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LEGISLATIVE ACTION

Senate

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House

Senator Bullard moved the following:

Senate Amendment (with title amendment)

Between lines 889 and 890

insert:

Section 5. Section 893.032, Florida Statutes, is created to read:

893.032 Personal use of marijuana.—

(1) As used in this section, the term:

(a) "Marijuana" means:

1. All parts of the genus *Cannabis*, whether growing or not;

2. The seeds of the plant;



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12 3. The resin extracted from a part of the plant; or

13 4. Each compound, manufacture, salt, derivative, mixture,
14 or preparation of the plant, its seeds, or its resin.

15
16 The term does not include the mature stalks of the plant, fiber
17 produced from the stalks, oil or cake made from the seeds of the
18 plant, any other compound, manufacture, salt, derivative,
19 mixture, or preparation of the mature stalks, except the
20 extracted resin, fiber, oil or cake, or the sterilized seed of
21 the plant which is incapable of germination.

22 (b) "Marijuana paraphernalia" means equipment, products, or
23 materials that are used or intended for use in:

24 1. Planting, propagating, cultivating, growing, harvesting,
25 manufacturing, compounding, converting, producing, processing,
26 preparing, testing, analyzing, packaging, repackaging, storing,
27 containing, or concealing marijuana; or

28 2. Ingesting or inhaling marijuana or otherwise introducing
29 marijuana into the human body.

30 (c) "Marijuana product" means a good composed of marijuana
31 and other ingredients which is intended for use or consumption.

32 (d) "Personal usable amount of marijuana" means:

33 1. One ounce or less of marijuana;

34 2. Five grams or less of hashish;

35 3. Sixteen ounces of marijuana products other than hashish
36 in solid form; or

37 4. Seventy-two ounces of marijuana in liquid form.

38 (2) An individual who is 21 years of age or older is exempt
39 from arrest, civil or criminal penalty, seizure or forfeiture of
40 assets by or to the state or an agent of the state, discipline



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41 by a state or local licensing board, or state prosecution for
42 the following acts:

43 (a) Actually or constructively using, obtaining,
44 purchasing, transporting, or possessing a personal usable amount
45 of marijuana.

46 (b) Controlling the premises or a vehicle where personal
47 usable amounts of marijuana are possessed, processed, or stored
48 by individuals who are 21 years of age or older if the total
49 number of plants is 18 or fewer.

50 (c) Actually or constructively using, obtaining,
51 manufacturing, producing, purchasing, transporting, or
52 possessing marijuana paraphernalia.

53 (d) Selling marijuana seeds or marijuana paraphernalia to
54 an individual who is 21 years of age or older.

55 (e) Transferring a personal usable amount of marijuana and
56 three or fewer marijuana seedlings or cuttings without
57 remuneration to an individual who is 21 years of age or older.

58 (f) Aiding and abetting another individual who is 21 years
59 of age or older in actions that are allowed under this section.

60 (g) Cultivating six or fewer marijuana plants, no more than
61 three of which may be mature, flowering plants, and possessing
62 the marijuana produced by the plants on the premises where the
63 plants were grown.

64 (h) Assisting with the cultivation of marijuana plants that
65 are cultivated at the same location by individuals 21 years of
66 age or older, with the total number of mature, flowering plants
67 not exceeding 18 in a dwelling unit.

68 (3) This section does not exempt an individual from arrest,
69 civil or criminal penalty, seizure or forfeiture of assets,



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70 discipline by a state or local licensing board, or state
71 prosecution for the following acts:

72 (a) Driving, operating, or being in actual physical control
73 of a vehicle or vessel under power or sail while impaired by
74 marijuana or marijuana products.

75 (b) Possessing marijuana, including marijuana products, in
76 a local detention facility, county jail, state prison,
77 reformatory, or other correctional facility, including a
78 facility for the detention of juvenile offenders.

79 (4) This section does not:

80 (a) Require employers to accommodate the use or possession
81 of marijuana or being under the influence of marijuana in a
82 place of employment.

83 (b) Prevent a landlord or innkeeper from prohibiting the
84 cultivation of marijuana on rental premises. If a landlord or
85 innkeeper posts a notice, the landlord or innkeeper may prohibit
86 the smoking of marijuana on rented property or in a rented room.

87 (5) This section shall, by operation of law, expunge the
88 conviction of an individual previously convicted of an offense
89 equivalent to those described in subsection (2). All state
90 agencies with records relating to arrests and convictions for
91 possession of 1 ounce or less of marijuana or marijuana
92 paraphernalia by individuals 21 years of age or older shall
93 destroy those records.

94 Section 6. Subsection (6) of section 812.14, Florida
95 Statutes, is amended to read:

96 812.14 Trespass and larceny with relation to utility
97 fixtures; theft of utility services.—

98 (6) It is prima facie evidence of a person's intent to



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99 violate subsection (5) if:

100 (a) A controlled substance and materials for manufacturing
101 the controlled substance intended for sale or distribution to
102 another were found in a dwelling or structure;

103 (b) Except as provided in s. 893.032, the dwelling or
104 structure has been visibly modified to accommodate the use of
105 equipment to grow marijuana indoors, including, but not limited
106 to, the installation of equipment to provide additional air
107 conditioning, equipment to provide high-wattage lighting, or
108 equipment for hydroponic cultivation; and

109 (c) The person or entity that owned, leased, or subleased
110 the dwelling or structure knew of, or did so under such
111 circumstances as would induce a reasonable person to believe in,
112 the presence of a controlled substance and materials for
113 manufacturing a controlled substance in the dwelling or
114 structure, regardless of whether the person or entity was
115 involved in the manufacture or sale of a controlled substance or
116 was in actual possession of the dwelling or structure.

117 Section 7. Paragraph (c) of subsection (1) of section
118 893.03, Florida Statutes, is amended to read:

119 893.03 Standards and schedules.—The substances enumerated
120 in this section are controlled by this chapter. The controlled
121 substances listed or to be listed in Schedules I, II, III, IV,
122 and V are included by whatever official, common, usual,
123 chemical, or trade name designated. The provisions of this
124 section shall not be construed to include within any of the
125 schedules contained in this section any excluded drugs listed
126 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
127 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical



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128 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
129 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
130 Anabolic Steroid Products."

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

136 (c) Unless specifically excepted or unless listed in
137 another schedule, any material, compound, mixture, or
138 preparation that contains any quantity of the following
139 hallucinogenic substances or that contains any of their salts,
140 isomers, including optical, positional, or geometric isomers,
141 and salts of isomers, if the existence of such salts, isomers,
142 and salts of isomers is possible within the specific chemical
143 designation:

- 144 1. Alpha-ethyltryptamine.
- 145 2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-
146 methylaminorex).
- 147 3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
- 148 4. 4-Bromo-2,5-dimethoxyamphetamine.
- 149 5. 4-Bromo-2,5-dimethoxyphenethylamine.
- 150 6. Bufotenine.
- 151 7. Cannabis, except as provided in s. 893.032.
- 152 8. Cathinone.
- 153 9. Diethyltryptamine.
- 154 10. 2,5-Dimethoxyamphetamine.
- 155 11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
- 156 12. Dimethyltryptamine.



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- 157 13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine
158 analog of phencyclidine).
- 159 14. N-Ethyl-3-piperidyl benzilate.
- 160 15. N-ethylamphetamine.
- 161 16. Fenethylamine.
- 162 17. N-Hydroxy-3,4-methylenedioxyamphetamine.
- 163 18. Ibogaine.
- 164 19. Lysergic acid diethylamide (LSD).
- 165 20. Mescaline.
- 166 21. Methcathinone.
- 167 22. 5-Methoxy-3,4-methylenedioxyamphetamine.
- 168 23. 4-methoxyamphetamine.
- 169 24. 4-methoxymethamphetamine.
- 170 25. 4-Methyl-2,5-dimethoxyamphetamine.
- 171 26. 3,4-Methylenedioxy-N-ethylamphetamine.
- 172 27. 3,4-Methylenedioxyamphetamine.
- 173 28. N-Methyl-3-piperidyl benzilate.
- 174 29. N,N-dimethylamphetamine.
- 175 30. Parahexyl.
- 176 31. Peyote.
- 177 32. N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine
178 analog of phencyclidine).
- 179 33. Psilocybin.
- 180 34. Psilocyn.
- 181 35. *Salvia divinorum*, except for any drug product approved
182 by the United States Food and Drug Administration which contains
183 *Salvia divinorum* or its isomers, esters, ethers, salts, and
184 salts of isomers, esters, and ethers, if the existence of such
185 isomers, esters, ethers, and salts is possible within the



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186 specific chemical designation.

187 36. Salvinorin A, except for any drug product approved by
188 the United States Food and Drug Administration which contains
189 Salvinorin A or its isomers, esters, ethers, salts, and salts of
190 isomers, esters, and ethers, if the existence of such isomers,
191 esters, ethers, and salts is possible within the specific
192 chemical designation.

193 37. Tetrahydrocannabinols.

194 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)
195 (Thiophene analog of phencyclidine).

196 39. 3,4,5-Trimethoxyamphetamine.

197 40. 3,4-Methylenedioxyethcathinone.

198 41. 3,4-Methylenedioxypropylvalerone (MDPV).

199 42. Methylethcathinone.

200 43. Methoxymethcathinone.

201 44. Fluoromethcathinone.

202 45. Methylethcathinone.

203 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-
204 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)
205 homologue.

206 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
207 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,
208 also known as HU-210.

209 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.

210 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.

211 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole, also
212 known as JWH-200.

213 51. BZP (Benzylpiperazine).

214 52. Fluorophenylpiperazine.



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- 215 53. Methylphenylpiperazine.
- 216 54. Chlorophenylpiperazine.
- 217 55. Methoxyphenylpiperazine.
- 218 56. DBZP (1,4-dibenzylpiperazine).
- 219 57. TFMPP (3-Trifluoromethylphenylpiperazine).
- 220 58. MBDB (Methylbenzodioxolylbutanamine).
- 221 59. 5-Hydroxy-alpha-methyltryptamine.
- 222 60. 5-Hydroxy-N-methyltryptamine.
- 223 61. 5-Methoxy-N-methyl-N-isopropyltryptamine.
- 224 62. 5-Methoxy-alpha-methyltryptamine.
- 225 63. Methyltryptamine.
- 226 64. 5-Methoxy-N,N-dimethyltryptamine.
- 227 65. 5-Methyl-N,N-dimethyltryptamine.
- 228 66. Tyramine (4-Hydroxyphenethylamine).
- 229 67. 5-Methoxy-N,N-Diisopropyltryptamine.
- 230 68. DiPT (N,N-Diisopropyltryptamine).
- 231 69. DPT (N,N-Dipropyltryptamine).
- 232 70. 4-Hydroxy-N,N-diisopropyltryptamine.
- 233 71. N,N-Diallyl-5-Methoxytryptamine.
- 234 72. DOI (4-Iodo-2,5-dimethoxyamphetamine).
- 235 73. DOC (4-Chloro-2,5-dimethoxyamphetamine).
- 236 74. 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 237 75. 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 238 76. 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 239 77. 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).
- 240 78. 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).
- 241 79. 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- 242 80. 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- 243 81. Butylone (beta-keto-N-methylbenzodioxolylpropylamine).



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- 244 82. Ethcathinone.
- 245 83. Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- 246 84. Naphyrone (naphthylpyrovalerone).
- 247 85. N-N-Dimethyl-3,4-methylenedioxcathinone.
- 248 86. N-N-Diethyl-3,4-methylenedioxcathinone.
- 249 87. 3,4-methylenedioxy-propiofenone.
- 250 88. 2-Bromo-3,4-Methylenedioxypropiofenone.
- 251 89. 3,4-methylenedioxy-propiofenone-2-oxime.
- 252 90. N-Acetyl-3,4-methylenedioxcathinone.
- 253 91. N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
- 254 92. N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
- 255 93. Bromomethcathinone.
- 256 94. Buphedrone (alpha-methylamino-butyrophenone).
- 257 95. Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- 258 96. Dimethylcathinone.
- 259 97. Dimethylmethcathinone.
- 260 98. Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 261 99. (MDPPP) 3,4-Methylenedioxy-alpha-
- 262 pyrrolidinopropiofenone.
- 263 100. (MDPBP) 3,4-Methylenedioxy-alpha-
- 264 pyrrolidinobutiophenone.
- 265 101. Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).
- 266 102. Methyl-alpha-pyrrolidinohexiophenone (MPHP).
- 267 103. Benocyclidine (BCP) or
- 268 benzothiophenylcyclohexylpiperidine (BTCP).
- 269 104. Fluoromethylaminobutyrophenone (F-MABP).
- 270 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).
- 271 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).
- 272 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).



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- 273 108. Methylethylaminobutyrophenone (Me-EABP).
274 109. Methylamino-butyrophenone (MABP).
275 110. Pyrrolidinopropiophenone (PPP).
276 111. Pyrrolidinobutiophenone (PBP).
277 112. Pyrrolidinovalerophenone (PVP).
278 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).
279 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).
280 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-
281 naphthalenylmethanone).
282 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-
283 yl)methanone).
284 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
285 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-
286 yl)methanone).
287 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-
288 yl)methanone).
289 120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).
290 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-
291 tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
292 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-
293 indole).
294 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).
295 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-
296 yl)ethanone).
297 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-
298 yl)methanone).
299 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-
300 yl)ethanone).
301 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-



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- 302 yl)ethanone) .
- 303 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole) .
- 304 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole) .
- 305 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-
- 306 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-
- 307 ol) .
- 308 131. HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-
- 309 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl]
- 310 methanol) .
- 311 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-
- 312 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-
- 313 1,4-dione) .
- 314 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-
- 315 yl)methanone) .
- 316 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-
- 317 undecanamide) .
- 318 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-
- 319 undecanamide) .
- 320 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-
- 321 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol) .
- 322 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-2-
- 323 iodophenyl)methanone) .
- 324 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-
- 325 (naphthalen-1-yl)methanone) .
- 326 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-
- 327 yl)methanone) .
- 328 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-
- 329 methoxyphenylethanone) .
- 330 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-



- 331 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
332 naphthalenylmethanone).
- 333 142. WIN55,212-3 ((3S)-2,3-Dihydro-5-methyl-3-(4-
334 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-
335 naphthalenylmethanone).
- 336 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).
- 337 144. Fluoroamphetamine.
- 338 145. Fluoromethamphetamine.
- 339 146. Methoxetamine.
- 340 147. Methiopropamine.
- 341 148. 4-Methylbuphedrone (2-Methylamino-1-(4-
342 methylphenyl)butan-1-one).
- 343 149. APB ((2-aminopropyl)benzofuran).
- 344 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).
- 345 151. UR-144 ((1-pentyl-1H-indol-3-yl)(2,2,3,3-
346 tetramethylcyclopropyl)methanone).
- 347 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-
348 tetramethylcyclopropyl)methanone).
- 349 153. (1-(5-chloropentyl)-1H-indol-3-yl)(2,2,3,3-
350 tetramethylcyclopropyl)methanone.
- 351 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-
352 indazole-3-carboxamide).
- 353 155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-
354 piperidinyl)methyl]-1H-indol-3-yl]-methanone).
- 355 156. STS-135 (1-(5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-
356 1-yl-1H-indole-3-carboxamide).
- 357 157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-
358 cyclohexylcarbamate).
- 359 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,



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360 cyclohexyl ester).

361 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-

362 benzoxazin-4-one).

363 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).

364 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).

365 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).

366 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine).

367 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-

368 methoxyphenyl)methyl]-benzeneethanamine).

369 165. 3,4-Methylenedioxymethamphetamine (MDMA).

370 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-

371 carboxylic acid).

372 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-fluoropentyl)-

373 1H-indole-3-carboxylic acid).

374 168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-

375 indole-3-carboxylic acid).

376 169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-

377 fluoropentyl)-1H-indazole-3-carboxamide).

378 170. AB-PINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

379 pentyl-1H-indazole-3-carboxamide).

380 171. AB-FUBINACA (N-(1-Amino-3-methyl-1-oxobutan-2-yl)-1-

381 (4-fluorobenzyl)-1H-indazole-3-carboxamide).

382 172. ADB-PINACA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-

383 1-pentyl-1H-indazole-3-carboxamide).

384 173. Fluoro ADBICA (N-(1-Amino-3,3-dimethyl-1-oxobutan-2-

385 yl)-1-(fluoropentyl)-1H-indole-3-carboxamide).

386 174. 25B-NBOMe (4-bromo-2,5-dimethoxy-N-[(2-

387 methoxyphenyl)methyl]-benzeneethanamine).

388 175. 2C-C-NBOMe (4-chloro-2,5-dimethoxy-N-[(2-



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389 methoxyphenyl)methyl]-benzeneethanamine).

390 Section 8. Subsection (3) and paragraphs (b) and (d) of
391 subsection (6) of section 893.13, Florida Statutes, are amended
392 to read:

393 893.13 Prohibited acts; penalties.—

394 (3) A person who delivers, without consideration, 20 grams
395 or less of cannabis, as defined in this chapter, except as
396 provided in s. 893.032, commits a misdemeanor of the first
397 degree, punishable as provided in s. 775.082 or s. 775.083. As
398 used in this paragraph, the term "cannabis" does not include the
399 resin extracted from the plants of the genus *Cannabis* or any
400 compound manufacture, salt, derivative, mixture, or preparation
401 of such resin.

402 (6)

403 (b) If the offense is the possession of 20 grams or less of
404 cannabis, as defined in this chapter, except as provided in s.
405 893.032, or 3 grams or less of a controlled substance described
406 in s. 893.03(1)(c)46.-50., 114.-142., 151.-159., or 166.-173.,
407 the person commits a misdemeanor of the first degree, punishable
408 as provided in s. 775.082 or s. 775.083. As used in this
409 subsection, the term "cannabis" does not include the resin
410 extracted from the plants of the genus *Cannabis*, or any compound
411 manufacture, salt, derivative, mixture, or preparation of such
412 resin, and a controlled substance described in s.
413 893.03(1)(c)46.-50., 114.-142., 151.-159., or 166.-173. does not
414 include the substance in a powdered form.

415 (d) Notwithstanding any provision to the contrary of the
416 laws of this state relating to arrest, a law enforcement officer
417 may arrest without warrant any person who the officer has



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418 probable cause to believe is violating the provisions of this
419 chapter relating to possession of cannabis, except as provided
420 in s. 893.032.

421 Section 9. Subsections (7) and (12) of section 893.145,
422 Florida Statutes, are amended to read:

423 893.145 "Drug paraphernalia" defined.—The term "drug
424 paraphernalia" means all equipment, products, and materials of
425 any kind which are used, intended for use, or designed for use
426 in planting, propagating, cultivating, growing, harvesting,
427 manufacturing, compounding, converting, producing, processing,
428 preparing, testing, analyzing, packaging, repackaging, storing,
429 containing, concealing, transporting, injecting, ingesting,
430 inhaling, or otherwise introducing into the human body a
431 controlled substance in violation of this chapter or s. 877.111.
432 Drug paraphernalia is deemed to be contraband which shall be
433 subject to civil forfeiture. The term includes, but is not
434 limited to:

435 (7) Separation gins and sifters used, intended for use, or
436 designed for use in removing twigs and seeds from, or in
437 otherwise cleaning or refining, cannabis, except as provided in
438 s. 893.032.

439 (12) Except as provided in s. 893.032, objects used,
440 intended for use, or designed for use in ingesting, inhaling, or
441 otherwise introducing cannabis, cocaine, hashish, hashish oil,
442 or nitrous oxide into the human body, such as:

443 (a) Metal, wooden, acrylic, glass, stone, plastic, or
444 ceramic pipes, with or without screens, permanent screens,
445 hashish heads, or punctured metal bowls.

446 (b) Water pipes.



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- 447 (c) Carburetion tubes and devices.
- 448 (d) Smoking and carburetion masks.
- 449 (e) Roach clips: meaning objects used to hold burning
- 450 material, such as a cannabis cigarette, that has become too
- 451 small or too short to be held in the hand.
- 452 (f) Miniature cocaine spoons, and cocaine vials.
- 453 (g) Chamber pipes.
- 454 (h) Carburetor pipes.
- 455 (i) Electric pipes.
- 456 (j) Air-driven pipes.
- 457 (k) Chillums.
- 458 (l) Bongs.
- 459 (m) Ice pipes or chillers.
- 460 (n) A cartridge or canister, which means a small metal
- 461 device used to contain nitrous oxide.
- 462 (o) A charger, sometimes referred to as a "cracker," which
- 463 means a small metal or plastic device that contains an interior
- 464 pin that may be used to expel nitrous oxide from a cartridge or
- 465 container.
- 466 (p) A charging bottle, which means a device that may be
- 467 used to expel nitrous oxide from a cartridge or canister.
- 468 (q) A whip-it, which means a device that may be used to
- 469 expel nitrous oxide.
- 470 (r) A tank.
- 471 (s) A balloon.
- 472 (t) A hose or tube.
- 473 (u) A 2-liter-type soda bottle.
- 474 (v) Duct tape.
- 475



476 ===== T I T L E A M E N D M E N T =====

477 And the title is amended as follows:

478 Delete lines 2 - 134

479 and insert:

480 An act relating to cannabis; amending s. 381.986,
481 F.S.; defining terms; revising the illnesses and
482 symptoms for which a physician may order a patient the
483 medical use of low-THC cannabis in certain
484 circumstances; providing that a physician who
485 improperly orders low-THC cannabis is subject to
486 specified disciplinary action; revising the duties of
487 the Department of Health; requiring the department to
488 create a secure, electronic, and online compassionate
489 use registry; requiring the department to begin to
490 accept applications for licensure as a dispensing
491 organization according to a specified application
492 process; requiring the department to review all
493 applications, notify applicants of deficient
494 applications, and request any additional information
495 within a specified period; requiring an application
496 for licensure to be filed and complete by specified
497 dates; requiring the department to select two
498 applicants in specified regions for licensure as a
499 dispensing organization; requiring the department to
500 issue 10 additional licenses to qualified applicants
501 by lottery; authorizing applicants to operate in any
502 region of the state; prohibiting a dispensing
503 organization from having cultivation or processing
504 facilities outside the region in which it is licensed;



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505 requiring the department to select by lottery another
506 applicant in certain circumstances; requiring the
507 department to conduct a new lottery after the
508 revocation or the denial of renewal of a license;
509 requiring the department to conduct a lottery at
510 specified intervals if there are available dispensing
511 organization licenses; providing an exemption for the
512 application process; requiring the department to use
513 an application form that requires specified
514 information from the applicant; requiring the
515 department to impose specified application fees;
516 requiring the department to inspect each dispensing
517 organization's properties, cultivation facilities,
518 processing facilities, and retail facilities before
519 those facilities may operate; authorizing followup
520 inspections at reasonable hours; providing that
521 licensure constitutes permission for the department to
522 enter and inspect the premises and facilities of any
523 dispensing organization; authorizing the department to
524 inspect any licensed dispensing organization;
525 requiring dispensing organizations to make all
526 facility premises, equipment, documents, low-THC
527 cannabis, and low-THC cannabis products available to
528 the department upon inspection; authorizing the
529 department to test low-THC cannabis or low-THC
530 cannabis products; authorizing the department to
531 suspend or revoke a license, deny or refuse to renew a
532 license, or impose a maximum administrative penalty
533 for specified acts or omissions; requiring the



534 department to create a permitting process for vehicles
535 used for the transportation of low-THC cannabis or
536 low-THC cannabis products; authorizing the department
537 to adopt rules as necessary for implementation of
538 specified provisions and procedures, and to provide
539 specified guidance; providing procedures and
540 requirements for an applicant seeking licensure as a
541 dispensing organization or the renewal of its license;
542 requiring the dispensing organization to verify
543 specified information of specified persons in certain
544 circumstances; authorizing a dispensing organization
545 to have cultivation facilities, processing facilities,
546 and retail facilities; authorizing a retail facility
547 to be established in a municipality only after such an
548 ordinance has been created; authorizing a retail
549 facility to be established in the unincorporated areas
550 of a county only after such an ordinance has been
551 created; requiring retail facilities to have all
552 utilities and resources necessary to store and
553 dispense low-THC and low-THC cannabis products;
554 requiring retail facilities to be secured with
555 specified theft-prevention systems; requiring a
556 dispensing organization to provide the department with
557 specified updated information within a specified
558 period; authorizing a dispensing organization to
559 transport low-THC cannabis or low-THC cannabis
560 products in vehicles in certain circumstances;
561 requiring such vehicles to be operated by specified
562 persons in certain circumstances; requiring a fee for



563 a vehicle permit; requiring the signature of the
564 designated driver with a vehicle permit application;
565 providing for expiration of the permit in certain
566 circumstances; requiring the department to cancel a
567 vehicle permit upon the request of specified persons;
568 providing that the licensee authorizes the inspection
569 and search of his or her vehicle without a search
570 warrant by specified persons; requiring all low-THC
571 cannabis and low-THC cannabis products to be tested by
572 an independent testing laboratory before the
573 dispensing organization may dispense it; requiring the
574 independent testing laboratory to provide the lab
575 results to the dispensing organization for a specified
576 determination; requiring all low-THC cannabis and low-
577 THC cannabis products to be labeled with specified
578 information before dispensing; requiring the
579 University of Florida College of Pharmacy to establish
580 and maintain a specified safety and efficacy research
581 program; providing program requirements; requiring the
582 department to provide information from the
583 prescription drug monitoring program to the University
584 of Florida as needed; requiring the Agency for Health
585 Care Administration to provide access to specified
586 patient records under certain circumstances;
587 prohibiting persons who have direct or indirect
588 interest in a dispensing organization and the
589 dispensing organization's managers, employees, and
590 contractors who directly interact with low-THC
591 cannabis and low-THC cannabis products from making



592 recommendations, offering prescriptions, or providing
593 medical advice to qualified patients; providing that
594 the act does not provide an exception to the
595 prohibition against driving under the influence;
596 authorizing specified individuals to manufacture,
597 possess, sell, deliver, distribute, dispense, and
598 lawfully dispose of reasonable quantities of low-THC
599 cannabis; authorizing a licensed laboratory and its
600 employees to receive and possess low-THC cannabis in
601 certain circumstances; providing that specified rules
602 adopted by the department are exempt from the
603 requirement to be ratified by the Legislature;
604 amending s. 381.987, F.S.; requiring the department to
605 allow specified persons engaged in research to access
606 the compassionate use registry; amending s. 893.055,
607 F.S.; providing that persons engaged in research at
608 the University of Florida shall have access to
609 specified information; amending s. 893.0551, F.S.;
610 providing a specified public records exemption for
611 persons engaged in research at the University of
612 Florida; creating s. 893.032, F.S.; defining terms;
613 exempting specified individuals from arrest, civil or
614 criminal penalty, seizure or forfeiture of assets by
615 or to the state or an agent of the state, discipline
616 by a state or local licensing board, or state
617 prosecution for specified acts relating to the
618 personal use of marijuana; providing exceptions;
619 providing for the expunction of convictions and the
620 destruction of arrest and conviction records for



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621 specified individuals; amending ss. 812.14, 893.03,
622 893.13, and 893.145, F.S.; conforming provisions to
623 changes made by the act; providing an effective date.