



HB 0057

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CHAMBER ACTION

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The Committee on Public Safety & Crime Prevention recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to drug abuse prevention and control; amending s. 893.13, F.S.; prohibiting the sale, manufacture, or delivery of controlled substances, or possession of controlled substances with intent to sell, manufacture, or deliver, within 1,000 feet of certain educational institutions, described housing facilities, and any state, county, or municipal park or publicly owned recreational facility or community center; providing a definition; providing penalties; amending s. 921.0022, F.S.; ranking such offenses on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

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

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



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29 | 893.13 Prohibited acts; penalties.--

30 | (1)

31 | (c) Except as authorized by this chapter, it is unlawful  
32 | for any person to sell, manufacture, or deliver, or possess with  
33 | intent to sell, manufacture, or deliver, a controlled substance  
34 | in, on, or within 1,000 feet of the real property comprising a  
35 | child care facility as defined in s. 402.302 or a public or  
36 | private elementary, middle, or secondary school between the  
37 | hours of 6 a.m. and 12 a.m., or at any time in, on, or within  
38 | 1,000 feet of real property comprising a state, county, or  
39 | municipal park, a community center, or a publicly owned  
40 | recreational facility. For the purposes of this paragraph, the  
41 | term "community center" means a facility operated by a nonprofit  
42 | community-based organization for the provision of recreational,  
43 | social, or educational services to the general public. Any  
44 | person who violates this paragraph with respect to:

45 | 1. A controlled substance named or described in s.  
46 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
47 | commits a felony of the first degree, punishable as provided in  
48 | s. 775.082, s. 775.083, or s. 775.084. The defendant must be  
49 | sentenced to a minimum term of imprisonment of 3 calendar years  
50 | unless the offense was committed within 1,000 feet of the real  
51 | property comprising a child care facility as defined in s.  
52 | 402.302.

53 | 2. A controlled substance named or described in s.  
54 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
55 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the



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56 second degree, punishable as provided in s. 775.082, s. 775.083,  
57 or s. 775.084.

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

62  
63 This paragraph does not apply to a child care facility unless  
64 the owner or operator of the facility posts a sign that is not  
65 less than 2 square feet in size with a word legend identifying  
66 the facility as a licensed child care facility and that is  
67 posted on the property of the child care facility in a  
68 conspicuous place where the sign is reasonably visible to the  
69 public.

70 (d) Except as authorized by this chapter, it is unlawful  
71 for any person to sell, manufacture, or deliver, or possess with  
72 intent to sell, manufacture, or deliver, a controlled substance  
73 in, on, or within 1,000 ~~200~~ feet of the real property comprising  
74 a public or private college, university, or other postsecondary  
75 educational institution, ~~or within 200 feet of any public park.~~  
76 Any person who violates this paragraph with respect to:

77 1. A controlled substance named or described in s.  
78 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
79 commits a felony of the first degree, punishable as provided in  
80 s. 775.082, s. 775.083, or s. 775.084.

81 2. A controlled substance named or described in s.  
82 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
83 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the



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84 second degree, punishable as provided in s. 775.082, s. 775.083,  
85 or s. 775.084.

86 3. Any other controlled substance, except as lawfully  
87 sold, manufactured, or delivered, must be sentenced to pay a  
88 \$500 fine and to serve 100 hours of public service in addition  
89 to any other penalty prescribed by law.

90 (f) Except as authorized by this chapter, it is unlawful  
91 for any person to sell, manufacture, or deliver, or possess with  
92 intent to sell, manufacture, or deliver, a controlled substance  
93 in, on, or within 1,000 ~~200~~ feet of the real property comprising  
94 a public housing facility at any time. For purposes of this  
95 section, the term "real property comprising a public housing  
96 facility" means real property, as defined in s. 421.03(12), of a  
97 public corporation created as a housing authority pursuant to  
98 part I of chapter 421. Any person who violates this paragraph  
99 with respect to:

100 1. A controlled substance named or described in s.  
101 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
102 commits a felony of the first degree, punishable as provided in  
103 s. 775.082, s. 775.083, or s. 775.084.

104 2. A controlled substance named or described in s.  
105 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,  
106 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the  
107 second degree, punishable as provided in s. 775.082, s. 775.083,  
108 or s. 775.084.

109 3. Any other controlled substance, except as lawfully  
110 sold, manufactured, or delivered, must be sentenced to pay a



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111 \$500 fine and to serve 100 hours of public service in addition  
112 to any other penalty prescribed by law.

113 Section 2. Paragraphs (c), (e), and (g) of subsection (3)  
114 of section 921.0022, Florida Statutes, are amended to read:

115 921.0022 Criminal Punishment Code; offense severity  
116 ranking chart.--

117 (3) OFFENSE SEVERITY RANKING CHART

118

Florida Felony

119

Statute Degree Description

120

(c) LEVEL 3

121

316.1935(2) 3rd Fleeing or attempting to elude  
law enforcement officer in  
marked patrol vehicle with siren  
and lights activated.

122

319.30(4) 3rd Possession by junkyard of motor  
vehicle with identification  
number plate removed.

123

319.33(1)(a) 3rd Alter or forge any certificate  
of title to a motor vehicle or  
mobile home.

124

319.33(1)(c) 3rd Procure or pass title on stolen  
vehicle.



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125	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
126	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
127	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
128	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
129	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
130	697.08	3rd	Equity skimming.
131	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
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133	796.05(1)	3rd	Live on earnings of a prostitute.
134	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
135	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
136	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
137	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
138	815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
139	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
140	817.233	3rd	Burning to defraud insurer.
	817.234(8)&(9)	3rd	Unlawful solicitation of persons



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			involved in motor vehicle accidents.
141	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
142	817.505(4)	3rd	Patient brokering.
143	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
144	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
145	831.29	2nd	Possession of instruments for counterfeiting drivers' licenses or identification cards.
146	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
147	843.19	3rd	Injure, disable, or kill police dog or horse.
148	870.01(2)	3rd	Riot; inciting or encouraging.
149	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s.





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150	893.13(1)(d)2. 2nd	<p>893.03(1)(c), (2)(c)1.,                  (2)(c)2., (2)(c)3., (2)(c)5.,                  (2)(c)6., (2)(c)7.,(2)(c)8.,                  (2)(c)9., (3), or (4) drugs).</p> <p>Sell, manufacture, or deliver s.                  893.03(1)(c),(2)(c)1., (2)(c)2.,                  (2)(c)3., (2)(c)5., (2)(c)6.,                  (2)(c)7., (2)(c)8.,(2)(c)9.,                  (3), or (4) drugs within <u>1,000</u>  <del>200</del> feet of university <del>or public</del>  <del>park</del>.</p>
151	893.13(1)(f)2. 2nd	<p>Sell, manufacture, or deliver s.                  893.03(1)(c),(2)(c)1., (2)(c)2.,                  (2)(c)3., (2)(c)5., (2)(c)6.,                  (2)(c)7., (2)(c)8.,(2)(c)9.,                  (3), or (4) drugs within <u>1,000</u>  <del>200</del> feet of public housing                  facility.</p>
152	893.13(6)(a) 3rd	<p>Possession of any controlled                  substance other than felony                  possession of cannabis.</p>
153	893.13(7)(a)9. 3rd	<p>Obtain or attempt to obtain                  controlled substance by fraud,                  forgery, misrepresentation, etc.</p>
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155	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
156	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
157	944.47 (1)(a)1.-2.	3rd	Introduce contraband to correctional facility.
158	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
159	985.3141	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
160		(e) LEVEL 5	
161	316.027(1)(a)	3rd	Accidents involving personal injuries, failure to stop; leaving scene.
162	316.1935(4)	2nd	Aggravated fleeing or eluding.
	322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious



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			bodily injury.
163	327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
164	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
165	790.01(2)	3rd	Carrying a concealed firearm.
166	790.162	2nd	Threat to throw or discharge destructive device.
167	790.163	2nd	False report of deadly explosive.
168	790.165(2)	3rd	Manufacture, sell, possess, or deliver hoax bomb.
169	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
170	790.23	2nd	Felons in possession of firearms or electronic weapons or devices.
171	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years.
172	800.04(7)(c)	2nd	Lewd or lascivious exhibition; offender 18 years or older.



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173	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
174	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
175	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
176	812.131(2)(b)	3rd	Robbery by sudden snatching.
177	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
178	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
179	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
180	817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud,



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181	817.625(2)(b)	2nd	\$75,000 or more. Second or subsequent fraudulent use of scanning device or reencoder.
182	825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
183	827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
184	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
185	874.05(2)	2nd	Encouraging or recruiting another to join a criminal street gang; second or subsequent offense.
186	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)4. drugs).



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- 187 | 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)5.,  
(2)(c)6., (2)(c)7., (2)(c)8.,  
(2)(c)9., (3), or (4) drugs)  
within 1,000 feet of a child  
care facility, ~~or~~ school, or  
state, county, or municipal park  
or publicly owned recreational  
facility or community center.
- 188 | 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)4.  
drugs) within 1,000 ~~200~~ feet of  
university ~~or public park.~~
- 189 | 893.13(1)(e)2. 2nd | Sell, manufacture, or deliver  
cannabis or other drug  
prohibited under s.  
893.03(1)(c), (2)(c)1.,  
(2)(c)2., (2)(c)3.,  
(2)(c)5., (2)(c)6., (2)(c)7.,  
(2)(c)8., (2)(c)9., (3), or (4)  
within 1,000 feet of property  
used for religious services or a



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190	893.13(1)(f)1.	1st	specified business site. Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)4. drugs) within <u>1,000</u> <del>200</del> feet of public housing facility.
191	893.13(4)(b)	2nd	Deliver to minor cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) drugs).
192		(g) LEVEL 7	
193	316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
194	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
195	402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
196	409.920(2)	3rd	Medicaid provider fraud.



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197	456.065(2)	3rd	Practicing a health care profession without a license.
198	456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
199	458.327(1)	3rd	Practicing medicine without a license.
200	459.013(1)	3rd	Practicing osteopathic medicine without a license.
201	460.411(1)	3rd	Practicing chiropractic medicine without a license.
202	461.012(1)	3rd	Practicing podiatric medicine without a license.
203	462.17	3rd	Practicing naturopathy without a license.
204	463.015(1)	3rd	Practicing optometry without a license.
205	464.016(1)	3rd	Practicing nursing without a license.
206	465.015(2)	3rd	Practicing pharmacy without a





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207	466.026(1)	3rd	license. Practicing dentistry or dental hygiene without a license.
208	467.201	3rd	Practicing midwifery without a license.
209	468.366	3rd	Delivering respiratory care services without a license.
210	483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
211	483.901(9)	3rd	Practicing medical physics without a license.
212	484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
213	484.053	3rd	Dispensing hearing aids without a license.
214	494.0018(2)	1st	Conviction of any violation of ss. 494.001-494.0077 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
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216	560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by money transmitter.
217	560.125(5)(a)	3rd	Money transmitter business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
218	655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
219	782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
220	782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
	782.071	2nd	Killing of human being or viable fetus by the operation of a motor vehicle in a reckless



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221	782.072	2nd	manner (vehicular homicide). Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
222	784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
223	784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
224	784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
225	784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
226	784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
227	784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
228	784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
229	784.081(1)	1st	Aggravated battery on specified



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			official or employee.
230	784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
231	784.083(1)	1st	Aggravated battery on code inspector.
232	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
233	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
234	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
235	790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
236	790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
237	790.166(4)	2nd	Possessing, displaying, or



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			threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
238	796.03	2nd	Procuring any person under 16 years for prostitution.
239	800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim less than 12 years of age; offender less than 18 years.
240	800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years; offender 18 years or older.
241	806.01(2)	2nd	Maliciously damage structure by fire or explosive.
242	810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
243	810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
244	810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
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	812.014(2)(a)	1st	Property stolen, valued at \$100,000 or more; cargo stolen valued at \$50,000 or more; property stolen while causing other property damage; 1st degree grand theft.
246	812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
247	812.0145(2)(a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
248	812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
249	812.131(2)(a)	2nd	Robbery by sudden snatching.
250	812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
251	817.234(11)(c)	1st	Insurance fraud; property value \$100,000 or more.
252	825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or



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253	825.103(2)(b)	2nd	disfigurement. Exploiting an elderly person or disabled adult and property is valued at \$20,000 or more, but less than \$100,000.
254	827.03(3)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
255	827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
256	837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
257	872.06	2nd	Abuse of a dead human body.
258	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.) <u>within 1,000 feet of a child care facility, <del>or</del> school, or state, county, or municipal park or publicly owned recreational</u>



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259	893.13(1)(e)1. 1st	<u>facility or community center.</u>
260	893.13(4)(a) 1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site.
261	893.135(1)(a)1. 1st	Deliver to minor cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. drugs).
262	893.135(1)(b) 1st 1.a.	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
263	893.135(1)(c) 1st 1.a.	Trafficking in cocaine, more than 28 grams, less than 200 grams.
264	893.135(1)(d)1. 1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
		Trafficking in phencyclidine, more than 28 grams, less than





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265	893.135(1)(e)1. 1st	200 grams. Trafficking in methaqualone, more than 200 grams, less than 5 kilograms.
266	893.135(1)(f)1. 1st	Trafficking in amphetamine, more than 14 grams, less than 28 grams.
267	893.135(1)(g) 1st 1.a.	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
268	893.135(1)(h) 1st 1.a.	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
269	893.135(1)(j) 1st 1.a.	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
270	893.135(1)(k) 1st 2.a.	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
271	896.101(5)(a) 3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.



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896.104(4)(a)1. 3rd Structuring transactions to  
evade reporting or registration  
requirements, financial  
transactions exceeding \$300 but  
less than \$20,000.

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Section 3. This act shall take effect October 1, 2003.

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