

By Senator Brandes

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1 A bill to be entitled
2 An act relating to drug offenses; creating s. 893.066,
3 F.S.; prohibiting the use or possession of a pill
4 press or similar device with the intent to unlawfully
5 manufacture a pill, tablet, or capsule containing
6 certain controlled substances; providing criminal
7 penalties; amending s. 893.135, F.S.; defining the
8 term "dosage unit"; providing applicability;
9 prohibiting the sale, purchase, delivery, bringing
10 into this state, or actual or constructive possession
11 of specified amounts of dosage units of certain
12 controlled substances; creating the offense of
13 "trafficking in pharmaceuticals"; providing criminal
14 penalties; reenacting ss. 373.6055(3)(c), 397.4073(6),
15 414.095(1), 772.12(2), 775.087(2)(a) and (3)(a),
16 782.04(1)(a), (3)(a), and (4)(a), 810.02(3)(f),
17 812.014(2)(c), 893.13(8)(d), 893.1351(1) and (2),
18 900.05(3)(e), 903.133, 907.041(4)(c), and
19 921.0024(1)(b), F.S., relating to criminal history
20 checks for certain water management district employees
21 and others; background checks of service provider
22 personnel; the determination of eligibility for
23 temporary cash assistance; the Drug Dealer Liability
24 Act; felony reclassification of the possession or use
25 of a weapon in an aggravated battery; murder;
26 burglary; theft; prohibited acts that relate to the
27 prescription of controlled substances; ownership,
28 lease, rental, or possession for trafficking in or
29 manufacturing controlled substances; criminal justice

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30 data collection; the prohibition of bail on appeal for
31 certain felony convictions; pretrial detention and
32 release; the scoresheet worksheet key for computation
33 in the Criminal Punishment Code; respectively, to
34 incorporate the amendment made to s. 893.135, F.S., in
35 references thereto; providing an effective date.

36
37 Be It Enacted by the Legislature of the State of Florida:

38
39 Section 1. Section 893.066, Florida Statutes, is created to
40 read:

41 893.066 Unlawful possession of pill press; penalty.—Except
42 as authorized in this chapter, a person may not use or possess a
43 pill press or other similar mechanical device capable of
44 compressing powder into pills, tablets, or capsules of uniform
45 size and weight, with the intent to unlawfully manufacture a
46 pill, tablet, or capsule containing a controlled substance as
47 described in s. 893.03. A person who violates this section
48 commits a felony of the third degree, punishable as provided in
49 s. 775.082, s. 775.083, or s. 775.084.

50 Section 2. Paragraph (o) is added to subsection (1) of
51 section 893.135, Florida Statutes, to read:

52 893.135 Trafficking; mandatory sentences; suspension or
53 reduction of sentences; conspiracy to engage in trafficking.—

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

56 (o) 1. As used in this paragraph, the term "dosage unit"
57 means an individual tablet, capsule, pill, transdermal patch,
58 unit of sublingual gelatin, or other visually distinctive form,

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59 with a clear manufacturer marking on each unit, of a commercial
60 drug product approved by the federal Food and Drug
61 Administration and manufactured and distributed by a
62 pharmaceutical company lawfully doing business in the United
63 States.

64 2. Notwithstanding any other provision of this section, the
65 sale, purchase, manufacture, delivery, or actual or constructive
66 possession of fewer than 120 dosage units containing any
67 controlled substance described in this section is not a
68 violation of any other provision of this section.

69 3. A person who knowingly sells, purchases, delivers, or
70 brings into this state, or who is knowingly in actual or
71 constructive possession of, 120 or more dosage units containing
72 a controlled substance described in this section commits a
73 felony of the first degree, which felony shall be known as
74 "trafficking in pharmaceuticals," punishable as provided in s.
75 775.082, s. 775.083, or s. 775.084, and must be prosecuted under
76 this paragraph. If the quantity involved:

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

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

85 c. Is 1,000 or more dosage units, but less than 5,000
86 dosage units, such person shall be sentenced to a mandatory
87 minimum term of imprisonment of 15 years and shall be ordered to

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88 pay a fine of up to \$100,000.

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

92 Section 3. For the purpose of incorporating the amendment
93 made by this act to section 893.135, Florida Statutes, in a
94 reference thereto, paragraph (c) of subsection (3) of section
95 373.6055, Florida Statutes, is reenacted to read:

96 373.6055 Criminal history checks for certain water
97 management district employees and others.—

98 (3)

99 (c) In addition to other requirements for employment or
100 access established by any water management district pursuant to
101 its water management district's security plan for buildings,
102 facilities, and structures, each water management district's
103 security plan shall provide that:

104 1. Any person who has within the past 7 years been
105 convicted, regardless of whether adjudication was withheld, for
106 a forcible felony as defined in s. 776.08; an act of terrorism
107 as defined in s. 775.30; planting of a hoax bomb as provided in
108 s. 790.165; any violation involving the manufacture, possession,
109 sale, delivery, display, use, or attempted or threatened use of
110 a weapon of mass destruction or hoax weapon of mass destruction
111 as provided in s. 790.166; dealing in stolen property; any
112 violation of s. 893.135; any violation involving the sale,
113 manufacturing, delivery, or possession with intent to sell,
114 manufacture, or deliver a controlled substance; burglary;
115 robbery; any felony violation of s. 812.014; any violation of s.
116 790.07; any crime an element of which includes use or possession

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117 of a firearm; any conviction for any similar offenses under the
118 laws of another jurisdiction; or conviction for conspiracy to
119 commit any of the listed offenses may not be qualified for
120 initial employment within or authorized regular access to
121 buildings, facilities, or structures defined in the water
122 management district's security plan as restricted access areas.

123 2. Any person who has at any time been convicted of any of
124 the offenses listed in subparagraph 1. may not be qualified for
125 initial employment within or authorized regular access to
126 buildings, facilities, or structures defined in the water
127 management district's security plan as restricted access areas
128 unless, after release from incarceration and any supervision
129 imposed as a sentence, the person remained free from a
130 subsequent conviction, regardless of whether adjudication was
131 withheld, for any of the listed offenses for a period of at
132 least 7 years prior to the employment or access date under
133 consideration.

134 Section 4. For the purpose of incorporating the amendment
135 made by this act to section 893.135, Florida Statutes, in a
136 reference thereto, subsection (6) of section 397.4073, Florida
137 Statutes, is reenacted to read:

138 397.4073 Background checks of service provider personnel.—

139 (6) DISQUALIFICATION FROM RECEIVING STATE FUNDS.—State
140 funds may not be disseminated to any service provider owned or
141 operated by an owner, director, or chief financial officer who
142 has been convicted of, has entered a plea of guilty or nolo
143 contendere to, or has had adjudication withheld for, a violation
144 of s. 893.135 pertaining to trafficking in controlled
145 substances, or a violation of the law of another state, the

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146 District of Columbia, the United States or any possession or
147 territory thereof, or any foreign jurisdiction which is
148 substantially similar in elements and penalties to a trafficking
149 offense in this state, unless the owner's or director's civil
150 rights have been restored.

151 Section 5. For the purpose of incorporating the amendment
152 made by this act to section 893.135, Florida Statutes, in a
153 reference thereto, subsection (1) of section 414.095, Florida
154 Statutes, is reenacted to read:

155 414.095 Determining eligibility for temporary cash
156 assistance.—

157 (1) ELIGIBILITY.—An applicant must meet eligibility
158 requirements of this section before receiving services or
159 temporary cash assistance under this chapter, except that an
160 applicant shall be required to register for work and engage in
161 work activities in accordance with s. 445.024, as designated by
162 the local workforce development board, and may receive support
163 services or child care assistance in conjunction with such
164 requirement. The department shall make a determination of
165 eligibility based on the criteria listed in this chapter. The
166 department shall monitor continued eligibility for temporary
167 cash assistance through periodic reviews consistent with the
168 food assistance eligibility process. Benefits may not be denied
169 to an individual solely based on a felony drug conviction,
170 unless the conviction is for trafficking pursuant to s. 893.135.
171 To be eligible under this section, an individual convicted of a
172 drug felony must be satisfactorily meeting the requirements of
173 the temporary cash assistance program, including all substance
174 abuse treatment requirements. Within the limits specified in

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175 this chapter, the state opts out of the provision of Pub. L. No.
176 104-193, s. 115, that eliminates eligibility for temporary cash
177 assistance and food assistance for any individual convicted of a
178 controlled substance felony.

179 Section 6. For the purpose of incorporating the amendment
180 made by this act to section 893.135, Florida Statutes, in a
181 reference thereto, subsection (2) of section 772.12, Florida
182 Statutes, is reenacted to read:

183 772.12 Drug Dealer Liability Act.—

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

190 (a) The person was injured because of the defendant's
191 actions that resulted in the defendant's conviction for:

- 192 1. A violation of s. 893.13, except for a violation of s.
193 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or
194 2. A violation of s. 893.135; and

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

199 Section 7. For the purpose of incorporating the amendment
200 made by this act to section 893.135, Florida Statutes, in
201 references thereto, paragraph (a) of subsection (2) and
202 paragraph (a) of subsection (3) of section 775.087, Florida
203 Statutes, are reenacted to read:

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204 775.087 Possession or use of weapon; aggravated battery;
205 felony reclassification; minimum sentence.-

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

209 a. Murder;

210 b. Sexual battery;

211 c. Robbery;

212 d. Burglary;

213 e. Arson;

214 f. Aggravated battery;

215 g. Kidnapping;

216 h. Escape;

217 i. Aircraft piracy;

218 j. Aggravated child abuse;

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

220 l. Unlawful throwing, placing, or discharging of a
221 destructive device or bomb;

222 m. Carjacking;

223 n. Home-invasion robbery;

224 o. Aggravated stalking;

225 p. Trafficking in cannabis, trafficking in cocaine, capital
226 importation of cocaine, trafficking in illegal drugs, capital
227 importation of illegal drugs, trafficking in phencyclidine,
228 capital importation of phencyclidine, trafficking in
229 methaqualone, capital importation of methaqualone, trafficking
230 in amphetamine, capital importation of amphetamine, trafficking
231 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
232 (GHB), trafficking in 1,4-Butanediol, trafficking in

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233 Phenethylamines, or other violation of s. 893.135(1); or
234 q. Possession of a firearm by a felon
235
236 and during the commission of the offense, such person actually
237 possessed a "firearm" or "destructive device" as those terms are
238 defined in s. 790.001, shall be sentenced to a minimum term of
239 imprisonment of 10 years, except that a person who is convicted
240 for possession of a firearm by a felon or burglary of a
241 conveyance shall be sentenced to a minimum term of imprisonment
242 of 3 years if such person possessed a "firearm" or "destructive
243 device" during the commission of the offense. However, if an
244 offender who is convicted of the offense of possession of a
245 firearm by a felon has a previous conviction of committing or
246 attempting to commit a felony listed in s. 775.084(1)(b)1. and
247 actually possessed a firearm or destructive device during the
248 commission of the prior felony, the offender shall be sentenced
249 to a minimum term of imprisonment of 10 years.

250 2. Any person who is convicted of a felony or an attempt to
251 commit a felony listed in sub-subparagraphs (a)1.a.-p.,
252 regardless of whether the use of a weapon is an element of the
253 felony, and during the course of the commission of the felony
254 such person discharged a "firearm" or "destructive device" as
255 defined in s. 790.001 shall be sentenced to a minimum term of
256 imprisonment of 20 years.

257 3. Any person who is convicted of a felony or an attempt to
258 commit a felony listed in sub-subparagraphs (a)1.a.-p.,
259 regardless of whether the use of a weapon is an element of the
260 felony, and during the course of the commission of the felony
261 such person discharged a "firearm" or "destructive device" as

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262 defined in s. 790.001 and, as the result of the discharge, death
263 or great bodily harm was inflicted upon any person, the
264 convicted person shall be sentenced to a minimum term of
265 imprisonment of not less than 25 years and not more than a term
266 of imprisonment of life in prison.

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

- 270 a. Murder;
- 271 b. Sexual battery;
- 272 c. Robbery;
- 273 d. Burglary;
- 274 e. Arson;
- 275 f. Aggravated battery;
- 276 g. Kidnapping;
- 277 h. Escape;
- 278 i. Sale, manufacture, delivery, or intent to sell,
279 manufacture, or deliver any controlled substance;
- 280 j. Aircraft piracy;
- 281 k. Aggravated child abuse;
- 282 l. Aggravated abuse of an elderly person or disabled adult;
- 283 m. Unlawful throwing, placing, or discharging of a
284 destructive device or bomb;
- 285 n. Carjacking;
- 286 o. Home-invasion robbery;
- 287 p. Aggravated stalking; or
- 288 q. Trafficking in cannabis, trafficking in cocaine, capital
289 importation of cocaine, trafficking in illegal drugs, capital
290 importation of illegal drugs, trafficking in phencyclidine,

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291 capital importation of phencyclidine, trafficking in
292 methaqualone, capital importation of methaqualone, trafficking
293 in amphetamine, capital importation of amphetamine, trafficking
294 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
295 (GHB), trafficking in 1,4-Butanediol, trafficking in
296 Phenethylamines, or other violation of s. 893.135(1);

297

298 and during the commission of the offense, such person possessed
299 a semiautomatic firearm and its high-capacity detachable box
300 magazine or a machine gun as defined in s. 790.001, shall be
301 sentenced to a minimum term of imprisonment of 15 years.

302 2. Any person who is convicted of a felony or an attempt to
303 commit a felony listed in subparagraph (a)1., regardless of
304 whether the use of a weapon is an element of the felony, and
305 during the course of the commission of the felony such person
306 discharged a semiautomatic firearm and its high-capacity box
307 magazine or a "machine gun" as defined in s. 790.001 shall be
308 sentenced to a minimum term of imprisonment of 20 years.

309 3. Any person who is convicted of a felony or an attempt to
310 commit a felony listed in subparagraph (a)1., regardless of
311 whether the use of a weapon is an element of the felony, and
312 during the course of the commission of the felony such person
313 discharged a semiautomatic firearm and its high-capacity box
314 magazine or a "machine gun" as defined in s. 790.001 and, as the
315 result of the discharge, death or great bodily harm was
316 inflicted upon any person, the convicted person shall be
317 sentenced to a minimum term of imprisonment of not less than 25
318 years and not more than a term of imprisonment of life in
319 prison.

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320 Section 8. For the purpose of incorporating the amendment
321 made by this act to section 893.135, Florida Statutes, in
322 references thereto, paragraph (a) of subsection (1), paragraph
323 (a) of subsection (3), and paragraph (a) of subsection (4) of
324 section 782.04, Florida Statutes, are reenacted to read:

325 782.04 Murder.—

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

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

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

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

332 b. Arson,

333 c. Sexual battery,

334 d. Robbery,

335 e. Burglary,

336 f. Kidnapping,

337 g. Escape,

338 h. Aggravated child abuse,

339 i. Aggravated abuse of an elderly person or disabled adult,

340 j. Aircraft piracy,

341 k. Unlawful throwing, placing, or discharging of a
342 destructive device or bomb,

343 l. Carjacking,

344 m. Home-invasion robbery,

345 n. Aggravated stalking,

346 o. Murder of another human being,

347 p. Resisting an officer with violence to his or her person,

348 q. Aggravated fleeing or eluding with serious bodily injury

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349 or death,

350 r. Felony that is an act of terrorism or is in furtherance

351 of an act of terrorism, including a felony under s. 775.30, s.

352 775.32, s. 775.33, s. 775.34, or s. 775.35, or

353 s. Human trafficking; or

354 3. Which resulted from the unlawful distribution by a

355 person 18 years of age or older of any of the following

356 substances, or mixture containing any of the following

357 substances, when such substance or mixture is proven to be the

358 proximate cause of the death of the user:

359 a. A substance controlled under s. 893.03(1);

360 b. Cocaine, as described in s. 893.03(2)(a)4.;

361 c. Opium or any synthetic or natural salt, compound,

362 derivative, or preparation of opium;

363 d. Methadone;

364 e. Alfentanil, as described in s. 893.03(2)(b)1.;

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

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

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

368 i. A controlled substance analog, as described in s.

369 893.0356, of any substance specified in sub-subparagraphs a.-h.,

370

371 is murder in the first degree and constitutes a capital felony,

372 punishable as provided in s. 775.082.

373 (3) When a human being is killed during the perpetration

374 of, or during the attempt to perpetrate, any:

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

376

377 by a person other than the person engaged in the perpetration of

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378 or in the attempt to perpetrate such felony, the person
379 perpetrating or attempting to perpetrate such felony commits
380 murder in the second degree, which constitutes a felony of the
381 first degree, punishable by imprisonment for a term of years not
382 exceeding life or as provided in s. 775.082, s. 775.083, or s.
383 775.084.

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

388 (a) Trafficking offense prohibited by s. 893.135(1),
389
390 is murder in the third degree and constitutes a felony of the
391 second degree, punishable as provided in s. 775.082, s. 775.083,
392 or s. 775.084.

393 Section 9. For the purpose of incorporating the amendment
394 made by this act to section 893.135, Florida Statutes, in a
395 reference thereto, paragraph (f) of subsection (3) of section
396 810.02, Florida Statutes, is reenacted to read:

397 810.02 Burglary.—

398 (3) Burglary is a felony of the second degree, punishable
399 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
400 course of committing the offense, the offender does not make an
401 assault or battery and is not and does not become armed with a
402 dangerous weapon or explosive, and the offender enters or
403 remains in a:

404 (f) Structure or conveyance when the offense intended to be
405 committed therein is theft of a controlled substance as defined
406 in s. 893.02. Notwithstanding any other law, separate judgments

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407 and sentences for burglary with the intent to commit theft of a
408 controlled substance under this paragraph and for any applicable
409 possession of controlled substance offense under s. 893.13 or
410 trafficking in controlled substance offense under s. 893.135 may
411 be imposed when all such offenses involve the same amount or
412 amounts of a controlled substance.

413

414 However, if the burglary is committed within a county that is
415 subject to a state of emergency declared by the Governor under
416 chapter 252 after the declaration of emergency is made and the
417 perpetration of the burglary is facilitated by conditions
418 arising from the emergency, the burglary is a felony of the
419 first degree, punishable as provided in s. 775.082, s. 775.083,
420 or s. 775.084. As used in this subsection, the term "conditions
421 arising from the emergency" means civil unrest, power outages,
422 curfews, voluntary or mandatory evacuations, or a reduction in
423 the presence of or response time for first responders or
424 homeland security personnel. A person arrested for committing a
425 burglary within a county that is subject to such a state of
426 emergency may not be released until the person appears before a
427 committing magistrate at a first appearance hearing. For
428 purposes of sentencing under chapter 921, a felony offense that
429 is reclassified under this subsection is ranked one level above
430 the ranking under s. 921.0022 or s. 921.0023 of the offense
431 committed.

432 Section 10. For the purpose of incorporating the amendment
433 made by this act to section 893.135, Florida Statutes, in a
434 reference thereto, paragraph (c) of subsection (2) of section
435 812.014, Florida Statutes, is reenacted to read:

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436 812.014 Theft.—

437 (2)

438 (c) It is grand theft of the third degree and a felony of
439 the third degree, punishable as provided in s. 775.082, s.
440 775.083, or s. 775.084, if the property stolen is:

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

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

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

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

445 5. A firearm.

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

447 7. Any commercially farmed animal, including any animal of
448 the equine, avian, bovine, or swine class or other grazing
449 animal; a bee colony of a registered beekeeper; and aquaculture
450 species raised at a certified aquaculture facility. If the
451 property stolen is a commercially farmed animal, including an
452 animal of the equine, avian, bovine, or swine class or other
453 grazing animal; a bee colony of a registered beekeeper; or an
454 aquaculture species raised at a certified aquaculture facility,
455 a \$10,000 fine shall be imposed.

456 8. Any fire extinguisher.

457 9. Any amount of citrus fruit consisting of 2,000 or more
458 individual pieces of fruit.

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

461 11. Any stop sign.

462 12. Anhydrous ammonia.

463 13. Any amount of a controlled substance as defined in s.
464 893.02. Notwithstanding any other law, separate judgments and

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465 sentences for theft of a controlled substance under this
466 subparagraph and for any applicable possession of controlled
467 substance offense under s. 893.13 or trafficking in controlled
468 substance offense under s. 893.135 may be imposed when all such
469 offenses involve the same amount or amounts of a controlled
470 substance.

471

472 However, if the property is stolen within a county that is
473 subject to a state of emergency declared by the Governor under
474 chapter 252, the property is stolen after the declaration of
475 emergency is made, and the perpetration of the theft is
476 facilitated by conditions arising from the emergency, the
477 offender commits a felony of the second degree, punishable as
478 provided in s. 775.082, s. 775.083, or s. 775.084, if the
479 property is valued at \$5,000 or more, but less than \$10,000, as
480 provided under subparagraph 2., or if the property is valued at
481 \$10,000 or more, but less than \$20,000, as provided under
482 subparagraph 3. As used in this paragraph, the term "conditions
483 arising from the emergency" means civil unrest, power outages,
484 curfews, voluntary or mandatory evacuations, or a reduction in
485 the presence of or the response time for first responders or
486 homeland security personnel. For purposes of sentencing under
487 chapter 921, a felony offense that is reclassified under this
488 paragraph is ranked one level above the ranking under s.
489 921.0022 or s. 921.0023 of the offense committed.

490 Section 11. For the purpose of incorporating the amendment
491 made by this act to section 893.135, Florida Statutes, in a
492 reference thereto, paragraph (d) of subsection (8) of section
493 893.13, Florida Statutes, is reenacted to read:

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494 893.13 Prohibited acts; penalties.—

495 (8)

496 (d) Notwithstanding paragraph (c), if a prescribing
497 practitioner has violated paragraph (a) and received \$1,000 or
498 more in payment for writing one or more prescriptions or, in the
499 case of a prescription written for a controlled substance
500 described in s. 893.135, has written one or more prescriptions
501 for a quantity of a controlled substance which, individually or
502 in the aggregate, meets the threshold for the offense of
503 trafficking in a controlled substance under s. 893.135, the
504 violation is reclassified as a felony of the second degree and
505 ranked in level 4 of the Criminal Punishment Code.

506 Section 12. For the purpose of incorporating the amendment
507 made by this act to section 893.135, Florida Statutes, in
508 references thereto, subsections (1) and (2) of section 893.1351,
509 Florida Statutes, are reenacted to read:

510 893.1351 Ownership, lease, rental, or possession for
511 trafficking in or manufacturing a controlled substance.—

512 (1) A person may not own, lease, or rent any place,
513 structure, or part thereof, trailer, or other conveyance with
514 the knowledge that the place, structure, trailer, or conveyance
515 will be used for the purpose of trafficking in a controlled
516 substance, as provided in s. 893.135; for the sale of a
517 controlled substance, as provided in s. 893.13; or for the
518 manufacture of a controlled substance intended for sale or
519 distribution to another. A person who violates this subsection
520 commits a felony of the third degree, punishable as provided in
521 s. 775.082, s. 775.083, or s. 775.084.

522 (2) A person may not knowingly be in actual or constructive

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523 possession of any place, structure, or part thereof, trailer, or
524 other conveyance with the knowledge that the place, structure,
525 or part thereof, trailer, or conveyance will be used for the
526 purpose of trafficking in a controlled substance, as provided in
527 s. 893.135; for the sale of a controlled substance, as provided
528 in s. 893.13; or for the manufacture of a controlled substance
529 intended for sale or distribution to another. A person who
530 violates this subsection commits a felony of the second degree,
531 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

532 Section 13. For the purpose of incorporating the amendment
533 made by this act to section 893.135, Florida Statutes, in a
534 reference thereto, paragraph (e) of subsection (3) of section
535 900.05, Florida Statutes, is reenacted to read:

536 900.05 Criminal justice data collection.—

537 (3) DATA COLLECTION AND REPORTING.—Beginning January 1,
538 2019, an entity required to collect data in accordance with this
539 subsection shall collect the specified data required of the
540 entity on a biweekly basis. Each entity shall report the data
541 collected in accordance with this subsection to the Department
542 of Law Enforcement on a monthly basis.

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

- 545 1. Information related to each inmate, including:
546 a. Identifying information, including name, date of birth,
547 race or ethnicity, and identification number assigned by the
548 department.
549 b. Number of children.
550 c. Education level, including any vocational training.
551 d. Date the inmate was admitted to the custody of the

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552 department.

553 e. Current institution placement and the security level
554 assigned to the institution.

555 f. Custody level assignment.

556 g. Qualification for a flag designation as defined in this
557 section, including sexual offender flag, habitual offender flag,
558 gang affiliation flag, or concurrent or consecutive sentence
559 flag.

560 h. County that committed the prisoner to the custody of the
561 department.

562 i. Whether the reason for admission to the department is
563 for a new conviction or a violation of probation, community
564 control, or parole. For an admission for a probation, community
565 control, or parole violation, the department shall report
566 whether the violation was technical or based on a new violation
567 of law.

568 j. Specific statutory citation for which the inmate was
569 committed to the department, including, for an inmate convicted
570 of drug trafficking under s. 893.135, the statutory citation for
571 each specific drug trafficked.

572 k. Length of sentence or concurrent or consecutive
573 sentences served.

574 l. Tentative release date.

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

576 n. Prior incarceration within the state.

577 o. Disciplinary violation and action.

578 p. Participation in rehabilitative or educational programs
579 while in the custody of the department.

580 2. Information about each state correctional institution or

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581 facility, including:

582 a. Budget for each state correctional institution or
583 facility.

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

586 c. Daily number of correctional officers for each state
587 correctional institution or facility.

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

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

594 b. Length of probation or community control sentence
595 imposed and amount of time that has been served on such
596 sentence.

597 c. Projected termination date for probation or community
598 control.

599 d. Revocation of probation or community control due to a
600 violation, including whether the revocation is due to a
601 technical violation of the conditions of supervision or from the
602 commission of a new law violation.

603 4. Per diem rates for:

604 a. Prison bed.

605 b. Probation.

606 c. Community control.

607

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

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610 Section 14. For the purpose of incorporating the amendment
611 made by this act to section 893.135, Florida Statutes, in a
612 reference thereto, section 903.133, Florida Statutes, is
613 reenacted to read:

614 903.133 Bail on appeal; prohibited for certain felony
615 convictions.—Notwithstanding the provisions of s. 903.132, no
616 person adjudged guilty of a felony of the first degree for a
617 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
618 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
619 violation of s. 794.011(2) or (3), shall be admitted to bail
620 pending review either by posttrial motion or appeal.

621 Section 15. For the purpose of incorporating the amendment
622 made by this act to section 893.135, Florida Statutes, in a
623 reference thereto, paragraph (c) of subsection (4) of section
624 907.041, Florida Statutes, is reenacted to read:

625 907.041 Pretrial detention and release.—

626 (4) PRETRIAL DETENTION.—

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

631 1. The defendant has previously violated conditions of
632 release and that no further conditions of release are reasonably
633 likely to assure the defendant's appearance at subsequent
634 proceedings;

635 2. The defendant, with the intent to obstruct the judicial
636 process, has threatened, intimidated, or injured any victim,
637 potential witness, juror, or judicial officer, or has attempted
638 or conspired to do so, and that no condition of release will

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639 reasonably prevent the obstruction of the judicial process;

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

645 4. The defendant is charged with DUI manslaughter, as
646 defined by s. 316.193, and that there is a substantial
647 probability that the defendant committed the crime and that the
648 defendant poses a threat of harm to the community; conditions
649 that would support a finding by the court pursuant to this
650 subparagraph that the defendant poses a threat of harm to the
651 community include, but are not limited to, any of the following:

652 a. The defendant has previously been convicted of any crime
653 under s. 316.193, or of any crime in any other state or
654 territory of the United States that is substantially similar to
655 any crime under s. 316.193;

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

658 c. The defendant has previously been found guilty of, or
659 has had adjudication of guilt withheld for, driving while the
660 defendant's driver license was suspended or revoked in violation
661 of s. 322.34;

662 5. The defendant poses the threat of harm to the community.
663 The court may so conclude, if it finds that the defendant is
664 presently charged with a dangerous crime, that there is a
665 substantial probability that the defendant committed such crime,
666 that the factual circumstances of the crime indicate a disregard
667 for the safety of the community, and that there are no

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668 conditions of release reasonably sufficient to protect the
669 community from the risk of physical harm to persons;

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

673 7. The defendant has violated one or more conditions of
674 pretrial release or bond for the offense currently before the
675 court and the violation, in the discretion of the court,
676 supports a finding that no conditions of release can reasonably
677 protect the community from risk of physical harm to persons or
678 assure the presence of the accused at trial; or

679 8.a. The defendant has ever been sentenced pursuant to s.
680 775.082(9) or s. 775.084 as a prison releasee reoffender,
681 habitual violent felony offender, three-time violent felony
682 offender, or violent career criminal, or the state attorney
683 files a notice seeking that the defendant be sentenced pursuant
684 to s. 775.082(9) or s. 775.084, as a prison releasee reoffender,
685 habitual violent felony offender, three-time violent felony
686 offender, or violent career criminal;

687 b. There is a substantial probability that the defendant
688 committed the offense; and

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

692 Section 16. For the purpose of incorporating the amendment
693 made by this act to section 893.135, Florida Statutes, in a
694 reference thereto, paragraph (b) of subsection (1) of section
695 921.0024, Florida Statutes, is reenacted to read:

696 921.0024 Criminal Punishment Code; worksheet computations;

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697 scoresheets.-

698 (1)

699 (b) WORKSHEET KEY:

700

701 Legal status points are assessed when any form of legal status
702 existed at the time the offender committed an offense before the
703 court for sentencing. Four (4) sentence points are assessed for
704 an offender's legal status.

705

706 Community sanction violation points are assessed when a
707 community sanction violation is before the court for sentencing.
708 Six (6) sentence points are assessed for each community sanction
709 violation and each successive community sanction violation,
710 unless any of the following apply:

711 1. If the community sanction violation includes a new
712 felony conviction before the sentencing court, twelve (12)
713 community sanction violation points are assessed for the
714 violation, and for each successive community sanction violation
715 involving a new felony conviction.

716 2. If the community sanction violation is committed by a
717 violent felony offender of special concern as defined in s.
718 948.06:

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

722 I. The violation does not include a new felony conviction;
723 and

724 II. The community sanction violation is not based solely on
725 the probationer or offender's failure to pay costs or fines or

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726 make restitution payments.

727 b. Twenty-four (24) community sanction violation points are
728 assessed for the violation and for each successive violation of
729 felony probation or community control where the violation
730 includes a new felony conviction.

731
732 Multiple counts of community sanction violations before the
733 sentencing court shall not be a basis for multiplying the
734 assessment of community sanction violation points.

735
736 Prior serious felony points: If the offender has a primary
737 offense or any additional offense ranked in level 8, level 9, or
738 level 10, and one or more prior serious felonies, a single
739 assessment of thirty (30) points shall be added. For purposes of
740 this section, a prior serious felony is an offense in the
741 offender's prior record that is ranked in level 8, level 9, or
742 level 10 under s. 921.0022 or s. 921.0023 and for which the
743 offender is serving a sentence of confinement, supervision, or
744 other sanction or for which the offender's date of release from
745 confinement, supervision, or other sanction, whichever is later,
746 is within 3 years before the date the primary offense or any
747 additional offense was committed.

748
749 Prior capital felony points: If the offender has one or more
750 prior capital felonies in the offender's criminal record, points
751 shall be added to the subtotal sentence points of the offender
752 equal to twice the number of points the offender receives for
753 the primary offense and any additional offense. A prior capital
754 felony in the offender's criminal record is a previous capital

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755 felony offense for which the offender has entered a plea of nolo
756 contendere or guilty or has been found guilty; or a felony in
757 another jurisdiction which is a capital felony in that
758 jurisdiction, or would be a capital felony if the offense were
759 committed in this state.

760

761 Possession of a firearm, semiautomatic firearm, or machine gun:
762 If the offender is convicted of committing or attempting to
763 commit any felony other than those enumerated in s. 775.087(2)
764 while having in his or her possession: a firearm as defined in
765 s. 790.001(6), an additional eighteen (18) sentence points are
766 assessed; or if the offender is convicted of committing or
767 attempting to commit any felony other than those enumerated in
768 s. 775.087(3) while having in his or her possession a
769 semiautomatic firearm as defined in s. 775.087(3) or a machine
770 gun as defined in s. 790.001(9), an additional twenty-five (25)
771 sentence points are assessed.

772

773 Sentencing multipliers:

774

775 Drug trafficking: If the primary offense is drug trafficking
776 under s. 893.135, the subtotal sentence points are multiplied,
777 at the discretion of the court, for a level 7 or level 8
778 offense, by 1.5. The state attorney may move the sentencing
779 court to reduce or suspend the sentence of a person convicted of
780 a level 7 or level 8 offense, if the offender provides
781 substantial assistance as described in s. 893.135(4).

782

783 Law enforcement protection: If the primary offense is a

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784 violation of the Law Enforcement Protection Act under s.
785 775.0823(2), (3), or (4), the subtotal sentence points are
786 multiplied by 2.5. If the primary offense is a violation of s.
787 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points
788 are multiplied by 2.0. If the primary offense is a violation of
789 s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement
790 Protection Act under s. 775.0823(10) or (11), the subtotal
791 sentence points are multiplied by 1.5.

792

793 Grand theft of a motor vehicle: If the primary offense is grand
794 theft of the third degree involving a motor vehicle and in the
795 offender's prior record, there are three or more grand thefts of
796 the third degree involving a motor vehicle, the subtotal
797 sentence points are multiplied by 1.5.

798

799 Offense related to a criminal gang: If the offender is convicted
800 of the primary offense and committed that offense for the
801 purpose of benefiting, promoting, or furthering the interests of
802 a criminal gang as defined in s. 874.03, the subtotal sentence
803 points are multiplied by 1.5. If applying the multiplier results
804 in the lowest permissible sentence exceeding the statutory
805 maximum sentence for the primary offense under chapter 775, the
806 court may not apply the multiplier and must sentence the
807 defendant to the statutory maximum sentence.

808

809 Domestic violence in the presence of a child: If the offender is
810 convicted of the primary offense and the primary offense is a
811 crime of domestic violence, as defined in s. 741.28, which was
812 committed in the presence of a child under 16 years of age who

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813 is a family or household member as defined in s. 741.28(3) with
814 the victim or perpetrator, the subtotal sentence points are
815 multiplied by 1.5.

816

817 Adult-on-minor sex offense: If the offender was 18 years of age
818 or older and the victim was younger than 18 years of age at the
819 time the offender committed the primary offense, and if the
820 primary offense was an offense committed on or after October 1,
821 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the
822 violation involved a victim who was a minor and, in the course
823 of committing that violation, the defendant committed a sexual
824 battery under chapter 794 or a lewd act under s. 800.04 or s.
825 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s.
826 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s.
827 800.04; or s. 847.0135(5), the subtotal sentence points are
828 multiplied by 2.0. If applying the multiplier results in the
829 lowest permissible sentence exceeding the statutory maximum
830 sentence for the primary offense under chapter 775, the court
831 may not apply the multiplier and must sentence the defendant to
832 the statutory maximum sentence.

833 Section 17. This act shall take effect October 1, 2019.