

By Senator Peadar

1-746-02

See HB 351

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), 921.0022(3)(b), (c), and  
 11          (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 made by this act to section 893.03, Florida  
28 Statutes, in references thereto, subsection (5) of section  
29 316.193, Florida Statutes, is 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 Section 3. For the purpose of incorporating the  
20 amendment made by this act to section 893.03, Florida  
21 Statutes, in references thereto, paragraph (c) of subsection  
22 (2) of section 322.2616, Florida Statutes, is reenacted to  
23 read:

24 322.2616 Suspension of license; persons under 21 years  
25 of age; right to review.--

26 (2)

27 (c) When a driver subject to this section has a  
28 blood-alcohol or breath-alcohol level of 0.05 or higher, the  
29 suspension shall remain in effect until such time as the  
30 driver has completed a substance abuse course offered by a DUI  
31 program licensed by the department. The driver shall assume

1 the reasonable costs for the substance abuse course. As part  
2 of the substance abuse course, the program shall conduct a  
3 substance abuse evaluation of the driver, and notify the  
4 parents or legal guardians of drivers under the age of 19  
5 years of the results of the evaluation. The term "substance  
6 abuse" means the abuse of alcohol or any substance named or  
7 described in Schedules I through V of s. 893.03. If a driver  
8 fails to complete the substance abuse education course and  
9 evaluation, the driver's license shall not be reinstated by  
10 the department.

11 Section 4. For the purpose of incorporating the  
12 amendment made by this act to section 893.03, Florida  
13 Statutes, in references thereto, subsection (5) of section  
14 327.35, Florida Statutes, is reenacted to read:

15 327.35 Boating under the influence; penalties;  
16 "designated drivers".--

17 (5) In addition to any sentence or fine, the court  
18 shall place any offender convicted of violating this section  
19 on monthly reporting probation and shall require attendance at  
20 a substance abuse course specified by the court; and the  
21 agency conducting the course may refer the offender to an  
22 authorized service provider for substance abuse evaluation and  
23 treatment, in addition to any sentence or fine imposed under  
24 this section. The offender shall assume reasonable costs for  
25 such education, evaluation, and treatment, with completion of  
26 all such education, evaluation, and treatment being a  
27 condition of reporting probation. Treatment resulting from a  
28 psychosocial evaluation may not be waived without a supporting  
29 psychosocial evaluation conducted by an agency appointed by  
30 the court and with access to the original evaluation. The  
31 offender shall bear the cost of this procedure. The term

1 "substance abuse" means the abuse of alcohol or any substance  
2 named or described in Schedules I-V of s. 893.03.

3 Section 5. For the purpose of incorporating the  
4 amendment made by this act to section 893.03, Florida  
5 Statutes, in references thereto, paragraph (b) of subsection  
6 (11) of section 400.102, Florida Statutes, is reenacted to  
7 read:

8 440.102 Drug-free workplace program requirements.--The  
9 following provisions apply to a drug-free workplace program  
10 implemented pursuant to law or to rules adopted by the Agency  
11 for Health Care Administration:

12 (11) PUBLIC EMPLOYEES IN SAFETY-SENSITIVE OR  
13 SPECIAL-RISK POSITIONS.--

14 (b) An employee who is employed by a public employer  
15 in a special-risk position may be discharged or disciplined by  
16 a public employer for the first positive confirmed test result  
17 if the drug confirmed is an illicit drug under s. 893.03. A  
18 special-risk employee who is participating in an employee  
19 assistance program or drug rehabilitation program may not be  
20 allowed to continue to work in any special-risk or  
21 safety-sensitive position of the public employer, but may be  
22 assigned to a position other than a safety-sensitive position  
23 or placed on leave while the employee is participating in the  
24 program. However, the employee shall be permitted to use any  
25 accumulated annual leave credits before leave may be ordered  
26 without pay.

27 Section 6. For the purpose of incorporating the  
28 amendment made by this act to section 893.03, Florida  
29 Statutes, in references thereto, subsection (3) of section  
30 458.326, Florida Statutes, is reenacted to read:

31 458.326 Intractable pain; authorized treatment.--

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

8           Section 7. For the purpose of incorporating the  
9 amendment made by this act to section 893.03, Florida  
10 Statutes, in references thereto, section 817.563, Florida  
11 Statutes, is reenacted to read:

12           817.563 Controlled substance named or described in s.  
13 893.03; sale of substance in lieu thereof.--It is unlawful for  
14 any person to agree, consent, or in any manner offer to  
15 unlawfully sell to any person a controlled substance named or  
16 described in s. 893.03 and then sell to such person any other  
17 substance in lieu of such controlled substance. Any person who  
18 violates this section with respect to:

19           (1) A controlled substance named or described in s.  
20 893.03(1), (2), (3), or (4) is guilty of a felony of the third  
21 degree, punishable as provided in s. 775.082, s. 775.083, or  
22 s. 775.084.

23           (2) A controlled substance named or described in s.  
24 893.03(5) is guilty of a misdemeanor of the second degree,  
25 punishable as provided in s. 775.082 or s. 775.083.

26           Section 8. For the purpose of incorporating the  
27 amendment made by this act to section 893.03, Florida  
28 Statutes, in references thereto, paragraph (a) of subsection  
29 (1) and subsection (2) of section 831.31, Florida Statutes,  
30 are reenacted to read:

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1           831.31 Counterfeit controlled substance; sale,  
2 manufacture, delivery, or possession with intent to sell,  
3 manufacture, or deliver.--

4           (1) It is unlawful for any person to sell,  
5 manufacture, or deliver, or to possess with intent to sell,  
6 manufacture, or deliver, a counterfeit controlled substance.  
7 Any person who violates this subsection with respect to:

8           (a) A controlled substance named or described in s.  
9 893.03(1), (2), (3), or (4) is guilty of a felony of the third  
10 degree, punishable as provided in s. 775.082, s. 775.083, or  
11 s. 775.084.

12           (2) For purposes of this section, "counterfeit  
13 controlled substance" means:

14           (a) A controlled substance named or described in s.  
15 893.03 which, or the container or labeling of which, without  
16 authorization bears the trademark, trade name, or other  
17 identifying mark, imprint, or number, or any likeness thereof,  
18 of a manufacturer other than the person who in fact  
19 manufactured the controlled substance; or

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

22           Section 9. For the purpose of incorporating the  
23 amendment made by this act to section 893.03, Florida  
24 Statutes, in references thereto, paragraph (d) of subsection  
25 (1) of section 859.015, Florida Statutes, is reenacted to  
26 read:

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           Section 10. For the purpose of incorporating the  
2 amendment made by this act to section 893.03, Florida  
3 Statutes, in references thereto, subsection (4) of section  
4 893.02, Florida Statutes, is reenacted to read:

5           893.02 Definitions.--The following words and phrases  
6 as used in this chapter shall have the following meanings,  
7 unless the context otherwise requires:

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

12           Section 11. For the purpose of incorporating the  
13 amendment made by this act to section 893.03, Florida  
14 Statutes, in references thereto, paragraphs (a), (c), (d),  
15 (e), and (f) of subsection (1), paragraph (a) of subsection  
16 (2), paragraph (b) of subsection (4), and paragraph (b) of  
17 subsection (5) of section 893.13, Florida Statutes, are  
18 reenacted to read:

19           893.13 Prohibited acts; penalties.--

20           (1)(a) Except as authorized by this chapter and  
21 chapter 499, it is unlawful for any person to sell,  
22 manufacture, or deliver, or possess with intent to sell,  
23 manufacture, or deliver, a controlled substance. Any person  
24 who violates this provision with respect to:

25           1. A controlled substance named or described in s.  
26 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
27 commits a felony of the second degree, punishable as provided  
28 in s. 775.082, s. 775.083, or s. 775.084.

29           2. A controlled substance named or described in s.  
30 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
31 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a

1 felony of the third degree, punishable as provided in s.  
2 775.082, s. 775.083, or s. 775.084.

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

6 (c) Except as authorized by this chapter, it is  
7 unlawful for any person to sell, manufacture, or deliver, or  
8 possess with intent to sell, manufacture, or deliver a  
9 controlled substance in, on, or within 1,000 feet of the real  
10 property comprising a child care facility as defined in s.  
11 402.302 or a public or private elementary, middle, or  
12 secondary school between the hours of 6 a.m. and 12 a.m. Any  
13 person who violates this paragraph 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 first degree, punishable as provided  
17 in s. 775.082, s. 775.083, or s. 775.084. The defendant must  
18 be sentenced to a minimum term of imprisonment of 3 calendar  
19 years unless the offense was committed within 1,000 feet of  
20 the real property comprising a child care facility as defined  
21 in s. 402.302.

22 2. A controlled substance named or described in s.  
23 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
24 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
25 felony of the second degree, punishable as provided in s.  
26 775.082, s. 775.083, or s. 775.084.

27 3. Any other controlled substance, except as lawfully  
28 sold, manufactured, or delivered, must be sentenced to pay a  
29 \$500 fine and to serve 100 hours of public service in addition  
30 to any other penalty prescribed by law.

31

1 This paragraph does not apply to a child care facility unless  
2 the owner or operator of the facility posts a sign that is not  
3 less than 2 square feet in size with a word legend identifying  
4 the facility as a licensed child care facility and that is  
5 posted on the property of the child care facility in a  
6 conspicuous place where the sign is reasonably visible to the  
7 public.

8 (d) Except as authorized by this chapter, it is  
9 unlawful for any person to sell, manufacture, or deliver, or  
10 possess with intent to sell, manufacture, or deliver, a  
11 controlled substance in, on, or within 200 feet of the real  
12 property comprising a public or private college, university,  
13 or other postsecondary educational institution, or within 200  
14 feet of any public park. Any person who violates this  
15 paragraph with respect to:

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

20 2. A controlled substance named or described in s.  
21 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
22 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
23 felony of the second degree, punishable as provided in s.  
24 775.082, s. 775.083, or s. 775.084.

25 3. Any other controlled substance, except as lawfully  
26 sold, manufactured, or delivered, must be sentenced to pay a  
27 \$500 fine and to serve 100 hours of public service in addition  
28 to any other penalty prescribed by law.

29 (e) Except as authorized by this chapter, it is  
30 unlawful for any person to sell, manufacture, or deliver, or  
31 possess with intent to sell, manufacture, or deliver, a

1 controlled substance not authorized by law in, on, or within  
2 1,000 feet of a physical place for worship at which a church  
3 or religious organization regularly conducts religious  
4 services or within 1,000 feet of a convenience business as  
5 defined in s. 812.171. Any person who violates this paragraph  
6 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 first 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 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 (f) Except as authorized by this chapter, it is  
21 unlawful for any person to sell, manufacture, or deliver, or  
22 possess with intent to sell, manufacture, or deliver, a  
23 controlled substance in, on, or within 200 feet of the real  
24 property comprising a public housing facility at any time. For  
25 purposes of this section, the term "real property comprising a  
26 public housing facility" means real property, as defined in s.  
27 421.03(12), of a public corporation created as a housing  
28 authority pursuant to part I of chapter 421. Any person who  
29 violates this paragraph with respect to:

30 1. A controlled substance named or described in s.  
31 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,

1 commits a felony of the first degree, punishable as provided  
2 in s. 775.082, s. 775.083, or s. 775.084.

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

8           3. Any other controlled substance, except as lawfully  
9 sold, manufactured, or delivered, must be sentenced to pay a  
10 \$500 fine and to serve 100 hours of public service in addition  
11 to any other penalty prescribed by law.

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

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

20           2. A controlled substance named or described in s.  
21 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
22 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
23 felony of the third degree, punishable as provided in s.  
24 775.082, s. 775.083, or s. 775.084.

25           3. A controlled substance named or described in s.  
26 893.03(5) commits a misdemeanor of the first degree,  
27 punishable as provided in s. 775.082 or s. 775.083.

28           (4) Except as authorized by this chapter, it is  
29 unlawful for any person 18 years of age or older to deliver  
30 any controlled substance to a person under the age of 18  
31 years, or to use or hire a person under the age of 18 years as

1 an agent or employee in the sale or delivery of such a  
2 substance, or to use such person to assist in avoiding  
3 detection or apprehension for a violation of this chapter. Any  
4 person who violates this provision with respect to:

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

10

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

13 (5) It is unlawful for any person to bring into this  
14 state any controlled substance unless the possession of such  
15 controlled substance is authorized by this chapter or unless  
16 such person is licensed to do so by the appropriate federal  
17 agency. Any person who violates this provision with respect  
18 to:

19 (b) A controlled substance named or described in s.  
20 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,  
21 (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a  
22 felony of the third degree, punishable as provided in s.  
23 775.082, s. 775.083, or s. 775.084.

24 Section 12. For the purpose of incorporating the  
25 amendment made by this act to section 893.03, Florida  
26 Statutes, in references thereto, paragraphs (b), (c), and (e)  
27 of subsection (3) of section 921.0022, Florida Statutes, are  
28 reenacted to read:

29 921.0022 Criminal Punishment Code; offense severity  
30 ranking chart.--

31 (3) OFFENSE SEVERITY RANKING CHART

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	
	Florida	Felony	
	Statute	Degree	Description
			(b) LEVEL 2
	403.413(5)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
	517.07	3rd	Registration of securities and furnishing of prospectus required.
	590.28(1)	3rd	Willful, malicious, or intentional burning.
	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.

1	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or
2			more but less than \$300, taken
3			from unenclosed curtilage of
4			dwelling.
5	812.015(7)	3rd	Possession, use, or attempted use
6			of an antishoplifting or
7			inventory control device
8			countermeasure.
9	817.234(1)(a)2.	3rd	False statement in support of
10			insurance claim.
11	817.481(3)(a)	3rd	Obtain credit or purchase with
12			false, expired, counterfeit,
13			etc., credit card, value over
14			\$300.
15	817.52(3)	3rd	Failure to redeliver hired
16			vehicle.
17	817.54	3rd	With intent to defraud, obtain
18			mortgage note, etc., by false
19			representation.
20	817.60(5)	3rd	Dealing in credit cards of
21			another.
22	817.60(6)(a)	3rd	Forgery; purchase goods, services
23			with false card.
24	817.61	3rd	Fraudulent use of credit cards
25			over \$100 or more within 6
26			months.
27	826.04	3rd	Knowingly marries or has sexual
28			intercourse with person to whom
29			related.
30	831.01	3rd	Forgery.
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1	831.02	3rd	Uttering forged instrument;
2			utters or publishes alteration
3			with intent to defraud.
4	831.07	3rd	Forging bank bills, checks,
5			drafts, or promissory notes.
6	831.08	3rd	Possessing 10 or more forged
7			notes, bills, checks, or drafts.
8	831.09	3rd	Uttering forged notes, bills,
9			checks, drafts, or promissory
10			notes.
11	831.11	3rd	Bringing into the state forged
12			bank bills, checks, drafts, or
13			notes.
14	832.05(3)(a)	3rd	Cashing or depositing item with
15			intent to defraud.
16	843.08	3rd	Falsely impersonating an officer.
17	893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c),
18			(2)(c)1., (2)(c)2., (2)(c)3.,
19			(2)(c)5., (2)(c)6., (2)(c)7.,
20			(2)(c)8., (2)(c)9., (3), or (4)
21			drugs other than cannabis.
22	893.147(2)	3rd	Manufacture or delivery of drug
23			paraphernalia.
24			(c) LEVEL 3
25	316.1935(2)	3rd	Fleeing or attempting to elude
26			law enforcement officer in marked
27			patrol vehicle with siren and
28			lights activated.
29	319.30(4)	3rd	Possession by junkyard of motor
30			vehicle with identification
31			number plate removed.

1	319.33(1)(a)	3rd	Alter or forge any certificate of
2			title to a motor vehicle or
3			mobile home.
4	319.33(1)(c)	3rd	Procure or pass title on stolen
5			vehicle.
6	319.33(4)	3rd	With intent to defraud, possess,
7			sell, etc., a blank, forged, or
8			unlawfully obtained title or
9			registration.
10	328.05(2)	3rd	Possess, sell, or counterfeit
11			fictitious, stolen, or fraudulent
12			titles or bills of sale of
13			vessels.
14	328.07(4)	3rd	Manufacture, exchange, or possess
15			vessel with counterfeit or wrong
16			ID number.
17	376.302(5)	3rd	Fraud related to reimbursement
18			for cleanup expenses under the
19			Inland Protection Trust Fund.
20	501.001(2)(b)	2nd	Tampers with a consumer product
21			or the container using materially
22			false/misleading information.
23	697.08	3rd	Equity skimming.
24	790.15(3)	3rd	Person directs another to
25			discharge firearm from a vehicle.
26	796.05(1)	3rd	Live on earnings of a prostitute.
27	806.10(1)	3rd	Maliciously injure, destroy, or
28			interfere with vehicles or
29			equipment used in firefighting.
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1	806.10(2)	3rd	Interferes with or assaults
2			firefighter in performance of
3			duty.
4	810.09(2)(c)	3rd	Trespass on property other than
5			structure or conveyance armed
6			with firearm or dangerous weapon.
7	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but
8			less than \$10,000.
9	815.04(4)(b)	2nd	Computer offense devised to
10			defraud or obtain property.
11	817.034(4)(a)3.	3rd	Engages in scheme to defraud
12			(Florida Communications Fraud
13			Act), property valued at less
14			than \$20,000.
15	817.233	3rd	Burning to defraud insurer.
16	817.234(8)&(9)	3rd	Unlawful solicitation of persons
17			involved in motor vehicle
18			accidents.
19	817.234(11)(a)	3rd	Insurance fraud; property value
20			less than \$20,000.
21	817.505(4)	3rd	Patient brokering.
22	828.12(2)	3rd	Tortures any animal with intent
23			to inflict intense pain, serious
24			physical injury, or death.
25	831.28(2)(a)	3rd	Counterfeiting a payment
26			instrument with intent to defraud
27			or possessing a counterfeit
28			payment instrument.
29	831.29	2nd	Possession of instruments for
30			counterfeiting drivers' licenses
31			or identification cards.

1	838.021(3)(b)	3rd	Threatens unlawful harm to public
2			servant.
3	843.19	3rd	Injure, disable, or kill police
4			dog or horse.
5	870.01(2)	3rd	Riot; inciting or encouraging.
6	893.13(1)(a)2.	3rd	Sell, manufacture, or deliver
7			cannabis (or other 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).
12	893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s.
13			893.03(1)(c), (2)(c)1., (2)(c)2.,
14			(2)(c)3., (2)(c)5., (2)(c)6.,
15			(2)(c)7., (2)(c)8., (2)(c)9.,
16			(3), or (4) drugs within 200 feet
17			of university or public park.
18	893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s.
19			893.03(1)(c), (2)(c)1., (2)(c)2.,
20			(2)(c)3., (2)(c)5., (2)(c)6.,
21			(2)(c)7., (2)(c)8., (2)(c)9.,
22			(3), or (4) drugs within 200 feet
23			of public housing facility.
24	893.13(6)(a)	3rd	Possession of any controlled
25			substance other than felony
26			possession of cannabis.
27	893.13(7)(a)9.	3rd	Obtain or attempt to obtain
28			controlled substance by fraud,
29			forgery, misrepresentation, etc.
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1	893.13(7)(a)11.	3rd	Furnish false or fraudulent
2			material information on any
3			document or record required by
4			chapter 893.
5	918.13(1)(a)	3rd	Alter, destroy, or conceal
6			investigation evidence.
7	944.47		
8	(1)(a)1.-2.	3rd	Introduce contraband to
9			correctional facility.
10	944.47(1)(c)	2nd	Possess contraband while upon the
11			grounds of a correctional
12			institution.
13	985.3141	3rd	Escapes from a juvenile facility
14			(secure detention or residential
15			commitment facility).
16			(e) LEVEL 5
17	316.027(1)(a)	3rd	Accidents involving personal
18			injuries, failure to stop;
19			leaving scene.
20	316.1935(4)	2nd	Aggravated fleeing or eluding.
21	322.34(6)	3rd	Careless operation of motor
22			vehicle with suspended license,
23			resulting in death or serious
24			bodily injury.
25	327.30(5)	3rd	Vessel accidents involving
26			personal injury; leaving scene.
27	381.0041(11)(b)	3rd	Donate blood, plasma, or organs
28			knowing HIV positive.
29	790.01(2)	3rd	Carrying a concealed firearm.
30	790.162	2nd	Threat to throw or discharge
31			destructive device.

1	790.163	2nd	False report of deadly explosive.
2	790.165(2)	3rd	Manufacture, sell, possess, or
3			deliver hoax bomb.
4	790.221(1)	2nd	Possession of short-barreled
5			shotgun or machine gun.
6	790.23	2nd	Felons in possession of firearms
7			or electronic weapons or devices.
8	800.04(6)(c)	3rd	Lewd or lascivious conduct;
9			offender less than 18 years.
10	800.04(7)(c)	2nd	Lewd or lascivious exhibition;
11			offender 18 years or older.
12	806.111(1)	3rd	Possess, manufacture, or dispense
13			fire bomb with intent to damage
14			any structure or property.
15	812.015(8)	3rd	Retail theft; property stolen is
16			valued at \$300 or more and one or
17			more specified acts.
18	812.019(1)	2nd	Stolen property; dealing in or
19			trafficking in.
20	812.131(2)(b)	3rd	Robbery by sudden snatching.
21	812.16(2)	3rd	Owning, operating, or conducting
22			a chop shop.
23	817.034(4)(a)2.	2nd	Communications fraud, value
24			\$20,000 to \$50,000.
25	817.234(11)(b)	2nd	Insurance fraud; property value
26			\$20,000 or more but less than
27			\$100,000.
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1	817.568(2)(b)	2nd	Fraudulent use of personal
2			identification information; value
3			of benefit, services received,
4			payment avoided, or amount of
5			injury or fraud, \$75,000 or more.
6	817.625(2)(b)	2nd	Second or subsequent fraudulent
7			use of scanning device or
8			reencoder.
9	825.1025(4)	3rd	Lewd or lascivious exhibition in
10			the presence of an elderly person
11			or disabled adult.
12	827.071(4)	2nd	Possess with intent to promote
13			any photographic material, motion
14			picture, etc., which includes
15			sexual conduct by a child.
16	843.01	3rd	Resist officer with violence to
17			person; resist arrest with
18			violence.
19	874.05(2)	2nd	Encouraging or recruiting another
20			to join a criminal street gang;
21			second or subsequent offense.
22	893.13(1)(a)1.	2nd	Sell, manufacture, or deliver
23			cocaine (or other s.
24			893.03(1)(a), (1)(b), (1)(d),
25			(2)(a), (2)(b), or (2)(c)4.
26			drugs).
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1	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver
2			cannabis (or other s.
3			893.03(1)(c), (2)(c)1., (2)(c)2.,
4			(2)(c)3., (2)(c)5., (2)(c)6.,
5			(2)(c)7., (2)(c)8., (2)(c)9.,
6			(3), or (4) drugs) within 1,000
7			feet of a child care facility or
8			school.
9	893.13(1)(d)1.	1st	Sell, manufacture, or deliver
10			cocaine (or other s.
11			893.03(1)(a), (1)(b), (1)(d),
12			(2)(a), (2)(b), or (2)(c)4.
13			drugs) within 200 feet of
14			university or public park.
15	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver
16			cannabis or other drug prohibited
17			under 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) within
21			1,000 feet of property used for
22			religious services or a specified
23			business site.
24	893.13(1)(f)1.	1st	Sell, manufacture, or deliver
25			cocaine (or other s.
26			893.03(1)(a), (1)(b), (1)(d), or
27			(2)(a), (2)(b), or (2)(c)4.
28			drugs) within 200 feet of public
29			housing facility.
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1 893.13(4)(b) 2nd Deliver to minor cannabis (or  
2 other s. 893.03(1)(c), (2)(c)1.,  
3 (2)(c)2., (2)(c)3., (2)(c)5.,  
4 (2)(c)6., (2)(c)7., (2)(c)8.,  
5 (2)(c)9., (3), or (4) drugs).

6 Section 13. This act shall take effect July 1, 2002.

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9 LEGISLATIVE SUMMARY

10 Adds carisoprodol to Schedule IV of the controlled  
11 substance standards and schedules.

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