

## CS/HB 325 – Controlled Substance Offenses

This bill amends and creates multiple statutes. First, it amends s. 782.04, F.S., adding methamphetamine to the list of substances where the unlawful killing of a human being resulted from someone unlawfully distributing a controlled substance and that substance was the proximate cause of the death of the user. This is a Level 9, 1<sup>st</sup> degree felony.

This bill also amends s. 893.13, F.S., adding the following (in bold) to the current unranked, 2<sup>nd</sup> degree felony (Level 4 by default) and unranked, 1<sup>st</sup> degree felony (Level 7 by default): “a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising an assisted living facility, as that term is used in chapter 429, **a facility as defined in s. 394.455, F.S., a health care facility licensed under chapter 395 that provides substance abuse treatment, a substance abuse facility licensed under chapter 397, a facility providing a service as described in s. 397.311(26), F.S., a recovery residence as defined in s. 397.311, F.S. or a pain management clinic as defined in s. 458.3265(1)(a)1, F.S. or s. 459.0137(1)(a)1, F.S.**”

Per DOC, in FY 18-19, there was 1 new commitment under s. 782.04, F.S. relating to drugs, and no new commitments in FY 19-20. There were 2 new commitments for drug activity near an assisted living facility in FY 18-19 and no new commitments in FY 19-20. Although this number is low, there are generally over 500 new commitments a year for selling drugs near a restricted place. Per Florida Department of Health, in CY 2019, there were 38,985 nonfatal overdoses and 5,352 fatal overdoses. Of the fatal overdoses, methamphetamine showed 896 where it was a contributing drug. It is not known how prison admissions will be impacted by this new language.

**CONFERENCE ADOPTED ESTIMATE: Positive Indeterminate**

**Requested by: House**