

By Representative Benson

1                                   A bill to be entitled  
2           An act relating to controlled substances;  
3           amending s. 893.03, F.S.; adding carisoprodol  
4           to Schedule IV of the controlled substance  
5           standards and schedules; reenacting ss.  
6           316.193(5), 322.2616(2)(c), 327.35(5),  
7           440.102(11)(b), 458.326(3), 817.563,  
8           831.31(1)(a) and (2), 856.015(1)(d), 893.02(4),  
9           893.13(1)(a), (c), (d), (e), and (f), (2)(a),  
10          (4)(b), and (5)(b), and 921.0022(3)(b), (c),  
11          and (e), F.S., relating to driving under the  
12          influence, persons under 21 years of age  
13          driving with a blood-alcohol or breath-alcohol  
14          level in excess of a specified threshold,  
15          boating under the influence, drug-free  
16          workplace program requirements, treatment of  
17          intractable pain, sale of substance in lieu of  
18          controlled substance, counterfeit controlled  
19          substances, open house parties, the definition  
20          of "controlled substance," prohibited acts  
21          involving controlled substances, and the  
22          offense severity ranking chart, respectively,  
23          to incorporate the amendment to s. 893.03,  
24          F.S., in references thereto; providing an  
25          effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29           Section 1. Paragraph (jjj) is added to subsection (4)  
30   of section 893.03, Florida Statutes, to read:

31

1           893.03 Standards and schedules.--The substances  
2 enumerated in this section are controlled by this chapter.  
3 The controlled substances listed or to be listed in Schedules  
4 I, II, III, IV, and V are included by whatever official,  
5 common, usual, chemical, or trade name designated. The  
6 provisions of this section shall not be construed to include  
7 within any of the schedules contained in this section any  
8 excluded drugs listed within the purview of 21 C.F.R. s.  
9 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24,  
10 styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32,  
11 styled "Exempted Prescription Products"; or 21 C.F.R. s.  
12 1308.34, styled "Exempt Anabolic Steroid Products."

13           (4) SCHEDULE IV.--A substance in Schedule IV has a low  
14 potential for abuse relative to the substances in Schedule III  
15 and has a currently accepted medical use in treatment in the  
16 United States, and abuse of the substance may lead to limited  
17 physical or psychological dependence relative to the  
18 substances in Schedule III. Unless specifically excepted or  
19 unless listed in another schedule, any material, compound,  
20 mixture, or preparation which contains any quantity of the  
21 following substances, including its salts, isomers, and salts  
22 of isomers whenever the existence of such salts, isomers, and  
23 salts of isomers is possible within the specific chemical  
24 designation, are controlled in Schedule IV:

25           (jjj) Carisoprodol.

26           Section 2. For the purpose of incorporating the  
27 amendment to section 893.03, Florida Statutes, in references  
28 thereto, the sections or subdivisions of Florida Statutes set  
29 forth below are reenacted to read:

30           316.193 Driving under the influence; penalties.--

31

1           (5) The court shall place all offenders convicted of  
2 violating this section on monthly reporting probation and  
3 shall require completion of a substance abuse course conducted  
4 by a DUI program licensed by the department under s. 322.292,  
5 which must include a psychosocial evaluation of the offender.  
6 If the DUI program refers the offender to an authorized  
7 substance abuse treatment provider for substance abuse  
8 treatment, in addition to any sentence or fine imposed under  
9 this section, completion of all such education, evaluation,  
10 and treatment is a condition of reporting probation. The  
11 offender shall assume reasonable costs for such education,  
12 evaluation, and treatment. The referral to treatment resulting  
13 from a psychosocial evaluation shall not be waived without a  
14 supporting independent psychosocial evaluation conducted by an  
15 authorized substance abuse treatment provider appointed by the  
16 court, which shall have access to the DUI program's  
17 psychosocial evaluation before the independent psychosocial  
18 evaluation is conducted. The court shall review the results  
19 and recommendations of both evaluations before determining the  
20 request for waiver. The offender shall bear the full cost of  
21 this procedure. The term "substance abuse" means the abuse of  
22 alcohol or any substance named or described in Schedules I  
23 through V of s. 893.03. If an offender referred to treatment  
24 under this subsection fails to report for or complete such  
25 treatment or fails to complete the DUI program substance abuse  
26 education course and evaluation, the DUI program shall notify  
27 the court and the department of the failure. Upon receipt of  
28 the notice, the department shall cancel the offender's driving  
29 privilege, notwithstanding the terms of the court order or any  
30 suspension or revocation of the driving privilege. The  
31 department may temporarily reinstate the driving privilege on

1 a restricted basis upon verification from the DUI program that  
2 the offender is currently participating in treatment and the  
3 DUI education course and evaluation requirement has been  
4 completed. If the DUI program notifies the department of the  
5 second failure to complete treatment, the department shall  
6 reinstate the driving privilege only after notice of  
7 completion of treatment from the DUI program. The  
8 organization that conducts the substance abuse education and  
9 evaluation may not provide required substance abuse treatment  
10 unless a waiver has been granted to that organization by the  
11 department. A waiver may be granted only if the department  
12 determines, in accordance with its rules, that the service  
13 provider that conducts the substance abuse education and  
14 evaluation is the most appropriate service provider and is  
15 licensed under chapter 397 or is exempt from such licensure. A  
16 statistical referral report shall be submitted quarterly to  
17 the department by each organization authorized to provide  
18 services under this section.

19 322.2616 Suspension of license; persons under 21 years  
20 of age; right to review.--

21 (2)

22 (c) When a driver subject to this section has a  
23 blood-alcohol or breath-alcohol level of 0.05 or higher, the  
24 suspension shall remain in effect until such time as the  
25 driver has completed a substance abuse course offered by a DUI  
26 program licensed by the department. The driver shall assume  
27 the reasonable costs for the substance abuse course. As part  
28 of the substance abuse course, the program shall conduct a  
29 substance abuse evaluation of the driver, and notify the  
30 parents or legal guardians of drivers under the age of 19  
31 years of the results of the evaluation. The term "substance

1 abuse" means the abuse of alcohol or any substance named or  
2 described in Schedules I through V of s. 893.03. If a driver  
3 fails to complete the substance abuse education course and  
4 evaluation, the driver's license shall not be reinstated by  
5 the department.

6 327.35 Boating under the influence; penalties;  
7 "designated drivers".--

8 (5) In addition to any sentence or fine, the court  
9 shall place any offender convicted of violating this section  
10 on monthly reporting probation and shall require attendance at  
11 a substance abuse course specified by the court; and the  
12 agency conducting the course may refer the offender to an  
13 authorized service provider for substance abuse evaluation and  
14 treatment, in addition to any sentence or fine imposed under  
15 this section. The offender shall assume reasonable costs for  
16 such education, evaluation, and treatment, with completion of  
17 all such education, evaluation, and treatment being a  
18 condition of reporting probation. Treatment resulting from a  
19 psychosocial evaluation may not be waived without a supporting  
20 psychosocial evaluation conducted by an agency appointed by  
21 the court and with access to the original evaluation. The  
22 offender shall bear the cost of this procedure. The term  
23 "substance abuse" means the abuse of alcohol or any substance  
24 named or described in Schedules I-V of s. 893.03.

25 440.102 Drug-free workplace program requirements.--The  
26 following provisions apply to a drug-free workplace program  
27 implemented pursuant to law or to rules adopted by the Agency  
28 for Health Care Administration:

29 (11) PUBLIC EMPLOYEES IN SAFETY-SENSITIVE OR  
30 SPECIAL-RISK POSITIONS.--

31

1           (b) An employee who is employed by a public employer  
2 in a special-risk position may be discharged or disciplined by  
3 a public employer for the first positive confirmed test result  
4 if the drug confirmed is an illicit drug under s. 893.03. A  
5 special-risk employee who is participating in an employee  
6 assistance program or drug rehabilitation program may not be  
7 allowed to continue to work in any special-risk or  
8 safety-sensitive position of the public employer, but may be  
9 assigned to a position other than a safety-sensitive position  
10 or placed on leave while the employee is participating in the  
11 program. However, the employee shall be permitted to use any  
12 accumulated annual leave credits before leave may be ordered  
13 without pay.

14           458.326 Intractable pain; authorized treatment.--

15           (3) Notwithstanding any other provision of law, a  
16 physician may prescribe or administer any controlled substance  
17 under Schedules II-V, as provided for in s. 893.03, to a  
18 person for the treatment of intractable pain, provided the  
19 physician does so in accordance with that level of care,  
20 skill, and treatment recognized by a reasonably prudent  
21 physician under similar conditions and circumstances.

22           817.563 Controlled substance named or described in s.  
23 893.03; sale of substance in lieu thereof.--It is unlawful for  
24 any person to agree, consent, or in any manner offer to  
25 unlawfully sell to any person a controlled substance named or  
26 described in s. 893.03 and then sell to such person any other  
27 substance in lieu of such controlled substance. Any person who  
28 violates this section with respect to:

29           (1) A controlled substance named or described in s.  
30 893.03(1), (2), (3), or (4) is guilty of a felony of the third  
31

1 degree, punishable as provided in s. 775.082, s. 775.083, or  
2 s. 775.084.

3 (2) A controlled substance named or described in s.  
4 893.03(5) is guilty of a misdemeanor of the second degree,  
5 punishable as provided in s. 775.082 or s. 775.083.

6 831.31 Counterfeit controlled substance; sale,  
7 manufacture, delivery, or possession with intent to sell,  
8 manufacture, or deliver.--

9 (1) It is unlawful for any person to sell,  
10 manufacture, or deliver, or to possess with intent to sell,  
11 manufacture, or deliver, a counterfeit controlled substance.  
12 Any person who violates this subsection with respect to:

13 (a) A controlled substance named or described in s.  
14 893.03(1), (2), (3), or (4) is guilty of a felony of the third  
15 degree, punishable as provided in s. 775.082, s. 775.083, or  
16 s. 775.084.

17 (2) For purposes of this section, "counterfeit  
18 controlled substance" means:

19 (a) A controlled substance named or described in s.  
20 893.03 which, or the container or labeling of which, without  
21 authorization bears the trademark, trade name, or other  
22 identifying mark, imprint, or number, or any likeness thereof,  
23 of a manufacturer other than the person who in fact  
24 manufactured the controlled substance; or

25 (b) Any substance which is falsely identified as a  
26 controlled substance named or described in s. 893.03.

27 856.015 Open house parties.--

28 (1) Definitions.--As used in this section:

29 (d) "Drug" means a controlled substance, as that term  
30 is defined in ss. 893.02(4) and 893.03.

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1           893.02 Definitions.--The following words and phrases  
2 as used in this chapter shall have the following meanings,  
3 unless the context otherwise requires:

4           (4) "Controlled substance" means any substance named  
5 or described in Schedules I-V of s. 893.03. Laws controlling  
6 the manufacture, distribution, preparation, dispensing, or  
7 administration of such substances are drug abuse laws.

8           893.13 Prohibited acts; penalties.--

9           (1)(a) Except as authorized by this chapter and  
10 chapter 499, it is unlawful for any person to sell,  
11 manufacture, or deliver, or possess with intent to sell,  
12 manufacture, or deliver, a controlled substance. Any person  
13 who violates this provision with respect to:

14           1. A controlled substance named or described in s.  
15 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
16 commits a felony of the second degree, punishable as provided  
17 in s. 775.082, s. 775.083, or s. 775.084.

18           2. A controlled substance named or described in s.  
19 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
20 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
21 felony of the third degree, punishable as provided in s.  
22 775.082, s. 775.083, or s. 775.084.

23           3. A controlled substance named or described in s.  
24 893.03(5) commits a misdemeanor of the first degree,  
25 punishable as provided in s. 775.082 or s. 775.083.

26           (c) Except as authorized by this chapter, it is  
27 unlawful for any person to sell, manufacture, or deliver, or  
28 possess with intent to sell, manufacture, or deliver a  
29 controlled substance in, on, or within 1,000 feet of the real  
30 property comprising a child care facility as defined in s.  
31 402.302 or a public or private elementary, middle, or



1 secondary school between the hours of 6 a.m. and 12 a.m. Any  
2 person who violates this paragraph with respect to:

3 1. A controlled substance named or described in s.  
4 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
5 commits a felony of the first degree, punishable as provided  
6 in s. 775.082, s. 775.083, or s. 775.084. The defendant must  
7 be sentenced to a minimum term of imprisonment of 3 calendar  
8 years unless the offense was committed within 1,000 feet of  
9 the real property comprising a child care facility as defined  
10 in s. 402.302.

11 2. A controlled substance named or described in s.  
12 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
13 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
14 felony of the second degree, punishable as provided in s.  
15 775.082, s. 775.083, or s. 775.084.

16 3. Any other controlled substance, except as lawfully  
17 sold, manufactured, or delivered, must be sentenced to pay a  
18 \$500 fine and to serve 100 hours of public service in addition  
19 to any other penalty prescribed by law.

20  
21 This paragraph does not apply to a child care facility unless  
22 the owner or operator of the facility posts a sign that is not  
23 less than 2 square feet in size with a word legend identifying  
24 the facility as a licensed child care facility and that is  
25 posted on the property of the child care facility in a  
26 conspicuous place where the sign is reasonably visible to the  
27 public.

28 (d) Except as authorized by this chapter, it is  
29 unlawful for any person to sell, manufacture, or deliver, or  
30 possess with intent to sell, manufacture, or deliver, a  
31 controlled substance in, on, or within 200 feet of the real

1 property comprising a public or private college, university,  
2 or other postsecondary educational institution, or within 200  
3 feet of any public park. Any person who violates this  
4 paragraph with respect to:

5           1. A controlled substance named or described in s.  
6 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
7 commits a felony of the first degree, punishable as provided  
8 in s. 775.082, s. 775.083, or s. 775.084.

9           2. A controlled substance named or described in s.  
10 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
11 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
12 felony of the second degree, punishable as provided in s.  
13 775.082, s. 775.083, or s. 775.084.

14           3. Any other controlled substance, except as lawfully  
15 sold, manufactured, or delivered, must be sentenced to pay a  
16 \$500 fine and to serve 100 hours of public service in addition  
17 to any other penalty prescribed by law.

18           (e) Except as authorized by this chapter, it is  
19 unlawful for any person to sell, manufacture, or deliver, or  
20 possess with intent to sell, manufacture, or deliver, a  
21 controlled substance not authorized by law in, on, or within  
22 1,000 feet of a physical place for worship at which a church  
23 or religious organization regularly conducts religious  
24 services or within 1,000 feet of a convenience business as  
25 defined in s. 812.171. Any person who violates this paragraph  
26 with respect to:

27           1. A controlled substance named or described in s.  
28 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
29 commits a felony of the first degree, punishable as provided  
30 in s. 775.082, s. 775.083, or s. 775.084.

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1           2. A controlled substance named or described in s.  
2 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
3 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
4 felony of the second degree, punishable as provided in s.  
5 775.082, s. 775.083, or s. 775.084.

6           3. Any other controlled substance, except as lawfully  
7 sold, manufactured, or delivered, must be sentenced to pay a  
8 \$500 fine and to serve 100 hours of public service in addition  
9 to any other penalty prescribed by law.

10           (f) Except as authorized by this chapter, it is  
11 unlawful for any person to sell, manufacture, or deliver, or  
12 possess with intent to sell, manufacture, or deliver, a  
13 controlled substance in, on, or within 200 feet of the real  
14 property comprising a public housing facility at any time. For  
15 purposes of this section, the term "real property comprising a  
16 public housing facility" means real property, as defined in s.  
17 421.03(12), of a public corporation created as a housing  
18 authority pursuant to part I of chapter 421. Any person who  
19 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)4.,  
22 commits a felony of the first degree, punishable as provided  
23 in s. 775.082, s. 775.083, or s. 775.084.

24           2. A controlled substance named or described in s.  
25 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
26 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
27 felony of the second degree, punishable as provided in s.  
28 775.082, s. 775.083, or s. 775.084.

29           3. Any other controlled substance, except as lawfully  
30 sold, manufactured, or delivered, must be sentenced to pay a  
31

1 \$500 fine and to serve 100 hours of public service in addition  
2 to any other penalty prescribed by law.

3 (2)(a) Except as authorized by this chapter and  
4 chapter 499, it is unlawful for any person to purchase, or  
5 possess with intent to purchase, a controlled substance. Any  
6 person who violates this provision with respect to:

7 1. A controlled substance named or described in s.  
8 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
9 commits a felony of the second degree, punishable as provided  
10 in s. 775.082, s. 775.083, or s. 775.084.

11 2. A controlled substance named or described in s.  
12 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
13 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
14 felony of the third degree, punishable as provided in s.  
15 775.082, s. 775.083, or s. 775.084.

16 3. A controlled substance named or described in s.  
17 893.03(5) commits a misdemeanor of the first degree,  
18 punishable as provided in s. 775.082 or s. 775.083.

19 (4) Except as authorized by this chapter, it is  
20 unlawful for any person 18 years of age or older to deliver  
21 any controlled substance to a person under the age of 18  
22 years, or to use or hire a person under the age of 18 years as  
23 an agent or employee in the sale or delivery of such a  
24 substance, or to use such person to assist in avoiding  
25 detection or apprehension for a violation of this chapter. Any  
26 person who violates this provision with respect to:

27 (b) A controlled substance named or described in s.  
28 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
29 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
30 felony of the second degree, punishable as provided in s.  
31 775.082, s. 775.083, or s. 775.084.

1  
2 Imposition of sentence may not be suspended or deferred, nor  
3 shall the person so convicted be placed on probation.

4 (5) It is unlawful for any person to bring into this  
5 state any controlled substance unless the possession of such  
6 controlled substance is authorized by this chapter or unless  
7 such person is licensed to do so by the appropriate federal  
8 agency. Any person who violates this provision with respect  
9 to:

10 (b) A controlled substance named or described in s.  
11 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
12 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
13 felony of the third degree, punishable as provided in s.  
14 775.082, s. 775.083, or s. 775.084.

15 921.0022 Criminal Punishment Code; offense severity  
16 ranking chart.--

17 (3) OFFENSE SEVERITY RANKING CHART

18

19 Florida	Felony	
20 Statute	Degree	Description
		(b) LEVEL 2
23 403.413(5)(c)	3rd	Dumps waste litter exceeding 500 24 lbs. in weight or 100 cubic feet 25 in volume or any quantity for 26 commercial purposes, or hazardous 27 waste.
28 517.07	3rd	Registration of securities and 29 furnishing of prospectus 30 required.

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1	590.28(1)	3rd	Willful, malicious, or
2			intentional burning.
3	784.05(3)	3rd	Storing or leaving a loaded
4			firearm within reach of minor who
5			uses it to inflict injury or
6			death.
7	787.04(1)	3rd	In violation of court order,
8			take, entice, etc., minor beyond
9			state limits.
10	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000
11			or more to public communication
12			or any other public service.
13	810.09(2)(e)	3rd	Trespassing on posted commercial
14			horticulture property.
15	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or
16			more but less than \$5,000.
17	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
18			more but less than \$300, taken
19			from unenclosed curtilage of
20			dwelling.
21	812.015(7)	3rd	Possession, use, or attempted use
22			of an antishoplifting or
23			inventory control device
24			countermeasure.
25	817.234(1)(a)2.	3rd	False statement in support of
26			insurance claim.
27	817.481(3)(a)	3rd	Obtain credit or purchase with
28			false, expired, counterfeit,
29			etc., credit card, value over
30			\$300.
31			

1	817.52(3)	3rd	Failure to redeliver hired
2			vehicle.
3	817.54	3rd	With intent to defraud, obtain
4			mortgage note, etc., by false
5			representation.
6	817.60(5)	3rd	Dealing in credit cards of
7			another.
8	817.60(6)(a)	3rd	Forgery; purchase goods, services
9			with false card.
10	817.61	3rd	Fraudulent use of credit cards
11			over \$100 or more within 6
12			months.
13	826.04	3rd	Knowingly marries or has sexual
14			intercourse with person to whom
15			related.
16	831.01	3rd	Forgery.
17	831.02	3rd	Uttering forged instrument;
18			utters or publishes alteration
19			with intent to defraud.
20	831.07	3rd	Forging bank bills, checks,
21			drafts, or promissory notes.
22	831.08	3rd	Possessing 10 or more forged
23			notes, bills, checks, or drafts.
24	831.09	3rd	Uttering forged notes, bills,
25			checks, drafts, or promissory
26			notes.
27	831.11	3rd	Bringing into the state forged
28			bank bills, checks, drafts, or
29			notes.
30	832.05(3)(a)	3rd	Cashing or depositing item with
31			intent to defraud.

1	843.08	3rd	Falsely impersonating an officer.
2	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
3			(2)(c)1., (2)(c)2., (2)(c)3.,
4			(2)(c)5., (2)(c)6., (2)(c)7.,
5			(2)(c)8., (2)(c)9., (3), or (4)
6			drugs other than cannabis.
7	893.147(2)	3rd	Manufacture or delivery of drug
8			paraphernalia.
9			(c) LEVEL 3
10	316.1935(2)	3rd	Fleeing or attempting to elude
11			law enforcement officer in marked
12			patrol vehicle with siren and
13			lights activated.
14	319.30(4)	3rd	Possession by junkyard of motor
15			vehicle with identification
16			number plate removed.
17	319.33(1)(a)	3rd	Alter or forge any certificate of
18			title to a motor vehicle or
19			mobile home.
20	319.33(1)(c)	3rd	Procure or pass title on stolen
21			vehicle.
22	319.33(4)	3rd	With intent to defraud, possess,
23			sell, etc., a blank, forged, or
24			unlawfully obtained title or
25			registration.
26	328.05(2)	3rd	Possess, sell, or counterfeit
27			fictitious, stolen, or fraudulent
28			titles or bills of sale of
29			vessels.
30			
31			



1	328.07(4)	3rd	Manufacture, exchange, or possess
2			vessel with counterfeit or wrong
3			ID number.
4	376.302(5)	3rd	Fraud related to reimbursement
5			for cleanup expenses under the
6			Inland Protection Trust Fund.
7	501.001(2)(b)	2nd	Tampers with a consumer product
8			or the container using materially
9			false/misleading information.
10	697.08	3rd	Equity skimming.
11	790.15(3)	3rd	Person directs another to
12			discharge firearm from a vehicle.
13	796.05(1)	3rd	Live on earnings of a prostitute.
14	806.10(1)	3rd	Maliciously injure, destroy, or
15			interfere with vehicles or
16			equipment used in firefighting.
17	806.10(2)	3rd	Interferes with or assaults
18			firefighter in performance of
19			duty.
20	810.09(2)(c)	3rd	Trespass on property other than
21			structure or conveyance armed
22			with firearm or dangerous weapon.
23	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
24			less than \$10,000.
25	815.04(4)(b)	2nd	Computer offense devised to
26			defraud or obtain property.
27	817.034(4)(a)3.	3rd	Engages in scheme to defraud
28			(Florida Communications Fraud
29			Act), property valued at less
30			than \$20,000.
31	817.233	3rd	Burning to defraud insurer.

1	817.234(8)&(9)	3rd	Unlawful solicitation of persons
2			involved in motor vehicle
3			accidents.
4	817.234(11)(a)	3rd	Insurance fraud; property value
5			less than \$20,000.
6	817.505(4)	3rd	Patient brokering.
7	828.12(2)	3rd	Tortures any animal with intent
8			to inflict intense pain, serious
9			physical injury, or death.
10	831.28(2)(a)	3rd	Counterfeiting a payment
11			instrument with intent to defraud
12			or possessing a counterfeit
13			payment instrument.
14	831.29	2nd	Possession of instruments for
15			counterfeiting drivers' licenses
16			or identification cards.
17	838.021(3)(b)	3rd	Threatens unlawful harm to public
18			servant.
19	843.19	3rd	Injure, disable, or kill police
20			dog or horse.
21	870.01(2)	3rd	Riot; inciting or encouraging.
22	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
23			cannabis (or other s.
24			893.03(1)(c), (2)(c)1., (2)(c)2.,
25			(2)(c)3., (2)(c)5., (2)(c)6.,
26			(2)(c)7., (2)(c)8., (2)(c)9.,
27			(3), or (4) drugs).
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1	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
2			893.03(1)(c), (2)(c)1., (2)(c)2.,
3			(2)(c)3., (2)(c)5., (2)(c)6.,
4			(2)(c)7., (2)(c)8., (2)(c)9.,
5			(3), or (4) drugs within 200 feet
6			of university or public park.
7	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
8			893.03(1)(c), (2)(c)1., (2)(c)2.,
9			(2)(c)3., (2)(c)5., (2)(c)6.,
10			(2)(c)7., (2)(c)8., (2)(c)9.,
11			(3), or (4) drugs within 200 feet
12			of public housing facility.
13	893.13(6)(a)	3rd	Possession of any controlled
14			substance other than felony
15			possession of cannabis.
16	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
17			controlled substance by fraud,
18			forgery, misrepresentation, etc.
19	893.13(7)(a)11.	3rd	Furnish false or fraudulent
20			material information on any
21			document or record required by
22			chapter 893.
23	918.13(1)(a)	3rd	Alter, destroy, or conceal
24			investigation evidence.
25	944.47		
26	(1)(a)1.-2.	3rd	Introduce contraband to
27			correctional facility.
28	944.47(1)(c)	2nd	Possess contraband while upon the
29			grounds of a correctional
30			institution.
31			

1	985.3141	3rd	Escapes from a juvenile facility
2			(secure detention or residential
3			commitment facility).
4			(e) LEVEL 5
5	316.027(1)(a)	3rd	Accidents involving personal
6			injuries, failure to stop;
7			leaving scene.
8	316.1935(4)	2nd	Aggravated fleeing or eluding.
9	322.34(6)	3rd	Careless operation of motor
10			vehicle with suspended license,
11			resulting in death or serious
12			bodily injury.
13	327.30(5)	3rd	Vessel accidents involving
14			personal injury; leaving scene.
15	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
16			knowing HIV positive.
17	790.01(2)	3rd	Carrying a concealed firearm.
18	790.162	2nd	Threat to throw or discharge
19			destructive device.
20	790.163	2nd	False report of deadly explosive.
21	790.165(2)	3rd	Manufacture, sell, possess, or
22			deliver hoax bomb.
23	790.221(1)	2nd	Possession of short-barreled
24			shotgun or machine gun.
25	790.23	2nd	Felons in possession of firearms
26			or electronic weapons or devices.
27	800.04(6)(c)	3rd	Lewd or lascivious conduct;
28			offender less than 18 years.
29	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
30			offender 18 years or older.
31			

1	806.111(1)	3rd	Possess, manufacture, or dispense
2			fire bomb with intent to damage
3			any structure or property.
4	812.015(8)	3rd	Retail theft; property stolen is
5			valued at \$300 or more and one or
6			more specified acts.
7	812.019(1)	2nd	Stolen property; dealing in or
8			trafficking in.
9	812.131(2)(b)	3rd	Robbery by sudden snatching.
10	812.16(2)	3rd	Owning, operating, or conducting
11			a chop shop.
12	817.034(4)(a)2.	2nd	Communications fraud, value
13			\$20,000 to \$50,000.
14	817.234(11)(b)	2nd	Insurance fraud; property value
15			\$20,000 or more but less than
16			\$100,000.
17	817.568(2)(b)	2nd	Fraudulent use of personal
18			identification information; value
19			of benefit, services received,
20			payment avoided, or amount of
21			injury or fraud, \$75,000 or more.
22	817.625(2)(b)	2nd	Second or subsequent fraudulent
23			use of scanning device or
24			reencoder.
25	825.1025(4)	3rd	Lewd or lascivious exhibition in
26			the presence of an elderly person
27			or disabled adult.
28	827.071(4)	2nd	Possess with intent to promote
29			any photographic material, motion
30			picture, etc., which includes
31			sexual conduct by a child.

1	843.01	3rd	Resist officer with violence to
2			person; resist arrest with
3			violence.
4	874.05(2)	2nd	Encouraging or recruiting another
5			to join a criminal street gang;
6			second or subsequent offense.
7	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
8			cocaine (or other s.
9			893.03(1)(a), (1)(b), (1)(d),
10			(2)(a), (2)(b), or (2)(c)4.
11			drugs).
12	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
13			cannabis (or other s.
14			893.03(1)(c), (2)(c)1., (2)(c)2.,
15			(2)(c)3., (2)(c)5., (2)(c)6.,
16			(2)(c)7., (2)(c)8., (2)(c)9.,
17			(3), or (4) drugs) within 1,000
18			feet of a child care facility or
19			school.
20	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
21			cocaine (or other s.
22			893.03(1)(a), (1)(b), (1)(d),
23			(2)(a), (2)(b), or (2)(c)4.
24			drugs) within 200 feet of
25			university or public park.
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1 893.13(1)(e)2. 2nd Sell, manufacture, or deliver  
2 cannabis or other drug prohibited  
3 under s. 893.03(1)(c), (2)(c)1.,  
4 (2)(c)2., (2)(c)3., (2)(c)5.,  
5 (2)(c)6., (2)(c)7., (2)(c)8.,  
6 (2)(c)9., (3), or (4) within  
7 1,000 feet of property used for  
8 religious services or a specified  
9 business site.

10 893.13(1)(f)1. 1st Sell, manufacture, or deliver  
11 cocaine (or other s.  
12 893.03(1)(a), (1)(b), (1)(d), or  
13 (2)(a), (2)(b), or (2)(c)4.  
14 drugs) within 200 feet of public  
15 housing facility.

16 893.13(4)(b) 2nd Deliver to minor cannabis (or  
17 other s. 893.03(1)(c), (2)(c)1.,  
18 (2)(c)2., (2)(c)3., (2)(c)5.,  
19 (2)(c)6., (2)(c)7., (2)(c)8.,  
20 (2)(c)9., (3), or (4) drugs).

21 Section 3. This act shall take effect July 1, 2002.

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23 HOUSE SUMMARY

24  
25 Adds carisoprodol to Schedule IV of the controlled  
26 substance standards and schedules.  
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