

1 A bill to be entitled
 2 An act relating to drug-enhancement zones; amending s.
 3 893.13, F.S.; revising certain drug-enhancement zones;
 4 providing an effective date.

5
 6 Be It Enacted by the Legislature of the State of Florida:

7
 8 Section 1. Paragraphs (c) and (e) of subsection (1) of
 9 section 893.13, Florida Statutes, are amended to read:

10 893.13 Prohibited acts; penalties.—

11 (1)

12 (c) Except as authorized by this chapter, a person may not
 13 sell, manufacture, or deliver, or possess with intent to sell,
 14 manufacture, or deliver, a controlled substance in, on, or
 15 within 1,000 feet of the real property comprising a child care
 16 facility as defined in s. 402.302 or a public or private
 17 elementary, middle, or secondary school during the hours of
 18 operation of the child care facility or school, including when
 19 the child care facility or school is providing services to
 20 children or students outside of normal hours of operation
 21 ~~between the hours of 6 a.m. and 12 midnight,~~ or at any time in,
 22 on, or within 1,000 feet of real property comprising a state,
 23 county, or municipal park, a community center, or a publicly
 24 owned recreational facility. As used in this paragraph, the term
 25 "community center" means a facility operated by a nonprofit

26 | community-based organization for the provision of recreational,
 27 | social, or educational services to the public. A person who
 28 | violates this paragraph with respect to:

29 | 1. A controlled substance named or described in s.
 30 | 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.
 31 | commits a felony of the first degree, punishable as provided in
 32 | s. 775.082, s. 775.083, or s. 775.084. The defendant must be
 33 | sentenced to a minimum term of imprisonment of 3 calendar years
 34 | unless the offense was committed within 1,000 feet of the real
 35 | property comprising a child care facility as defined in s.
 36 | 402.302.

37 | 2. A controlled substance named or described in s.
 38 | 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 6., (2) (c) 7.,
 39 | (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) commits a felony of
 40 | the second degree, punishable as provided in s. 775.082, s.
 41 | 775.083, or s. 775.084.

42 | 3. Any other controlled substance, except as lawfully
 43 | sold, manufactured, or delivered, must be sentenced to pay a
 44 | \$500 fine and to serve 100 hours of public service in addition
 45 | to any other penalty prescribed by law.

46 |
 47 | This paragraph does not apply to a child care facility unless
 48 | the owner or operator of the facility posts a sign that is not
 49 | less than 2 square feet in size with a word legend identifying
 50 | the facility as a licensed child care facility and that is

51 | posted on the property of the child care facility in a
52 | conspicuous place where the sign is reasonably visible to the
53 | public.

54 | (e) Except as authorized by this chapter, a person may not
55 | sell, manufacture, or deliver, or possess with intent to sell,
56 | manufacture, or deliver, a controlled substance not authorized
57 | by law in, on, or within 1,000 feet of a physical place for
58 | worship at which a church or religious organization regularly
59 | conducts religious services when such church or religious
60 | organization is conducting religious services or activities or
61 | within 1,000 feet of a convenience business as defined in s.
62 | 812.171. A person who violates this paragraph with respect to:

63 | 1. A controlled substance named or described in s.
64 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
65 | commits a felony of the first degree, punishable as provided in
66 | s. 775.082, s. 775.083, or s. 775.084.

67 | 2. A controlled substance named or described in s.
68 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,
69 | (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of
70 | the second degree, punishable as provided in s. 775.082, s.
71 | 775.083, or s. 775.084.

72 | 3. Any other controlled substance, except as lawfully
73 | sold, manufactured, or delivered, must be sentenced to pay a
74 | \$500 fine and to serve 100 hours of public service in addition
75 | to any other penalty prescribed by law.

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76 | Section 2. This act shall take effect July 1, 2023. |