

Bill No. PCS (185356) for SB's 340 & 1612



794634

CHAMBER ACTION

<u>Senate</u>	.	<u>House</u>
Comm: FC	.	
3/11/2008	.	
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	.	

1 The Committee on Criminal Justice (Wilson) recommended the
 2 following **amendment**:

3
 4 **Senate Amendment (with directory and title amendments)**

5 Delete line(s) 236-277

6 and insert:

7 (2) (a) Except as authorized by this chapter and chapter
 8 499, it is unlawful for any person to purchase, or possess with
 9 intent to purchase, a controlled substance. Any person who
 10 violates this provision with respect to:

- 11 1. A controlled substance named or described in s.
 12 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.,
 13 commits a felony of the second degree, punishable as provided in
 14 s. 775.082, s. 775.083, or s. 775.084.

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15 2. A controlled substance named or described in s.
16 893.03(1)(c), except for Salvia divinorum and Salvinorin A,
17 (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7.,
18 (2)(c)8., (2)(c)9., (3), or (4) commits a felony of the third
19 degree, punishable as provided in s. 775.082, s. 775.083, or s.
20 775.084.

21 3. A controlled substance named or described in s.
22 893.03(5) commits a misdemeanor of the first degree, punishable
23 as provided in s. 775.082 or s. 775.083.

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

32 (b) A controlled substance named or described in s.
33 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
34 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
35 the second degree, punishable as provided in s. 775.082, s.
36 775.083, or s. 775.084.

37
38 Imposition of sentence may not be suspended or deferred, nor
39 shall the person so convicted be placed on probation.

40 (5) It is unlawful for any person to bring into this state
41 any controlled substance unless the possession of such
42 controlled substance is authorized by this chapter or unless

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43 such person is licensed to do so by the appropriate federal
 44 agency. Any person who violates this provision with respect to:

45 (b) A controlled substance named or described in s.
 46 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
 47 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
 48 the third degree, punishable as provided in s. 775.082, s.
 49 775.083, or s. 775.084.

50 (6)

51 (d) Any person who possesses, possesses with intent to
 52 purchase, or purchases Salvia divinorum or Salvinorin A, as
 53 named or defined in s. 893.03(1)(c) commits a misdemeanor of the
 54 first degree, punishable as provided in s. 775.082 or s.
 55 775.083. This paragraph does not apply to possession of Salvia
 56 divinorum or Salvinorin A with the intent to sell, manufacture,
 57 or deliver either of those substances.

58
 59 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

60 And the directory clause is amended as follows:

61 Delete line(s) 95-100

62 and insert:

63 Section 2. Paragraph (a) of subsection (2) of section
 64 893.13, Florida Statutes, is amended, present paragraph (d) of
 65 subsection (6) of that section is redesignated as subsection
 66 (e), and a new paragraph (d) is added to that subsection, and,
 67 for the purpose of incorporating the amendment made by this act
 68 to section 893.03, Florida Statutes, in references thereto,
 69 paragraphs (a), (c), (d), (e), (f), and (h) of subsection (1),

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70 paragraph (b) of subsection (4), and paragraph (b) of subsection
71 (5) of section 893.13, Florida Statutes, are reenacted to read:

72
73 ===== T I T L E A M E N D M E N T =====

74 And the title is amended as follows:

75 Delete line(s) 6-7

76 and insert:

77 divinorum and Salvinorin A; amending s. 893.13, F.S.,
78 relating to penalties; providing that possession or
79 purchase of Salvia divinorum or Salvinorin A is a first-
80 degree misdemeanor rather than a third-degree felony;
81 reenacting ss. 893.13(1)(a), (c), (d), (e), (f), and (h),
82 (4)(b), and (5)(b),