

Section 14. The division of hotels and restaurants of the department of business regulations shall notify its licensees who are covered by this part of the requirements of this part.

Section 15. This act shall take effect on July 1, 1973, except that §§83.51, and §83.56(1) and §83.60 to the extent that they are dependent on §83.51, as enacted in section 2 of this act, shall take effect on January 1, 1974 with respect to all dwelling units covered under this act except dwelling units owned and operated by public housing authorities. With respect to dwelling units owned and operated by public housing authorities, the act shall take effect on July 1, 1973, except that sections 83.51 and 83.56(1) and 83.60 to the extent that they are dependent on section 83.51, as enacted in section 2 of this act, shall take effect on July 1, 1975. It applies to rental agreements entered into, extended or renewed after that date.

Approved by the Governor June 25, 1973.

Filed in Office Secretary of State June 26, 1973.

CHAPTER 73-331

Committee Substitute for House Bill No. 1752

AN ACT relating to drug abuse prevention and control; creating §§898.01-898.15, Florida Statutes; creating the "Florida Comprehensive Drug Abuse Prevention and Control Act"; providing definitions; providing standards and schedules under which controlled substances are controlled; regulating the practice of pharmacists and practitioners dealing in controlled substances; prescribing requirements for distribution of controlled substances; providing for record keeping; providing exceptions for dispensing certain controlled substances at retail; providing for enforcement of this act; establishing burden of proof in certain proceedings; providing for suspension, revocation, and reinstatement of business and professional licenses; providing for seizure and forfeiture, and sale of contraband and vessels, vehicles, or aircraft illegally used; establishing prohibited acts and penalties and arrest authority; providing for conditional discharge and expungement of records for first offense possession of a controlled substance; providing for participation in drug rehabilitation program for certain offenders; repealing chapter 398, Florida Statutes as amended by chapter 72-227, Laws of Florida, and chapter 404, Florida Statutes, as amended by chapter 72-97, and chapter 72-227, Laws of Florida, amending sections 232.26(2), 239.582(1) and (8), 316.028(1), 322.26(2), 322.264(1)(b), 371.51, 397.021(2), 459.14(2)(g), 465.101(1)(e), 465.22(1)(c), 500.46(2) and (5), 500.47(1)(c), 823.10, 831.30(1), 860.01(1), and 860.13(1)(a)2, Florida Statutes, to delete reference to chapters 398 and 404, Florida Statutes, in said sections, and to insert appropriate reference to chapter 898, Florida Statutes; providing an effective date.

WHEREAS, control of drug abuse by two chapters adds confusion to an already perplexing problem, and

WHEREAS, control of the manufacture and delivery of dangerous drugs, and drug abuse prevention and control, should be included in one chapter, and

WHEREAS, the President of the United States, on October 27, 1970, signed into law Public Law 91-513, the "Comprehensive Drug Abuse Prevention and Control Act of 1970" effective May 1, 1971, and

WHEREAS, this new federal law requires significant changes in the control and prevention of drug abuse, and

WHEREAS, uniformity between the laws of Florida and the laws of the United States is necessary and desirable for effective drug abuse prevention and control, and

WHEREAS, it is desirable that the State of Florida exercise more authority over manufacture and distribution of dangerous drugs, and

WHEREAS, the inconsistency in penalty provisions of current law demand amendment; NOW THEREFORE,

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

Section 1. Section 893.01, Florida Statutes, is created to read:

893.01 Short title.—This chapter shall be cited and known as the "Florida Comprehensive Drug Abuse Prevention and Control Act."

Section 2. Section 893.02, Florida Statutes, is created to read:

893.02 Definitions.—The following words and phrases as used in this chapter shall have the following meanings, unless the context otherwise requires:

(1) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a person or animal.

(2) "Cannabis" means all parts of the plant of the species *cannabis sativa*, L., including all varieties thereof, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(3) "Controlled substance" means any substance named or described in schedules I through V of section 893.03. Laws controlling manufacture, distribution, preparation, dispensing, or administration of such substances are drug abuse laws.

(4) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(5) The term "dispense" shall mean the transfer of possession of one or more doses of a medicinal drug by a pharmacist or other licensed practitioner to the ultimate consumer thereof, or to one who represents that it is his intention not to consume or use the same but to transfer the same

to the ultimate consumer or user for consumption by the ultimate consumer or user.

(6) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(7) "Distributor" means a person who distributes.

(8) "Division of health" means the division of health of the department of health and rehabilitative services.

(9) "Hospital" means an institution for the care and treatment of the sick and injured, licensed pursuant to the provisions of chapter 395, or which is owned or operated by the state or federal government.

(10) "Laboratory" means a laboratory approved by the federal bureau of narcotics and dangerous drugs as proper to be entrusted with the custody of controlled substances for scientific and medical purposes, and for the purpose of instruction, and to aid law enforcement officers and prosecuting attorneys in the enforcement of this chapter.

(11)(a) "Manufacture" means the production, preparation, propagation, compounding, cultivating, growing, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of a controlled substance by:

1. A practitioner or pharmacist as an incident to his administering or delivering of a controlled substance in the course of his professional practice, or

2. A practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(b) "Manufacturer" means a drug manufacturer as defined by §500.08-(23)

(12) "Patient" means an individual to whom a controlled substance is lawfully dispensed or administered pursuant to the provisions of this act.

(18) "Pharmacist" means a person who is licensed, pursuant to chapter 465 to practice the profession of pharmacy in this state.

(14) "Practitioner" means a physician, licensed pursuant to chapter 458, dentist, licensed pursuant to chapter 466, veterinarian, licensed pursuant to chapter 474, osteopath, licensed pursuant to chapter 459, naturopath, licensed pursuant to chapter 462 or podiatrist, licensed pursuant to chapter 461, provided such practitioner holds a valid federal controlled substance registry number.

(15) "Prescription" shall mean and include an order for drugs or medicinal supplies written, signed, or transmitted by word of mouth, telephone, telegram, or other means of communication by a duly licensed prac-

itioner licensed by the laws of the state to prescribe such drugs or medicinal supplies issued in good faith and in the course of professional practice, intended to be filled, compounded, or dispensed by another person licensed by the laws of the state to do so and which meets the requirements of §898.04. The term shall also include an order for drugs or medicinal supplies so transmitted or written by a physician, dentist, veterinarian, or other practitioner licensed to practice in a state other than Florida, but only if the pharmacist called upon to fill such an order determines, in the exercise of his professional judgment, that the order was issued pursuant to a valid patient-physician relationship; that it is authentic; and that the drugs or medicinal supplies so ordered are considered necessary for the continuation of treatment of a chronic or recurrent illness. However, if the physician writing the prescription is not known to the pharmacist, the pharmacist shall obtain proof to a reasonable certainty of the validity of said prescription.

(16) "Wholesaler" means a drug wholesaler as defined by §500.03(22).

Section 3. Section 898.03, Florida Statutes, is created to read:

898.03 Standards and schedules.—The substances enumerated herein are controlled by this act; the controlled substances listed or to be listed in schedules I, II, III, IV, and V, are included by whatever official, common, usual, chemical, or trade name designated.

(1) Schedule I.—A substance in schedule I has a high potential for abuse, and has no currently accepted medical use in treatment in the United States, and in its use under medical supervision, does not meet accepted safety standards. The following substances are controlled in schedule I:

(a) Unless specifically excepted or unless listed in another schedule, any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Acetylmethadol.
2. Allylprodine.
3. Alphacetylmethadol.
4. Alphameprodine.
5. Alphamethadol.
6. Benzethidine.
7. Betacetylmethadol.
8. Betameprodine.
9. Bethamethadol.
10. Petaprodine.
11. Clonitazene.
12. Dextromoramide.
13. Dextrophan.
14. Diampromide.
15. Diethylthiambutent.
16. Dimenoxadol.
17. Dimepheptanol.
18. Dimethylthiambutene.

19. Dioxaphetyl butyrate.
20. Dipipanone.
21. Ethylmethylthiambutene.
22. Etonitazene.
23. Extoteridine.
24. Furethidine.
25. Hydroxypethidine
26. Ketobemidone.
27. Levomoramide.
28. Levophenacylmorphan.
29. Morpheridine.
30. Noracymethadol.
31. Norlevorphanol.
32. Normethadone.
33. Norpipanone.
34. Phenadoxone.
35. Phenampromide.
36. Phenomorphan.
37. Phenoperidine.
38. Piritramide.
39. Proheptazine.
40. Properidine.
41. Propiram.
42. Racemoramide.
43. Trimeperidine.

(b) Unless specifically excepted or unless listed in another schedule, any of the following substances, their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Acetorphine.
2. Acetyldihydrocodeine.
3. Benzylmorphine.
4. Codeine methylbromide.
5. Codeine-N-Oxide.
6. Cyprenorphine.
7. Desomorphine.
8. Dihydromorphine.
9. Etorphine.
10. Heroin.
11. Hyromorphinol.
12. Methyl-desorphine.
13. Methylhydromorphine.
14. Morphine methylbromide.
15. Morphine methylsulfonate.
16. Morphine-N-Oxide.
17. Myorphine.
18. Nicocodeine.
19. Nicomorphine.
20. Normorphine.
21. Pholcodine.
22. Thebacon.

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

1. 3, 4-methylenedioxy amphetamine.
2. 5-methoxy-3, 4-methylenedioxy amphetamine.
3. 3, 4, 5-trimethoxy amphetamine.
4. Bufotenine.
5. Diethyltryptamine.
6. Dimethyltryptamine.
7. 4-methyl-2, 5-dimethoxyamphetamine.
8. Ibogaine.
9. Lysergic acid diethylamide.
10. Cannabis.
11. Mescaline.
12. Peyote.
13. N-ethyl-8-piperidyl benzilate.
14. N-methyl-8-piperidyl benzilate.
15. Psilocybin.
16. Psilocyn.
17. Tetrahydrocannabinols.

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

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

1. Opium, and any salt, compound, derivative, or preparation of opium.
2. Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph 1., except that these substances shall not include the isoquinoline alkaloids of opium.
3. Any part of the plant of the species *papaver somniferum*, L.
4. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(b) Unless specifically excepted or unless listed in another schedule, any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Alphaprodine.
2. Anileridine.
3. Bezitramide.
4. Dihydrocodeine.
5. Diphenoxylate.
6. Fentanyl.
7. Isomethadone.
8. Levomethorphan.
9. Levorphanol.
10. Metazocine.
11. Methadone.
12. Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenylbutane.
13. Moramide-Intermediate, 2-methyl-8-morpholino-1,1-diphenylpropane-carboxylic acid.
14. Pethidine (meperidine.)
15. Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
16. Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.
17. Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
18. Phenazocine.
19. Piminodine.
20. Racemethorphan.
21. Racemorphan.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances including their salts, isomers, optical isomers, salts of their isomers and salts of their optical isomers having a stimulant effect on the central nervous system:

1. Amphetamine.
2. Methamphetamine.
3. Phenmetrazine.
4. Methylphenidate.

(8) Schedule III.—A substance in schedule III has a potential for abuse less than the substances contained in schedules I and II, and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to moderate or low physical dependence or high psychological dependence. The following substances are controlled in schedule III:

(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the nervous system:

1. Any substance which contains any quantity of a derivative of barbituric acid, or any salt or a derivative of barbituric acid.
2. Chlorhexadol.
3. Glutethimide.
4. Lysergic acid.
5. Lysergic acid amide.

6. Methaqualone.
7. Methyprylon.
8. Phencyclidine.
9. Sulfondiethylmethane.
10. Sulfonethylmethane.
11. Sulfonmethane.

(b) Nalorphine.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following controlled substances, or any salts thereof:

1. Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

2. Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.

3. Not more than 800 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

4. Not more than 800 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.

5. Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.

6. Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.

7. Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.

(4) Schedule IV.—A substance in schedule IV has a low potential for abuse relative to the substances in schedule III, and has a currently accepted medical use in treatment in the United States, and abuse of the substance may lead to limited physical or psychological dependence relative to the substances in schedule III. The following substances are controlled in schedule IV:

- (a) Barbital.
- (b) Chloral betaine.
- (c) Chloral hydrate.
- (d) Ethchlorvynol.
- (e) Ethinamate.

- (f) Methohexital.
- (g) Meprobamate.
- (h) Methylphenobarbital.
- (i) Paraldehyde.
- (j) Petrichloral.
- (k) Phenobarbital.

(5) Schedule V.—A compound, mixture or preparation of a substance in schedule V has a low potential for abuse relative to the substances in schedule IV, and has a currently accepted medical use in treatment in the United States, and abuse of such compound, mixture or preparation may lead to limited physical or psychological dependence relative to the substances in schedule IV. Substances controlled in schedule V include any compound, mixture, or preparation containing any of the following limited quantities of controlled substances which shall include one or more active medicinal ingredients which are not controlled substances, in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by the controlled substance alone:

- (a) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
- (b) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
- (c) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
- (d) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
- (e) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

Section 4. Section 893.04, Florida Statutes, is created to read:

893.04 Pharmacist and Practitioner.—

(1) A pharmacist in good faith and in the course of professional practice only, may dispense controlled substances upon a written or oral prescription of a practitioner, under the following conditions:

- (a) Oral prescriptions must be promptly reduced to writing by the pharmacist.
- (b) The written prescription must be dated and signed by the prescribing practitioner on the day when issued.

(c) There shall appear on the face of the prescription or written record thereof for the controlled substance, the following information:

1. The full name and address of the person for whom, of the owner of the animal for which, the controlled substance is dispensed.
2. The full name and address of the prescribing practitioner, and his federal controlled substance registry number.

8. If the prescription is for an animal, it shall state the species of animal for which the controlled substance is prescribed.

4. The name of the controlled substance prescribed, and the strength, quantity and directions for use thereof.

5. The number of the prescription as recorded in the prescription files of the pharmacy in which it is filled.

6. The signature of the pharmacist filling the prescription and the date filled.

(d) The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years.

(e) Affixed to the original container in which a controlled substance is delivered upon a prescription or authorized refill thereof, as herein-after provided, there shall be a label bearing the following information:

1. The name and address of the pharmacy from which such controlled substance was dispensed;

2. The date on which the prescription for such controlled substance was filled;

3. The number of such prescription as recorded in the prescription files of the pharmacy in which it is filled;

4. The name of the prescribing practitioner.

5. The name of the patient for whom, or of the owner and species of the animal for which, the controlled substance is prescribed;

6. The directions for the use of controlled substance prescribed in the prescription;

7. A clear, concise warning that it is a crime to transfer the controlled substance to any person other than the patient for whom prescribed.

(f) A prescription for a controlled substance listed in schedule II may be dispensed only upon a written prescription of a practitioner, except that in an emergency situation, as defined by regulation of the division of health, such controlled substance may be dispensed upon oral prescription. No prescription for a controlled substance listed in schedule II may be re-filled.

(g) No prescription for a controlled substance listed in schedules III, IV or V shall be filled or refilled more than five (5) times within a period of six (6) months after the date on which the prescription was written, unless the prescription is renewed by a practitioner.

(2) The legal owner of any stock of controlled substances in a pharmacy, upon discontinuance of dealing in controlled substances, may sell said stock to a manufacturer, wholesaler, or pharmacy. Such controlled substances may be sold only upon an order form, where such an order form is required for sale by the drug abuse laws of the United States or this state, or regulations pursuant thereto.

Section 5. Section 898.05, Florida Statutes, is created to read:

893.05 Practitioners and persons administering controlled substances in their absence.—

(1) A practitioner, in good faith and in the course of his professional practice only, may prescribe, administer, dispense, mix or otherwise prepare a controlled substance, or he may cause the same to be administered by a licensed nurse or an intern practitioner under his direction and supervision only; a veterinarian may so prescribe, administer, dispense, mix or prepare a controlled substance for use on animals only, and may cause them to be administered by an assistant or orderly under his direction and supervision only.

(2) When any controlled substance is dispensed by a practitioner there shall be affixed to the original container in which the controlled substance is delivered a label on which appears the date of delivery, the directions for use of such controlled substance, the name and address of such practitioner, the name of the patient, and if such controlled substance is prescribed for an animal, a statement describing the species of the animal, and a clear, concise warning that it is a crime to transfer the controlled substance to any person other than the patient for whom prescribed.

(3) Any person who obtains from a practitioner or his agent, or pursuant to prescription any controlled substance for administration to a patient during the absence of such practitioner, shall return to such practitioner any unused portion of such controlled substance, when it is no longer required by the patient.

Section 6. Section 893.06, Florida Statutes, is created to read:

893.06 Distribution of controlled substances; order form; labeling and packaging requirements.—

(1) Controlled substances in schedules I and II shall be distributed by a duly licensed manufacturer, distributor, or wholesaler, to a duly licensed manufacturer, wholesaler, distributor, practitioner, pharmacy as defined in chapter 465, hospital or laboratory only pursuant to an order form. It shall be deemed a compliance with this subsection if the parties to the transaction have complied with federal law respecting the use of order forms.

(2) Possession or control of controlled substances obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty.

(3) A person in charge of a hospital or of a laboratory, or in the employ of this state or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains controlled substances under the provisions of this section or otherwise, shall not administer, nor dispense, nor otherwise use such controlled substances within this state, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this chapter.

(4) It shall be unlawful to distribute a controlled substance in a commercial container unless such container bears a label showing the name

and address of the manufacturer, the quantity, kind and form of controlled substance contained therein, and the identifying symbol for such substance, as required by federal law. No person except a pharmacist for the purpose of dispensing a prescription, or a practitioner for the purpose of dispensing a controlled substance to a patient, shall alter, deface or remove any labels so affixed.

Section 7. Section 898.07, Florida Statutes, is created to read:

898.07 Records.—

(1) Every person who engages in the manufacture, compounding, mixing, cultivating, growing, or by any other process producing or preparing, or in the dispensing, importation, or, as a wholesaler, distribution, of controlled substances, shall:

(a) On January 1, 1974, or as soon thereafter as any person first engages in such activity, and every second year thereafter, make a complete and accurate record of all stocks of controlled substances on hand. The inventory may be prepared on the regular physical inventory date which is nearest to and does not vary by more than six (6) months from the biennial date that would otherwise apply. As additional substances are designated for control under this chapter they shall be inventoried as provided for in this subsection.

(b) On and after January 1, 1974, maintain, on a current basis, a complete and accurate record of each substance manufactured, received, sold, delivered, or otherwise disposed of by him, except that this subsection shall not require the maintenance of a perpetual inventory.

(c) Compliance with the provisions of federal law pertaining to the keeping of records of controlled substances, shall be deemed a compliance with the requirements of this subsection.

(2) The record of controlled substances received shall in every case show:

(a) The date of receipt;

(b) The name and address of the person from whom received.

(c) The kind and quantity of controlled substances received.

(3) The record of all controlled substances sold, administered, dispensed, or otherwise disposed of, shall show:

(a) The date of selling, administering, or dispensing;

(b) The correct name and address of the person to whom, or for whose use, or the owner and species of animal for which sold, administered, or dispensed.

(c) The kind and quantity of controlled substances sold, administered, or dispensed.

(4) Every inventory or record required by this act, including prescription records, shall be maintained:

(a) Separately from all other records of the registrant, or

(b) Alternatively, in the case of schedule III, IV or V controlled substances, be in such form that information required by this act is readily retrievable from the ordinary business records of the registrant.

(c) In either case, records shall be kept and made available, for a period of at least two (2) years, for inspection and copying by law enforcement officers whose duty it is to enforce the laws of this state relating to controlled substances.

(5) Each person shall maintain a record which shall contain a detailed list of controlled substances lost, destroyed, or stolen, if any, the kind and quantity of such controlled substances, and the date of the discovering of such loss, destruction, or theft.

Section 8. Section 898.08, Florida Statutes, is created to read:

898.08 Exceptions.—

(1) The following may be distributed at retail without a prescription, and only by a registered pharmacist:

(a) Any compound, mixture, or preparation as described in schedule V.

(b) Any compound, mixture, or preparation containing any depressant or stimulant substance in paragraph (a) or (c) of section 898.08(2) or (a) of section 898.08(3) or in schedule IV, if:

1. The compound, mixture, or preparation contains one or more active medicinal ingredients not having depressant or stimulant effect on the central nervous system, and

2. Such ingredients are included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the controlled substances which do have a depressant or stimulant effect on the central nervous system.

(2) No compound, mixture, or preparation may be dispensed under subsection (1) unless such substance may under the federal food, drug, and cosmetic act be lawfully sold at retail without a prescription.

(3) The exemptions authorized by this section shall be subject to the following conditions:

(a) The compounds, mixtures, and preparations referred to in subsection (1) of this section may be dispensed to persons under age eighteen (18) only on prescriptions; a bound volume must be maintained as a record of sale at retail of excepted compounds, mixtures, and preparations, and the pharmacist must require suitable identification from every unknown purchaser.

(b) Such compounds, mixtures, and preparations shall be sold by the pharmacist in good faith as a medicine, and not for the purpose of evading the provisions of this act. The pharmacist may, in his discretion, withhold sale to any person whom he reasonably believes is attempting to purchase excepted compounds, mixtures, or preparations for the purpose of abuse.

(c) The total quantity of controlled substance listed in schedule V, which may be sold to any one purchaser within a given forty-eight (48)

hour period, shall not exceed: one hundred twenty (120) milligrams codeine, sixty (60) milligrams dihydrocodeine, thirty (30) milligrams ethyl morphine, or two hundred forty (240) milligrams opium.

(d) Nothing in this section shall be construed to limit the kind and quantity of any controlled substance that may be prescribed, administered, or dispensed to any person or for the use of any person or animal, when it is prescribed, administered or dispensed in compliance with the general provisions of this chapter.

(4) The dextrorotatory isomer of 8-methoxy-n-methylmorphinan and its salts (dextromethorphan) shall not be deemed to be included in any schedule by reason of enactment of this chapter.

Section 9. Section 893.09, Florida Statutes, is created to read:

893.09 Enforcement.—

(1) The department of law enforcement and all state agencies which regulate professions or institutions affected by the provisions of this chapter, and all peace officers of the state, shall enforce all provisions of this chapter, except those specifically delegated, and shall cooperate with all agencies charged with the enforcement of the laws of the United States, this state, and all other states relating to controlled substances.

(2) Any agency authorized to enforce this chapter shall have the right to institute an action in its own name to enjoin the violation of any of the provisions of this chapter. Said action for an injunction shall be in addition to any other action, proceeding, or remedy authorized by law.

(3) All law enforcement officers whose duty it is to enforce this chapter shall have authority to administer oaths in connection with their official duties, and any person making a material false statement under oath before such law enforcement officers shall be deemed guilty of perjury and subject to the same punishment as prescribed for perjury.

(4) It shall be unlawful and punishable as provided in chapter 848 for any person to interfere with any such law enforcement officer in the performance of his official duties. And it shall be unlawful for any person to falsely represent himself to be authorized to enforce the drug abuse laws of this state, the United States or any other state.

(5) No civil or criminal liability shall be imposed by virtue of this chapter upon any person whose duty it is to enforce the provisions of this chapter, by reason of his being lawfully engaged in the enforcement of any law or municipal ordinance relating to controlled substances.

Section 10. Section 893.10, Florida Statutes, is created to read:

893.10 Burden of proof.—

(1) It shall not be necessary for the state to negative any exemption or exception set forth in this chapter in any indictment or information or other pleading or in any trial, hearing or other proceeding under this chapter, and the burden of going forward with the evidence with respect to any such exemption or exception shall be upon the person claiming its benefit.

(2) In the case of a person charged under section 893.14(1) with the possession of a controlled substance, the label required under sections 893.04(1) or 893.05(2), shall be admissible in evidence and shall be prima facie evidence that such substance was obtained pursuant to a valid prescription form or dispensed by a practitioner while acting in the course of his professional practice.

Section 11. Section 893.11, Florida Statutes, is created to read:

893.11 Suspension, revocation and reinstatement of business and professional licenses.—Upon the conviction of any practitioner, distributor, manufacturer, wholesaler, or pharmacist, of a violation of any of the provisions of this chapter which constitutes a felony, in any court of competent jurisdiction, the clerk of said court shall send a certified copy of the judgment of conviction to the board or officer, by whom the convicted defendant has been licensed to practice his profession or to carry on his business. Such board or officer may after prior notice and hearing pursuant to chapter 120, part II, Florida Statutes, suspend or revoke the license or registration of the convicted defendant to practice his profession or to carry on his business. On the application of any such convicted defendant whose license or registration has been suspended or revoked, upon proper showing and for good cause said board or officer may reinstate such license or registration. Any court of competent jurisdiction in which such a defendant is convicted of a violation of any of the provisions of this chapter shall have the power in its discretion to suspend or revoke the license or registration of the convicted defendant, any may thereafter, upon proper showing and for good cause reinstate such license or registration where the same shall have been suspended or revoked by a court of competent jurisdiction; provided, that no court shall reinstate any license of such a convicted defendant which has been revoked by the board or officer by whom the convicted defendant was licensed to practice his profession or to carry on his business, except upon a proceeding brought in a court of competent jurisdiction for the purpose of setting aside or restraining such suspension or revocation of license.

Section 12. Section 893.12, Florida Statutes, is created to read:

893.12 Contraband; seizure, forfeiture and sale of vessel, vehicle, or aircraft illegally used.—

(1) All substances controlled by this chapter, which may be handled, delivered, possessed or distributed contrary to any provisions of this chapter and all such controlled substances the lawful possession of which is not established or the title to which cannot be ascertained, are declared to be contraband and shall be subject to seizure and confiscation by any person whose duty it is to enforce the provisions of the chapter, and shall be disposed of as follows:

(a) Except as in this section otherwise provided, the court having jurisdiction shall order such controlled substances forfeited and destroyed. A record of the place where said controlled substances were seized, of the kinds and quantities of controlled substances destroyed, and of the time, place and manner of destruction, shall be kept, and a return under oath,

reporting said destruction, shall be made to the court or magistrate and to the United States bureau of narcotics and dangerous drugs, by the officer who destroys them.

(b) Upon written application by the division of health, the court by whom the forfeiture of such controlled substances has been decreed may order the delivery of any of them to said division for distribution or destruction, as hereinafter provided.

(c) Upon application by any hospital or laboratory within the state, not operated for private gain, the division of health may in its discretion deliver any controlled substances that have come into its custody by authority of this section to the applicant for medical use. The division may from time to time deliver excess stock of such controlled substances to the United States bureau of narcotics and dangerous drugs, or shall destroy same.

(d) The division of health shall keep a full and complete record of all controlled substances received and of all controlled substances disposed of, showing the exact kinds, quantities, and forms of such controlled substances; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all persons charged with the enforcement of federal and state drug abuse laws.

(2) Any vessel, vehicle, or aircraft which has been or is being used in violation of any provision of this chapter, or in, upon, or by means of which any violation of this chapter has taken or is taking place may be seized and forfeited to the state or other jurisdiction responsible for the seizure; provided that no vessel, vehicle, or aircraft used by any person as a common carrier, in the transaction of business as such common carrier, shall be forfeited under the provisions of this section unless it shall appear that in the case of a railway car or engine, the owner, or in the case of any other such vessel, vehicle, or aircraft the owner or the master of such vessel, or the owner or conductor, driver, pilot or other person in charge of such vehicle, or aircraft, was at the time of the alleged illegal act a consenting party thereto; provided further that no vessel, vehicle, or aircraft shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed, or omitted by any person other than such owner while such vessel, vehicle, or aircraft was unlawfully in the possession of a person who acquired possession thereof in violation of the criminal law of this state or any political subdivision thereof, or of the United States.

(3) Any law enforcement agency is empowered to authorize or designate officers, agents, or other persons to carry out the seizure provisions of this section. It shall be the duty of any officer, agent, or other person so authorized or designated, or authorized by law, whenever he shall discover any vessel, vehicle, or aircraft which has been or is being used in violation of any of the provisions of this chapter, or in, upon, or by means of which any violation of this chapter has taken or is taking place to seize such vessel, vehicle, or aircraft and to place it in the custody of such person as may be authorized or designated for that purpose by the respective law enforcement agency, pursuant to these provisions.

(4) The rights of any bona fide holder of a duly recorded mortgage, or duly recorded vendor's privilege, on the property seized under this chapter shall not be affected by the seizure.

(5) The state attorney within whose jurisdiction the vessel, vehicle, or aircraft has been seized because of its use or attempted use in violation of any provision of this chapter shall proceed against the vessel, vehicle, or aircraft by rule to show cause in the court having jurisdiction of the offense, and have it forfeited to the use of or the sale by the law enforcement agency making the seizure on producing due proof that the vehicle was being used in violation of the provisions of this section;

provided that the provisions of this section shall not apply to innocent parties nor destroy any valid lien or retain title contract on vessels, aircraft, or motor vehicles as defined by existing registration law and the notation of a lien upon the face of the certificate of title shall be deemed prima facie valid.

(6) Where it appears by affidavit that the residence of the owner of the vessel, vehicle, or aircraft is out of the state, or is unknown to the state attorney, the court shall appoint an attorney-at-law to represent the absent owner against whom the rule shall be tried contradictorily within ten (10) days after its filing. This affidavit may be made by the state attorney or one of his assistants. The attorney so appointed may waive service and citation of the petition or rule, but shall not waive time nor any legal defense.

(7) Whenever the head of the law enforcement agency effecting the forfeiture deems it necessary or expedient to sell the property forfeited, rather than retain it to the use of the law enforcement agency, he shall cause notice to be made by publication as provided by statute, and thereafter shall dispose of said property at public auction to the highest bidder for cash and without appraisal.

Section 13. Section 893.13, Florida Statutes, is created to read:

893.13 Prohibited acts; penalties.—

(1) (a) Except as authorized by this chapter and chapter 500, it is unlawful for any person to sell, manufacture, deliver, or possess with intent to sell, manufacture or deliver, a controlled substance. Any person who violates this provision with respect to:

1. A controlled substance named or described in section 893.03 (1) (a) or (b), or section 893.03 (2) (a) or (b) is guilty of a felony of the second degree, punishable as provided in sections 775.082, 775.083 and 775.084.

2. A controlled substance named or described in section 893.03 (1) (c), section 893.03 (2) (c), section 893.03 (3), or section 893.03 (4), is guilty of a felony of the third degree punishable as provided in sections 775.082, 775.083, or 775.084.

3. A controlled substance named or described in section 893.03 (5), is guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083.

(b) Except as provided in this chapter, it is unlawful to sell or deliver or to possess in excess of ten (10) grams of any substance named or described in section 893.03(1)(a) or (b) or any combination thereof. Any person who violates this provision is guilty of a felony of the first degree, punishable as provided in section 775.082, section 775.083 and section 775.084.

(c) Except as authorized by this chapter, it is unlawful for any person over the age of eighteen (18) years to deliver any controlled substance to a person under the age of eighteen (18) years. Any person who violates this provision with respect to:

1. A controlled substance named or described in section 893.03 (1) (a) or (b), or section 893.03 (2) (a) or (b), is guilty of a felony of the first degree, punishable as provided in sections 775.082, 775.083 or 775.084.

2. A controlled substance named or described in section 893.03 (1) (c), section 893.03 (2) (c), section 893.03 (3) or section 893.03 (4), is guilty of a felony of the second degree, punishable as provided in sections 775.082, 775.083, or 775.084.

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

(d) It is unlawful for any person to bring into this state any controlled substance unless the possession of such controlled substance is authorized by this chapter or unless said person is licensed to do so by the appropriate federal agency. Any person who violates this provision with respect to:

1. A controlled substance named or described in section 893.03 (1) (a) or (b), or section 893.03 (2) (a) or (b) is guilty of a felony of the second degree, punishable as provided in sections 775.082, 775.083 or 775.084.

2. A controlled substance named or described in section 893.03 (1) (c), section 893.03 (2) (c), section 893.03 (3) or section 893.03 (4), is guilty of a felony of the third degree, punishable as provided in sections 775.082, 775.083 or 775.084.

3. A controlled substance named or described in section 893.03 (5), is guilty of a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083.

(e) It is unlawful for any person to be in actual or constructive possession of a controlled substance unless such controlled substance was lawfully obtained from a practitioner, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this chapter. Any person who violates this provision is guilty of a felony of the third degree, punishable as provided in sections 775.082, 775.083, or 775.084.

(f) If the first offense is the possession or delivery without consideration of not more than five (5) grams of cannabis, that person shall be guilty of a misdemeanor of the first degree, punishable as pro-

vided in section 775.082 and 775.083. For purposes of this subsection, "cannabis" shall not include the resin extracted from the plant *cannabis sativa*, L., or any compound manufacture, salt, derivative, mixture or preparation of such resin.

(g) Notwithstanding any provision of the laws of this state relating to arrest to the contrary, a law enforcement officer may arrest without warrant any person who he has probable cause to believe is violating the provisions of this chapter relating to possession of cannabis.

(2) (a) It is unlawful for any person:

1. To distribute or dispense a controlled substance in violation of the provisions of this chapter relating thereto;

2. To refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this chapter;

3. To refuse an entry into any premises for any inspection, or to refuse to allow any inspection authorized by this chapter;

4. To distribute a controlled substance named or described in §898.08(1) or (2), except pursuant to an order form as required by section 898.06;

5. To keep or maintain any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft or other structure or place, which is resorted to by persons using controlled substances in violation of this chapter for the purpose of using these substances, or which is used for keeping or selling them in violation of this chapter;

6. To use to his own personal advantage, or to reveal any information obtained in enforcement of this chapter, except in a prosecution or administrative hearing for a violation of this chapter.

7. To possess a controlled substance lawfully dispensed to him by a pharmacist or practitioner, in a container other than that in which the controlled substance was originally delivered.

(b) Any person who violates the provisions of paragraph (a) above, shall be guilty of a misdemeanor of the first degree, punishable as provided in sections 775.082 or 775.083.

(3)(a) It is unlawful for any person:

1. To acquire or obtain, or attempt to acquire or obtain possession of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge;

2. To affix any false or forged label to a package or receptacle containing a controlled substance;

3. To furnish false or fraudulent material information in, or omit any material information from, any report or other document required to be kept or filed under this chapter, or any record required to be kept by this chapter;

4. To possess, have under his control, or deliver any device, contrivance, instrument, or paraphernalia with the intent that said device, contrivance, instrument, or paraphernalia be used for unlawfully administering any controlled substance.

(b) Any person who violates the provisions of section (a) above, shall be guilty of a felony of the third degree, punishable as provided in sections 775.082, 775.083 or 775.084, except that when the controlled substance is one that the penalty for possession of which is a misdemeanor, then the penalty under subparagraph 4 of section (a) above shall be a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083.

(4) The provisions of subsections (1), (2) and (3) of this section shall not be applicable to:

(a) The delivery for medical or scientific purpose only of controlled substances to persons included in any of the classes hereinafter named, or to the agents or employees of such persons, for use in the usual course of their business or profession or in the performance of their official duties, or

(b) The actual or constructive possession of controlled substances by such persons or their agents or employees for such use, to wit:

1. Pharmacists.

2. Practitioners.

3. Persons who procure controlled substances in good faith and in the course of professional practice only, by or under the supervision of pharmacists or practitioners employed by them; or for the purpose of lawful research, teaching, or testing, and not for resale.

4. Hospitals which procure controlled substances for lawful administration by practitioners, but only for use by or in the particular hospital.

5. Officers or employees of state, federal or local governments acting in their official capacity only, or informers acting under their jurisdiction.

6. Common Carriers.

7. Manufacturers, wholesalers and distributors.

Section 14. Section 893.14, Florida Statutes, is created to read:

893.14 Conditional discharge and expunction of records for first offense possession.—

(1) If a person who has not previously been convicted of a violation of the drug abuse laws of any state or the United States is convicted of a violation of section 893.13(1)(e), 893.13(f) or 893.13(3)(a)4. or (b), relating to possession, after trial or upon a plea of guilty, the court may, without entering a judgment of guilty and with the consent of such person, defer further proceeding and place him on probation upon such reasonable condition as may be required and for such period not to exceed

one year as the court may prescribe. Discharge and dismissal under this section shall be without court adjudication of guilt, but a nonpublic record thereof shall be retained by the department of law enforcement solely for the purpose of use by the courts in any subsequent criminal proceedings and in determining whether such person qualifies under this section. Discharge and dismissal hereunder shall not be deemed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime, but it shall be deemed a conviction for the purpose of determining whether a defendant in a subsequent criminal prosecution is a multiple offender. Discharge and dismissal under this section may occur only once with respect to any person.

(2) Upon the discharge and dismissal of an offender under subsection (1) of this section, or if a person is acquitted or released without being adjudicated guilty, the the court shall issue an order to expunge from all official records, other than the nonpublic records retained by the department of law enforcement under subsection (1), all official recordation relating to his arrest, indictment or information, trial, finding of guilt, and dismissal and discharge pursuant to this section. The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or indictment or information. Except in subsequent criminal prosecutions where the person is a defendant, no person as to whom such order has been entered shall be held thereafter under any provision of Florida law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge such arrest, indictment or information, or trial in response to any inquiry made of him for any purpose.

Section 15. Section 893.15, Florida Statutes, is created to read:

893.15 Rehabilitation. Any person who violates subsection (1)(e) or (1)(f) of Section 893.13 relating to possession may, in the discretion of the trial judge, be required to participate in a drug rehabilitation program approved or regulated by the department of health and rehabilitative services pursuant to the provisions of chapter 897, provided the director of such program approves the placement of the defendant in such program. Such required participation may be imposed in addition to or in lieu of any penalty or probation otherwise prescribed by law, provided the total time of such penalty, probation and program participation shall not exceed the maximum length of sentence possible for the offense.

Section 16. Subsection (2) of section 232.26, Florida Statutes, is amended to read:

232.26 Authority of principal.—

(2) Any pupil enrolled as a student who is formally charged with a felony by a proper prosecuting attorney for the unlawful possession or sale of any ~~substance controlled under chapter 893, narcotic drug, central nervous system stimulant, hallucinogenic drug, or barbiturate, as identified or defined in chapter 898 or chapter 404,~~ shall following an administrative hearing upon notice to the parents or parent or guardian of said pupil provided by the principal of the school pursuant to rules promul-

gated by the state board of education, if such suspension is recommended, be suspended from all classes of instruction until the determination of his guilt by a court of competent jurisdiction. If adjudicated guilty of a felony, the pupil shall be automatically expelled. Any pupil subject to discipline or expulsion for unlawful possession or use of any *substance controlled under chapter 893, narcotic drug, central nervous system stimulant, hallucinogenic drug, or barbiturate, as identified or defined in chapter 893 or chapter 404*, may be entitled to a waiver of the discipline or expulsion if he divulges information leading to the arrest and conviction of the person who supplied such *controlled substance drug, stimulant, or barbiturate* to him, or if he voluntarily discloses his unlawful possession of such *controlled substance drug, stimulant, or barbiturate* prior to his arrest. Any information divulged which leads to such arrest and conviction shall not be admissible in evidence in a subsequent criminal trial against the pupil divulging such information.

Section 17. Subsections (1) and (3) of section 289.582, Florida Statutes, are amended to read:

289.582 Expulsion of students adjudicated guilty of unlawful possession or sale of controlled substances.

(1) Any person enrolled as a student in any state-supported university or junior college who is formally charged by a proper prosecuting attorney for the unlawful possession or sale of any *substance controlled under chapter 893, narcotic drug, central nervous system stimulant, hallucinogenic drug or barbiturate, as identified or defined in either chapter 893 or chapter 404*, shall, following an administrative hearing provided by the president of the institution pursuant to rules promulgated by the state board of education or board of regents, if such suspension is recommended, be suspended from all classes of instruction until the determination of his guilt by a court of competent jurisdiction. If adjudicated guilty, the student shall be automatically expelled.

(3) Any student subject to discipline or expulsion from a state university or junior college or district school system for unlawful possession or use of any *substance controlled under chapter 893, narcotic drug, central nervous system stimulant, hallucinogenic drug, or barbiturate, as identified or defined in either chapter 893 or chapter 404*, may be entitled to a waiver of the discipline or expulsion if he divulges information leading to the arrest and conviction of the person who supplied such *controlled substance drug, stimulant, or barbiturate* to him, or if he voluntarily discloses his unlawful possession of such *controlled substance drug, stimulant, or barbiturate* prior to his arrest.

Section 18. Any pupil enrolled as a student in any district school system in the state or any person enrolled as a student in any state supported university or junior college subject to discipline or expulsion for unlawful possession or use of any *substance controlled under chapter 893*, shall receive a waiver of the discipline or expulsion if the pupil commits himself or is referred by the court in lieu of sentence to a state licensed drug abuse program and successfully completes the program.

Section 19. Subsection (1) of section 316.028, Florida Statutes, is amended to read:

316.028 Driving while under the influence of alcoholic beverages, or ~~controlled substances.—narcotic drugs, barbiturates or other stimulants.—~~

(1) It is unlawful and punishable as provided in subsection (2) for any person who is under the influence of alcoholic beverages, *medal glue*, or any substance controlled under chapter 893, *marijuana or narcotic drugs*, as defined in chapter 893, *medal glue*, or *barbiturates*, *central nervous system stimulants*, *hallucinogenic drugs*, or any other drugs to which the drug abuse laws of the United States apply, as defined in chapter 404, when affected to the extent that his normal faculties are impaired, to drive or be in the actual physical control of any vehicle within this state.

Section 20. Subsection (2) of section 322.26, Florida Statutes, is amended to read:

322.26 Mandatory revocation of license by department.—The department shall forthwith revoke the license or driving privilege of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses:

(2) Driving a motor vehicle, or being in actual physical control thereof, or who enters a plea of *nolo contendere* and said plea has been accepted by the state or municipal court and said court has entered a fine or sentence to a charge of driving while under the influence of alcoholic beverages or a substance controlled under chapter 893 *narcotic drugs, barbiturates or central nervous system stimulants* as defined in §404.01, or being in actual physical control of a motor vehicle while under the influence of alcoholic beverages or a substance controlled under chapter 893. *narcotic drugs, barbiturates or central nervous system stimulants* as defined in §404.01.

Section 21. Paragraph (b) of subsection (1) of section 322.264, Florida Statutes, is amended to read:

322.264 Habitual traffic offender defined.—An "habitual traffic offender" is any person whose record, as maintained by the department of highway safety and motor vehicles, shows that such person has accumulated the convictions for separate offenses described in subsections (1), (2) and (3), committed within a five-year period:

(1) Three or more convictions, singly or in combination, of any of the following offenses arising out of separate acts:

(b) Driving a motor vehicle or being in actual physical control while under the influence of alcoholic beverages or any substance controlled under chapter 893; *narcotic drugs*, or *barbiturates or central nervous system stimulants* as defined in §404.01+

Section 22. Section 371.51, Florida Statutes, is amended to read:

371.51 Operating vessel while under influence of intoxicating liquor or a controlled substance.—~~or any narcotic or dangerous drug.—It is~~

unlawful for any person who is under the influence of alcoholic beverages or any *substance controlled under chapter 893, narcotic or dangerous drug controlled by chapter 898, chapter 404, or the narcotic or drug abuse laws of the United States*, or any chemical substance set forth in §877.11, when affected to the extent that his normal faculties are impaired, to operate or be in actual physical control of any vessel on the waters of this state.

Section 23. Subsection (2) of section 897.021, Florida Statutes, is amended to read:

(Substantial rewording of subsection. See §897.021(2), Florida Statutes, for current text.)

897.021 Definitions.—When used in this chapter, unless the context otherwise requires:

(2) "Drug dependent" means a person who is dependent upon, or by reason of repeated use is in imminent danger of becoming dependent upon any substance controlled under chapter 898.

Section 24. Paragraph (g) of subsection (2) of section 459.14, Florida Statutes, is amended to read:

459.14 Refusal, revocation and suspension of license, etc.—

(2) The following are grounds for the various actions listed in subsection (1):

(g) Habitual drunkenness or habitual addiction to the use of *any substance controlled under chapter 893, drugs enumerated in chapters 898 and 404*.

Section 25. Paragraph (e) of subsection (1) of section 465.101, Florida Statutes, is amended to read:

465.101 Authority to revoke or suspend licenses.—

(1) The board of pharmacy may revoke or suspend the license and registration certificate of any registered pharmacist, after giving such pharmacist reasonable notice and an opportunity to be heard, who shall have:

(e) Violated any of the requirements of this chapter or of chapter 500, known as the Florida food, drug and cosmetic law, or of §§301 through 392 of title 21, United States code, known as the federal food, drug and cosmetic act or of *chapter 893, chapter 898, known as the uniform narcotic law, or of chapter 404, known as the Florida drug abuse law*.

Section 26. Paragraph (c) of subsection (1) of section 465.22, Florida Statutes, is amended to read:

465.22 Authority to revoke or suspend pharmacy permits.—

(1) The board of pharmacy may revoke or suspend the permit of any pharmacy after giving reasonable notice and an opportunity to be heard to any permittee who shall have:

(c) Violated any of the requirements of this chapter or any of the rules and regulations of the board of pharmacy, of chapter 500, known as the Florida food, drug and cosmetic law, of ~~chapter 898, of chapter 808, known as the uniform narcotic drug law, of chapter 404, known as the Florida drug law or the Florida drug abuse law~~ or who has been convicted of a felony or any other crime involving moral turpitude in any of the courts of this state, of any other state, or of the United States.

Section 27. Subsections (2) and (5) of section 500.46, Florida Statutes, are amended to read:

500.46 Wholesale drug and drug manufacturer establishment permits; renewal of permits; inspections.—

(2) Drug wholesalers and drug manufacturers who wholesale or manufacture any ~~substance controlled under chapter 898 drug included in the provisions of chapter 808 or chapter 404~~ shall so notify the department of health and rehabilitative services when registering pursuant to this section. The department shall, on the forms furnished to registrants, provide an appropriate place for such notification. The department shall immediately notify the department of law enforcement of all persons who register pursuant to this section.

(5) The agents of the department of health and rehabilitative services and the department of law enforcement shall have the authority to inspect and investigate all drug wholesalers and drug manufacturers during business hours for the purpose of enforcing the provisions of this chapter; chapters ~~898, 808, 404,~~ and 465; and the rules and regulations of the department of health and rehabilitative services which relate to the protection of the health, safety, and welfare of the public.

Section 28. Paragraph (c) of subsection (1) of section 500.47, Florida Statutes, is amended to read:

500.47 Authority to revoke or suspend permits.—

(1) The department of health and rehabilitative services may revoke or suspend the permit of any drug wholesale or drug manufacturing establishment which is found to have:

(c) Violated any of the requirements of this chapter; ~~chapter 898 or 808, 404, or chapter 465;~~ or any of the rules and regulations of the department of health and rehabilitative services as they relate to drug wholesale or drug manufacturing establishments. No such permit shall be revoked or suspended until the department has given the permittee reasonable notice of the action it intends to take and has afforded the permittee an opportunity to be heard.

Section 29. Section 828.10, Florida Statutes, is amended to read:

828.10 Places where ~~controlled substances narcotic and other drugs~~ are illegally kept, sold or used, declared a public nuisance.—Any store, shop, warehouse, dwelling house, building, vehicle, ship, boat, vessel, aircraft, or any place whatever, which is visited by ~~persons narcotic or other drug users~~ for the purpose of unlawfully using any ~~substance controlled under chapter 898 hallucinogenic drugs, barbiturates, central nervous stim-~~

~~plants, amphetamines, narcotic drugs, habit-forming drugs or any other drugs as described in chapters 898, 404 and 500, or which is used for the illegal keeping, selling, or delivering of the same, shall be deemed a public nuisance. No person shall keep or maintain such public nuisance or aid and abet another in keeping or maintaining such public nuisance.~~

Section 80. Subsection (1) of section 881.80, Florida Statutes, is amended to read:

881.80 Medicinal drugs; fraud in obtaining.—Whoever:

(1) Falsely makes, alters, or forges any prescription, as defined in §465.081(2), for a medicinal drug other than a drug controlled by chapter ~~898; 898 or chapter 404;~~ with intent to obtain such drug, shall be guilty of a misdemeanor of the second degree, punishable as provided in §775.082 or §775.083. A second or subsequent conviction shall constitute a misdemeanor of the first degree, punishable as provided in §775.082 or §775.083.

Section 81. Subsection (1) of section 860.01, Florida Statutes, is amended to read:

860.01 Driving automobile while intoxicated; punishment.—

(1) It is unlawful for any person, while in an intoxicated condition or under the influence of intoxicating liquor; ~~marijuana; narcotic drugs, as defined in chapter 898;~~ model glue, as defined in §877.11; ~~or any substance controlled under chapter 898 or barbiturates, central nervous system stimulants, hallucinogenic drugs, or any other drug to which the drug abuse laws of the United States apply, as defined in chapter 404~~ to such extent as to deprive him of full possession of his normal faculties to drive or operate over the highways or streets or thoroughfares of Florida any automobile, truck, motorcycle, or any other vehicle. Any person convicted of a violation of this section shall be punished as provided §816.028.

Section 82. Subparagraph 2. of paragraph (a) of subsection (1) of section 860.18, Florida Statutes, is amended to read:

860.18 Operation of aircraft while intoxicated or in careless or reckless manner; penalty.—

(1) It shall be unlawful for any person:

(a) To operate an aircraft in the air or on the ground or water while under the influence of:

2. ~~Any substance controlled under chapter 898; Any narcotic or dangerous drug controlled by chapter 898, chapter 404, or the narcotic or drug abuse laws of the United States; or~~

Section 83. Sections 898.01, 898.02, 898.03, 898.035 as created by chapter 72-227, Laws of Florida, 898.04, 898.05, 898.06, 898.07, 898.08, 898.09, 898.10, 898.11, 898.12, 898.13, 898.131, 898.14, 898.15, 898.16, 898.17, 898.18, 898.19, 898.20, 898.21, 898.22, 898.23, 898.24, Florida Statutes, and Sections 404.001, 404.01 as amended by chapter 72-97, Laws of Florida, 404.015, 404.02 as

amended by chapter 72-97, Laws of Florida, 404.021, 404.085 as created by chapter 72-227, Laws of Florida, 404.04, 404.041, 404.05, 404.06, 404.07, 404.-08, 404.09, 404.10, 404.11, 404.12, 404.13, 404.14, 404.15, Florida Statutes. are hereby repealed.

Section 84. This act shall take effect on July 1, 1978.

Approved by the Governor June 25, 1978.

Filed in Office Secretary of State June 26, 1978.

CHAPTER 73-882

Committee Substitute for House Bill No. 1589

AN ACT relating to the collection of ad valorem taxes; amending §§197.012, 197.016, 197.056, 197.062(2), 197.072(1) and (2), 197.076, 197.082, 197.-106(1) and (2), 197.116(2), (3) and (4) and adding subsections (6) and (7) thereto, 197.121(1), 197.132, 197.136, 197.151, 197.156(1), 197.176, 197.181, 197.186, 197.191, 197.201, 197.216, 197.236(1), (2), and (5), 197.-241, 197.246, adding subsection (2) to §197.266, amending §§197.256, 197.261, 197.271, 197.291(2) 197.302(1), 197.311, 197.351, 197.356(4) and adding subsections (5), (6), (7), (8), and (9) thereto, all Florida Statutes, 1972 Supplement; adding a new section to chapter 95, Florida Statutes; transferring §197.236, Florida Statutes, 1972 Supplement, to chapter 95, Florida Statutes, and amending said section; amending §125.39, Florida Statutes, 1971; transferring and renumbering §197.251, Florida Statutes, 1972 Supplement, as subsection (2) of §197.246, Florida Statutes; amending §§178.01, 198.102(1), and §198.461(6), all Florida Statutes, 1971; providing for time of discounts; providing for distributions of taxes collected providing for collections on railroad spurs; providing statutes of limitation for tax liens, certificates, and suits for recovery of land acquired by tax deed; providing that chapter 197 is the exclusive means of enforcing a tax certificate; providing an interest rate on personal property; providing for a single certificate per year; providing a fee to the tax collector for redemptions, purchases of county certificates and omitted years taxes; clarifying the minimum five percent (5%) charge on certificates; providing for distribution of unclaimed redemption money and sale proceeds; providing for procedural requirements and duties in the redemption of tax certificates; providing for the time and methods of enforcing tax certificates; providing for sales of property at public auction; providing for notices; providing for distribution of proceeds of sales; providing for a method for sale of property acquired by the county through tax proceedings; providing for implementation procedures; repealing §197.465(2), Florida Statutes, 1969, as amended by chapter 72-268, Laws of Florida, appearing as §197.-141(8), Florida Statutes, 1972 Supplement, §197.236(8) and (6), Florida Statutes, 1972 Supplement, as created by chapter 72-268, Laws of Florida, §197.291(8), Florida Statutes, 1972 Supplement, as created by chapter 72-268, Laws of Florida, §197.610, Florida Statutes, 1969, as amended by chapter 72-268, Laws of Florida, appearing as §197.316, Florida Statutes,