequent criminal proceedings;

629 4. The defendant is charged with DUI manslaughter, as
630 defined by s. 316.193, and that there is a substantial
631 probability that the defendant committed the crime and that the
632 defendant poses a threat of harm to the community; conditions
633 that would support a finding by the court pursuant to this
634 subparagraph that the defendant poses a threat of harm to the
635 community include, but are not limited to, any of the following:

636 a. The defendant has previously been convicted of any crime
637 under s. 316.193, or of any crime in any other state or
638 territory of the United States that is substantially similar to

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639 any crime under s. 316.193;

640 b. The defendant was driving with a suspended driver
641 license when the charged crime was committed; or

642 c. The defendant has previously been found guilty of, or
643 has had adjudication of guilt withheld for, driving while the
644 defendant's driver license was suspended or revoked in violation
645 of s. 322.34;

646 5. The defendant poses the threat of harm to the community.
647 The court may so conclude, if it finds that the defendant is
648 presently charged with a dangerous crime, that there is a
649 substantial probability that the defendant committed such crime,
650 that the factual circumstances of the crime indicate a disregard
651 for the safety of the community, and that there are no
652 conditions of release reasonably sufficient to protect the
653 community from the risk of physical harm to persons;

654 6. The defendant was on probation, parole, or other release
655 pending completion of sentence or on pretrial release for a
656 dangerous crime at the time the current offense was committed;

657 7. The defendant has violated one or more conditions of
658 pretrial release or bond for the offense currently before the
659 court and the violation, in the discretion of the court,
660 supports a finding that no conditions of release can reasonably
661 protect the community from risk of physical harm to persons or
662 assure the presence of the accused at trial; or

663 8.a. The defendant has ever been sentenced pursuant to s.
664 775.082(9) or s. 775.084 as a prison releasee reoffender,
665 habitual violent felony offender, three-time violent felony
666 offender, or violent career criminal, or the state attorney
667 files a notice seeking that the defendant be sentenced pursuant

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668 to s. 775.082(9) or s. 775.084, as a prison release reoffender,
669 habitual violent felony offender, three-time violent felony
670 offender, or violent career criminal;

671 b. There is a substantial probability that the defendant
672 committed the offense; and

673 c. There are no conditions of release that can reasonably
674 protect the community from risk of physical harm or ensure the
675 presence of the accused at trial.

676 Section 15. For the purpose of incorporating the amendment
677 made by this act to section 893.135, Florida Statutes, in a
678 reference thereto, paragraph (b) of subsection (1) of section
679 921.0024, Florida Statutes, is reenacted to read:

680 921.0024 Criminal Punishment Code; worksheet computations;
681 scoresheets.-

682 (1)

683 (b) WORKSHEET KEY:

684

685 Legal status points are assessed when any form of legal status
686 existed at the time the offender committed an offense before the
687 court for sentencing. Four (4) sentence points are assessed for
688 an offender's legal status.

689

690 Community sanction violation points are assessed when a
691 community sanction violation is before the court for sentencing.
692 Six (6) sentence points are assessed for each community sanction
693 violation and each successive community sanction violation,
694 unless any of the following apply:

695 1. If the community sanction violation includes a new
696 felony conviction before the sentencing court, twelve (12)

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697 community sanction violation points are assessed for the
698 violation, and for each successive community sanction violation
699 involving a new felony conviction.

700 2. If the community sanction violation is committed by a
701 violent felony offender of special concern as defined in s.
702 948.06:

703 a. Twelve (12) community sanction violation points are
704 assessed for the violation and for each successive violation of
705 felony probation or community control where:

706 I. The violation does not include a new felony conviction;
707 and

708 II. The community sanction violation is not based solely on
709 the probationer or offender's failure to pay costs or fines or
710 make restitution payments.

711 b. Twenty-four (24) community sanction violation points are
712 assessed for the violation and for each successive violation of
713 felony probation or community control where the violation
714 includes a new felony conviction.

715

716 Multiple counts of community sanction violations before the
717 sentencing court shall not be a basis for multiplying the
718 assessment of community sanction violation points.

719

720 Prior serious felony points: If the offender has a primary
721 offense or any additional offense ranked in level 8, level 9, or
722 level 10, and one or more prior serious felonies, a single
723 assessment of thirty (30) points shall be added. For purposes of
724 this section, a prior serious felony is an offense in the
725 offender's prior record that is ranked in level 8, level 9, or

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726 level 10 under s. 921.0022 or s. 921.0023 and for which the
727 offender is serving a sentence of confinement, supervision, or
728 other sanction or for which the offender's date of release from
729 confinement, supervision, or other sanction, whichever is later,
730 is within 3 years before the date the primary offense or any
731 additional offense was committed.

732

733 Prior capital felony points: If the offender has one or more
734 prior capital felonies in the offender's criminal record, points
735 shall be added to the subtotal sentence points of the offender
736 equal to twice the number of points the offender receives for
737 the primary offense and any additional offense. A prior capital
738 felony in the offender's criminal record is a previous capital
739 felony offense for which the offender has entered a plea of nolo
740 contendere or guilty or has been found guilty; or a felony in
741 another jurisdiction which is a capital felony in that
742 jurisdiction, or would be a capital felony if the offense were
743 committed in this state.

744

745 Possession of a firearm, semiautomatic firearm, or machine gun:
746 If the offender is convicted of committing or attempting to
747 commit any felony other than those enumerated in s. 775.087(2)
748 while having in his or her possession: a firearm as defined in
749 s. 790.001(6), an additional eighteen (18) sentence points are
750 assessed; or if the offender is convicted of committing or
751 attempting to commit any felony other than those enumerated in
752 s. 775.087(3) while having in his or her possession a
753 semiautomatic firearm as defined in s. 775.087(3) or a machine
754 gun as defined in s. 790.001(9), an additional twenty-five (25)

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755 sentence points are assessed.

756

757 Sentencing multipliers:

758

759 Drug trafficking: If the primary offense is drug trafficking
760 under s. 893.135, the subtotal sentence points are multiplied,
761 at the discretion of the court, for a level 7 or level 8
762 offense, by 1.5. The state attorney may move the sentencing
763 court to reduce or suspend the sentence of a person convicted of
764 a level 7 or level 8 offense, if the offender provides
765 substantial assistance as described in s. 893.135(4).

766

767 Law enforcement protection: If the primary offense is a
768 violation of the Law Enforcement Protection Act under s.
769 775.0823(2), (3), or (4), the subtotal sentence points are
770 multiplied by 2.5. If the primary offense is a violation of s.
771 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
772 are multiplied by 2.0. If the primary offense is a violation of
773 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
774 Protection Act under s. 775.0823(10) or (11), the subtotal
775 sentence points are multiplied by 1.5.

776

777 Grand theft of a motor vehicle: If the primary offense is grand
778 theft of the third degree involving a motor vehicle and in the
779 offender's prior record, there are three or more grand thefts of
780 the third degree involving a motor vehicle, the subtotal
781 sentence points are multiplied by 1.5.

782

783 Offense related to a criminal gang: If the offender is convicted

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784 of the primary offense and committed that offense for the
785 purpose of benefiting, promoting, or furthering the interests of
786 a criminal gang as defined in s. 874.03, the subtotal sentence
787 points are multiplied by 1.5. If applying the multiplier results
788 in the lowest permissible sentence exceeding the statutory
789 maximum sentence for the primary offense under chapter 775, the
790 court may not apply the multiplier and must sentence the
791 defendant to the statutory maximum sentence.

792

793 Domestic violence in the presence of a child: If the offender is
794 convicted of the primary offense and the primary offense is a
795 crime of domestic violence, as defined in s. 741.28, which was
796 committed in the presence of a child under 16 years of age who
797 is a family or household member as defined in s. 741.28(3) with
798 the victim or perpetrator, the subtotal sentence points are
799 multiplied by 1.5.

800

801 Adult-on-minor sex offense: If the offender was 18 years of age
802 or older and the victim was younger than 18 years of age at the
803 time the offender committed the primary offense, and if the
804 primary offense was an offense committed on or after October 1,
805 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
806 violation involved a victim who was a minor and, in the course
807 of committing that violation, the defendant committed a sexual
808 battery under chapter 794 or a lewd act under s. 800.04 or s.
809 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
810 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
811 800.04; or s. 847.0135(5), the subtotal sentence points are
812 multiplied by 2.0. If applying the multiplier results in the

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813 lowest permissible sentence exceeding the statutory maximum
814 sentence for the primary offense under chapter 775, the court
815 may not apply the multiplier and must sentence the defendant to
816 the statutory maximum sentence.

817 Section 16. This act shall take effect October 1, 2019.

818