



OFFICE OF THE SECRETARY

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Damon O. Holmes, Deputy Secretary

June 8, 1973

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Honorable Reubin O'D. Askew
Governor of Florida
Capitol Building
Tallahassee, Florida 32304

Dear Governor Askew:

House Bill 1752 has passed both houses of the legislature and, I believe, is now in your office for consideration. This bill is entitled the "Florida Comprehensive Drug Abuse Prevention and Control Act".

This bill combines Chapters 398 and 404, Florida Statutes. It assigns designated controlled substances to one of five schedules based on their potential for abuse and their medical use. It provides for regulating the practice of pharmacists and practitioners dealing with the substances, for labeling and record keeping, and for regulating the distribution of controlled substances.

Penalties for unlawful sale or possession of controlled substances have been substantially increased. Sale to someone under 18 years of age also carries an increased penalty. A first offender convicted of a violation of a provision of this act relating to possession may have his record expunged if he successfully completes a probationary period not exceeding one year.

At the discretion of the court, a person in violation of a provision of this act relating to possession may be required to participate in a licensed drug treatment program. Students charged with possession or sale of a controlled substance shall be suspended from school and if adjudicated guilty, be expelled.

This bill also provides for the mandatory revocation of a person's drivers license if that person is convicted of driving a motor vehicle while under the influence of a controlled substance.

We recommend your favorable consideration of this bill.

Sincerely,

Emmett S. Roberts
Secretary

ESR/jyb

Cannabis (Hallucinogens) et
Amphetamines, etc. *barbitur*

Note: No suspended sentences or probation allowed under this section.

(1)(d) Provides that it is unlawful to import controlled substances into state:

1. Second Degree Felony for: heroin, codeine, cocaine, methadone, etc.
2. Third Degree Felony for: LSD, THC, MDA, Psilocybin, Psylocin, Mescaline, Peyote Cannabis (Hallucinogens) et
Amphetamines, etc. *+ barbitur*
3. First Degree Misdemeanor
for: Codeine (less than 200 milligrams) etc.

(1)(e) Provides that it is unlawful to possess any controlled substance. Violation is Third Degree Felony.

(1)(f) Provides it is unlawful to possess under five grams of cannabis. Violation is First Degree Misdemeanor.

(2)(a) Provides First Degree Misdemeanor violation for failure to comply with record keeping provisions of bill, etc.

(3)(a) Provides Third Degree Felony penalty for false labeling, furnishing fraudulent material, obtaining drugs by misrepresentation.

MALLORY E. HORNE
PRESIDENT

LOUIS DE LA PARTE
PRESIDENT PRO TEMPORE

ELMER O. FRIDAY, JR.
SECRETARY

JOHN D. MELTON
SERGEANT AT ARMS



May 29, 1973

MEMORANDUM

TO: RAP
FROM: RICK
RE: CS for HB 1752/Penalties (page 31)

SECTION 893.13 Prohibited Acts

(1) (a) Provides that it is unlawful to sell, manufacture, deliver or possess with intent to sell, manufacture or deliver:

1. Second Degree Felony for: Heroin, codeine, cocaine, methadone, opium, etc.
2. Third Degree Felony for: LSD, MDA, THC, Psilocybin, Psilocyn, Mescaline, Peyote, Cannabis (Hallucinogens) etc.
Amphetamines + Barbiturates
3. First Degree Misdemeanor for: Codeine (less than 200 milligrams) etc.

(1) (b) Provides that it is unlawful to sell, deliver, or possess in excess of 10 grams of heroin, morphine, codeine, etc. First Degree Felony provision.

(1) (c) Provides for unlawful sale by person over 18 to person under 18:

1. First Degree Felony for: Codeine, heroin, morphine, cocaine, methadone, etc.
2. Second Degree Felony for: LSD, MDA, THC, Psilocybin, Psilocyn, Mescaline, Peyote,

REPLY TO:

DISTRICT OFFICE
CAPITOL OFFICE

MEMORANDUM
ON
CS FOR SB 1322 AND CS FOR HB 1752

These bills are companions designed to consolidate and revise chapters 398 and 404 to place control of abused drugs under one statute.

The effect of the bills is to provide uniform control of drugs of abuse, to remove the conflicts between chapters 398 and 404, and federal drug abuse laws, to assist persons concerned with drugs of abuse (the professions, law enforcement, the courts) by providing defined procedures and guidelines.

The bills are the product of study undertaken by various committees of the House of Representatives since 1969. This legislation represents input by and has received approval of persons affected by the bill, including law enforcement, the medical professions, pharmacists, drug manufacturers and wholesalers, hospitals, the judiciary, and the Department of Health and Rehabilitative Services Office of Drug Abuse. The Senate companion was closely scrutinized and favorably reported by the Senate Criminal Justice Committee.

The effect on professions concerned with the lawful use of controlled substances is to carry over the desirable features of existing laws and to remove certain unnecessary impediments to the lawful utilization of these substances.

The bills undertake to accomplish the following:

1. Provide a comprehensive approach to the drug abuse problem by:

- a. Consolidating chapters 398 and 404 of existing law in Florida Statutes;
- b. Mirroring provisions of Federal law on drug abuse prevention and control by expanding the list of drugs presently covered in Florida Statutes to the drugs, compounds, derivatives and categories set out in the Federal Comprehensive Drug Abuse Act. Particularly, five

schedules of controlled substances are set out in the bill and each is determined by the degree of potential for abuse and the degree of medical use for the drugs listed. These provisions are consistent with the Federal act, providing uniform enforcement criteria for both the state and federal governments.

2. Increase penalties for drug offenses where warranted and eliminate inconsistency in existing penalty provisions.

For example:

- a. Provides that selling, possessing or delivering large quantities of heroin, morphine, etc. is punishable as a felony of the first degree (30-year maximum).
- b. Increases the penalty for possessing, selling, manufacturing heroin, cocaine, etc., from a third degree felony (5-years maximum) to a second degree felony (15-years maximum).
- c. Delivering controlled substances to a person under eighteen (18) years of age is made a felony of the first degree (30-years maximum) with respect to heroin and cocaine.