

1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 893.03, F.S.; specifying that ioflupane I 123 is not
4 included in Schedule II; reenacting ss. 893.0301,
5 893.055(1)(b), and 893.13(1)(a), (c), (d) (e), (f),
6 (h), (4)(a), and (5)(a), F.S., relating to reporting
7 requirements for death resulting from apparent drug
8 overdose; the Prescription Drug Monitoring Program,
9 and prohibited acts and penalties, respectively, for
10 the purpose of incorporating the amendment made by
11 this act to s. 893.03, F.S., in references thereto;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (a) of subsection (2) of section
17 893.03, Florida Statutes, is amended to read:

18 893.03 Standards and schedules.—The substances enumerated
19 in this section are controlled by this chapter. The controlled
20 substances listed or to be listed in Schedules I, II, III, IV,
21 and V are included by whatever official, common, usual,
22 chemical, trade name, or class designated. The provisions of
23 this section shall not be construed to include within any of the
24 schedules contained in this section any excluded drugs listed
25 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded

26 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
27 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
28 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
29 Anabolic Steroid Products."

30 (2) SCHEDULE II.—A substance in Schedule II has a high
31 potential for abuse and has a currently accepted but severely
32 restricted medical use in treatment in the United States, and
33 abuse of the substance may lead to severe psychological or
34 physical dependence. The following substances are controlled in
35 Schedule II:

36 (a) Unless specifically excepted or unless listed in
37 another schedule, any of the following substances, whether
38 produced directly or indirectly by extraction from substances of
39 vegetable origin or independently by means of chemical
40 synthesis:

41 1. Opium and any salt, compound, derivative, or
42 preparation of opium, except nalmefene or isoquinoline alkaloids
43 of opium, including, but not limited to the following:

- 44 a. Raw opium.
- 45 b. Opium extracts.
- 46 c. Opium fluid extracts.
- 47 d. Powdered opium.
- 48 e. Granulated opium.
- 49 f. Tincture of opium.
- 50 g. Codeine.

- 51 h. Ethylmorphine.
- 52 i. Etorphine hydrochloride.
- 53 j. Hydrocodone.
- 54 k. Hydromorphone.
- 55 l. Levo-alphaacetylmethadol (also known as levo-alpha-
- 56 acetylmethadol, levomethadyl acetate, or LAAM).
- 57 m. Metopon (methyldihydromorphinone).
- 58 n. Morphine.
- 59 o. Oxycodone.
- 60 p. Oxymorphone.
- 61 q. Thebaine.
- 62 2. Any salt, compound, derivative, or preparation of a
- 63 substance which is chemically equivalent to or identical with
- 64 any of the substances referred to in subparagraph 1., except
- 65 that these substances shall not include the isoquinoline
- 66 alkaloids of opium.
- 67 3. Any part of the plant of the species *Papaver*
- 68 *somniferum*, L.
- 69 4. Cocaine or ecgonine, including any of their
- 70 stereoisomers, and any salt, compound, derivative, or
- 71 preparation of cocaine or ecgonine, except that these substances
- 72 shall not include ioflupane I 123.
- 73 Section 2. For the purpose of incorporating the amendment
- 74 made by this act to section 893.03, Florida Statutes, in
- 75 references thereto, section 893.0301, Florida Statutes, is

76 reenacted to read:

77 893.0301 Death resulting from apparent drug overdose;
 78 reporting requirements.—If a person dies of an apparent drug
 79 overdose:

80 (1) A law enforcement agency shall prepare a report
 81 identifying each prescribed controlled substance listed in
 82 Schedule II, Schedule III, or Schedule IV of s. 893.03 which is
 83 found on or near the deceased or among the deceased's
 84 possessions. The report must identify the person who prescribed
 85 the controlled substance, if known or ascertainable. Thereafter,
 86 the law enforcement agency shall submit a copy of the report to
 87 the medical examiner.

88 (2) A medical examiner who is preparing a report pursuant
 89 to s. 406.11 shall include in the report information identifying
 90 each prescribed controlled substance listed in Schedule II,
 91 Schedule III, or Schedule IV of s. 893.03 that was found in, on,
 92 or near the deceased or among the deceased's possessions.

93 Section 3. For the purpose of incorporating the amendment
 94 made by this act to section 893.03, Florida Statutes, in a
 95 reference thereto, paragraph (b) of subsection (1) of section
 96 893.055, Florida Statutes, is reenacted to read:

97 893.055 Prescription drug monitoring program.—

98 (1) As used in this section, the term:

99 (b) "Controlled substance" means a controlled substance
 100 listed in Schedule II, Schedule III, or Schedule IV in s.

101 893.03.

102 Section 4. For the purpose of incorporating the amendment
103 made by this act to section 893.03, Florida Statutes, in
104 references thereto, paragraphs (a), (c), (d), (e), (f), and (h)
105 of subsection (1), paragraph (a) of subsection (4), and
106 paragraph (a) of subsection (5) of section 893.13, Florida
107 Statutes, are reenacted to read:

108 893.13 Prohibited acts; penalties.—

109 (1) (a) Except as authorized by this chapter and chapter
110 499, a person may not sell, manufacture, or deliver, or possess
111 with intent to sell, manufacture, or deliver, a controlled
112 substance. A person who violates this provision with respect to:

113 1. A controlled substance named or described in s.
114 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 4.
115 commits a felony of the second degree, punishable as provided in
116 s. 775.082, s. 775.083, or s. 775.084.

117 2. A controlled substance named or described in s.
118 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5., (2) (c) 6.,
119 (2) (c) 7., (2) (c) 8., (2) (c) 9., (3), or (4) commits a felony of
120 the third degree, punishable as provided in s. 775.082, s.
121 775.083, or s. 775.084.

122 3. A controlled substance named or described in s.
123 893.03(5) commits a misdemeanor of the first degree, punishable
124 as provided in s. 775.082 or s. 775.083.

125 (c) Except as authorized by this chapter, a person may not

126 | sell, manufacture, or deliver, or possess with intent to sell,
127 | manufacture, or deliver, a controlled substance in, on, or
128 | within 1,000 feet of the real property comprising a child care
129 | facility as defined in s. 402.302 or a public or private
130 | elementary, middle, or secondary school between the hours of 6
131 | a.m. and 12 midnight, or at any time in, on, or within 1,000
132 | feet of real property comprising a state, county, or municipal
133 | park, a community center, or a publicly owned recreational
134 | facility. As used in this paragraph, the term "community center"
135 | means a facility operated by a nonprofit community-based
136 | organization for the provision of recreational, social, or
137 | educational services to the public. A person who violates this
138 | paragraph with respect to:

139 | 1. A controlled substance named or described in s.
140 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
141 | commits a felony of the first degree, punishable as provided in
142 | s. 775.082, s. 775.083, or s. 775.084. The defendant must be
143 | sentenced to a minimum term of imprisonment of 3 calendar years
144 | unless the offense was committed within 1,000 feet of the real
145 | property comprising a child care facility as defined in s.
146 | 402.302.

147 | 2. A controlled substance named or described in s.
148 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
149 | (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
150 | the second degree, punishable as provided in s. 775.082, s.

151 775.083, or s. 775.084.

152 3. Any other controlled substance, except as lawfully
 153 sold, manufactured, or delivered, must be sentenced to pay a
 154 \$500 fine and to serve 100 hours of public service in addition
 155 to any other penalty prescribed by law.

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 157 This paragraph does not apply to a child care facility unless
 158 the owner or operator of the facility posts a sign that is not
 159 less than 2 square feet in size with a word legend identifying
 160 the facility as a licensed child care facility and that is
 161 posted on the property of the child care facility in a
 162 conspicuous place where the sign is reasonably visible to the
 163 public.

164 (d) Except as authorized by this chapter, a person may not
 165 sell, manufacture, or deliver, or possess with intent to sell,
 166 manufacture, or deliver, a controlled substance in, on, or
 167 within 1,000 feet of the real property comprising a public or
 168 private college, university, or other postsecondary educational
 169 institution. A person who violates this paragraph with respect
 170 to:

171 1. A controlled substance named or described in s.
 172 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 173 commits a felony of the first degree, punishable as provided in
 174 s. 775.082, s. 775.083, or s. 775.084.

175 2. A controlled substance named or described in s.

176 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
177 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
178 the second degree, punishable as provided in s. 775.082, s.
179 775.083, or s. 775.084.

180 3. Any other controlled substance, except as lawfully
181 sold, manufactured, or delivered, must be sentenced to pay a
182 \$500 fine and to serve 100 hours of public service in addition
183 to any other penalty prescribed by law.

184 (e) Except as authorized by this chapter, a person may not
185 sell, manufacture, or deliver, or possess with intent to sell,
186 manufacture, or deliver, a controlled substance not authorized
187 by law in, on, or within 1,000 feet of a physical place for
188 worship at which a church or religious organization regularly
189 conducts religious services or within 1,000 feet of a
190 convenience business as defined in s. 812.171. A person who
191 violates this paragraph with respect to:

192 1. A controlled substance named or described in s.
193 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
194 commits a felony of the first degree, punishable as provided in
195 s. 775.082, s. 775.083, or s. 775.084.

196 2. A controlled substance named or described in s.
197 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
198 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
199 the second degree, punishable as provided in s. 775.082, s.
200 775.083, or s. 775.084.

201 3. Any other controlled substance, except as lawfully
202 sold, manufactured, or delivered, must be sentenced to pay a
203 \$500 fine and to serve 100 hours of public service in addition
204 to any other penalty prescribed by law.

205 (f) Except as authorized by this chapter, a person may not
206 sell, manufacture, or deliver, or possess with intent to sell,
207 manufacture, or deliver, a controlled substance in, on, or
208 within 1,000 feet of the real property comprising a public
209 housing facility at any time. As used in this section, the term
210 "real property comprising a public housing facility" means real
211 property, as defined in s. 421.03(12), of a public corporation
212 created as a housing authority pursuant to part I of chapter
213 421. A person who violates this paragraph with respect to:

214 1. A controlled substance named or described in s.
215 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
216 commits a felony of the first degree, punishable as provided in
217 s. 775.082, s. 775.083, or s. 775.084.

218 2. A controlled substance named or described in s.
219 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
220 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
221 the second degree, punishable as provided in s. 775.082, s.
222 775.083, or s. 775.084.

223 3. Any other controlled substance, except as lawfully
224 sold, manufactured, or delivered, must be sentenced to pay a
225 \$500 fine and to serve 100 hours of public service in addition

226 to any other penalty prescribed by law.

227 (h) Except as authorized by this chapter, a person may not
228 sell, manufacture, or deliver, or possess with intent to sell,
229 manufacture, or deliver, a controlled substance in, on, or
230 within 1,000 feet of the real property comprising an assisted
231 living facility, as that term is used in chapter 429. A person
232 who violates this paragraph with respect to:

233 1. A controlled substance named or described in s.
234 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
235 commits a felony of the first degree, punishable as provided in
236 s. 775.082, s. 775.083, or s. 775.084.

237 2. A controlled substance named or described in s.
238 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6.,
239 (2)(c)7., (2)(c)8., (2)(c)9., (3), or (4) commits a felony of
240 the second degree, punishable as provided in s. 775.082, s.
241 775.083, or s. 775.084.

242 3. Any other controlled substance, except as lawfully
243 sold, manufactured, or delivered, must be sentenced to pay a
244 \$500 fine and to serve 100 hours of public service in addition
245 to any other penalty prescribed by law.

246 (4) Except as authorized by this chapter, a person 18
247 years of age or older may not deliver any controlled substance
248 to a person younger than 18 years of age, use or hire a person
249 younger than 18 years of age as an agent or employee in the sale
250 or delivery of such a substance, or use such person to assist in

251 avoiding detection or apprehension for a violation of this
 252 chapter. A person who violates this paragraph with respect to:

253 (a) A controlled substance named or described in s.
 254 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 255 commits a felony of the first degree, punishable as provided in
 256 s. 775.082, s. 775.083, or s. 775.084.

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 258 Imposition of sentence may not be suspended or deferred, and the
 259 person so convicted may not be placed on probation.

260 (5) A person may not bring into this state any controlled
 261 substance unless the possession of such controlled substance is
 262 authorized by this chapter or unless such person is licensed to
 263 do so by the appropriate federal agency. A person who violates
 264 this provision with respect to:

265 (a) A controlled substance named or described in s.
 266 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.
 267 commits a felony of the second degree, punishable as provided in
 268 s. 775.082, s. 775.083, or s. 775.084.

269 Section 5. This act shall take effect July 1, 2017.