

SB 1520 – Controlled Substances

This bill amends s. 893.13, F.S., adding the following language (new language in bold): a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a child care facility as defined in s. 402.302, F.S. or a public or private elementary, middle, or secondary school **during the school's hours of operation, including when the school is providing services to students outside of normal hours of operation, or during the hours of operation** in, on, or within 1,000 feet of real property comprising a state, county, or municipal park, a community center, or a publicly owned recreational facility." Currently, this applies to schools between 6 a.m. and 12 midnight, and applies to public locations at any time, so this new language would decrease the number of hours during which this offense would apply. Similar language changes occur later in the bill (new language in bold): "a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance not authorized by law in, on, or within 1,000 feet of a physical place for worship at which a church or religious organization regularly conducts religious services **when such church or religious organization is conducting services or other activities**. Also, "within 1,000 feet of a convenience business as defined in s. 812.171, F.S." is deleted. Finally, this bill deletes the language for a person committing these acts "within 1,000 feet of the real property comprising a public housing facility at any time." This removes the Level 3, 2nd degree felony and Level 5, 1st degree felony associated with these acts.

Per DOC, in FY 18-19, there were 469 new commitments to prison for drug violations within 1,000 feet of child care facilities, schools, public places, religious organizations, and convenience businesses. In FY 19-20 there were 311 new commitments. In FY 20-21 there were 246 new commitments, and there were 300 new commitments in FY 21-22. It is not known how many of these offenders would be impacted by this new language.

Per DOC, in FY 18-19, there were 26 new commitments to prison for drug violations within 1,000 feet of a public housing facility, and there were 14 new commitments in FY 19-20. In FY 20-21 there were 11 new commitments, and there were 9 new commitments in FY 21-22. Although the new language removes these felonies, it is not known what other felonies these offenders would be charged with as primary offenses for the sale, manufacture, or delivery, or possessing with intent to sell, manufacture, or deliver drugs.

CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate

Requested by: Senate