

By the Committee on Judiciary; and Senator Crist

590-2617-07

1 A bill to be entitled

2 An act relating to controlled substances;

3 amending s. 893.03, F.S.; including Salvinorin

4 A on the list of controlled substances in

5 Schedule I; amending s. 893.147, F.S.;

6 providing that the use or possession of drug

7 paraphernalia with intent to undertake certain

8 activities concerning the production of

9 methamphetamine is a felony of the second

10 degree; amending s. 921.0022, F.S.; classifying

11 the offense of using or possessing drug

12 paraphernalia related to the production of

13 methamphetamine under the offense severity

14 ranking chart of the Criminal Punishment Code;

15 providing an effective date.

16

17 Be It Enacted by the Legislature of the State of Florida:

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19 Section 1. Paragraph (c) of subsection (1) of section

20 893.03, Florida Statutes, is amended to read:

21 893.03 Standards and schedules.--The substances

22 enumerated in this section are controlled by this chapter.

23 The controlled substances listed or to be listed in Schedules

24 I, II, III, IV, and V are included by whatever official,

25 common, usual, chemical, or trade name designated. The

26 provisions of this section shall not be construed to include

27 within any of the schedules contained in this section any

28 excluded drugs listed within the purview of 21 C.F.R. s.

29 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24,

30 styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32,

31

1 | styled "Exempted Prescription Products"; or 21 C.F.R. s.
2 | 1308.34, styled "Exempt Anabolic Steroid Products."

3 | (1) SCHEDULE I.--A substance in Schedule I has a high
4 | potential for abuse and has no currently accepted medical use
5 | in treatment in the United States and in its use under medical
6 | supervision does not meet accepted safety standards. The
7 | following substances are controlled in Schedule I:

8 | (c) Unless specifically excepted or unless listed in
9 | another schedule, any material, compound, mixture, or
10 | preparation which contains any quantity of the following
11 | hallucinogenic substances or which contains any of their
12 | salts, isomers, and salts of isomers, whenever the existence
13 | of such salts, isomers, and salts of isomers is possible
14 | within the specific chemical designation:

- 15 | 1. Alpha-ethyltryptamine.
- 16 | 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline
17 | (4-methylaminorex).
- 18 | 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 19 | 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 20 | 5. 4-Bromo-2, 5-dimethoxyphenethylamine.
- 21 | 6. Bufotenine.
- 22 | 7. Cannabis.
- 23 | 8. Cathinone.
- 24 | 9. Diethyltryptamine.
- 25 | 10. 2,5-Dimethoxyamphetamine.
- 26 | 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 27 | 12. Dimethyltryptamine.
- 28 | 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
29 | analog of phencyclidine).
- 30 | 14. N-Ethyl-3-piperidyl benzilate.
- 31 | 15. N-ethylamphetamine.

- 1 16. Fenethylamine.
- 2 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 3 18. Ibogaine.
- 4 19. Lysergic acid diethylamide (LSD).
- 5 20. Mescaline.
- 6 21. Methcathinone.
- 7 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 8 23. 4-methoxyamphetamine.
- 9 24. 4-methoxymethamphetamine.
- 10 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 11 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 12 27. 3,4-Methylenedioxyamphetamine.
- 13 28. N-Methyl-3-piperidyl benzilate.
- 14 29. N,N-dimethylamphetamine.
- 15 30. Parahexyl.
- 16 31. Peyote.
- 17 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY)
- 18 (Pyrrolidine analog of phencyclidine).
- 19 33. Psilocybin.
- 20 34. Psilocyn.
- 21 35. Salvinorin A.
- 22 ~~36.35-~~ Tetrahydrocannabinols.
- 23 ~~37.36-~~ 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
- 24 (Thiophene analog of phencyclidine).
- 25 ~~38.37-~~ 3,4,5-Trimethoxyamphetamine.
- 26 Section 2. Subsection (1) of section 893.147, Florida
- 27 Statutes, is amended to read:
- 28 893.147 Use, possession, manufacture, delivery,
- 29 transportation, or advertisement of drug paraphernalia.--
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- 31

1 (1) USE OR POSSESSION OF DRUG PARAPHERNALIA.--~~A It is~~
2 ~~unlawful for any person who uses, or possesses to use, or to~~
3 ~~possess~~ with intent to use, drug paraphernalia:

4 (a) To plant, propagate, cultivate, grow, harvest,
5 manufacture, compound, convert, produce, process, prepare,
6 test, analyze, pack, repack, store, contain, or conceal a
7 controlled substance in violation of this chapter commits a
8 misdemeanor of the first degree, punishable as provided in s.
9 775.082 or s. 775.083.~~;~~ ~~or~~

10 (b) To inject, ingest, inhale, or otherwise introduce
11 into the human body a controlled substance in violation of
12 this chapter commits a misdemeanor of the first degree,
13 punishable as provided in s. 775.082 or s. 775.083.

14 (c) To manufacture, compound, convert, produce,
15 process, or prepare methamphetamine in violation of this
16 chapter commits a felony of the second degree, punishable as
17 provided in s. 775.082, s. 775.083, or s. 775.084.

18
19 ~~Any person who violates this subsection is guilty of a~~
20 ~~misdemeanor of the first degree, punishable as provided in s.~~
21 ~~775.082 or s. 775.083.~~

22 Section 3. Paragraph (g) of subsection (3) of section
23 921.0022, Florida Statutes, is amended to read:

24 921.0022 Criminal Punishment Code; offense severity
25 ranking chart.--

26 (3) OFFENSE SEVERITY RANKING CHART

27
28 Florida Felony
29 Statute Degree Description
30

31 (g) LEVEL 7

1	316.027(1)(b)	1st	Accident involving death, failure
2			to stop; leaving scene.
3	316.193(3)(c)2.	3rd	DUI resulting in serious bodily
4			injury.
5	316.1935(3)(b)	1st	Causing serious bodily injury or
6			death to another person; driving
7			at high speed or with wanton
8			disregard for safety while
9			fleeing or attempting to elude
10			law enforcement officer who is in
11			a patrol vehicle with siren and
12			lights activated.
13	327.35(3)(c)2.	3rd	Vessel BUI resulting in serious
14			bodily injury.
15	402.319(2)	2nd	Misrepresentation and negligence
16			or intentional act resulting in
17			great bodily harm, permanent
18			disfiguration, permanent
19			disability, or death.
20	409.920(2)	3rd	Medicaid provider fraud.
21	456.065(2)	3rd	Practicing a health care
22			profession without a license.
23	456.065(2)	2nd	Practicing a health care
24			profession without a license
25			which results in serious bodily
26			injury.
27	458.327(1)	3rd	Practicing medicine without a
28			license.
29	459.013(1)	3rd	Practicing osteopathic medicine
30			without a license.
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1	460.411(1)	3rd	Practicing chiropractic medicine
2			without a license.
3	461.012(1)	3rd	Practicing podiatric medicine
4			without a license.
5	462.17	3rd	Practicing naturopathy without a
6			license.
7	463.015(1)	3rd	Practicing optometry without a
8			license.
9	464.016(1)	3rd	Practicing nursing without a
10			license.
11	465.015(2)	3rd	Practicing pharmacy without a
12			license.
13	466.026(1)	3rd	Practicing dentistry or dental
14			hygiene without a license.
15	467.201	3rd	Practicing midwifery without a
16			license.
17	468.366	3rd	Delivering respiratory care
18			services without a license.
19	483.828(1)	3rd	Practicing as clinical laboratory
20			personnel without a license.
21	483.901(9)	3rd	Practicing medical physics
22			without a license.
23	484.013(1)(c)	3rd	Preparing or dispensing optical
24			devices without a prescription.
25	484.053	3rd	Dispensing hearing aids without a
26			license.
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1	494.0018(2)	1st	Conviction of any violation of
2			ss. 494.001-494.0077 in which the
3			total money and property
4			unlawfully obtained exceeded
5			\$50,000 and there were five or
6			more victims.
7	560.123(8)(b)1.	3rd	Failure to report currency or
8			payment instruments exceeding
9			\$300 but less than \$20,000 by
10			money transmitter.
11	560.125(5)(a)	3rd	Money transmitter business by
12			unauthorized person, currency or
13			payment instruments exceeding
14			\$300 but less than \$20,000.
15	655.50(10)(b)1.	3rd	Failure to report financial
16			transactions exceeding \$300 but
17			less than \$20,000 by financial
18			institution.
19	775.21(10)(a)	3rd	Sexual predator; failure to
20			register; failure to renew
21			driver's license or
22			identification card; other
23			registration violations.
24	775.21(10)(b)	3rd	Sexual predator working where
25			children regularly congregate.
26	775.21(10)(g)	3rd	Failure to report or providing
27			false information about a sexual
28			predator; harbor or conceal a
29			sexual predator.
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1	782.051(3)	2nd	Attempted felony murder of a
2			person by a person other than the
3			perpetrator or the perpetrator of
4			an attempted felony.
5	782.07(1)	2nd	Killing of a human being by the
6			act, procurement, or culpable
7			negligence of another
8			(manslaughter).
9	782.071	2nd	Killing of human being or viable
10			fetus by the operation of a motor
11			vehicle in a reckless manner
12			(vehicular homicide).
13	782.072	2nd	Killing of a human being by the
14			operation of a vessel in a
15			reckless manner (vessel
16			homicide).
17	784.045(1)(a)1.	2nd	Aggravated battery; intentionally
18			causing great bodily harm or
19			disfigurement.
20	784.045(1)(a)2.	2nd	Aggravated battery; using deadly
21			weapon.
22	784.045(1)(b)	2nd	Aggravated battery; perpetrator
23			aware victim pregnant.
24	784.048(4)	3rd	Aggravated stalking; violation of
25			injunction or court order.
26	784.048(7)	3rd	Aggravated stalking; violation of
27			court order.
28	784.07(2)(d)	1st	Aggravated battery on law
29			enforcement officer.
30	784.074(1)(a)	1st	Aggravated battery on sexually
31			violent predators facility staff.

1	784.08(2)(a)	1st	Aggravated battery on a person 65
2			years of age or older.
3	784.081(1)	1st	Aggravated battery on specified
4			official or employee.
5	784.082(1)	1st	Aggravated battery by detained
6			person on visitor or other
7			detainee.
8	784.083(1)	1st	Aggravated battery on code
9			inspector.
10	790.07(4)	1st	Specified weapons violation
11			subsequent to previous conviction
12			of s. 790.07(1) or (2).
13	790.16(1)	1st	Discharge of a machine gun under
14			specified circumstances.
15	790.165(2)	2nd	Manufacture, sell, possess, or
16			deliver hoax bomb.
17	790.165(3)	2nd	Possessing, displaying, or
18			threatening to use any hoax bomb
19			while committing or attempting to
20			commit a felony.
21	790.166(3)	2nd	Possessing, selling, using, or
22			attempting to use a hoax weapon
23			of mass destruction.
24	790.166(4)	2nd	Possessing, displaying, or
25			threatening to use a hoax weapon
26			of mass destruction while
27			committing or attempting to
28			commit a felony.
29	796.03	2nd	Procuring any person under 16
30			years for prostitution.
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1	800.04(5)(c)1.	2nd	Lewd or lascivious molestation;
2			victim less than 12 years of age;
3			offender less than 18 years.
4	800.04(5)(c)2.	2nd	Lewd or lascivious molestation;
5			victim 12 years of age or older
6			but less than 16 years; offender
7			18 years or older.
8	806.01(2)	2nd	Maliciously damage structure by
9			fire or explosive.
10	810.02(3)(a)	2nd	Burglary of occupied dwelling;
11			unarmed; no assault or battery.
12	810.02(3)(b)	2nd	Burglary of unoccupied dwelling;
13			unarmed; no assault or battery.
14	810.02(3)(d)	2nd	Burglary of occupied conveyance;
15			unarmed; no assault or battery.
16	812.014(2)(a)1.	1st	Property stolen, valued at
17			\$100,000 or more or a semitrailer
18			deployed by a law enforcement
19			officer; property stolen while
20			causing other property damage;
21			1st degree grand theft.
22	812.014(2)(b)2.	2nd	Property stolen, cargo valued at
23			less than \$50,000, grand theft in
24			2nd degree.
25	812.014(2)(b)3.	2nd	Property stolen, emergency
26			medical equipment; 2nd degree
27			grand theft.
28	812.0145(2)(a)	1st	Theft from person 65 years of age
29			or older; \$50,000 or more.
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1	812.019(2)	1st	Stolen property; initiates,
2			organizes, plans, etc., the theft
3			of property and traffics in
4			stolen property.
5	812.131(2)(a)	2nd	Robbery by sudden snatching.
6	812.133(2)(b)	1st	Carjacking; no firearm, deadly
7			weapon, or other weapon.
8	817.234(8)(a)	2nd	Solicitation of motor vehicle
9			accident victims with intent to
10			defraud.
11	817.234(9)	2nd	Organizing, planning, or
12			participating in an intentional
13			motor vehicle collision.
14	817.234(11)(c)	1st	Insurance fraud; property value
15			\$100,000 or more.
16	817.2341(2)(b)&		
17	(3)(b)	1st	Making false entries of material
18			fact or false statements
19			regarding property values
20			relating to the solvency of an
21			insuring entity which are a
22			significant cause of the
23			insolvency of that entity.
24	825.102(3)(b)	2nd	Neglecting an elderly person or
25			disabled adult causing great
26			bodily harm, disability, or
27			disfigurement.
28	825.103(2)(b)	2nd	Exploiting an elderly person or
29			disabled adult and property is
30			valued at \$20,000 or more, but
31			less than \$100,000.

1	827.03(3)(b)	2nd	Neglect of a child causing great
2			bodily harm, disability, or
3			disfigurement.
4	827.04(3)	3rd	Impregnation of a child under 16
5			years of age by person 21 years
6			of age or older.
7	837.05(2)	3rd	Giving false information about
8			alleged capital felony to a law
9			enforcement officer.
10	838.015	2nd	Bribery.
11	838.016	2nd	Unlawful compensation or reward
12			for official behavior.
13	838.021(3)(a)	2nd	Unlawful harm to a public
14			servant.
15	838.22	2nd	Bid tampering.
16	847.0135(3)	3rd	Solicitation of a child, via a
17			computer service, to commit an
18			unlawful sex act.
19	872.06	2nd	Abuse of a dead human body.
20	893.13(1)(c)1.	1st	Sell, manufacture, or deliver
21			cocaine (or other drug prohibited
22			under s. 893.03(1)(a), (1)(b),
23			(1)(d), (2)(a), (2)(b), or
24			(2)(c)4.) within 1,000 feet of a
25			child care facility, school, or
26			state, county, or municipal park
27			or publicly owned recreational
28			facility or community center.
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1	893.13(1)(e)1.	1st	Sell, manufacture, or deliver
2			cocaine or other drug prohibited
3			under s. 893.03(1)(a), (1)(b),
4			(1)(d), (2)(a), (2)(b), or
5			(2)(c)4., within 1,000 feet of
6			property used for religious
7			services or a specified business
8			site.
9	893.13(4)(a)	1st	Deliver to minor cocaine (or
10			other s. 893.03(1)(a), (1)(b),
11			(1)(d), (2)(a), (2)(b), or
12			(2)(c)4. drugs).
13	893.135(1)(a)1.	1st	Trafficking in cannabis, more
14			than 25 lbs., less than 2,000
15			lbs.
16	893.135		
17	(1)(b)1.a.	1st	Trafficking in cocaine, more than
18			28 grams, less than 200 grams.
19	893.135		
20	(1)(c)1.a.	1st	Trafficking in illegal drugs,
21			more than 4 grams, less than 14
22			grams.
23	893.135		
24	(1)(d)1.	1st	Trafficking in phencyclidine,
25			more than 28 grams, less than 200
26			grams.
27	893.135(1)(e)1.	1st	Trafficking in methaqualone, more
28			than 200 grams, less than 5
29			kilograms.
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1	893.135(1)(f)1.	1st	Trafficking in amphetamine, more
2			than 14 grams, less than 28
3			grams.
4	893.135		
5	(1)(g)1.a.	1st	Trafficking in flunitrazepam, 4
6			grams or more, less than 14
7			grams.
8	893.135		
9	(1)(h)1.a.	1st	Trafficking in
10			gamma-hydroxybutyric acid (GHB),
11			1 kilogram or more, less than 5
12			kilograms.
13	893.135		
14	(1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1
15			kilogram or more, less than 5
16			kilograms.
17	893.135		
18	(1)(k)2.a.	1st	Trafficking in Phenethylamines,
19			10 grams or more, less than 200
20			grams.
21	<u>893.147(1)(c)</u>	<u>2nd</u>	<u>Use or possession of drug</u>
22			<u>paraphernalia related to</u>
23			<u>production of methamphetamine.</u>
24	896.101(5)(a)	3rd	Money laundering, financial
25			transactions exceeding \$300 but
26			less than \$20,000.
27	896.104(4)(a)1.	3rd	Structuring transactions to evade
28			reporting or registration
29			requirements, financial
30			transactions exceeding \$300 but
31			less than \$20,000.

1	943.0435(4)(c)	2nd	Sexual offender vacating
2			permanent residence; failure to
3			comply with reporting
4			requirements.
5	943.0435(8)	2nd	Sexual offender; remains in state
6			after indicating intent to leave;
7			failure to comply with reporting
8			requirements.
9	943.0435(9)(a)	3rd	Sexual offender; failure to
10			comply with reporting
11			requirements.
12	943.0435(13)	3rd	Failure to report or providing
13			false information about a sexual
14			offender; harbor or conceal a
15			sexual offender.
16	943.0435(14)	3rd	Sexual offender; failure to
17			report and reregister; failure to
18			respond to address verification.
19	944.607(9)	3rd	Sexual offender; failure to
20			comply with reporting
21			requirements.
22	944.607(10)(a)	3rd	Sexual offender; failure to
23			submit to the taking of a
24			digitized photograph.
25	944.607(12)	3rd	Failure to report or providing
26			false information about a sexual
27			offender; harbor or conceal a
28			sexual offender.
29	944.607(13)	3rd	Sexual offender; failure to
30			report and reregister; failure to
31			respond to address verification.

1 Section 4. This act shall take effect July 1, 2007.
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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 SB 1718

6 The committee substitute:

- 7 -- Adds salvinorin A to the statutory list of Schedule I
8 controlled substances, meaning it has a high potential
9 for abuse and currently has no accepted medical use in
10 treatment in the United States.
11
12 -- Changes the title of the bill to be "An act relating to
13 controlled substances."
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