

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 tetrahydrocannabinol;
21 specifying that certain violations may not be
22 considered probation or parole violations; providing
23 for recordkeeping; authorizing the court to require
24 completion of a drug awareness program under certain
25 circumstances; providing penalties for noncompliance;

26 providing for distribution of revenue from civil
27 penalties; amending ss. 893.13, 893.145, and 938.23,
28 F.S.; conforming provisions to changes made by the
29 act; reenacting ss. 112.0455(8)(s), 397.451(4)(b),
30 435.07(2), 772.12(2), 775.084(1)(a), 810.02(3)(f),
31 812.014(2)(c), 831.311(1), 893.1351(1) and (2),
32 893.138(3), 893.15, 903.133, and 921.187(1)(1), F.S.,
33 relating to the Drug-Free Workplace Act, background
34 checks of service provider personnel, exemptions from
35 disqualification, the Drug Dealer Liability Act,
36 violent career criminals, habitual felony offenders,
37 habitual violent felony offenders, three-time violent
38 felony offenders, definitions, procedure, and enhanced
39 penalties or mandatory minimum prison terms, burglary,
40 theft, unlawful sale, manufacture, alteration,
41 delivery, uttering, or possession of counterfeit-
42 resistant prescription blanks for controlled
43 substances, ownership, lease, rental, or possession
44 for 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, and disposition, sentencing,
50 alternatives, and restitution, respectively, to

51 incorporate the amendment made to s. 893.13, F.S., in
52 references thereto; reenacting ss. 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 to s. 893.145, F.S., in
58 references thereto; 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 20 grams 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 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 issued by the state or driver license, 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 the 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 thereto,
144 does not constitute grounds for denying a person student
145 financial aid, public housing, or any other form of public
146 financial assistance, including unemployment benefits; denying a
147 person the right to operate a motor vehicle; or disqualifying a
148 person from serving as a foster parent or an adoptive parent.

149 (h) This section does not repeal or modify any law
150 concerning the medical use of cannabis or tetrahydrocannabinol

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

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

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

163 (3) RECORDKEEPING.—

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

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

176 (4) DRUG AWARENESS PROGRAMS.—

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

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

185 (5) NOTICE OF VIOLATIONS.—

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

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

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

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

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

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

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

216 893.13 Prohibited acts; penalties.—

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

225 (6)

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

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

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

243 893.145 "Drug paraphernalia" defined.—The term "drug
244 paraphernalia" means all equipment, products, and materials of
245 any kind which are used, intended for use, or designed for use
246 in planting, propagating, cultivating, growing, harvesting,
247 manufacturing, compounding, converting, producing, processing,
248 preparing, testing, analyzing, packaging, repackaging, storing,
249 containing, concealing, transporting, injecting, ingesting,
250 inhaling, or otherwise introducing into the human body a

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

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

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

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

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

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

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

276 | for use, or designed for use as carrier mediums of controlled
277 | substances.

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

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

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

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

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

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

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

300 | (b) Water pipes.

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

326 (t) A hose or tube.

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

328 (v) Duct tape.

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

331 938.23 Assistance grants for alcohol and other drug abuse
 332 programs.—

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

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

350 112.0455 Drug-Free Workplace Act.—

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

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

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

367 397.451 Background checks of service provider personnel.—

368 (4) EXEMPTIONS FROM DISQUALIFICATION.—

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

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

380 435.07 Exemptions from disqualification.—Unless otherwise
 381 provided by law, the provisions of this section apply to
 382 exemptions from disqualification for disqualifying offenses
 383 revealed pursuant to background screenings required under this
 384 chapter, regardless of whether those disqualifying offenses are
 385 listed in this chapter or other laws.

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

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

397 772.12 Drug Dealer Liability Act.—

398 (2) A person, including any governmental entity, has a
 399 cause of action for threefold the actual damages sustained and
 400 is entitled to minimum damages in the amount of \$1,000 and

401 reasonable attorney's fees and court costs in the trial and
 402 appellate courts, if the person proves by the greater weight of
 403 the evidence that:

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

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

408 2. A violation of s. 893.135; and

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

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

417 775.084 Violent career criminals; habitual felony
 418 offenders and habitual violent felony offenders; three-time
 419 violent felony offenders; definitions; procedure; enhanced
 420 penalties or mandatory minimum prison terms.—

421 (1) As used in this act:

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

425 1. The defendant has previously been convicted of any

426 combination of two or more felonies in this state or other
427 qualified offenses.

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

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

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

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

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

449 5. A conviction of a felony or other qualified offense
450 necessary to the operation of this paragraph has not been set

451 aside in any postconviction proceeding.

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

456 810.02 Burglary.—

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

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

472

473 However, if the burglary is committed within a county that is
474 subject to a state of emergency declared by the Governor under
475 chapter 252 after the declaration of emergency is made and the

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

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

495 | 812.014 Theft.—

496 | (2)

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

500 | 1. Valued at \$300 or more, but less than \$5,000.

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

526 substance offense under s. 893.13 or trafficking in controlled
527 substance offense under s. 893.135 may be imposed when all such
528 offenses involve the same amount or amounts of a controlled
529 substance.

530

531 However, if the property is stolen within a county that is
532 subject to a state of emergency declared by the Governor under
533 chapter 252, the property is stolen after the declaration of
534 emergency is made, and the perpetration of the theft is
535 facilitated by conditions arising from the emergency, the
536 offender commits a felony of the second degree, punishable as
537 provided in s. 775.082, s. 775.083, or s. 775.084, if the
538 property is valued at \$5,000 or more, but less than \$10,000, as
539 provided under subparagraph 2., or if the property is valued at
540 \$10,000 or more, but less than \$20,000, as provided under
541 subparagraph 3. As used in this paragraph, the term "conditions
542 arising from the emergency" means civil unrest, power outages,
543 curfews, voluntary or mandatory evacuations, or a reduction in
544 the presence of or the response time for first responders or
545 homeland security personnel. For purposes of sentencing under
546 chapter 921, a felony offense that is reclassified under this
547 paragraph is ranked one level above the ranking under s.
548 921.0022 or s. 921.0023 of the offense committed.

549 Section 12. For the purpose of incorporating the amendment
550 made by this act to section 893.13, Florida Statutes, in

551 references thereto, subsection (1) of section 831.311, Florida
552 Statutes, is reenacted to read:

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

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

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

568 893.1351 Ownership, lease, rental, or possession for
569 trafficking in or manufacturing a controlled substance.—

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

576 manufacture of a controlled substance intended for sale or
577 distribution to another. A person who violates this subsection
578 commits a felony of the third degree, punishable as provided in
579 s. 775.082, s. 775.083, or s. 775.084.

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

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

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

598 (3) Any pain-management clinic, as described in s.
599 458.3265 or s. 459.0137, which has been used on more than two
600 occasions within a 6-month period as the site of a violation of:

601 (a) Section 784.011, s. 784.021, s. 784.03, or s. 784.045,
602 relating to assault and battery;

603 (b) Section 810.02, relating to burglary;

604 (c) Section 812.014, relating to theft;

605 (d) Section 812.131, relating to robbery by sudden
606 snatching; or

607 (e) Section 893.13, relating to the unlawful distribution
608 of controlled substances,

609

610 may be declared to be a public nuisance, and such nuisance may
611 be abated pursuant to the procedures provided in this section.

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

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

626 exceed the maximum length of sentence possible for the offense.

627 Section 16. For the purpose of incorporating the amendment
628 made by this act to section 893.13, Florida Statutes, in a
629 reference thereto, section 903.133, Florida Statutes, is
630 reenacted to read:

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

638 Section 17. For the purpose of incorporating the amendment
639 made by this act to section 893.13, Florida Statutes, in a
640 reference thereto, paragraph (1) of subsection (1) of section
641 921.187, Florida Statutes, is reenacted to read:

642 921.187 Disposition and sentencing; alternatives;
643 restitution.—

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

649 (1)1. Require the offender who violates any criminal
650 provision of chapter 893 to pay an additional assessment in an

651 amount up to the amount of any fine imposed, pursuant to ss.
 652 938.21 and 938.23.

653 2. Require the offender who violates any provision of s.
 654 893.13 to pay an additional assessment in an amount of \$100,
 655 pursuant to ss. 938.055 and 943.361.

656 Section 18. For the purpose of incorporating the amendment
 657 made by this act to section 893.145, Florida Statutes, in a
 658 reference thereto, paragraph (a) of subsection (2) of section
 659 893.12, Florida Statutes, is reenacted to read:

660 893.12 Contraband; seizure, forfeiture, sale.—

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

667 Section 19. For the purpose of incorporating the amendment
 668 made by this act to section 893.145, Florida Statutes, in a
 669 reference thereto, paragraph (a) of subsection (6) of section
 670 893.147, Florida Statutes, is reenacted to read:

671 893.147 Use, possession, manufacture, delivery,
 672 transportation, advertisement, or retail sale of drug
 673 paraphernalia, specified machines, and materials.—

674 (6) RETAIL SALE OF DRUG PARAPHERNALIA.—

675 (a) It is unlawful for a person to knowingly and willfully

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676 | sell or offer for sale at retail any drug paraphernalia
677 | described in s. 893.145(12)(a)-(c) or (g)-(m), other than a pipe
678 | that is primarily made of briar, meerschaum, clay, or corn cob.
679 | Section 20. This act shall take effect July 1, 2019.