

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Judiciary Committee
 2 Representative Sabatini offered the following:

Amendment (with title amendment)

Between lines 50 and 51, insert:

6 Section 3. For the purpose of incorporating the amendment
 7 made by this act to section 893.03, Florida Statutes, in a
 8 reference thereto, subsection (2) of section 817.563, Florida
 9 Statutes, is reenacted to read:

10 817.563 Controlled substance named or described in s.
 11 893.03; sale of substance in lieu thereof.—It is unlawful for
 12 any person to agree, consent, or in any manner offer to
 13 unlawfully sell to any person a controlled substance named or
 14 described in s. 893.03 and then sell to such person any other
 15 substance in lieu of such controlled substance. Any person who
 16 violates this section with respect to:

Amendment No.

17 (2) A controlled substance named or described in s.
18 893.03(5) is guilty of a misdemeanor of the second degree,
19 punishable as provided in s. 775.082 or s. 775.083.

20 Section 4. For the purpose of incorporating the amendment
21 made by this act to section 893.03, Florida Statutes, in
22 references thereto, section 831.31, Florida Statutes, is
23 reenacted to read:

24 831.31 Counterfeit controlled substance; sale,
25 manufacture, delivery, or possession with intent to sell,
26 manufacture, or deliver.—

27 (1) It is unlawful for any person to sell, manufacture, or
28 deliver, or to possess with intent to sell, manufacture, or
29 deliver, a counterfeit controlled substance. Any person who
30 violates this subsection with respect to:

31 (a) A controlled substance named or described in s.
32 893.03(1), (2), (3), or (4) is guilty of a felony of the third
33 degree, punishable as provided in s. 775.082, s. 775.083, or s.
34 775.084.

35 (b) A controlled substance named or described in s.
36 893.03(5) is guilty of a misdemeanor of the second degree,
37 punishable as provided in s. 775.082 or s. 775.083.

38 (2) For purposes of this section, "counterfeit controlled
39 substance" means:

40 (a) A controlled substance named or described in s. 893.03
41 which, or the container or labeling of which, without

Amendment No.

42 authorization bears the trademark, trade name, or other
43 identifying mark, imprint, or number, or any likeness thereof,
44 of a manufacturer other than the person who in fact manufactured
45 the controlled substance; or

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

48 Section 5. For the purpose of incorporating the amendment
49 made by this act to section 893.03, Florida Statutes, in a
50 reference thereto, paragraph (b) of subsection (5) of section
51 893.07, Florida Statutes, is reenacted to read:

52 893.07 Records.—

53 (5) Each person described in subsection (1) shall:

54 (b) In the event of the discovery of the theft or
55 significant loss of controlled substances, report such theft or
56 significant loss to the sheriff of that county within 24 hours
57 after discovery. A person who fails to report a theft or
58 significant loss of a substance listed in s. 893.03(3), (4), or
59 (5) within 24 hours after discovery as required in this
60 paragraph commits a misdemeanor of the second degree, punishable
61 as provided in s. 775.082 or s. 775.083. A person who fails to
62 report a theft or significant loss of a substance listed in s.
63 893.03(2) within 24 hours after discovery as required in this
64 paragraph commits a misdemeanor of the first degree, punishable
65 as provided in s. 775.082 or s. 775.083.

66 Section 6. For the purpose of incorporating the amendment

Amendment No.

67 made by this act to section 893.03, Florida Statutes, in
68 references thereto, paragraph (a) of subsection (1), paragraph
69 (a) of subsection (2), paragraph (c) of subsection (5), and
70 paragraph (d) of subsection (6) of section 893.13, Florida
71 Statutes, are reenacted to read:

72 893.13 Prohibited acts; penalties.—

73 (1)(a) Except as authorized by this chapter and chapter
74 499, a person may not sell, manufacture, or deliver, or possess
75 with intent to sell, manufacture, or deliver, a controlled
76 substance. A person who violates this provision with respect to:

77 1. A controlled substance named or described in s.
78 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
79 commits a felony of the second degree, punishable as provided in
80 s. 775.082, s. 775.083, or s. 775.084.

81 2. A controlled substance named or described in s.
82 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,
83 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of
84 the third degree, punishable as provided in s. 775.082, s.
85 775.083, or s. 775.084.

86 3. A controlled substance named or described in s.
87 893.03(5) commits a misdemeanor of the first degree, punishable
88 as provided in s. 775.082 or s. 775.083.

89 (2)(a) Except as authorized by this chapter and chapter
90 499, a person may not purchase, or possess with intent to
91 purchase, a controlled substance. A person who violates this

Amendment No.

92 provision with respect to:

93 1. A controlled substance named or described in s.
94 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
95 commits a felony of the second degree, punishable as provided in
96 s. 775.082, s. 775.083, or s. 775.084.

97 2. A controlled substance named or described in s.
98 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,
99 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of
100 the third degree, punishable as provided in s. 775.082, s.
101 775.083, or s. 775.084.

102 3. A controlled substance named or described in s.
103 893.03(5) commits a misdemeanor of the first degree, punishable
104 as provided in s. 775.082 or s. 775.083.

105 (5) A person may not bring into this state any controlled
106 substance unless the possession of such controlled substance is
107 authorized by this chapter or unless such person is licensed to
108 do so by the appropriate federal agency. A person who violates
109 this provision with respect to:

110 (c) A controlled substance named or described in s.
111 893.03(5) commits a misdemeanor of the first degree, punishable
112 as provided in s. 775.082 or s. 775.083.

113 (6)

114 (d) If the offense is possession of a controlled substance
115 named or described in s. 893.03(5), the person commits a

Amendment No.

116 | misdemeanor of the second degree, punishable as provided in s.
117 | 775.082 or s. 775.083.

118 |

119 | -----

120 |

T I T L E A M E N D M E N T

121 |

Remove line 6 and insert:

122 |

reenacting ss. 817.563(2), 831.31, 893.07(5)(b), and

123 |

893.13(1)(a), (2)(a), (5)(c), and (6)(d), F.S.;

124 |

relating to controlled substances named or described

125 |

in s. 893.03, F.S.; the sale, manufacture, delivery,

126 |

or possession, with intent to sell, manufacture, or

127 |

deliver, of counterfeit controlled substances;

128 |

required reporting of certain theft or significant

129 |

loss of controlled substances; and prohibited acts and

130 |

penalties relating to controlled substances,

131 |

respectively, to incorporate the amendment made to s.

132 |

893.03, F.S., in references thereto; providing an

133 |

effective date.