

By Senator Brandes

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A bill to be entitled

An act relating to criminal justice; providing a short title; amending s. 893.135, F.S.; requiring that the court impose, for an offense relating to trafficking in certain substances, a sentence pursuant to the Criminal Punishment Code and without regard to any statutory minimum sentence if the court makes specified findings under certain circumstances; amending s. 944.275, F.S.; requiring an education program manager to recommend, and authorizing the Department of Corrections to grant, an award of a specified amount of incentive gain-time to an inmate who has completed the Prison Entrepreneurship Program; revising circumstances under which certain inmates are not eligible for certain types of gain-time in amounts that would cause a sentence to end or require a release prior to serving a minimum percentage of a sentence; amending s. 944.611, F.S.; providing legislative intent with respect to the location of an inmate's confinement; amending s. 944.705, F.S.; requiring that the department provide an inmate with a comprehensive community reentry resource directory organized by county before an inmate's release; authorizing a nonprofit faith-based business or a professional, civic, or community organization to apply for registration with the department to provide inmate reentry services; requiring the department to adopt certain policies and procedures; authorizing the department to deny approval and registration of an

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organization or representative of an organization
under certain circumstances; authorizing the
department to contract with a public or private
educational institution's Veterans Advocacy Clinic or
Veterans Legal Clinic for certain purposes; requiring
the department to include notification of all
outstanding terms of sentence in an inmate's release
documents; requiring the department to adopt certain
rules; amending s. 944.801, F.S.; authorizing the
Correctional Education Program to establish a Prison
Entrepreneurship Program and adopt procedures for
admitting student inmates; providing requirements for
the program; authorizing transitional and postrelease
continuing educational services to be offered under
certain circumstances; requiring the department to
enter into certain agreements to implement the
program; requiring that the program be funded with
existing resources; amending s. 948.001, F.S.;
redefining the term "administrative probation";
amending s. 948.013, F.S.; authorizing the department
to transfer an offender to administrative probation
under certain circumstances; amending s. 948.03, F.S.;
requiring the department to include in the Florida
Crime Information Center system all conditions of
probation as determined by the court for each
probationer; amending s. 948.06, F.S.; requiring a
probation officer to determine whether a probationer
or offender on community control who commits a
technical violation is eligible for a certain

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alternative sanctioning program; authorizing the probation officer to take certain actions if such probationer or offender is eligible; defining the term "technical violation"; requiring that judicial circuits establish an alternative sanctioning program; authorizing the chief judge of each judicial circuit to issue specified administrative orders; requiring a probation officer to submit to the court for approval any recommended sanctions against a probationer or offender determined to be eligible for the program to the court for approval; defining the terms "low-risk violation" and "moderate-risk violation"; specifying circumstances under which a probationer or offender on community control is not eligible for an alternative sanction; authorizing a probation officer to offer an eligible probationer one or more specified alternative sanctions for a first or second low-risk violation; authorizing a probation officer, under certain circumstances, to offer an eligible probationer or offender on community control one or more specified alternative sanctions for a first moderate-risk violation; providing that the participation of a probationer or offender on community control in the alternative sanctioning program is voluntary, subject to certain requirements; specifying actions that a probationer or offender on community control may take if he or she is eligible for an alternative sanctioning program; providing that a probation officer, under certain circumstances, submit a

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recommended sanction to the court; authorizing the court to impose the recommended sanction or direct the department to submit a violation report, affidavit, and warrant to the court; authorizing a probation officer to submit a violation report, affidavit, and warrant to the court under certain circumstances; prohibiting certain evidence in subsequent proceedings; amending s. 893.03, F.S.; conforming a cross-reference; providing an effective date.

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

Section 1. This act may be cited as the Florida First Step Act.

Section 2. Present subsections (6) and (7) of section 893.135, Florida Statutes, are redesignated as subsections (7) and (8), respectively, and a new subsection (6) is added to that section, to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(6) Notwithstanding any other provision of law, for an offense under this section the court shall impose a sentence pursuant to the Criminal Punishment Code under chapter 921 and without regard to any statutory minimum sentence, if the court finds at sentencing, after the state attorney has been afforded the opportunity to make a recommendation, all of the following:

(a) The defendant has not previously been convicted of a dangerous crime as defined in s. 907.041, or a violation specified as a predicate offense for registration as a sexual

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117 predator under s. 775.21 or for registration as a sexual
118 offender under s. 943.0435.

119 (b) The defendant did not use violence or credible threats
120 of violence or possess a firearm or other dangerous weapon, or
121 induce another participant to do so, in connection with the
122 offense.

123 (c) The offense did not result in death or serious bodily
124 injury to any person.

125 (d) The defendant was not engaged in a continuing criminal
126 enterprise, as defined in s. 893.20.

127 (e) By the time of the sentencing hearing, the defendant
128 has truthfully provided to the state all information and
129 evidence the defendant has concerning the offense or offenses
130 that were part of the same course of conduct or of a common
131 scheme or plan. The fact that the defendant has no other
132 relevant or useful information to provide or that the state is
133 already aware of the information does not preclude a
134 determination by the court that the defendant has complied with
135 this requirement.

136 Section 3. Paragraphs (d) and (f) of subsection (4) of
137 section 944.275, Florida Statutes, are amended to read:

138 944.275 Gain-time.—

139 (4)

140 (d) Notwithstanding the monthly maximum awards of incentive
141 gain-time under subparagraphs (b)1., 2., and 3., the education
142 program manager shall recommend, and the Department of
143 Corrections may grant, a one-time award of 60 additional days of
144 incentive gain-time to an inmate who is otherwise eligible and
145 who successfully completes requirements for and is, or has been

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146 during the current commitment, awarded a high school equivalency
147 diploma or vocational certificate, or has completed the Prison
148 Entrepreneurship Program. Under no circumstances may an inmate
149 receive more than 60 days for educational attainment pursuant to
150 this section.

151 (f) An inmate who is subject to subparagraph (b)3. is not
152 eligible to earn or receive gain-time under paragraph (a),
153 paragraph (b), or paragraph (c), ~~or paragraph (d)~~ or any other
154 type of gain-time other than under paragraph (d) in an amount
155 that would cause a sentence to expire, end, or terminate, or
156 that would result in a prisoner's release, prior to serving a
157 minimum of 85 percent of the sentence imposed. An inmate who is
158 currently serving a sentence for or has been previously
159 convicted of a dangerous crime as defined in s. 907.041, or a
160 violation specified as a predicate offense for registration as a
161 sexual predator under s. 775.21 or for registration as a sexual
162 offender under s. 943.0435, is not eligible to earn or receive
163 gain-time under paragraphs (a) through (d), or any other type of
164 gain-time in an amount that would cause a sentence to expire,
165 end, or terminate, or that would result in a prisoner's release,
166 prior to serving a minimum of 85 percent of the sentence
167 imposed. For purposes of this paragraph, credits awarded by the
168 court for time physically incarcerated shall be credited toward
169 satisfaction of 85 percent of the sentence imposed. Except as
170 provided by this section, a prisoner may not accumulate further
171 gain-time awards at any point when the tentative release date is
172 the same as that date at which the prisoner will have served 85
173 percent of the sentence imposed. State prisoners sentenced to
174 life imprisonment shall be incarcerated for the rest of their

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175 natural lives, unless granted pardon or clemency.

176 Section 4. Subsection (2) of section 944.611, Florida
177 Statutes, is amended to read:

178 944.611 Legislative intent.—The Legislature finds and
179 declares that:

180 (2) It is the intent of the Legislature that:

181 (a) The secretary shall designate the place of each
182 inmate's confinement and shall, subject to bed availability and
183 the inmate's security designation, programmatic needs, and
184 mental and medical health needs, place each inmate in an
185 institution or facility as close as practicable to within 150
186 driving miles of the inmate's primary residence, unless the
187 safety of department employees or inmates requires other
188 placement. Subject to bed availability and the inmate's security
189 designation, the department shall transfer an inmate to an
190 institution or facility that is as close as practicable to
191 within 150 driving miles of the inmate's primary residence,
192 unless the inmate chooses to remain at his or her current
193 institution or facility.

194 (b)~~(a)~~ To the extent possible, an inmate be returned, upon
195 release, to the same area from which the inmate was committed.

196 (c)~~(b)~~ An inmate being released from a community work-
197 release program is not eligible for the provision of
198 transportation.

199 (d)~~(c)~~ Transportation provided for an eligible inmate upon
200 release shall be to one of the following points:

201 1. The county where parole placement has been approved and
202 supervision is to commence.

203 2. Another state.

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204 3. The county of employment within the state.

205 4. The county of legal residence within the state.

206 5. The county of original commitment within the state.

207 (e)~~(d)~~ Each releasee who is eligible for the provision of
208 transportation shall be escorted to the site of embarkation by
209 an officer of the correctional facility, who shall remain until
210 the releasee has departed.

211 Section 5. Present subsections (3), (4), and (5) of section
212 944.705, Florida Statutes, are redesignated as subsections (4),
213 (5), and (6), respectively, present subsection (6) of that
214 section is amended, and new subsection (3) and subsections (7),
215 (8), (9), and (11) are added to that section, to read:

216 944.705 Release orientation program.—

217 (3) Before an inmate's release, the department shall
218 provide the inmate with a comprehensive community reentry
219 resource directory organized by county which includes the name,
220 address, and telephone number of each provider and a description
221 of the services offered by each provider. The directory must
222 also include the name, address, and telephone number of existing
223 starting points for using such resources.

224 (7) A nonprofit faith-based business or a professional,
225 civic, or community organization may apply for registration with
226 the department to provide inmate reentry services. Reentry
227 services include, but are not limited to, counseling; providing
228 information on housing and job placement; money management
229 assistance; and programs that address substance abuse, mental
230 health, or co-occurring conditions.

231 (8) The department shall adopt policies and procedures for
232 screening, approving, and registering an organization that

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233 applies under subsection (7). The department may deny approval
234 and registration of the organization or a representative of the
235 organization if it determines that the organization or
236 representative does not meet the department's policies or
237 procedures.

238 (9) The department may contract with a public or private
239 educational institution's Veterans Advocacy Clinic or Veterans
240 Legal Clinic to assist qualified veteran inmates in applying for
241 veteran's benefits upon release.

242 (10)-(6)-(a) The department shall notify every inmate, in no
243 less than 18-point type in the inmate's release documents:

244 (a) Of all terms of the inmate's sentence which are
245 outstanding at the time of release, including, but not limited
246 to, a term of supervision and any conditions required upon
247 release from imprisonment or unpaid restitution, court costs,
248 fees, or fines.

249 (b)1. That the inmate may be sentenced pursuant to s.
250 775.082(9) if the inmate commits any felony offense described in
251 s. 775.082(9) within 3 years after the inmate's release. This
252 notice must be prefaced by the word "WARNING" in boldfaced type.

253 2.-(b) Nothing in This section does not preclude precludes
254 the sentencing of a person pursuant to s. 775.082(9), and nor
255 shall evidence that the department failed to provide this notice
256 does not prohibit a person from being sentenced pursuant to s.
257 775.082(9). The state is shall not be required to demonstrate
258 that a person received any notice from the department in order
259 for the court to impose a sentence pursuant to s. 775.082(9).

260 (11) The department shall adopt rules to implement this
261 section.

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Section 6. Present subsections (4), (5), and (6) of section 944.801, Florida Statutes, are redesignated as subsections (5), (6), and (7), respectively, and a new subsection (4) is added to that section, to read:

944.801 Education for state prisoners.—

(4) The Correctional Education Program may establish a Prison Entrepreneurship Program and adopt procedures for admitting student inmates. If the department elects to develop the program, it must include at least 180 days of in-prison education. The program curriculum must include a component on developing a business plan, procedures for graduation and certification of successful student inmates, and at least 90 days of transitional and postrelease continuing educational services. Transitional and postrelease continuing educational services may be offered to graduate student inmates on a voluntary basis and are not a requirement for completion of the program. The department shall enter into agreements with public or private colleges or universities or other nonprofit entities to implement the program. The program must be funded with existing resources.

Section 7. Subsection (1) of section 948.001, Florida Statutes, is amended to read:

948.001 Definitions.—As used in this chapter, the term:

(1) "Administrative probation" means a form of no contact, nonreporting supervision that may be imposed by order of the court or transfer by the Department of Corrections as provided in s. 948.013 ~~in which an offender who presents a low risk of harm to the community may, upon satisfactory completion of half the term of probation, be transferred by the Department of~~

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~~Corrections to this type of reduced level of supervision, as provided in s. 948.013.~~

Section 8. Subsection (1) of section 948.013, Florida Statutes, is amended to read:

948.013 Administrative probation.—

(1) The Department of Corrections may transfer an offender to administrative probation if he or she presents a low risk of harm to the community and has satisfactorily completed at least half of his or her probation term. The department ~~of Corrections~~ may establish procedures for transferring an offender to administrative probation. The department may collect an initial processing fee of up to \$50 for each probationer transferred to administrative probation. The offender is exempt from further payment for the cost of supervision as required in s. 948.09.

Section 9. Subsection (3) is added to section 948.03, Florida Statutes, to read:

948.03 Terms and conditions of probation.—

(3) The Department of Corrections shall include in the Florida Crime Information Center system all conditions of probation as determined by the court for each probationer.

Section 10. Present paragraphs (c) through (g) of subsection (1) of section 948.06, Florida Statutes, are redesignated as paragraphs (d) through (h), respectively, present paragraph (h) of that subsection is amended, a new paragraph (c) is added to that subsection, and subsection (9) is added to that section, to read:

948.06 Violation of probation or community control; revocation; modification; continuance; failure to pay restitution or cost of supervision.—

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(1)

(c) If a probationer or offender on community control commits a technical violation, the probation officer shall determine whether the probationer or offender on community control is eligible for the alternative sanctioning program under subsection (9). If the probation officer determines that the probationer or offender on community control is eligible, the probation officer may submit recommended sanctions to the court for its approval in lieu of filing an affidavit of violation with the court. For purposes of this section, the term "technical violation" means an alleged violation of supervision that is not a new felony offense, misdemeanor offense, or criminal traffic offense.

~~(h)1. The chief judge of each judicial circuit, in consultation with the state attorney, the public defender, and the department, may establish an alternative sanctioning program in which the department, after receiving court approval, may enforce specified sanctions for certain technical violations of supervision. For purposes of this paragraph, the term "technical violation" means any alleged violation of supervision that is not a new felony offense, misdemeanor offense, or criminal traffic offense.~~

~~2. To establish an alternative sanctioning program, the chief judge must issue an administrative order specifying:~~

~~a. Eligibility criteria.~~

~~b. The technical violations that are eligible for the program.~~

~~c. The sanctions that may be recommended by a probation officer for each technical violation.~~

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~~d. The process for reporting technical violations through the alternative sanctioning program, including approved forms.~~

~~3. If an offender is alleged to have committed a technical violation of supervision that is eligible for the program, the offender may:~~

~~a. Waive participation in the alternative sanctioning program, in which case the probation officer may submit a violation report, affidavit, and warrant to the court in accordance with this section; or~~

~~b. Elect to participate in the alternative sanctioning program after receiving written notice of an alleged technical violation and a disclosure of the evidence against the offender, admit to the technical violation, agree to comply with the probation officer's recommended sanction if subsequently ordered by the court, and agree to waive the right to:~~

~~(I) Be represented by legal counsel.~~

~~(II) Require the state to prove his or her guilt before a neutral and detached hearing body.~~

~~(III) Subpoena witnesses and present to a judge evidence in his or her defense.~~

~~(IV) Confront and cross-examine adverse witnesses.~~

~~(V) Receive a written statement from a factfinder as to the evidence relied on and the reasons for the sanction imposed.~~

~~4. If the offender admits to committing the technical violation and agrees with the probation officer's recommended sanction, the probation officer must, before imposing the sanction, submit the recommended sanction to the court as well as documentation reflecting the offender's admission to the technical violation and agreement with the recommended sanction.~~

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378 ~~5. The court may impose the recommended sanction or may~~
379 ~~direct the department to submit a violation report, affidavit,~~
380 ~~and warrant to the court in accordance with this section.~~

381 ~~6. An offender's participation in an alternative~~
382 ~~sanctioning program is voluntary. The offender may elect to~~
383 ~~waive or discontinue participation in an alternative sanctioning~~
384 ~~program at any time before the issuance of a court order~~
385 ~~imposing the recommended sanction.~~

386 ~~7. If an offender waives or discontinues participation in~~
387 ~~an alternative sanctioning program, the probation officer may~~
388 ~~submit a violation report, affidavit, and warrant to the court~~
389 ~~in accordance with this section. The offender's prior admission~~
390 ~~to the technical violation may not be used as evidence in~~
391 ~~subsequent proceedings.~~

392 (9) (a) Each judicial circuit shall establish an alternative
393 sanctioning program as provided in this subsection. The chief
394 judge of each judicial circuit may, by administrative order,
395 define additional sanctions or eligibility criteria and specify
396 the process for reporting technical violations through the
397 alternative sanctioning program. Any sanctions recommended for
398 imposition through an alternative sanctions program must be
399 submitted to the court by the probation officer for approval
400 prior to imposing the sanction.

401 (b) When committed by a probationer, a "low-risk violation"
402 as used in this subsection means any of the following:

- 403 1. A positive drug or alcohol test result.
404 2. Failure to report to the probation office.
405 3. Failure to report a change in address or other required
406 information.

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407 4. Failure to attend a required class, treatment or
408 counseling session, or meeting.

409 5. Failure to submit to a drug or alcohol test.

410 6. A violation of curfew.

411 7. Failure to meet a monthly quota on any required
412 probation condition, including, but not limited to, making
413 restitution payments, paying court costs, or completing
414 community service hours.

415 8. Leaving the county without permission.

416 9. Failure to report a change of employment.

417 10. Associating with a person engaged in criminal activity.

418 11. Any other violation as determined by administrative
419 order of the chief judge of the circuit.

420 (c) A "moderate-risk violation" as used in this subsection
421 means any of the following:

422 1. A violation listed in paragraph (b) when committed by an
423 offender on community control.

424 2. Failure to remain at an approved residence by an
425 offender on community control.

426 3. A third violation listed in paragraph (b) by a
427 probationer within the current term of supervision.

428 4. Any other violation as determined by administrative
429 order of the chief judge of the circuit.

430 (d) A probationer or offender on community control is not
431 eligible for an alternative sanction if:

432 1. He or she is a violent felony offender of special
433 concern as defined in paragraph (8) (b);

434 2. The violation is a felony, misdemeanor, or criminal
435 traffic offense;

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436 3. The violation is absconding;

437 4. The violation is of a stay-away order or no-contact
438 order;

439 5. The violation is not identified as low-risk or moderate-
440 risk under this subsection or by administrative order;

441 6. He or she has a prior moderate-risk level violation
442 during the current term of supervision;

443 7. He or she has three prior low-risk level violations
444 during the same term of supervision;

445 8. The term of supervision is scheduled to terminate in
446 less than 90 days; or

447 9. The terms of the sentence prohibit alternative
448 sanctioning.

449 (e) For a first or second low-risk violation, as defined in
450 paragraph (b), within the current term of supervision, a
451 probation officer may offer an eligible probationer one or more
452 of the following as an alternative sanction:

453 1. Up to 5 days in the county jail.

454 2. Up to 50 additional community service hours.

455 3. Counseling or treatment.

456 4. Support group attendance.

457 5. Drug testing.

458 6. Loss of travel or other privileges.

459 7. Curfew for up to 30 days.

460 8. House arrest for up to 30 days.

461 9. Any other sanction as determined by administrative order
462 of the chief judge of the circuit.

463 (f) For a first moderate-risk violation, as defined in
464 paragraph (c), within the current term of supervision, a

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465 probation officer, with a supervisor's approval, may offer an
466 eligible probationer or offender on community control one or
467 more of the following as an alternative sanction:

- 468 1. Up to 21 days in the county jail.
- 469 2. Curfew for up to 90 days.
- 470 3. House arrest for up to 90 days.
- 471 4. Electronic monitoring for up to 90 days.
- 472 5. Residential treatment for up to 90 days.
- 473 6. Any other sanction available for a low-risk violation.
- 474 7. Any other sanction as determined by administrative order
475 of the chief judge of the circuit.

476 (g) The participation of a probationer or an offender on
477 community control in the program is voluntary. The probationer
478 or offender on community control may waive or discontinue
479 participation in the program at any time before the court
480 imposes a recommended sanction.

481 (h)1. If a probationer or offender on community control is
482 eligible for the alternative sanctioning program under this
483 subsection, he or she may:

484 a. Waive participation in the program, in which case the
485 probation officer may submit a violation report, affidavit, and
486 warrant to the court; or

487 b. Elect to participate in the program after receiving
488 written notice of an alleged technical violation and disclosure
489 of the evidence against him or her, admitting to the technical
490 violation, agreeing to comply with the probation officer's
491 recommended sanction if subsequently ordered by the court, and
492 agreeing to waive the right to:

493 (I) Be represented by legal counsel.

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494 (II) Require the state to prove his or her guilt before a
495 neutral and detached hearing body.

496 (III) Subpoena witnesses and present to a judge evidence in
497 his or her defense.

498 (IV) Confront and cross-examine adverse witnesses.

499 (V) Receive a written statement from a judge as to the
500 evidence relied on and the reasons for the sanction imposed.

501 2. If the probationer or offender on community control
502 admits to committing the technical violation and agrees with the
503 probation officer's recommended sanction, the probation officer
504 must, before imposing the sanction, submit the recommended
505 sanction to the court with documentation reflecting the
506 probationer's admission to the technical violation and agreement
507 with the recommended sanction.

508 (i) The court may impose the recommended sanction or direct
509 the department to submit a violation report, affidavit, and
510 warrant to the court.

511 (j) If a probationer or offender on community control
512 waives or discontinues participation in the program or fails to
513 successfully complete all alternative sanctions within 90 days
514 after imposition or within the timeframe specified in the agreed
515 upon sanction, the probation officer may submit a violation
516 report, affidavit, and warrant to the court. A prior admission
517 by the probationer or offender on community control to a
518 technical violation may not be used as evidence in subsequent
519 proceedings.

520 Section 11. Paragraph (c) of subsection (3) of section
521 893.03, Florida Statutes, is amended to read:

522 893.03 Standards and schedules.—The substances enumerated

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in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, trade name, or class designated. The provisions of this section shall not be construed to include within any of the schedules contained in this section any excluded drugs listed within the purview of 21 C.F.R. s. 1308.22, styled "Excluded Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt Anabolic Steroid Products."

(3) 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 or, in the case of anabolic steroids, may lead to physical damage. The following substances are controlled in Schedule III:

(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

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not controlled substances.

3. Not more than 300 milligrams of hydrocodone 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 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients that 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 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

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.

For purposes of charging a person with a violation of s. 893.135 involving any controlled substance described in subparagraph 3. or subparagraph 4., the controlled substance is a Schedule III controlled substance pursuant to this paragraph but the weight of the controlled substance per milliliters or per dosage unit is not relevant to the charging of a violation of s. 893.135. The weight of the controlled substance shall be determined

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581 pursuant to s. 893.135(7) ~~s. 893.135(6)~~.

582 Section 12. This act shall take effect July 1, 2019.