

25.1 SALE OF A SUBSTANCE IN PLACE OF A CONTROLLED SUBSTANCE

§ 817.563, Fla. Stat.

To prove the crime of Sale of a Substance in Place of a Controlled Substance, the State must prove the following two elements beyond a reasonable doubt:

- 1.** (Defendant) **without legal authority agreed, consented, or offered to sell** (substance prohibited by § 893.03, Fla. Stat.).
- 2.** (Defendant) **did sell a different substance in place of** (substance prohibited by § 893.03, Fla. Stat.).

Definition

"Sell" means the actual transfer or delivery of something to another person in exchange for money or something of value.

Lesser Included Offenses

SALE OF SUBSTANCE IN PLACE OF A CONTROLLED SUBSTANCE — 817.563

CATEGORY ONE	CATEGORY TWO	FLA. STAT.	INS. NO.
None			
	Attempt	777.04(1)	5.1

Comment

This instruction was adopted in 1995.