



926570

LEGISLATIVE ACTION

Senate

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House

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Floor: WD

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03/03/2022 04:08 PM

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Senator Pizzo moved the following:

Senate Amendment (with title amendment)

Delete lines 107 - 158

and insert:

Section 2. Paragraphs (c), (e), (f), and (h) of subsection
(1) of section 893.13, Florida Statutes, are amended to read:

893.13 Prohibited acts; penalties.—

(1)

(c) Except as authorized by this chapter, a person may not
sell, manufacture, or deliver, or possess with intent to sell,
manufacture, or deliver, a controlled substance in, on, or



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12 within 1,000 feet of the real property comprising a child care
13 facility as defined in s. 402.302 or a public or private
14 elementary, middle, or secondary school between the hours of 6
15 a.m. and 12 midnight, or during the hours of operation ~~at any~~
16 ~~time~~ in, on, or within 1,000 feet of real property comprising a
17 state, county, or municipal park, a community center, or a
18 publicly owned recreational facility. As used in this paragraph,
19 the term "community center" means a facility operated by a
20 nonprofit community-based organization for the provision of
21 recreational, social, or educational services to the public. A
22 person who violates this paragraph with respect to:

23 1. A controlled substance named or described in s.
24 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
25 commits a felony of the first degree, punishable as provided in
26 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
27 sentenced to a minimum term of imprisonment of 3 calendar years
28 unless the offense was committed within 1,000 feet of the real
29 property comprising a child care facility as defined in s.
30 402.302.

31 2. A controlled substance named or described in s.
32 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,
33 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of
34 the second degree, punishable as provided in s. 775.082, s.
35 775.083, or s. 775.084.

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

40



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41 This paragraph does not apply to a child care facility unless
42 the owner or operator of the facility posts a sign that is not
43 less than 2 square feet in size with a word legend identifying
44 the facility as a licensed child care facility and that is
45 posted on the property of the child care facility in a
46 conspicuous place where the sign is reasonably visible to the
47 public.

48 (e) Except as authorized by this chapter, a person may not
49 sell, manufacture, or deliver, or possess with intent to sell,
50 manufacture, or deliver, a controlled substance not authorized
51 by law in, on, or within 1,000 feet of a physical place for
52 worship at which a church or religious organization regularly
53 conducts religious services when such church or religious
54 organization is conducting services or other activities or
55 within 1,000 feet of a convenience business as defined in s.
56 812.171. A person who violates this paragraph with respect to:

57 1. A controlled substance named or described in s.
58 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
59 commits a felony of the first degree, punishable as provided in
60 s. 775.082, s. 775.083, or s. 775.084.

61 2. A controlled substance named or described in s.
62 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,
63 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of
64 the second degree, punishable as provided in s. 775.082, s.
65 775.083, or s. 775.084.

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



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70 ~~(f) Except as authorized by this chapter, a person may not~~
71 ~~sell, manufacture, or deliver, or possess with intent to sell,~~
72 ~~manufacture, or deliver, a controlled substance in, on, or~~
73 ~~within 1,000 feet of the real property comprising a public~~
74 ~~housing facility at any time. As used in this section, the term~~
75 ~~"real property comprising a public housing facility" means real~~
76 ~~property, as defined in s. 421.03(12), of a public corporation~~
77 ~~created as a housing authority pursuant to part I of chapter~~
78 ~~421. A person who violates this paragraph with respect to:~~

79 ~~1. A controlled substance named or described in s.~~
80 ~~893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.~~
81 ~~commits a felony of the first degree, punishable as provided in~~
82 ~~s. 775.082, s. 775.083, or s. 775.084.~~

83 ~~2. A controlled substance named or described in s.~~
84 ~~893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,~~
85 ~~(2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of~~
86 ~~the second degree, punishable as provided in s. 775.082, s.~~
87 ~~775.083, or s. 775.084.~~

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

92 (g)(h) Except as authorized by this chapter, a person may
93 not sell, manufacture, or deliver, or possess with intent to
94 sell, manufacture, or deliver, a controlled substance in, on, or
95 within 1,000 feet of the real property comprising a mental
96 health facility, as that term is used in chapter 394; a health
97 care facility licensed under chapter 395 which provides
98 substance abuse treatment; a licensed service provider as



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99 defined in s. 397.311; a facility providing services that
100 include clinical treatment, intervention, or prevention as
101 described in s. 397.311(26); a recovery residence as defined in
102 s. 397.311; an assisted living facility, as defined that term is
103 used in chapter 429; or a pain management clinic as defined in
104 s. 458.3265(1)(a)1.c. or s. 459.0137(1)(a)1.c. A person who
105 violates this paragraph with respect to:

106 1. A controlled substance named or described in s.
107 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
108 commits a felony of the first degree, punishable as provided in
109 s. 775.082, s. 775.083, or s. 775.084.

110 2. A controlled substance named or described in s.
111 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,
112 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of
113 the second degree, punishable as provided in s. 775.082, s.
114 775.083, or s. 775.084.

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

119 Section 3. Subsection (4) of section 893.145, Florida
120 Statutes, is amended to read:

121 893.145 "Drug paraphernalia" defined.—The term "drug
122 paraphernalia" means all equipment, products, and materials of
123 any kind which are used, intended for use, or designed for use
124 in planting, propagating, cultivating, growing, harvesting,
125 manufacturing, compounding, converting, producing, processing,
126 preparing, testing, analyzing, packaging, repackaging, storing,
127 containing, concealing, transporting, injecting, ingesting,



128 inhaling, or otherwise introducing into the human body a
129 controlled substance in violation of this chapter or s. 877.111.
130 Drug paraphernalia is deemed to be contraband which shall be
131 subject to civil forfeiture. The term includes, but is not
132 limited to:

133 (4) Testing equipment used, intended for use, or designed
134 for use in identifying, or in analyzing the strength,
135 effectiveness, or purity of, controlled substances, excluding
136 narcotic drug testing products that are used to determine
137 whether a controlled substance contains fentanyl as described in
138 s. 893.03(2)(b)9. or a controlled substance analog, as defined
139 in s. 893.0356, of fentanyl.

140 Section 4. Subsection (3) of section 893.149, Florida
141 Statutes, is amended to read:

142 893.149 Unlawful possession of listed chemical.—

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

147 Section 5. Paragraphs (c) and (e) of subsection (3) of
148 section 921.0022, Florida Statutes, are amended to read:

149 921.0022 Criminal Punishment Code; offense severity ranking
150 chart.—

151 (3) OFFENSE SEVERITY RANKING CHART

152 (c) LEVEL 3

153

Florida Statute	Felony Degree	Description
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154



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155	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
156	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
157	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
158	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
159	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
160	319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
161	319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.



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162	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
163	327.35(2)(b)	3rd	Felony BUI.
164	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
165	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
166	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
	379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell,



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167	379.2431 (1) (e) 6.	3rd	molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
168	379.2431 (1) (e) 7.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
169	400.9935 (4) (a) or (b)	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
170	400.9935 (4) (e)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
			Filing a false license application or other required information or failing to report



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171			information.
	440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
172			
	501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
173			
	624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
174			
	624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
175			
	626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
176			
	697.08	3rd	Equity skimming.
177			
	790.15(3)	3rd	Person directs another to



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178			discharge firearm from a vehicle.
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
179			
	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
180			
	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
181			
	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
182			
	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
183			
	812.015 (8) (b)	3rd	Retail theft with intent to sell; conspires with others.
184			



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185	812.081 (2)	3rd	Theft of a trade secret.
186	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
187	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
188	817.233	3rd	Burning to defraud insurer.
189	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
190	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
191	817.236	3rd	Filing a false motor vehicle insurance application.
192	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.



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193	817.413 (2)	3rd	Sale of used goods of \$1,000 or more as new.
194	817.49 (2) (b) 1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
195	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
196	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
197	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
198	843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
	860.15 (3)	3rd	Overcharging for repairs



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199			and parts.
200	870.01 (2)	3rd	Riot.
201	870.01 (4)	3rd	Inciting a riot.
202	893.13 (1) (a) 2.	3rd	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).
203	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.
	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.



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204			(2) (e) 9., (2) (e) 10., (3), or (4) drugs within 1,000 feet of public housing facility.
	893.13 (4) (c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
205			
	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
206			
	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
207			
	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
208			
	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
209			



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210	893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
211	893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
212	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.
213	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a



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patient, other person, or
 an animal if the sole
 purpose of writing the
 prescription is a monetary
 benefit for the
 practitioner.

214

918.13(1)(a) 3rd Alter, destroy, or conceal
 investigation evidence.

215

944.47 3rd Introduce contraband to
 (1)(a)1. & 2. correctional facility.

216

944.47(1)(c) 2nd Possess contraband while
 upon the grounds of a
 correctional institution.

217

985.721 3rd Escapes from a juvenile
 facility (secure detention
 or residential commitment
 facility).

218

219

220 (e) LEVEL 5

221

Florida	Felony	
Statute	Degree	Description

222

316.027(2)(a)	3rd	Accidents involving
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223			personal injuries other than serious bodily injury, failure to stop; leaving scene.
224	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
225	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
226	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
227	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



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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,
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.

228

379.367(4)

3rd

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

229

379.407(5)(b)3.

3rd

Possession of 100 or
more undersized spiny
lobsters.

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231	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
232	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
233	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
234	440.381 (2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
235	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
	626.902 (1) (c)	2nd	Representing an



236			unauthorized insurer; repeat offender.
	790.01 (2)	3rd	Carrying a concealed firearm.
237			
	790.162	2nd	Threat to throw or discharge destructive device.
238			
	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
239			
	790.221 (1)	2nd	Possession of short- barreled shotgun or machine gun.
240			
	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
241			
	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
242			
	800.04 (6) (c)	3rd	Lewd or lascivious



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243			conduct; offender less than 18 years of age.
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
244			
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
245			
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
246			
	812.015 (8) (a) & (c) - (e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
247			
	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
248			
	812.081 (3)	2nd	Trafficking in trade secrets.
249			
	812.131 (2) (b)	3rd	Robbery by sudden



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250

812.16(2)

3rd

snatching.

Owning, operating, or
conducting a chop shop.

251

817.034(4)(a)2.

2nd

Communications fraud,
value \$20,000 to
\$50,000.

252

817.234(11)(b)

2nd

Insurance fraud;
property value \$20,000
or more but less than
\$100,000.

253

817.2341(1),
(2)(a) & (3)(a)

3rd

Filing false financial
statements, making false
entries of material fact
or false statements
regarding property
values relating to the
solvency of an insuring
entity.

254

817.568(2)(b)

2nd

Fraudulent use of
personal identification
information; value of
benefit, services
received, payment
avoided, or amount of



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255	817.611 (2) (a)	2nd	injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
256	817.625 (2) (b)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
257	825.1025 (4)	3rd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
258	827.071 (4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
			Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.



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259	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
260	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
261	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.
262	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
263	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.



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264	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
265	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
266	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
267	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
268	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. drugs).
269			



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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.

270

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.

271

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.,



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(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.

272

~~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.~~

273

893.13(4)(b)

2nd

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

274

893.1351(1)

3rd

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

275

276

277



278
279 ===== T I T L E A M E N D M E N T =====

280 And the title is amended as follows:

281 Delete lines 7 - 11

282 and insert:

283 s. 893.13, F.S.; revising specified activities
284 involving controlled substances within 1,000 feet of
285 specified places or facilities; deleting specified
286 prohibited activities involving controlled substances
287 within 1,000 feet of a public housing facility;
288 prohibiting specified activities involving controlled
289 substances within 1,000 feet of additional specified
290 facilities; providing criminal penalties; amending s.
291 893.145, F.S.; revising the definition of the term
292 "drug paraphernalia"; amending 893.149, F.S.;
293 conforming a cross-reference; amending 921.0022, F.S.;
294 conforming provisions to changes made by the act;
295 providing