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LEGISLATIVE ACTION

Senate

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House

Senator Pizzo moved the following:

1 **Senate Amendment to Amendment (576340) (with directory and**
2 **title amendments)**

3
4 Between lines 99 and 100
5 insert:

6 (c) Except as authorized by this chapter, a person may not
7 sell, manufacture, or deliver, or possess with intent to sell,
8 manufacture, or deliver, a controlled substance in, on, or
9 within 1,000 feet of the real property comprising a child care
10 facility as defined in s. 402.302 or a public or private
11 elementary, middle, or secondary school between the hours of 6



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12 a.m. and 12 midnight, or during the hours of operation ~~at any~~
13 ~~time~~ in, on, or within 1,000 feet of real property comprising a
14 state, county, or municipal park, a community center, or a
15 publicly owned recreational facility. As used in this paragraph,
16 the term "community center" means a facility operated by a
17 nonprofit community-based organization for the provision of
18 recreational, social, or educational services to the public. A
19 person who violates this paragraph 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)5.
22 commits a felony of the first degree, punishable as provided in
23 s. 775.082, s. 775.083, or s. 775.084. The defendant must be
24 sentenced to a minimum term of imprisonment of 3 calendar years
25 unless the offense was committed within 1,000 feet of the real
26 property comprising a child care facility as defined in s.
27 402.302.

28 2. A controlled substance named or described in s.
29 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,
30 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of
31 the second degree, punishable as provided in s. 775.082, s.
32 775.083, or s. 775.084.

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

37
38 This paragraph does not apply to a child care facility unless
39 the owner or operator of the facility posts a sign that is not
40 less than 2 square feet in size with a word legend identifying



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41 the facility as a licensed child care facility and that is
42 posted on the property of the child care facility in a
43 conspicuous place where the sign is reasonably visible to the
44 public.

45

46 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

47 And the directory clause is amended as follows:

48 Delete lines 96 - 97

49 and insert:

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

52

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

54 And the title is amended as follows:

55 Delete line 305

56 and insert:

57 893.13, F.S.; revising specified prohibited activities
58 involving controlled substances within 1,000 feet of
59 specified places or facilities during the hours of
60 operation; prohibiting specified activities