

Bill No. CS for SB 2160

Amendment No. 1 Barcode 704344

CHAMBER ACTION

Senate

House

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11 The Committee on Criminal Justice recommended the following
12 amendment:

Senate Amendment (with title amendment)

15 On page 4, line 27, through
16 page 5, line 20, delete those lines

18 and insert:

19 Section 2. Paragraphs (g) and (h) are added to
20 subsection (1) of section 893.13, Florida Statutes, paragraphs
21 (a) and (c) of subsection (7) of that section are amended, and
22 subsection (12) is added to that section, to read:

23 893.13 Prohibited acts; penalties.--
24 (1)

25 (q) Except as authorized by this chapter, it is
26 unlawful for any person to manufacture methamphetamine or
27 phencyclidine or possess any listed chemical as defined in s.
28 893.033 in violation of s. 893.149 and with intent to
29 manufacture methamphetamine or phencyclidine. If any person
30 violates this paragraph and:

31 1. The commission or attempted commission of the crime

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1 occurs in a structure or conveyance where any child under 16
 2 years of age is present, the person commits a felony of the
 3 first degree, punishable as provided in s. 775.082, s.
 4 775.083, or s. 775.084. In addition, the defendant must be
 5 sentenced to a minimum term of imprisonment of 5 calendar
 6 years.

7 2. The commission of the crime causes any child under
 8 16 years of age to suffer great bodily harm, the person
 9 commits a felony of the first degree, punishable as provided
 10 in s. 775.082, s. 775.083, or s. 775.084. In addition, the
 11 defendant must be sentenced to a minimum term of imprisonment
 12 of 10 calendar years.

13 (h) Except as authorized by this chapter, it is
 14 unlawful for any person to sell, manufacture, or deliver, or
 15 possess with intent to sell, manufacture, or deliver, a
 16 controlled substance in, on, or within 1,000 feet of the real
 17 property comprising an assisted living facility, as that term
 18 is used in chapter 400. Any person who violates this paragraph
 19 with respect to:

20 1. A controlled substance named or described in s.
 21 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,
 22 commits a felony of the first degree, punishable as provided
 23 in s. 775.082, s. 775.083, or s. 775.084.

24 2. A controlled substance named or described in s.
 25 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
 26 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a
 27 felony of the second degree, punishable as provided in s.
 28 775.082, s. 775.083, or s. 775.084.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, line 12, after the semicolon,

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5 insert:

6 prohibiting the sale, manufacture, delivery, or

7 attempt to sell, manufacture, or deliver a

8 controlled substance, in, on, or within 1,000

9 feet of an assisted living facility; providing

10 criminal penalties for such offense; specifying

11 minimum terms of imprisonment for such offense;

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