

By Senator Pizzo

37-01175A-23

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1                   A bill to be entitled  
2       An act relating to controlled substances; amending s.  
3       893.13, F.S.; revising specified prohibited activities  
4       involving controlled substances within 1,000 feet of  
5       certain schools during their hours of operation;  
6       revising specified prohibited activities involving  
7       controlled substances during the hours of operation  
8       within 1,000 feet of certain parks, community centers,  
9       or publicly owned recreational facilities; revising  
10      specified prohibited activities involving controlled  
11      substances within 1,000 feet of specified places of  
12      worship when churches or religious organizations are  
13      conducting services or other activities; deleting  
14      specified prohibited activities involving controlled  
15      substances within 1,000 feet of convenience  
16      businesses; deleting specified prohibited activities  
17      involving controlled substances within 1,000 feet of  
18      public housing facilities; deleting criminal and  
19      noncriminal penalties; amending s. 893.149, F.S.;  
20      conforming a cross-reference; amending s. 921.0022,  
21      F.S.; conforming provisions to changes made by the  
22      act; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26       Section 1. Paragraphs (c), (e), and (f) of subsection (1)  
27 of section 893.13, Florida Statutes, are amended to read:

28       893.13 Prohibited acts; penalties.—

29       (1)

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30 (c) Except as authorized by this chapter, a person may not  
31 sell, manufacture, or deliver, or possess with intent to sell,  
32 manufacture, or deliver, a controlled substance in, on, or  
33 within 1,000 feet of the real property comprising a child care  
34 facility as defined in s. 402.302 or a public or private  
35 elementary, middle, or secondary school during the school's  
36 hours of operation, including when the school is providing  
37 services to students outside of normal hours of operation  
38 ~~between the hours of 6 a.m. and 12 midnight, or during the hours~~  
39 ~~of operation at any time~~ in, on, or within 1,000 feet of real  
40 property comprising a state, county, or municipal park, a  
41 community center, or a publicly owned recreational facility. As  
42 used in this paragraph, the term "community center" means a  
43 facility operated by a nonprofit community-based organization  
44 for the provision of recreational, social, or educational  
45 services to the public. A person who violates this paragraph  
46 with respect to:

47 1. A controlled substance named or described in s.  
48 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
49 commits a felony of the first degree, punishable as provided in  
50 s. 775.082, s. 775.083, or s. 775.084. The defendant must be  
51 sentenced to a minimum term of imprisonment of 3 calendar years  
52 unless the offense was committed within 1,000 feet of the real  
53 property comprising a child care facility as defined in s.  
54 402.302.

55 2. A controlled substance named or described in s.  
56 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,  
57 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of  
58 the second degree, punishable as provided in s. 775.082, s.

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59 775.083, or s. 775.084.

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

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

72 (e) Except as authorized by this chapter, a person may not  
73 sell, manufacture, or deliver, or possess with intent to sell,  
74 manufacture, or deliver, a controlled substance not authorized  
75 by law in, on, or within 1,000 feet of a physical place for  
76 worship at which a church or religious organization regularly  
77 conducts religious services when such church or religious  
78 organization is conducting services or other activities ~~or~~  
79 ~~within 1,000 feet of a convenience business as defined in s.~~  
80 ~~812.171.~~ A person who violates this paragraph with respect to:

81 1. A controlled substance named or described in s.  
82 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
83 commits a felony of the first degree, punishable as provided in  
84 s. 775.082, s. 775.083, or s. 775.084.

85 2. A controlled substance named or described in s.  
86 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,  
87 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of

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88 the second degree, punishable as provided in s. 775.082, s.  
89 775.083, or s. 775.084.

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

94 ~~(f) Except as authorized by this chapter, a person may not~~  
95 ~~sell, manufacture, or deliver, or possess with intent to sell,~~  
96 ~~manufacture, or deliver, a controlled substance in, on, or~~  
97 ~~within 1,000 feet of the real property comprising a public~~  
98 ~~housing facility at any time. As used in this section, the term~~  
99 ~~"real property comprising a public housing facility" means real~~  
100 ~~property, as defined in s. 421.03(12), of a public corporation~~  
101 ~~created as a housing authority pursuant to part I of chapter~~  
102 ~~421. A person who violates this paragraph with respect to:~~

103 1. ~~A controlled substance named or described in s.~~  
104 ~~893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.~~  
105 ~~commits a felony of the first degree, punishable as provided in~~  
106 ~~s. 775.082, s. 775.083, or s. 775.084.~~

107 2. ~~A controlled substance named or described in s.~~  
108 ~~893.03(1)(e), (2)(e)1., (2)(e)2., (2)(e)3., (2)(e)6., (2)(e)7.,~~  
109 ~~(2)(e)8., (2)(e)9., (2)(e)10., (3), or (4) commits a felony of~~  
110 ~~the second degree, punishable as provided in s. 775.082, s.~~  
111 ~~775.083, or s. 775.084.~~

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

116 Section 2. Subsection (3) of section 893.149, Florida

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117 Statutes, is amended to read:

118 893.149 Unlawful possession of listed chemical.—

119 (3) This section does not apply to a public employee or  
 120 private contractor authorized to clean up or dispose of  
 121 hazardous waste or toxic substances resulting from the  
 122 prohibited activities listed in s. 893.13(1)(f) ~~s. 893.13(1)(g)~~.

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

125 921.0022 Criminal Punishment Code; offense severity ranking  
 126 chart.—

127 (3) OFFENSE SEVERITY RANKING CHART

128 (c) LEVEL 3

129

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(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 law enforcement officer in patrol vehicle

130

131

132

133

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with siren and lights  
activated.

134

319.30(4)

3rd

Possession by junkyard of  
motor vehicle with  
identification number plate  
removed.

135

319.33(1)(a)

3rd

Alter or forge any  
certificate of title to a  
motor vehicle or mobile  
home.

136

319.33(1)(c)

3rd

Procure or pass title on  
stolen vehicle.

137

319.33(4)

3rd

With intent to defraud,  
possess, sell, etc., a  
blank, forged, or  
unlawfully obtained title  
or registration.

138

327.35(2)(b)

3rd

Felony BUI.

139

328.05(2)

3rd

Possess, sell, or  
counterfeit fictitious,  
stolen, or fraudulent  
titles or bills of sale of  
vessels.

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140

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

141

376.302(5) 3rd Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

142

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.

143

379.2431(1)(e)6. 3rd Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine

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144  
145  
146  
147  
148  
149

			Turtle Protection Act.
379.2431	3rd	Soliciting to commit or	
(1) (e) 7.		conspiring to commit a	
		violation of the Marine	
		Turtle Protection Act.	
400.9935 (4) (a)	3rd	Operating a clinic, or	
or (b)		offering services requiring	
		licensure, without a	
		license.	
400.9935 (4) (e)	3rd	Filing a false license	
		application or other	
		required information or	
		failing to report	
		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.	



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150	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
151	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
152	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
153	697.08	3rd	Equity skimming.
154	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
155	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
156	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
156	810.09 (2) (c)	3rd	Trespass on property other

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than structure or  
conveyance armed with  
firearm or dangerous  
weapon.

157 812.014 (2) (c) 2. 3rd Grand theft; \$5,000 or more  
but less than \$10,000.

158 812.0145 (2) (c) 3rd Theft from person 65 years  
of age or older; \$300 or  
more but less than \$10,000.

159 812.015 (8) (b) 3rd Retail theft with intent to  
sell; conspires with  
others.

160 812.081 (2) 3rd Theft of a trade secret.

161 815.04 (4) (b) 2nd Computer offense devised to  
defraud or obtain property.

162 817.034 (4) (a) 3. 3rd Engages in scheme to  
defraud (Florida  
Communications Fraud Act),  
property valued at less  
than \$20,000.

163 817.233 3rd Burning to defraud insurer.

164

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	817.234	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
165	(8) (b) & (c)		
	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
166			
	817.236	3rd	Filing a false motor vehicle insurance application.
167			
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
168			
	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
169			
	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
170			
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment

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instrument with intent to defraud.

171

831.29 2nd Possession of instruments for counterfeiting driver licenses or identification cards.

172

836.13(2) 3rd Person who promotes an altered sexual depiction of an identifiable person without consent.

173

838.021(3)(b) 3rd Threatens unlawful harm to public servant.

174

843.19 2nd Injure, disable, or kill police, fire, or SAR canine or police horse.

175

860.15(3) 3rd Overcharging for repairs and parts.

176

870.01(2) 3rd Riot.

177

870.01(4) 3rd Inciting a riot.

178

893.13(1)(a)2. 3rd Sell, manufacture, or deliver cannabis (or other

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s. 893.03(1)(c), (2)(c)1.,  
 (2)(c)2., (2)(c)3.,  
 (2)(c)6., (2)(c)7.,  
 (2)(c)8., (2)(c)9.,  
 (2)(c)10., (3), or (4)  
 drugs).

179

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)6.,  
 (2)(c)7., (2)(c)8.,  
 (2)(c)9., (2)(c)10., (3),  
 or (4) drugs within 1,000  
 feet of university.

180

~~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)6.,  
 (2)(c)7., (2)(c)8.,  
 (2)(c)9., (2)(c)10., (3),  
 or (4) drugs within 1,000  
 feet of public housing  
 facility.~~

181

893.13(4)(c)

3rd

Use or hire of minor;  
 deliver to minor other  
 controlled substances.

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182

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

183

893.13 (7) (a) 8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

184

893.13 (7) (a) 9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

185

893.13 (7) (a) 10. 3rd Affix false or forged label to package of controlled substance.

186

893.13 (7) (a) 11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

187

893.13 (8) (a) 1. 3rd Knowingly assist a patient, other person, or owner of an animal in obtaining a

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controlled substance  
 through deceptive, untrue,  
 or fraudulent  
 representations in or  
 related to the  
 practitioner's practice.

188

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.

189

893.13(8)(a)3.

3rd

Knowingly write a  
 prescription for a  
 controlled substance for a  
 fictitious person.

190

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.

191

918.13(1)

3rd

Tampering with or

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fabricating physical  
evidence.

192

944.47  
(1) (a) 1. & 2.

3rd Introduce contraband to  
correctional facility.

193

944.47 (1) (c)

2nd Possess contraband while  
upon the grounds of a  
correctional institution.

194

985.721

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

195

196 (e) LEVEL 5

197

Florida  
Statute

Felony  
Degree

Description

198

316.027 (2) (a)

3rd Accidents involving  
personal injuries other  
than serious bodily  
injury, failure to stop;  
leaving scene.

199

316.1935 (4) (a)

2nd Aggravated fleeing or  
eluding.

200



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201

316.80 (2)

2nd

Unlawful conveyance of fuel; obtaining fuel fraudulently.

202

322.34 (6)

3rd

Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.

203

327.30 (5)

3rd

Vessel accidents involving personal injury; leaving scene.

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,

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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.

204

379.367(4)

3rd

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

205

379.407(5)(b)3.

3rd

Possession of 100 or  
 more undersized spiny  
 lobsters.

206

381.0041(11)(b)

3rd

Donate blood, plasma, or  
 organs knowing HIV  
 positive.

207

440.10(1)(g)

2nd

Failure to obtain  
 workers' compensation  
 coverage.

208

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209

440.105 (5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

210

440.381 (2) 3rd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

211

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

212

626.902 (1) (c) 2nd Representing an unauthorized insurer; repeat offender.

213

790.01 (2) 3rd Carrying a concealed firearm.

790.162 2nd Threat to throw or discharge destructive

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device.

214

790.163 (1)

2nd

False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.

215

790.221 (1)

2nd

Possession of short-barreled shotgun or machine gun.

216

790.23

2nd

Felons in possession of firearms, ammunition, or electronic weapons or devices.

217

796.05 (1)

2nd

Live on earnings of a prostitute; 1st offense.

218

800.04 (6) (c)

3rd

Lewd or lascivious conduct; offender less than 18 years of age.

219

800.04 (7) (b)

2nd

Lewd or lascivious exhibition; offender 18 years of age or older.

220

806.111 (1)

3rd

Possess, manufacture, or

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dispense fire bomb with  
intent to damage any  
structure or property.

221

812.0145 (2) (b)

2nd

Theft from person 65  
years of age or older;  
\$10,000 or more but less  
than \$50,000.

222

812.015

3rd

(8) (a) & (c) - (e)

Retail theft; property  
stolen is valued at \$750  
or more and one or more  
specified acts.

223

812.015 (8) (f)

3rd

Retail theft; multiple  
thefts within specified  
period.

224

812.019 (1)

2nd

Stolen property; dealing  
in or trafficking in.

225

812.081 (3)

2nd

Trafficking in trade  
secrets.

226

812.131 (2) (b)

3rd

Robbery by sudden  
snatching.

227

812.16 (2)

3rd

Owning, operating, or  
conducting a chop shop.



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more persons.

232

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

233

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

234

825.1025 (4)

3rd

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

235

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.

236

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material,

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motion picture, etc.,  
which includes child  
pornography.

237

828.12 (2)

3rd

Tortures any animal with  
intent to inflict  
intense pain, serious  
physical injury, or  
death.

238

836.14 (4)

2nd

Person who willfully  
promotes for financial  
gain a sexually explicit  
image of an identifiable  
person without consent.

239

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.

240

843.01

3rd

Resist officer with  
violence to person;  
resist arrest with  
violence.

241

847.0135 (5) (b)

2nd

Lewd or lascivious  
exhibition using



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computer; offender 18  
years or older.

242

847.0137  
(2) & (3)

3rd

Transmission of  
pornography by  
electronic device or  
equipment.

243

847.0138  
(2) & (3)

3rd

Transmission of material  
harmful to minors to a  
minor by electronic  
device or equipment.

244

874.05 (1) (b)

2nd

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

245

874.05 (2) (a)

2nd

Encouraging or  
recruiting person under  
13 years of age to join  
a criminal gang.

246

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) 5.

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drugs).

247

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)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (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.

248

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)5. drugs) within 1,000 feet of university.

249

893.13(1)(e)2.

2nd

Sell, manufacture, or deliver cannabis or other drug prohibited

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under s. 893.03(1)(c),  
 (2)(c)1., (2)(c)2.,  
 (2)(c)3., (2)(c)6.,  
 (2)(c)7., (2)(c)8.,  
 (2)(c)9., (2)(c)10.,  
 (3), or (4) within 1,000  
 feet of property used  
 for religious services  
 or a specified business  
 site.

250

~~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)5. drugs) within  
 1,000 feet of public  
 housing facility.~~

251

893.13(4)(b)

2nd

Use or hire of minor;  
 deliver to minor other  
 controlled substance.

252

893.1351(1)

3rd

Ownership, lease, or  
 rental for trafficking  
 in or manufacturing of  
 controlled substance.

253

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254

Section 4. This act shall take effect July 1, 2023.