

# Supreme Court of Florida

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No. 74,582

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MICHAEL FREDERICK MORROW, et al., Petitioners,

vs.

STATE OF FLORIDA, Respondent.

[March 15, 1990]

PER CURIAM.

We have for review *Morrow v. State*, 547 So.2d 1236 (Fla. 5th DCA 1989), in which the district court certified the following question to be of great public importance:

IS SECTION 893.13(1)(e),<sup>[1]</sup> FLORIDA  
STATUTES (1987) CONSTITUTIONAL?

Id. at 1237. We have jurisdiction. Art. V, § 3(b)(4), Fla.  
Const.

In Burch v. State, No. 73,826 (Fla. Feb. 15, 1990), we  
answered the certified question affirmatively. Therefore, we  
approve the decision below.<sup>2</sup>

It is so ordered.

EHRlich, C.J., and OVERTON, McDONALD, SHAW, BARKETT, GRIMES and  
KOGAN, JJ., Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF  
FILED, DETERMINED.

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<sup>1</sup> Section 893.13(1)(e), Florida Statutes (1987), provides:  
(e) Except as authorized by this chapter, it  
is unlawful for any person to sell, purchase,  
manufacture, or deliver, or to possess with the  
intent to sell, purchase, manufacture, or deliver, a  
controlled substance in, on, or within 1,000 feet of  
the real property comprising a public or private  
elementary, middle, or secondary school. Any person  
who violates this paragraph with respect to:

1. A controlled substance named or described  
in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), or  
(2)(b) is guilty of a felony of the first degree,  
punishable as provided in s. 775.082, s. 775.083, or  
s. 775.084.

2. A controlled substance named or described  
in s. 893.03(1)(c), (2)(c), (3), or (4) is guilty of  
a felony of the second degree, punishable as  
provided in s. 775.082, s. 775.083, or s. 775.084.

<sup>2</sup> We decline to address the other issue sought to be raised here  
which was not discussed in the district court opinion.

Application for Review of the Decision of the District Court  
of Appeal - Certified Great Public Importance

Fifth District - Case Nos. 88-1010, 88-1218, 88-1219,  
88-1345, 88-1488, 88-1489,  
88-1568, 88-1569, 88-1572,  
88-2185, 88-2264 & 88-2265

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