

1 A bill to be entitled
2 An act relating to cannabis; creating s. 893.131,
3 F.S.; defining terms; providing that possession of a
4 personal use quantity of cannabis or a cannabis
5 accessory by an adult is a civil violation; providing
6 for fines or community service; providing that such
7 possession by a minor is a civil violation; requiring
8 such minor to perform community service, attend a drug
9 awareness program, or both; prohibiting arrests for
10 such violation; providing an exception; limiting
11 collateral use of such violation; prohibiting state or
12 local penalties or obligations other than specified
13 penalties or obligations concerning possession of
14 personal use quantities of cannabis or cannabis
15 accessories; prohibiting additional state or local
16 penalties or obligations for having cannabinoids or
17 cannabinoid metabolites in tissue or fluid of the
18 body; providing applicability; specifying that
19 political subdivisions may enact ordinances concerning
20 public consumption of cannabis; specifying that
21 certain violations may not be considered probation or
22 parole violations; providing recordkeeping;
23 authorizing the court to require completion of a drug
24 awareness program under certain circumstances;
25 providing penalties for noncompliance; providing

26 distribution of revenue from civil penalties; amending
27 ss. 893.13, 893.145, and 938.23, F.S.; conforming
28 provisions to changes made by the act; reenacting ss.
29 112.0455(8)(s), 397.451(4)(b), 435.07(2), 772.12(2),
30 775.084(1)(a), 810.02(3)(f), 812.014(2)(c),
31 831.311(1), 893.1351(1) and (2), 893.138(3), 893.15,
32 903.133, 921.187(1)(l), F.S., relating to the Drug-
33 Free Workplace Act, background checks of service
34 provider personnel, exemptions from disqualification,
35 the Drug Dealer Liability Act, violent career
36 criminals, habitual felony offenders, habitual violent
37 felony offenders, three-time violent felony offenders,
38 definitions, procedure, and enhanced penalties or
39 mandatory minimum prison terms, burglary, theft,
40 unlawful sale, manufacture, alteration, delivery,
41 uttering, or possession of counterfeit-resistant
42 prescription blanks for controlled substances,
43 ownership, lease, rental, or possession for
44 trafficking in or manufacturing a controlled
45 substance, local administrative action to abate drug-
46 related, prostitution-related, or stolen-property-
47 related public nuisances and criminal gang activity,
48 rehabilitation, bail on appeal prohibited for certain
49 felony convictions, disposition, sentencing,
50 alternatives and restitution, respectively, to

51 incorporate the amendment made by the act to s.
 52 893.13, F.S.; reenacting s. 893.12(2)(a) and
 53 893.147(6)(a), F.S., relating to contraband seizure,
 54 forfeiture, and sale, and use, possession,
 55 manufacture, delivery, transportation, advertisement,
 56 or retail sale of drug paraphernalia, respectively, to
 57 incorporate the amendment made by the act to s.
 58 893.145, F.S.; providing an effective date.

59
 60 WHEREAS, the Legislature finds that existing criminal
 61 penalties for the possession of small amounts of cannabis or
 62 cannabis accessories are often disproportionate to the severity
 63 of the offense, and

64 WHEREAS, the Legislature finds that civil penalties may be
 65 more commensurate with the social harm caused by the possession
 66 of small amounts of cannabis or cannabis accessories, and

67 WHEREAS, the Legislature finds and declares that this act
 68 is in the best interest of the public health, safety, and
 69 welfare, NOW, THEREFORE,

70
 71 Be It Enacted by the Legislature of the State of Florida:

72
 73 Section 1. Section 893.131, Florida Statutes, is created
 74 to read:

75 893.131 Personal use quantity of cannabis.-

76 (1) DEFINITIONS.—As used in this section, the term:
 77 (a) "Cannabis accessory" means paraphernalia for the
 78 ingestion, use, inhalation, preparation for personal use, or
 79 storage of a personal use quantity of cannabis.
 80 (b) "Personal use quantity of cannabis" means 1 ounce or
 81 less of cannabis, except that:
 82 1. No more than 5 grams of the cannabis may be resin
 83 extracted from or concentrates derived from cannabis.
 84 2. The term does not include cannabis that is growing.
 85 3. The term does not include the estimated weight of any
 86 noncannabis ingredients combined with cannabis, such as
 87 ingredients added to prepare food or drink.
 88 (2) PERSONAL POSSESSION.—
 89 (a)1. A person 18 years of age or older who knowingly and
 90 unlawfully possesses a personal use quantity of cannabis or a
 91 cannabis accessory commits a civil violation and, except as
 92 provided in subparagraph 2., shall be assessed a civil penalty
 93 of not more than \$100.
 94 2. A person 18 years of age or older who commits a civil
 95 violation under subparagraph 1. may request a penalty of up to
 96 15 hours of community service in lieu of the civil penalty in
 97 subparagraph 1.
 98 (b) A person under the age of 18 years who knowingly and
 99 unlawfully possesses a personal use quantity of cannabis or a
 100 cannabis accessory commits a civil violation and shall be

101 ordered to complete up to 15 hours of community service, a drug
102 awareness program, or both. The offender's parent or legal
103 guardian shall be notified of the violation pursuant to
104 paragraph (5) (b) and provided information regarding available
105 drug awareness programs. Within 1 year after the court orders
106 such offender to complete such service, program, or both, the
107 offender or his or her parent or legal guardian shall file with
108 the clerk of the court evidence of such completion.

109 (c) Except as provided in this section, a person is not
110 subject to arrest for a violation of this section. A person
111 cited for a violation of this section shall be released on
112 notice to appear if the law enforcement officer does not have
113 lawful grounds to arrest such person for a different offense.

114 (d) A determination of a civil violation under this
115 section is not considered a drug offense under state law or as
116 defined in 23 C.F.R. s. 192.3 and may not affect a person's
117 driving privileges.

118 (e) A person who fails or refuses to produce his or her
119 identification card or driver license issued by the state, or
120 another form of identification issued by any state, district,
121 county, municipality, school district, college, or university
122 upon request by a law enforcement officer who informs the person
123 that he or she has been found to be in possession of what
124 appears to the officer to be a personal use quantity of cannabis
125 or a cannabis accessory may be arrested for a violation of this

126 section if the person fails or refuses to truthfully provide his
127 or her name, address, and date of birth to a law enforcement
128 officer.

129 (f) Except as provided in this section, the state or any
130 of its political subdivisions may not impose any penalty or
131 obligation other than those outlined in this section on a person
132 for possessing a personal use quantity of cannabis or a cannabis
133 accessory. The state or any of its political subdivisions may
134 not impose any penalty or obligation exceeding those outlined in
135 this section on a person solely for having cannabinoids or
136 cannabinoid metabolites in his or her urine, blood, sweat, hair,
137 fungernails, toenails, or other tissue or fluid of the human
138 body.

139 (g) Possession of a personal use quantity of cannabis or a
140 cannabis accessory, or the presence of cannabinoids or
141 cannabinoid metabolites in the urine, blood, sweat, hair,
142 fungernails, toenails, or other tissue or fluid of the human
143 body, or a conviction, citation, admission, or plea bargain
144 thereof, does not constitute grounds for denying a person
145 student financial aid, public housing, or any other form of
146 public financial assistance, including unemployment benefits;
147 denying a person the right to operate a motor vehicle; or
148 disqualifying a person from serving as a foster parent or an
149 adoptive parent.

150 (h) This section does not repeal or modify any law

151 concerning the medical use of cannabis or tetrahydrocannabinol
152 in any other form, such as dronabinol; the possession of more
153 than a personal use quantity of cannabis; or the sale,
154 manufacture, or trafficking of cannabis.

155 (i) This section does not prohibit a political subdivision
156 of the state from enacting ordinances regulating or prohibiting
157 the public consumption of cannabis or tetrahydrocannabinol or
158 providing additional penalties for the public consumption of
159 cannabis or tetrahydrocannabinol if such penalties are not
160 greater than those relating to the public consumption of
161 alcohol.

162 (j) A violation of this section may not be considered a
163 violation of parole or probation.

164 (3) RECORDKEEPING.—

165 (a) Except as otherwise provided in this subsection, a
166 record of a violation of this section may not be recorded in any
167 database of criminal offenders.

168 (b) A state, county, or municipal law enforcement agency
169 that collects and reports data for the Federal Bureau of
170 Investigation's Uniform Crime Reporting Program shall collect
171 data on the number of violations of this section and report such
172 data to the Department of Law Enforcement. The Department of Law
173 Enforcement shall compile the data collected pursuant to this
174 paragraph and make it available free of cost to the public. Such
175 law enforcement agency shall update the data annually and make

176 the data available on its public Internet website.

177 (4) DRUG AWARENESS PROGRAMS.—

178 (a) The court may require an offender under the age of 18
179 to complete a drug awareness program within 1 year after his or
180 her parent or legal guardian is notified of the violation
181 pursuant to paragraph (2) (b).

182 (b) The drug awareness program may charge a fee of up to
183 \$75 to offset any program costs. The fees shall be waived based
184 on an offender's financial hardship. All fees shall be payable
185 by the offender upon entry into the program.

186 (5) NOTICE OF VIOLATIONS.—

187 (a) A state, county, or municipal law enforcement agency
188 shall issue noncriminal citation forms to its officers which
189 conform with this section.

190 (b) The notice required in paragraph (2) (b) shall be
191 mailed or hand delivered to at least one of the offender's
192 parents or legal guardians at his or her last known address. If
193 the offender or his or her parent or legal guardian fails to
194 comply with paragraph (2) (b), the clerk shall notify the
195 offender, the offender's parent or legal guardian, and the
196 person who issued the original citation notice of a hearing to
197 impose a civil penalty of up to \$150 or community service of up
198 to 40 hours on the offender for such noncompliance. During such
199 hearing, the court is limited to considering the offender's
200 financial capacity to pay the penalty, the offender's ability to

201 participate in a drug awareness program, the availability of a
 202 suitable drug awareness program, and the offender's willingness
 203 to complete such program within a timeframe to be determined by
 204 the court.

205 (6) DISTRIBUTION OF REVENUE.—Notwithstanding any other
 206 law, civil penalties levied under this section shall be
 207 distributed as follows:

208 (a) Fifty percent shall be distributed to or retained by
 209 the municipality where the violation occurred or the county
 210 where it occurred, if the violation occurred in an
 211 unincorporated area.

212 (b) Fifty percent shall be distributed in the same manner
 213 as provided in s. 938.23(2).

214 Section 2. Subsection (3) and paragraphs (b) and (e) of
 215 subsection (6) of section 893.13, Florida Statutes, are amended
 216 to read:

217 893.13 Prohibited acts; penalties.—

218 (3) A person who delivers, without consideration, a
 219 personal use quantity of cannabis, as defined in s. 893.131, ~~20~~
 220 ~~grams or less of cannabis, as defined in this chapter,~~ commits a
 221 misdemeanor of the first degree, punishable as provided in s.
 222 775.082 or s. 775.083. ~~As used in this paragraph, the term~~
 223 ~~"cannabis" does not include the resin extracted from the plants~~
 224 ~~of the genus Cannabis or any compound manufacture, salt,~~
 225 ~~derivative, mixture, or preparation of such resin.~~

226 (6)
 227 (b) If the offense is the possession of 1 ounce ~~20 grams~~
 228 or less of cannabis, as defined in this chapter, and the
 229 possession is not a personal use quantity of cannabis, as
 230 defined in s. 893.131, the person commits a misdemeanor of the
 231 first degree, punishable as provided in s. 775.082 or s.
 232 775.083. As used in this subsection, the term "cannabis" does
 233 not include the resin extracted from the plants of the genus
 234 *Cannabis*, or any compound manufacture, salt, derivative,
 235 mixture, or preparation of such resin.

236 (e) Notwithstanding any provision to the contrary of the
 237 laws of this state relating to arrest, and except as provided in
 238 s. 893.131, a law enforcement officer may arrest without warrant
 239 any person who the officer has probable cause to believe is
 240 violating the provisions of this chapter relating to possession
 241 of cannabis.

242 Section 3. Section 893.145, Florida Statutes, is amended
 243 to read:

244 893.145 "Drug paraphernalia" defined.—The term "drug
 245 paraphernalia" means all equipment, products, and materials of
 246 any kind which are used, intended for use, or designed for use
 247 in planting, propagating, cultivating, growing, harvesting,
 248 manufacturing, compounding, converting, producing, processing,
 249 preparing, testing, analyzing, packaging, repackaging, storing,
 250 containing, concealing, transporting, injecting, ingesting,

251 inhaling, or otherwise introducing into the human body a
 252 controlled substance in violation of this chapter or s. 877.111.
 253 Drug paraphernalia is deemed to be contraband which shall be
 254 subject to civil forfeiture. The term does not include a
 255 cannabis accessory, as defined in s. 893.131. The term includes,
 256 but is not limited to:

257 (1) Kits used, intended for use, or designed for use in
 258 the planting, propagating, cultivating, growing, or harvesting
 259 of any species of plant which is a controlled substance or from
 260 which a controlled substance can be derived.

261 (2) Kits used, intended for use, or designed for use in
 262 manufacturing, compounding, converting, producing, processing,
 263 or preparing controlled substances.

264 (3) Isomerization devices used, intended for use, or
 265 designed for use in increasing the potency of any species of
 266 plant which is a controlled substance.

267 (4) Testing equipment used, intended for use, or designed
 268 for use in identifying, or in analyzing the strength,
 269 effectiveness, or purity of, controlled substances.

270 (5) Scales and balances used, intended for use, or
 271 designed for use in weighing or measuring controlled substances.

272 (6) Diluents and adulterants, such as quinine
 273 hydrochloride, caffeine, dimethyl sulfone, mannitol, mannite,
 274 dextrose, and lactose, used, intended for use, or designed for
 275 use in diluting controlled substances; or substances such as

276 | damiana leaf, marshmallow leaf, and mullein leaf, used, intended
 277 | for use, or designed for use as carrier mediums of controlled
 278 | substances.

279 | (7) Separation gins and sifters used, intended for use, or
 280 | designed for use in removing twigs and seeds from, or in
 281 | otherwise cleaning or refining, cannabis.

282 | (8) Blenders, bowls, containers, spoons, and mixing
 283 | devices used, intended for use, or designed for use in
 284 | compounding controlled substances.

285 | (9) Capsules, balloons, envelopes, and other containers
 286 | used, intended for use, or designed for use in packaging small
 287 | quantities of controlled substances.

288 | (10) Containers and other objects used, intended for use,
 289 | or designed for use in storing, concealing, or transporting
 290 | controlled substances.

291 | (11) Hypodermic syringes, needles, and other objects used,
 292 | intended for use, or designed for use in parenterally injecting
 293 | controlled substances into the human body.

294 | (12) Objects used, intended for use, or designed for use
 295 | in ingesting, inhaling, or otherwise introducing controlled
 296 | substances, as described in s. 893.03, or substances described
 297 | in s. 877.111(1) into the human body, such as:

298 | (a) Metal, wooden, acrylic, glass, stone, plastic, or
 299 | ceramic pipes, with or without screens, permanent screens,
 300 | hashish heads, or punctured metal bowls.

- 301 (b) Water pipes.
- 302 (c) Carburetion tubes and devices.
- 303 (d) Smoking and carburetion masks.
- 304 (e) Roach clips: meaning objects used to hold burning
- 305 material, such as a cannabis cigarette, that has become too
- 306 small or too short to be held in the hand.
- 307 (f) Miniature cocaine spoons, and cocaine vials.
- 308 (g) Chamber pipes.
- 309 (h) Carburetor pipes.
- 310 (i) Electric pipes.
- 311 (j) Air-driven pipes.
- 312 (k) Chillums.
- 313 (l) Bongs.
- 314 (m) Ice pipes or chillers.
- 315 (n) A cartridge or canister, which means a small metal
- 316 device used to contain nitrous oxide.
- 317 (o) A charger, sometimes referred to as a "cracker," which
- 318 means a small metal or plastic device that contains an interior
- 319 pin that may be used to expel nitrous oxide from a cartridge or
- 320 container.
- 321 (p) A charging bottle, which means a device that may be
- 322 used to expel nitrous oxide from a cartridge or canister.
- 323 (q) A whip-it, which means a device that may be used to
- 324 expel nitrous oxide.
- 325 (r) A tank.

326 (s) A balloon.

327 (t) A hose or tube.

328 (u) A 2-liter-type soda bottle.

329 (v) Duct tape.

330 Section 4. Subsection (2) of section 938.23, Florida
331 Statutes, is amended to read:

332 938.23 Assistance grants for alcohol and other drug abuse
333 programs.—

334 (2) All assessments authorized by this section and
335 proceeds of civil penalties under s. 893.131 shall be collected
336 by the clerk of court and remitted to the jurisdictional county
337 as described in s. 893.165(2) for deposit into the County
338 Alcohol and Other Drug Abuse Trust Fund or remitted to the
339 Department of Revenue for deposit into the Grants and Donations
340 Trust Fund of the Department of Children and Families pursuant
341 to guidelines and priorities developed by the department. If a
342 County Alcohol and Other Drug Abuse Trust Fund has not been
343 established for any jurisdictional county, assessments collected
344 by the clerk of court shall be remitted to the Department of
345 Revenue for deposit into the Grants and Donations Trust Fund of
346 the Department of Children and Families.

347 Section 5. For the purpose of incorporating the amendment
348 made by this act to section 893.13, Florida Statutes, in a
349 reference thereto, paragraph (s) of subsection (8) of section
350 112.0455, Florida Statutes, is reenacted to read:

351 112.0455 Drug-Free Workplace Act.—

352 (8) PROCEDURES AND EMPLOYEE PROTECTION.—All specimen
 353 collection and testing for drugs under this section shall be
 354 performed in accordance with the following procedures:

355 (s) An employer may not discharge, discipline, or
 356 discriminate against an employee solely upon voluntarily seeking
 357 treatment, while under the employ of the employer, for a drug-
 358 related problem if the employee has not previously tested
 359 positive for drug use, entered an employee assistance program
 360 for drug-related problems, or entered an alcohol and drug
 361 rehabilitation program. However, special risk employees may be
 362 subject to discharge or disciplinary action when the presence of
 363 illicit drugs, pursuant to s. 893.13, is confirmed.

364 Section 6. For the purpose of incorporating the amendment
 365 made by this act to section 893.13, Florida Statutes, in a
 366 reference thereto, paragraph (b) of subsection (4) of section
 367 397.451, Florida Statutes, is reenacted to read:

368 397.451 Background checks of service provider personnel.—

369 (4) EXEMPTIONS FROM DISQUALIFICATION.—

370 (b) Since rehabilitated substance abuse impaired persons
 371 are effective in the successful treatment and rehabilitation of
 372 individuals with substance use disorders, for service providers
 373 which treat adolescents 13 years of age and older, service
 374 provider personnel whose background checks indicate crimes under
 375 s. 817.563, s. 893.13, or s. 893.147 may be exempted from

376 disqualification from employment pursuant to this paragraph.

377 Section 7. For the purpose of incorporating the amendment
 378 made by this act to section 893.13, Florida Statutes, in a
 379 reference thereto, subsection (2) of section 435.07, Florida
 380 Statutes, is reenacted to read:

381 435.07 Exemptions from disqualification.—Unless otherwise
 382 provided by law, the provisions of this section apply to
 383 exemptions from disqualification for disqualifying offenses
 384 revealed pursuant to background screenings required under this
 385 chapter, regardless of whether those disqualifying offenses are
 386 listed in this chapter or other laws.

387 (2) Persons employed, or applicants for employment, by
 388 treatment providers who treat adolescents 13 years of age and
 389 older who are disqualified from employment solely because of
 390 crimes under s. 817.563, s. 893.13, or s. 893.147 may be
 391 exempted from disqualification from employment pursuant to this
 392 chapter without application of the waiting period in
 393 subparagraph (1)(a)1.

394 Section 8. For the purpose of incorporating the amendment
 395 made by this act to section 893.13, Florida Statutes, in a
 396 reference thereto, subsection (2) of section 772.12, Florida
 397 Statutes, is reenacted to read:

398 772.12 Drug Dealer Liability Act.—

399 (2) A person, including any governmental entity, has a
 400 cause of action for threefold the actual damages sustained and

401 is entitled to minimum damages in the amount of \$1,000 and
 402 reasonable attorney's fees and court costs in the trial and
 403 appellate courts, if the person proves by the greater weight of
 404 the evidence that:

405 (a) The person was injured because of the defendant's
 406 actions that resulted in the defendant's conviction for:

407 1. A violation of s. 893.13, except for a violation of s.
 408 893.13(2)(a) or (b), (3), (5), (6)(a), (b), or (c), (7); or

409 2. A violation of s. 893.135; and

410 (b) The person was not injured by reason of his or her
 411 participation in the same act or transaction that resulted in
 412 the defendant's conviction for any offense described in
 413 subparagraph (a)1.

414 Section 9. For the purpose of incorporating the amendment
 415 made by this act to section 893.13, Florida Statutes, in a
 416 reference thereto, paragraph (a) of subsection (1) of section
 417 775.084, Florida Statutes, is reenacted to read:

418 775.084 Violent career criminals; habitual felony
 419 offenders and habitual violent felony offenders; three-time
 420 violent felony offenders; definitions; procedure; enhanced
 421 penalties or mandatory minimum prison terms.—

422 (1) As used in this act:

423 (a) "Habitual felony offender" means a defendant for whom
 424 the court may impose an extended term of imprisonment, as
 425 provided in paragraph (4)(a), if it finds that:

426 1. The defendant has previously been convicted of any
427 combination of two or more felonies in this state or other
428 qualified offenses.

429 2. The felony for which the defendant is to be sentenced
430 was committed:

431 a. While the defendant was serving a prison sentence or
432 other sentence, or court-ordered or lawfully imposed supervision
433 that is imposed as a result of a prior conviction for a felony
434 or other qualified offense; or

435 b. Within 5 years of the date of the conviction of the
436 defendant's last prior felony or other qualified offense, or
437 within 5 years of the defendant's release from a prison
438 sentence, probation, community control, control release,
439 conditional release, parole or court-ordered or lawfully imposed
440 supervision or other sentence that is imposed as a result of a
441 prior conviction for a felony or other qualified offense,
442 whichever is later.

443 3. The felony for which the defendant is to be sentenced,
444 and one of the two prior felony convictions, is not a violation
445 of s. 893.13 relating to the purchase or the possession of a
446 controlled substance.

447 4. The defendant has not received a pardon for any felony
448 or other qualified offense that is necessary for the operation
449 of this paragraph.

450 5. A conviction of a felony or other qualified offense

451 necessary to the operation of this paragraph has not been set
452 aside in any postconviction proceeding.

453 Section 10. For the purpose of incorporating the amendment
454 made by this act to section 893.13, Florida Statutes, in a
455 reference thereto, paragraph (f) of subsection (3) of section
456 810.02, Florida Statutes, is reenacted to read:

457 810.02 Burglary.—

458 (3) Burglary is a felony of the second degree, punishable
459 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
460 course of committing the offense, the offender does not make an
461 assault or battery and is not and does not become armed with a
462 dangerous weapon or explosive, and the offender enters or
463 remains in a:

464 (f) Structure or conveyance when the offense intended to
465 be committed therein is theft of a controlled substance as
466 defined in s. 893.02. Notwithstanding any other law, separate
467 judgments and sentences for burglary with the intent to commit
468 theft of a controlled substance under this paragraph and for any
469 applicable possession of controlled substance offense under s.
470 893.13 or trafficking in controlled substance offense under s.
471 893.135 may be imposed when all such offenses involve the same
472 amount or amounts of a controlled substance.

473
474 However, if the burglary is committed within a county that is
475 subject to a state of emergency declared by the Governor under

476 chapter 252 after the declaration of emergency is made and the
477 perpetration of the burglary is facilitated by conditions
478 arising from the emergency, the burglary is a felony of the
479 first degree, punishable as provided in s. 775.082, s. 775.083,
480 or s. 775.084. As used in this subsection, the term "conditions
481 arising from the emergency" means civil unrest, power outages,
482 curfews, voluntary or mandatory evacuations, or a reduction in
483 the presence of or response time for first responders or
484 homeland security personnel. A person arrested for committing a
485 burglary within a county that is subject to such a state of
486 emergency may not be released until the person appears before a
487 committing magistrate at a first appearance hearing. For
488 purposes of sentencing under chapter 921, a felony offense that
489 is reclassified under this subsection is ranked one level above
490 the ranking under s. 921.0022 or s. 921.0023 of the offense
491 committed.

492 Section 11. For the purpose of incorporating the amendment
493 made by this act to section 893.13, Florida Statutes, in a
494 reference thereto, paragraph (c) of subsection (2) of section
495 812.014, Florida Statutes, is reenacted to read:

496 812.014 Theft.—

497 (2)

498 (c) It is grand theft of the third degree and a felony of
499 the third degree, punishable as provided in s. 775.082, s.
500 775.083, or s. 775.084, if the property stolen is:

- 501 1. Valued at \$300 or more, but less than \$5,000.
- 502 2. Valued at \$5,000 or more, but less than \$10,000.
- 503 3. Valued at \$10,000 or more, but less than \$20,000.
- 504 4. A will, codicil, or other testamentary instrument.
- 505 5. A firearm.
- 506 6. A motor vehicle, except as provided in paragraph (a).
- 507 7. Any commercially farmed animal, including any animal of
- 508 the equine, bovine, or swine class or other grazing animal; a
- 509 bee colony of a registered beekeeper; and aquaculture species
- 510 raised at a certified aquaculture facility. If the property
- 511 stolen is aquaculture species raised at a certified aquaculture
- 512 facility, then a \$10,000 fine shall be imposed.
- 513 8. Any fire extinguisher.
- 514 9. Any amount of citrus fruit consisting of 2,000 or more
- 515 individual pieces of fruit.
- 516 10. Taken from a designated construction site identified
- 517 by the posting of a sign as provided for in s. 810.09(2)(d).
- 518 11. Any stop sign.
- 519 12. Anhydrous ammonia.
- 520 13. Any amount of a controlled substance as defined in s.
- 521 893.02. Notwithstanding any other law, separate judgments and
- 522 sentences for theft of a controlled substance under this
- 523 subparagraph and for any applicable possession of controlled
- 524 substance offense under s. 893.13 or trafficking in controlled
- 525 substance offense under s. 893.135 may be imposed when all such

526 offenses involve the same amount or amounts of a controlled
527 substance.

528
529 However, if the property is stolen within a county that is
530 subject to a state of emergency declared by the Governor under
531 chapter 252, the property is stolen after the declaration of
532 emergency is made, and the perpetration of the theft is
533 facilitated by conditions arising from the emergency, the
534 offender commits a felony of the second degree, punishable as
535 provided in s. 775.082, s. 775.083, or s. 775.084, if the
536 property is valued at \$5,000 or more, but less than \$10,000, as
537 provided under subparagraph 2., or if the property is valued at
538 \$10,000 or more, but less than \$20,000, as provided under
539 subparagraph 3. As used in this paragraph, the term "conditions
540 arising from the emergency" means civil unrest, power outages,
541 curfews, voluntary or mandatory evacuations, or a reduction in
542 the presence of or the response time for first responders or
543 homeland security personnel. For purposes of sentencing under
544 chapter 921, a felony offense that is reclassified under this
545 paragraph is ranked one level above the ranking under s.
546 921.0022 or s. 921.0023 of the offense committed.

547 Section 12. For the purpose of incorporating the amendment
548 made by this act to section 893.13, Florida Statutes, in a
549 reference thereto, subsection (1) of section 831.311, Florida
550 Statutes, is reenacted to read:

551 831.311 Unlawful sale, manufacture, alteration, delivery,
 552 uttering, or possession of counterfeit-resistant prescription
 553 blanks for controlled substances.—

554 (1) It is unlawful for any person having the intent to
 555 injure or defraud any person or to facilitate any violation of
 556 s. 893.13 to sell, manufacture, alter, deliver, utter, or
 557 possess with intent to injure or defraud any person, or to
 558 facilitate any violation of s. 893.13, any counterfeit-resistant
 559 prescription blanks for controlled substances, the form and
 560 content of which are adopted by rule of the Department of Health
 561 pursuant to s. 893.065.

562 Section 13. For the purpose of incorporating the amendment
 563 made by this act to section 893.13, Florida Statutes, in a
 564 reference thereto, subsections (1) and (2) of section 893.1351,
 565 Florida Statutes, are reenacted to read:

566 893.1351 Ownership, lease, rental, or possession for
 567 trafficking in or manufacturing a controlled substance.—

568 (1) A person may not own, lease, or rent any place,
 569 structure, or part thereof, trailer, or other conveyance with
 570 the knowledge that the place, structure, trailer, or conveyance
 571 will be used for the purpose of trafficking in a controlled
 572 substance, as provided in s. 893.135; for the sale of a
 573 controlled substance, as provided in s. 893.13; or for the
 574 manufacture of a controlled substance intended for sale or
 575 distribution to another. A person who violates this subsection

576 | commits a felony of the third degree, punishable as provided in
 577 | s. 775.082, s. 775.083, or s. 775.084.

578 | (2) A person may not knowingly be in actual or
 579 | constructive possession of any place, structure, or part
 580 | thereof, trailer, or other conveyance with the knowledge that
 581 | the place, structure, or part thereof, trailer, or conveyance
 582 | will be used for the purpose of trafficking in a controlled
 583 | substance, as provided in s. 893.135; for the sale of a
 584 | controlled substance, as provided in s. 893.13; or for the
 585 | manufacture of a controlled substance intended for sale or
 586 | distribution to another. A person who violates this subsection
 587 | commits a felony of the second degree, punishable as provided in
 588 | s. 775.082, s. 775.083, or s. 775.084.

589 | Section 14. For the purpose of incorporating the amendment
 590 | made by this act to section 893.13, Florida Statutes, in a
 591 | reference thereto, subsection (3) of section 893.138, Florida
 592 | Statutes, is reenacted to read:

593 | 893.138 Local administrative action to abate drug-related,
 594 | prostitution-related, or stolen-property-related public
 595 | nuisances and criminal gang activity.—

596 | (3) Any pain-management clinic, as described in s.
 597 | 458.3265 or s. 459.0137, which has been used on more than two
 598 | occasions within a 6-month period as the site of a violation of:

599 | (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
 600 | relating to assault and battery;

- 601 (b) Section 810.02, relating to burglary;
- 602 (c) Section 812.014, relating to theft;
- 603 (d) Section 812.131, relating to robbery by sudden
- 604 snatching; or
- 605 (e) Section 893.13, relating to the unlawful distribution
- 606 of controlled substances,

607
 608 may be declared to be a public nuisance, and such nuisance may
 609 be abated pursuant to the procedures provided in this section.

610 Section 15. For the purpose of incorporating the amendment
 611 made by this act to section 893.13, Florida Statutes, in a
 612 reference thereto, section 893.15, Florida Statutes, is
 613 reenacted to read:

614 893.15 Rehabilitation.—Any person who violates s.
 615 893.13(6) (a) or (b) relating to possession may, in the
 616 discretion of the trial judge, be required to participate in a
 617 substance abuse services program approved or regulated by the
 618 Department of Children and Families pursuant to the provisions
 619 of chapter 397, provided the director of such program approves
 620 the placement of the defendant in such program. Such required
 621 participation shall be imposed in addition to any penalty or
 622 probation otherwise prescribed by law. However, the total time
 623 of such penalty, probation, and program participation shall not
 624 exceed the maximum length of sentence possible for the offense.

625 Section 16. For the purpose of incorporating the amendment

626 made by this act to section 893.13, Florida Statutes, in a
 627 reference thereto, section 903.133, Florida Statutes, is
 628 reenacted to read:

629 903.133 Bail on appeal; prohibited for certain felony
 630 convictions.—Notwithstanding the provisions of s. 903.132, no
 631 person adjudged guilty of a felony of the first degree for a
 632 violation of s. 782.04(2) or (3), s. 787.01, s. 794.011(4), s.
 633 806.01, s. 893.13, or s. 893.135, or adjudged guilty of a
 634 violation of s. 794.011(2) or (3), shall be admitted to bail
 635 pending review either by posttrial motion or appeal.

636 Section 17. For the purpose of incorporating the amendment
 637 made by this act to section 893.13, Florida Statutes, in a
 638 reference thereto, paragraph (1) of subsection (1) of section
 639 921.187, Florida Statutes, is reenacted to read:

640 921.187 Disposition and sentencing; alternatives;
 641 restitution.—

642 (1) The alternatives provided in this section for the
 643 disposition of criminal cases shall be used in a manner that
 644 will best serve the needs of society, punish criminal offenders,
 645 and provide the opportunity for rehabilitation. If the offender
 646 does not receive a state prison sentence, the court may:

647 (1)1. Require the offender who violates any criminal
 648 provision of chapter 893 to pay an additional assessment in an
 649 amount up to the amount of any fine imposed, pursuant to ss.
 650 938.21 and 938.23.

651 2. Require the offender who violates any provision of s.
652 893.13 to pay an additional assessment in an amount of \$100,
653 pursuant to ss. 938.055 and 943.361.

654 Section 18. For the purpose of incorporating the amendment
655 made by this act to section 893.145, Florida Statutes, in a
656 reference thereto, paragraph (a) of subsection (2) of section
657 893.12, Florida Statutes, is reenacted to read:

658 893.12 Contraband; seizure, forfeiture, sale.—

659 (2) (a) Any vessel, vehicle, aircraft, or drug
660 paraphernalia as defined in s. 893.145 which has been or is
661 being used in violation of any provision of this chapter or in,
662 upon, or by means of which any violation of this chapter has
663 taken or is taking place may be seized and forfeited as provided
664 by the Florida Contraband Forfeiture Act.

665 Section 19. For the purpose of incorporating the amendment
666 made by this act to section 893.145, Florida Statutes, in a
667 reference thereto, paragraph (a) of subsection (6) of section
668 893.147, Florida Statutes, is reenacted to read:

669 893.147 Use, possession, manufacture, delivery,
670 transportation, advertisement, or retail sale of drug
671 paraphernalia.—

672 (6) RETAIL SALE OF DRUG PARAPHERNALIA.—

673 (a) It is unlawful for a person to knowingly and willfully
674 sell or offer for sale at retail any drug paraphernalia
675 described in s. 893.145(12) (a)-(c) or (g)-(m), other than a pipe

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676 | that is primarily made of briar, meerschaum, clay, or corn cob.
677 | Section 20. This act shall take effect July 1, 2017.